

Heatherglen Planned Development, TTM 17604, CUP 15-006

Draft Environmental Impact Report

Appendix B – Comment Letters Received on Notice of Preparation

⏮ Reply all ⏮ 🗑 Delete 🚫 Junk Block ⋮

FW: Notice of Preparation EIR Heatherglen Planned Developlopment

ⓘ You forwarded this message on Wed 3/11/2020 4:06 PM

KS

Kim Stater <kstater@cityofhighland.org>

Mon 3/2/2020 9:54 AM

Sonya Hooker ⏮

👍 ⏮ ⏮ ⏮ ⋮

FYI.

From: Jim Harris [mailto:jharris@sbdairport.com]

Sent: Monday, March 02, 2020 9:06 AM

To: kstater@cityofhighland.org

Cc: Mark Gibbs

Subject: Notice of Preparation EIR Heatherglen Planned Developlopment

Hi Ms. Stater,

The proposed project is outside the San Bernardino International Airport influence area. As such, the airport has no comment about the project.

If you have any questions, please contact me.

Sincerely,

Jim Harris

Manager of Capital Projects

Inland Valley Development Agency

San Bernardino International Airport Authority

1601 E. 3rd Street, Suite 100

San Bernardino, CA 92408

o- 909.382.4100

c- 909.831.4532

email- jharris@sbdairport.com



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Brendon Biggs, M.S., P.E.
Interim Director

Transmitted Via Email

March 25, 2020

City of Highland
Attn: Kim Stater
27215 Base Line
Highland, CA 92346

File: 10(ENV)-4.01

RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE HEATHERGLEN PLANNED DEVELOPMENT PROJECT

Dear Ms. Stater:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on February 27, 2020** and pursuant to our review, the following comments are provided:

GENERAL COMMENTS

1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the District's Comprehensive Storm Drain Plan (CSDP) No. 6, dated August 31, 2001. It is to be used as a guideline for drainage in the area and is available in the County's Flood Control District Offices. Any revision to the drainage should be reviewed and approved by the City of Highland. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the EIR before the document is adopted by the Lead Agency.

Water Resources Division (Kenneth C. Eke, P.E., Chief, 909-387-8120):

1. We have reviewed the NOP and it appears the Project is actually located in FEMA Zone A (100-yr. flood/1% chance of flooding in any given year/No Base Flood Elevations) of the Flood Insurance Rate Map (FIRM), Panel 06071C8706H, dated August 28, 2008, and not Zone AE (Base Flood Elevations determined), as stated on Page 40, Evaluation of Environmental Impacts, Section 10 - Hydrology and Water Quality, item 10d.). We recommend that the City of Highland enforce, at a minimum, the most current FEMA regulations for construction within a Special Flood Hazard Area (SFHA) and coordinate the project with the U.S. Army Corps of Engineers for development within the Santa Ana River Inundation area. We suggest these recommendations and any impacts related to revisions be evaluated and mitigated in the EIR prior to adoption by the Lead Agency.

BOARD OF SUPERVISORS

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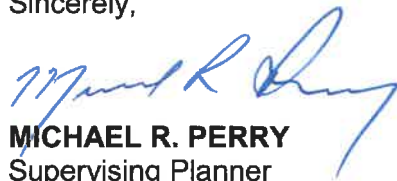
Gary McBride
Chief Executive Officer

Permits/Operations Support Division (Melissa Walker, Chief, 909-387-7995):

1. The southern boundary of the development is adjacent to the San Bernardino County Flood Control District's (SBCFCD) Plunge Creek (3-201-IC) an easement over APN: 029131301, Doc No. 1393/138 OR. Please be advised that any future encroachments (including street improvement, discharge from outlets, grading, utility crossings, fencing, etc.) on SBCFCD's right-of-way or impacts to facilities will require a permit from the SBCFCD. The necessity for this permit, and any impacts associated with it, should be addressed in the EIR prior to adoption and certification.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



MICHAEL R. PERRY
Supervising Planner
Environmental Management

MRP:AJ:sr
Email: kstater@cityofhighland.org



NATIVE AMERICAN HERITAGE COMMISSION

March 2, 2020

Kim Stater
City of Highland
27215 Base Line
Highland, CA 92346

RECEIVED
MAR 09 2020
CITY OF HIGHLAND

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Luiseño

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Chumash

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Joseph Myers
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COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2019079098, Heatherglen Planned Development, Tentative Tract Map No. 17604, Conditional Use Permit 15-006 Project, San Bernardino County

Dear Ms. Stater:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
- c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

cc: State Clearinghouse



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Project Name: Heatherglenn Planned Development located at East of Merris Street and Club View Drive

Dear Kim Stater,

Thank you for your letter dated February 28, 2020 regarding AB52 consultation. The above proposed project location is within our Ancestral Tribal Territory; therefore, our Tribal Government requests to schedule a consultation with you as the lead agency, to discuss the project and the surrounding location in further detail.

Please contact us at your earliest convenience. ***Please Note: AB 52, "consultation" shall have the same meaning as provided in SB 18 (Govt. Code Section 65352.4).***

Thank you for your time,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
1(844)390-0787

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

admin@gabrielenoindians.org



CALIFORNIA
NATIVE PLANT SOCIETY

2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447.2677 www.cnps.org

Protecting
California's native
flora since 1965

March 30, 2020

Kim Slater, Assistant Community Development Director
City of Highland, Community Development Department
27215 Base Line
Highland, California 92346
Submitted electronically to: kstater@cityofhighland.org
CC: Kim.Freeburn@wildlife.ca.gov, Brandy.Wood@wildlife.ca.gov

Re: NOP Heatherglen Planned Development, Tentative Tract Map No. 17604

Dear Ms. Stater,

Thank you for the opportunity to provide comments on the Heatherglen project, in accordance with the California Environmental Quality Act ("CEQA"). The following comments are submitted on behalf of the California Native Plant Society ("CNPS").

CNPS is a non-profit environmental organization with 10,000 members in 35 Chapters across California and Baja California, Mexico. Our mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

After reviewing the Initial Study and Notice of Preparation for the project, we offer the following information relevant to the progress of this plan, and prior to the development of an Environmental Impact Report.

Sensitive Vegetation

This project spans approximately 59 acres within the Upper Santa Ana River Wash, 30 acres of which is occupied by Juniper Woodland, specifically, the *Juniperus californica* / *Ericameria linearifolia* / annual – perennial herb association. More than 70 juniper trees contribute to the composition of the woodland habitat on the project site. From a regional perspective, this vegetation type is extremely rare, in that it exists only sparsely in the historic floodplains of the Upper Santa Ana River. This vegetation type is also listed by the state as a sensitive natural

community¹. If avoidance of this vegetation type is not feasible, a mitigation at a ratio of at least 3:1 would be required to adequately compensate for its loss.

Endangered and Threatened Species

A review of records in the California Natural Diversity Database (“CNDDDB”) indicates that the project site is home to several special status plant and animal species. Specifically, the CNDDDB indicates the following species are present on the property:

- San Bernardino kangaroo rat (Federally Endangered)
- Coastal California gnatcatcher (Federally Threatened)
- California glossy snake (California Species of Special Concern)
- Two-striped gartersnake (California Special Species of Concern)

In addition to the animal species above, which are known to be present on the property, several sensitive plant species have a very high likelihood of occurring on the project site. These include:

- Santa Ana River woollystar (*Eriastrum densifolium* subsp. *Sanctorum*) (Federally Endangered, California Endangered)
- Slender-horned spineflower (*Dodecahema leptoceras*) (Federally Endangered, California Endangered)
- Parry’s spineflower (*Chorizanthe parryi* var. *parryi*) (CRPR 1B.1)

In the unlikely event that protected plant and animal species are not located on the property during biological surveys, the property, with its alluvially derived soils, is an important component of the recovery of critically imperiled, listed species. Development of the property may therefore be inconsistent with the recovery goals set forth by the California and Federal Endangered Species Acts.

Recommendations

Given the extremely high biological value of the project area, we strongly recommend that the City reevaluate the scope of this project prior to the development of an Environmental Impact Report. We encourage the City and the project proponent to contact the Inland Empire Resource Conservation District (“IERCD”) and/or the San Bernardino Valley Water Conservation District (“SBVWCD”) to initiate discussions regarding the potential purchase of these parcels for conservation purposes. We have reached out to both the IERCD and the SBVWCD and they have expressed interest in the project site, as it is of high conservation value. We offer this recommendation out of our concern for the conservation of biodiversity in the region. We also intend to assist the City with their planning vision and their allocation of limited resources. Given the location of the property and the natural resources that are present onsite, it is likely

¹ “California Natural Communities List”, California Department of Fish and Wildlife. November 8, 2019. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline> (accessed March 23, 2020)

that the avoidance and mitigation measures that would be needed for the project to be in compliance with CEQA and other state and federal laws would outweigh the financial benefits of the project.

CNPS is grateful for the opportunity to provide comments on this project and is always available to assist private individuals, local governments, public agencies and others in ecologically responsible planning and the design of effective mitigation measures.

Please keep us updated on the status of the Highland Project including any changes and when an EIR is available for public comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Jensen', with a long horizontal flourish extending to the right.

Nick Jensen, PhD
Lead Conservation Scientist
California Native Plant Society
2707 K Street, Suite 1
Sacramento, CA 95816
njensen@cnps.org



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 30, 2020
Sent via email

Kim Stater
Assistant Community Development Director
City of Highland, Community Development Director
27215 Base Line
Highland, CA 92346

Subject: Notice of Preparation of a Draft Environmental Impact Report
Heatherglen Planned Development Project
State Clearinghouse No. 2019079098

Dear Ms. Stater:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Highland (City; Lead Agency) for the Heatherglen Planned Development Project (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.

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.

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

The City proposes to develop a tract of 203 low-density, single-family residential lots and 13 lots for open space use (entry points, public park, infiltration basin, irrigated slopes/easements, open space habitat preservation, and the East Valley Water District facilities). The Project site encompasses 59.03 acres and is located east of Merris Street/Club View Drive, west of Alta Vista, south of Greenspot Road, and north of Abbey Way and Plunge Creek in the City of Highland within San Bernardino County. Project activities include grove removal, grading, grubbing, development of internal roadways, and off-site roadway improvements and utility connections. The Project also includes two community trails along the western and southern portion of the Project site, a public park at the southwest corner of Gold Buckle Road and Street B, and 6.53 acres of open space.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

CDFW recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

The CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that

floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

San Bernardino Kangaroo Rat (*Dipodomys merriami parvus*)

The proposed Project occurs within the range of the San Bernardino kangaroo rat (SBKR); a CESA candidate species and federally-listed threatened species. SBKR became a candidate species under CESA on August 21, 2019. As a candidate species SBKR has full protection under CESA; therefore, take of SBKR will be prohibited unless authorization pursuant to CESA is obtained.

Because the Project identifies potentially significant impacts to SBKR, CDFW recommends that the DEIR include a robust SBKR avoidance plan, as well as, new detailed mitigation measures that condition **specific** land acquisition and habitat enhancement requirements within the Santa Ana River to offset Project-related impacts to SBKR. Additionally, CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained prior to the commencement of Project activities.

Santa Ana Woolly Star (*Eriastrum densifolium* ssp. *Sanctorum*)

CDFW recognizes the known occurrence of Santa Ana woolly star in the vicinity of the Project. Given the Project contains Santa Ana woolly star suitable habitat and is adjacent to occupied habitat, CDFW believes the Project site has a high potential to impact Santa Ana woolly star. Therefore, the Project should conduct appropriate surveys to determine presence/absence, areas occupied, and number of individuals that could be affected by the Project. CDFW recommends a qualified biologist(s) responsible for conducting surveys first visit reference populations for Santa Ana woolly star to confirm that individuals are blooming and are easy identifiable, and these results be included in the DEIR as an appendix. If Santa Ana woolly star populations are observed, the DEIR should include appropriate avoidance, minimization, and/or mitigation measures to address Project impacts, and confirm that a CESA ITP would be obtained prior to the commencement of Project activities.

Slender-horned Spineflower (*Dodecahema leptoceras*)

CNDDDB has recorded occurrences of slender-horned spineflower within 1 mile of the Project and the Project contains suitable habitat to support this species. Therefore, CDFW suggests that the Project conduct appropriate surveys to determine presence/absence, areas occupied, and number of individuals that could be affected by the Project. Surveys should be completed following 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, or similar accepted protocol. CDFW recommends that the biologist(s) responsible for conducting the surveys first visit reference populations for each of the spineflower species to confirm that individuals are blooming and are easily identifiable. The results of surveys should be included in the DEIR. If spineflower populations are observed, the DEIR should include appropriate avoidance, minimization, and/or mitigation measures to address project impacts, and confirm that a CESA ITP would be obtained prior to the commencement of Project activities.

Species of Special Concern

Small mammals

CDFW recognizes the presence of several small mammal species of special concern in the vicinity of the Project (i.e., northwestern San Diego pocket mouse, San Diego desert woodrat). The DEIR should determine absence/presence and use of the site by small mammals. Additionally, Project impacts to any small mammals along with features suitable to support small mammals (i.e. burrows, dens, cavities) should be identified. If surveys are positive, the DEIR should include appropriate avoidance, minimization, and/or mitigation measure to address Project impacts.

Reptiles

CDFW recognizes the presence of several reptiles of special concern in the vicinity of the Project (i.e., California glossy snake, two-striped gartersnake, southern California legless lizard, coastal whiptail, and red-diamond rattlesnake). The DEIR should determine absence/presence and use of the site by reptiles. Additionally, Project impacts to any reptiles along with features suitable to support reptiles (i.e. burrows, dens, cavities) should be identified. If survey are positive, the DEIR should include appropriate avoidance, minimization, and/or mitigation measure to address Project impacts.

Coastal California gnatcatcher (Poliioptila californica californica)

Current known occurrences of the California gnatcatcher (CAGN; *Poliioptila californica californica*), a federally listed threatened species and state species of concern, have been recently documented immediately adjacent to the Project site. In addition, suitable foraging and nesting habitat for CAGN occurs within the Project site. Therefore, CDFW recommends that United States Fish and Wildlife Service (USFWS) protocol surveys be performed, and if CAGN is present, the DEIR should include appropriate avoidance, minimization, and/or mitigation measure to address Project impacts. CDFW requests surveys results be provided as an appendix to the DEIR to substantiate the conclusions made.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).

Please note that the Project area supports significant biological resources and contains habitat connections, providing for wildlife movement across the broader landscape, sustaining both transitory and permanent wildlife populations. San Bernardino Valley Conservation District lands border the project site along its southeast property lines. CDFW encourages project design that avoids and preserves onsite features that contribute to habitat connectivity. The DEIR should include a discussion of both direct and indirect impacts to wildlife movement and connectivity, including maintenance of wildlife corridor/movement areas to adjacent undisturbed habitats.

3. An evaluation of impacts to adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs. The proposed Project has the potential to impact lands managed by San Bernardino Valley Conservation District. CDFW encourages the City to contact San Bernardino Valley Conservation District to determine if any portion of the project will impact the Upper Santa Ana River Wash Plan (approval pending) project area, and to work collaboratively to avoid and minimize impacts.
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive

habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would “feasibly attain most of the basic objectives of the Project,” and would avoid or substantially lessen any of the Project’s significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a “no project” alternative (CEQA Guidelines § 15126.6[e]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The City should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. *California Species of Special Concern (CSSC)*: CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist.

CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the project area, including, but not limited to: coastal California gnatcatcher (*Polioptila californica californica*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Diego desert woodrat (*Neotoma lepida intermedia*), western yellow bat (*Lasiurus xanthinus*), red-diamond rattlesnake (*Crotalus ruber*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), two-striped gartersnake (*Thamnophis hammondi*), California glossy snake (*Arizona elegans occidentalis*), and southern California legless lizard (*Anniella stebbinsi*).

4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to

be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: 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 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. 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.).

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the DEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the Lead Agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA ITP be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. The California Fish and Game Code requires that CDFW comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA.

Based on review of CNDDDB, and/or knowledge of the project site/vicinity/general area, CDFW is aware that the following CESA-listed species have the potential to occur onsite/have previously been reported onsite: Santa Ana River woollystar (*Eriastrum densifolium* ssp. *Sanctorum*), and slender-horned spineflower (*Dodecahema leptoceras*).

ENVIRONMENTAL DATA

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


FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of a DEIR for Heatherglen Planned Development Project (SCH No. 2019079098) and recommends that the City address the CDFW's comments and concerns in the forthcoming DEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Cindy Castaneda, Environmental Scientist, at (909) 484-3979 or at Cindy.Castaneda@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Scott Wilson
Environmental Program Manager

Kim Stater, Assistant Community Development Director
Heatherglen Planned Development Project (SCH No. 2019079098)
March 30, 2020
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ec: HCPB CEQA Coordinator
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REFERENCES

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