

INTEROFFICE MEMO



DATE February 9, 2012

PHONE 387-4434

FROM JAMES M. SQUIRE
Land Use Services Department

MAIL CODE 0182

TO HONORABLE PLANNING COMMISSION

SUBJECT: COMMENT LETTERS FOR THE CONSERVATION ELEMENT GENERAL PLAN
AMENDMENT- ITEM #3

Attached are several comment letters that staff has received regarding the General Plan Amendment for the Conservation Element relative to the proposed changes to the Biotic Resources Overlay Maps. The commenters appreciated the extra time to review the maps, but they feel that the maps are not as complete as they should be and have submitted specific suggestions for improvements. These maps are the result of the compilation the various data sets from the federal and state resource agencies into one location. They have been constructed in various layers so that different layers can be turned on or off electronically for ease of readability of specific areas on the maps. Also, the proposed amendment does include the provision that when updated maps are adopted by the federal or state resource agencies, then the County's maps may be updated without the requirement a formal General Plan Amendment being adopted by the Board. Because of this provision, staff does not believe that adoption of the amendment should be delayed. Staff believes that the proposed mapping represents a significant improvement over these maps as these presently are published. Therefore, staff's recommendation continues to be that the Planning Commission recommend that the Board adopt the proposed amendment as it has been presented.

Attachments

cc: Christine Kelly, Director
Terri Rahhal, Acting Planning Director

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Via Email and Fed Ex

1/30/2012

Mr. Jim Squire
Planning Department, Land Use Services
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415
jsquire@lus.sbcounty.gov

RE: Comments on the Draft San Bernardino County Biotic Resources Maps.

Dear Mr. Squire,

On behalf of the staff, members and supporters of the Center for Biological Diversity (Center), we submit the following comments on the November 9, 2011 Biotic Resources Maps and appreciate that the County provided the larger scale maps of the Bear Valley Community Plan Area and the San Bernardino County Valley/Mountain Region. San Bernardino County is located within the greater internationally recognized California biodiversity hotspot.¹ While San Bernardino County is the largest county in California, it is also home to numerous endemic, rare, threatened and endangered species, including 424 species that occur within the county and are currently being tracked as species of concern by the State.

The maps appear to be a good start at collecting in one place information on all the unique biological resources that occur within San Bernardino County as identified by agencies and others. The maps do appear to focus on some but not all species listed under state and/or federal Endangered Species Act protections, and it is unclear why not all species of concern are included. Additional federally and/or state listed species and species of special concern (SSC) are identified by the state of California as occurring within San Bernardino county² and in the following paragraphs we discuss species that need to be included on the maps:

State and federally listed species not mapped but that occur within San Bernardino County include:

- Stephens' kangaroo rat (*Dipodomys stephensi*) FE, ST
- unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) FE, SE, FP (Shay's Creek stickleback)
- white-tailed kite (*Elanus leucurus*) State fully protected species (FP)
- golden eagle (*Aquila chrysaetos*) FP
- California black rail (*Laterallus jamaicensis coturniculus*) ST

1 http://www.biodiversityhotspots.org/xp/Hotspots/california_floristic/Pages/default.aspx

2 http://imaps.dfg.ca.gov/viewers/cnddb_quickviewer/app.asp

- Swainson's hawk (*Buteo swainsoni*) ST
- western snowy plover (*Charadrius alexandrinus nivosus*) FT

Some Colorado River species are missing from the list including:

- Mohave tui chub (*Siphateles bicolor mohavensis*) FE, SE, FP
- Colorado pikeminnow (*Ptychocheilus lucius*) FE, SE, FP
- razorback sucker (*Xyrauchen texanus*) FE, SE, FP

State and/or federally listed plants are also missing from the maps, despite location data being available from the California Natural Diversity Data Base. These species include:

- Nevin's barberry (*Berberis nevinii*) FE, SE
- slender-petaled thelypodium (*Thelypodium stenopetalum*) FE, SE
- bird-foot checkerbloom (*Sidalcea pedata*) FE, SE
- slender-horned spineflower (*Dodecahema leptoceras*) FE, SE
- Lane Mountain milk-vetch (*Astragalus jaegerianus*) FE with designated critical habitat
- triple-ribbed milk-vetch (*Astragalus tricarinatus*) FE
- Parish's checkerbloom (*Sidalcea hickmanii* ssp. *parishii*), SR

Numerous other Species of Special Concern (SSC) also have been documented to occur within San Bernardino County as follow:

- large-blotched salamander (*Ensatina klauberi*)
- Sonoran desert toad (*Incilius alvarius*)
- long-eared owl (*Asio otus*)
- black swift (*Cypseloides niger*)
- Le Conte's thrasher (*Toxostoma lecontei*)
- loggerhead shrike (*Lanius ludovicianus*)
- gray vireo (*Vireo vicinior*)
- Sonoran yellow warbler (*Dendroica petechia sonorana*)
- yellow warbler (*Dendroica petechia brewsteri*)
- yellow-breasted chat (*Icteria virens*)
- summer tanager (*Piranga rubra*)
- tricolored blackbird (*Agelaius tricolor*)
- arroyo chub (*Gila orcuttii*)
- Amargosa Canyon speckled dace (*Rhinichthys osculus* ssp. 1)
- Santa Ana speckled dace (*Rhinichthys osculus* ssp. 3)
- Amargosa pupfish (*Cyprinodon nevadensis amargosae*)
- Saratoga Springs pupfish (*Cyprinodon nevadensis nevadensis*)
- California leaf-nosed bat (*Macrotus californicus*)
- cave myotis (*Myotis velifer*)
- western yellow bat (*Lasiurus xanthinus*)
- spotted bat (*Euderma maculatum*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)

- pallid bat (*Antrozous pallidus*)
- western mastiff bat (*Eumops perotis californicus*)
- pocketed free-tailed bat (*Nyctinomops femorosaccus*)
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*)
- San Bernardino flying squirrel (*Glaucomys sabrinus californicus*)
- white-eared pocket mouse (*Perognathus alticolus alticolus*)
- northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*)
- pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*)
- southern grasshopper mouse (*Onychomys torridus ramona*)
- Colorado River cotton rat (*Sigmodon arizonae plenus*)
- San Diego desert woodrat (*Neotoma lepida intermedia*)
- Mohave river vole (*Microtus californicus mohavensis*)
- American badger (*Taxidea taxus*)
- southwestern river otter (*Lontra canadensis sonora*)
- western pond turtle (*Emys marmorata*)
- silvery legless lizard (*Anniella pulchra pulchra*)
- banded gila monster (*Heloderma suspectum cinctum*)
- Mojave fringe-toed lizard (*Uma scoparia*)
- orangethroat whiptail (*Aspidoscelis hyperythra*)
- California mountain kingsnake (San Bernardino population) (*Lampropeltis zonata parvirubra*)
- two-striped garter snake (*Thamnophis hammondi*)
- red-diamond rattlesnake (*Crotalus ruber*)

In addition a number of avian species are on the state's Watch List (WL) and therefore have special status as follows:

- Cooper's hawk (*Accipiter cooperii*)
- prairie falcon (*Falco mexicanus*)
- brown-crested flycatcher (*Myiarchus tyrannulus*)
- California horned lark (*Eremophila alpestris actia*)
- Virginia's warbler (*Oreothlypis virginiae*)
- hepatic tanager (*Piranga flava*)
- northern cardinal (*Cardinalis cardinalis*)
- southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*)
- gray-headed junco (*Junco hyemalis caniceps*)

While we realize that the full range of many of these SSC/WL species may not currently be known (and are likely to change as climate change occurs), location data is available to the County and should be incorporated into the Conservation Element.

While the Biotic Resources Map does recognize some important habitat types (Pebble Plains and Meadow Habitat), other rare habitats/plant communities that are recognized and

tracked by the state of California, occur in San Bernardino County and should be added to the map. These rare habitats/plant communities include:

- Amargosa River
- Southern California Threespine Stickleback Stream
- Southern California Arroyo Chub/Santa Ana Sucker Stream
- Riversidian Alluvial Fan Sage Scrub
- Mojave Mixed Steppe
- Mojave Yucca Scrub and Steppe
- Alkali Seep
- Transmontane Alkali Marsh
- Coastal and Valley Freshwater Marsh
- Southern Riparian Forest
- Southern Coast Live Oak Riparian Forest
- Southern Cottonwood Willow Riparian Forest
- Southern Mixed Riparian Forest
- Canyon Live Oak Ravine Forest
- Mojave Riparian Forest
- Mesquite Bosque
- Desert Fan Palm Oasis Woodland
- Southern Sycamore Alder Riparian Woodland
- Southern Riparian Scrub
- Southern Willow Scrub
- California Walnut Woodland
- Crucifixion Thorn Woodland
- Arizonan Woodland

It is unclear how the determination of the desert tortoise population densities was derived. It appears that areas currently designated as Desert Wildlife Management Areas/Areas of Critical Environmental Concern (DWMAs/ACECs) by the Bureau of Land Management (BLM) are included in “Desert Tortoise – Dense Populations” but it is not clear how the “Desert Tortoise – Medium Populations” and “Desert Tortoise – Sparse Populations” were determined. Clarification on the process is required. Additionally, recent modeling from the U.S. Geological Survey has produced modeled results of areas important to desert tortoise survival and recovery³ and we urge that the county incorporate those data into the biotic resources map.

In addition the U.S. Fish and Wildlife Service has recently produced a map of key connectivity areas (Attachment 1) between DWMAs/ACECs for desert tortoise that also need to be included in the data set for the biotic resources of San Bernardino County.

The county should include a number of other important biologically-related data sets as previously identified by resource agencies and others. They include:

- all Wilderness Areas as designated by Congress;

³ <http://pubs.usgs.gov/of/2009/1102/>

- all ACECs, all Wildlife Habitat Management Areas (WHMAs), all Unusual Plant Assemblages (UPAs) and all Special Areas (SAs) identified by Bureau of Land Management (BLM);
- all Research Natural Areas (RNAs), Riparian Conservation Areas (RCAs) and Special Interest Areas (SIAs) and all Areas of High Ecological Significance identified by the Forest Service (FS)
- all connectivity corridors for wildlife as identified by SC Wildlands⁴ and others.

These already-identified important conservation areas will inform the biotic resources map and facilitate the County in conserving and keeping San Bernardino's world-class wildlife heritage connected for future generations.

The maps incorrectly identifies the Bald Eagle as a federally Endangered species, however, this species has sustained great increases in population numbers while under Endangered Species Act protection that it was removed from federal Endangered Species Act protection on August 9, 2007.⁵ However, here in California it is not doing as well as in the rest of the nation and remains protected under the State Endangered Species Act as an Endangered Species that is also Fully Protected.

It is still unclear how the map(s) will be used to inform the General Plan and how the map(s) will be interpreted for specific species as well as for wildlife connectivity. The Open Space and Corridors Map also needs to be updated to dovetail with rare and common species habitat conservation and should be undertaken concurrently for a clear conservation vision.

Because the biotic resources map(s) fail(s) to address numerous key biological species and habitats, along with other issues that still need resolution, we respectfully request that the maps be brought up to date with all the pertinent data sets and that text be written to explain how these maps will ultimately be used in the General Plan Update process. Again, please add me to the public distribution list for issues associated with the conservation element at the following address. Thank you in advance for your consideration

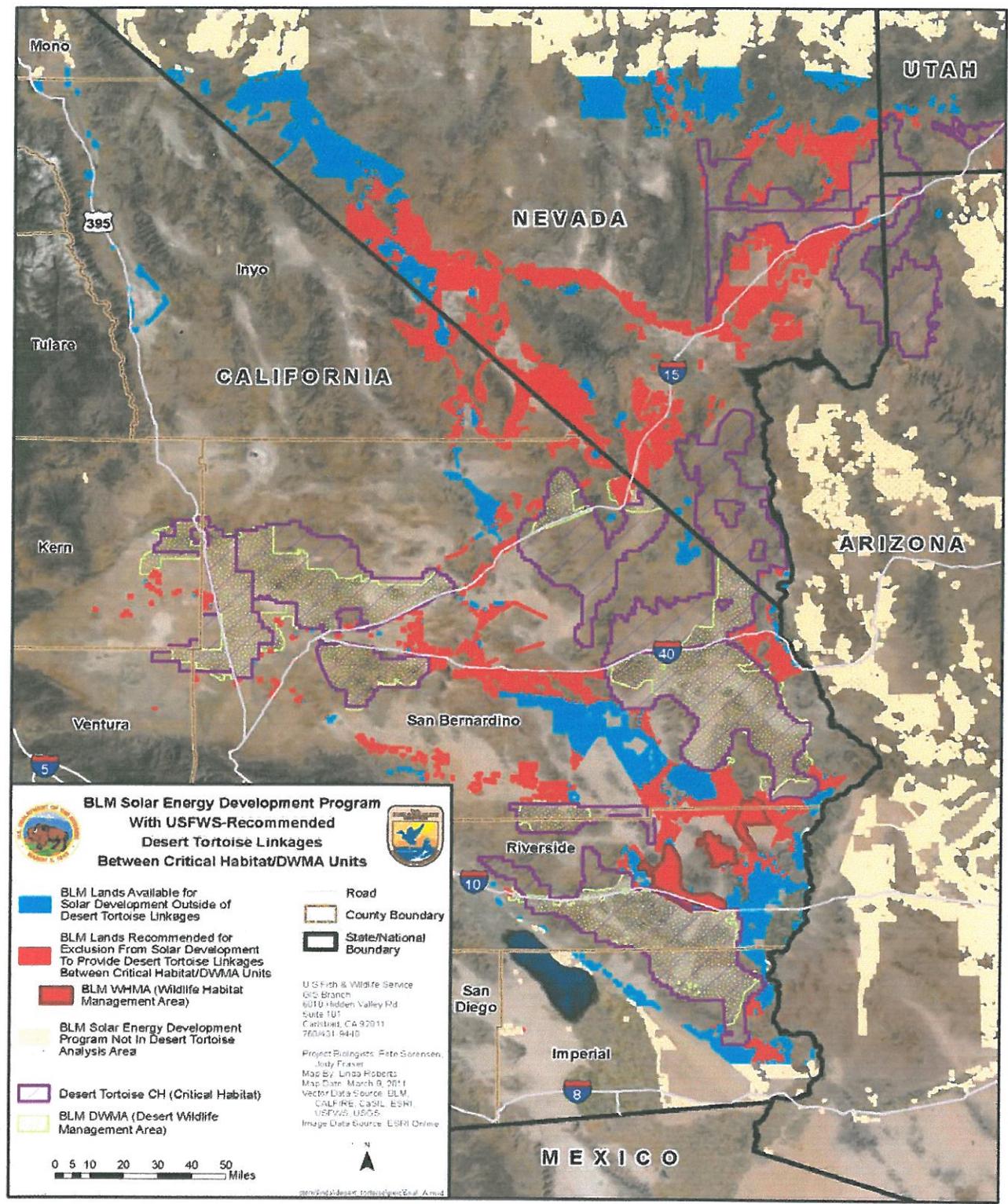
Respectfully submitted,



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4 http://www.scwildlands.org/reports/JT_TP_Connection.pdf
http://www.scwildlands.org/reports/SCML_SanBernardino_Granite.pdf
http://www.scwildlands.org/reports/SCML_SanBernardino_SanJacinto.pdf
http://www.scwildlands.org/reports/SCML_SanBernardino_LittleSanBernardino.pdf
http://www.scwildlands.org/reports/SCML_SanGabriel_SanBernardino.pdf
http://www.scwildlands.org/reports/CEHC_Plan_MASTER_030210_3.pdf
 5 <http://www.fws.gov/midwest/eagle/>

ATTACHMENT 1



**BLM Solar Energy Development Program
With USFWS-Recommended
Desert Tortoise Linkages
Between Critical Habitat/DWMA Units**

- BLM Lands Available for Solar Development Outside of Desert Tortoise Linkages
- BLM Lands Recommended for Exclusion From Solar Development To Provide Desert Tortoise Linkages Between Critical Habitat/DWMA Units
- BLM WHMA (Wildlife Habitat Management Area)
- BLM Solar Energy Development Program Not in Desert Tortoise Analysis Area
- Desert Tortoise CH (Critical Habitat)
- BLM DWMA (Desert Wildlife Management Area)

Road
 County Boundary
 State/National Boundary

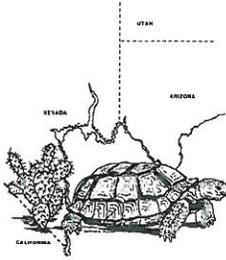
U.S. Fish & Wildlife Service
 OIC Branch
 6010 Hidden Valley Rd.
 Suite 101
 Carlsbad, CA 92011
 760/431-9440

Project Biologists: Pete Sorensen,
 Andy Fraxer
 Map By: Lindsay Roberts
 Map Date: March 9, 2011
 Vector Data Source: BLM,
 CALPRE, CASL, ESRI,
 NHTS, USGS
 Image Data Source: ESRI Online

0 5 10 20 30 40 50 Miles

N

www.blm.gov/press/2011/03/09/20110309DesertTortoiseSolarAreas



DESERT TORTOISE COUNCIL

P.O. Box 1568
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www.deserttortoise.org

31 January 2012

Via Email and FAX

Jim Squire
Land Use Services
San Bernardino County Planning Department
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jsquire@lusd.sbcounty.gov
FAX: 909-387-3223

Re: Biotic Resources Overlay Map – San Bernardino County General Plan Conservation Element Amendment

Dear Mr. Squire:

The Desert Tortoise Council (“Council”) appreciates the County Planning Commission’s January decision to postpone action on the proposed Conservation Element Amendment to adopt Federal and State agency databases relative to biotic resources. We took the opportunity afforded by that courtesy to review the posted map (<http://cms.sbcounty.gov/lus/Planning/GeneralPlan.aspx>) and offer the following comments in the interest of assisting Land Use Services and the Planning Commission.

First, the map is difficult to interpret because of all the different species and the categories of data sources for them (e.g., USFWS Critical Habitat, San Bernardino County Museum Habitat Data Base, CNDDDB, U.S. Forest Service Species and Habitats, and "Other Species and Habitat of Concern"). We presume that these maps were originally done as GIS layers for each of the species and their data sources. However, when they are all superimposed, with over 50 different legends attempting to represent them, it becomes very complicated.

Second, it is not clear if the map is supposed to show species distributions, management areas (such as critical habitat), or both. Greater clarity would be achieved with species ranges and occurrence areas on one map and species management areas on a second map.

Third, it is the Council's hope that this mapping of the biological resources of the County will lead to actual protection and conservation of these resources. However, we are not clear from County documents that this will be the case. The Conservation Element of the 2011 General Plan Annual Report includes only a very general statement: "CO 1.1 - The County will coordinate with appropriate agencies and interested groups to develop, fund and implement programs to maintain the County's natural resources' base." To achieve this objective, the maps must be consulted and on-site studies must be completed before approving developments that have the potential to impair these biological resources.

Fourth, the Biotic Resources Overlay Map suffers from specific deficiencies, some of which are listed on the attached page. Other limitations that are likely to be discovered on closer examination.

Finally, we believe that the Biotic Resources Overlay Map is not sufficient for the purposes of County planning. We suggest that the County convene a panel of knowledgeable biologists to examine enlarged maps and synergistically discuss them to ensure that Land Use Services and the Commission have the best and most current biological information and analysis to plan with. Desert Tortoise Council would be pleased to suggest a tortoise biologist to join that grouping.

Sincerely,



Sidney Silliman
Board of Directors, Desert Tortoise Council
1225 Adriana Way, Upland, CA 91784
gssilliman@csupomona.edu

Desert Tortoise Council
Selected Comments – San Bernardino County Biotic Resources Overlap Map

1. It is not clear why USFS lands are identified but not Bureau of Land Management ("BLM") lands. By ignoring public lands managed by the BLM, there is no indication of Wilderness Areas, Desert Wildlife Management Areas ("DWMA"), Areas of Critical Environmental Concern ("ACEC"), and other designations that better apply to desert tortoise than USFS lands. We urge that BLM management areas appear on the map.
2. We urge that the "BLM Sensitive Species" list be represented on the map.
3. We don't recognize the polygons presented for desert tortoise as either those of Dr. Kristin Berry from the early 1980's or those of Ed LaRue from the late 1990's into 2000 in the West Mojave Plan. Nor do they appear to be based on any apparent biological data, so that polygons abruptly end at roads, for example. They resemble BLM's Category I, II, and III maps, but not exactly. We assume that the reference(s) for this information is (or will be) given in the text of the General Plan, but it would be a good idea to include major sources on the actual map.

4. We question the depiction of tortoise densities for the Ord-Rodman DWMA -- about one-half is shown as blank, which would imply non-habitat. There are extensive mountainous areas in the Ord-Rodman DWMA, which corresponds to the brown cross-hatched Ord-Rodman Critical Habitat Unit that is shown, but the blank portions do not appear to overlap with the mountains.
5. Something is amiss at the southern extent of the map, where the light blue area corresponding to sparse tortoise densities appears to run along Highway 62 and everything is blank south of there. We would extend that light blue polygon all the way south to the County's boundary with Riverside County.
6. The Mohave Ground Squirrel ("MGS") distribution comes from BLM under the "Other Species and Habitat of Concern" category and is consistent with other sources, such as the federal listing petition for MGS. While there haven't been any confirmed sightings of MGS in the Victorville and Lucerne Valley areas for many years, it is appropriate to leave the map as is to indicate the historical distribution and potential for occurrence there.
7. MGS should appear under the State CNDDDB heading rather than "other species."
8. MGS is described as Federally Endangered, which it is not.
9. The burrowing owl line is not indicative of anything obvious. Mountainous areas that are not habitat are included and desert areas along the west boundary that are likely suitable, occupied habitat are excluded. Probably the entire desert area excluding higher mountain ranges would better depict burrowing owl habitat.
10. The habitat distribution for the Southern Rubber Boa is faithfully represented in the Big Bear Area and Valley and Mountain Area maps. However, the data from the CNDDDB for the Southern Rubber Boa is very spotty and its depiction in the maps is not very representative of actual occurrence.
11. We cannot find the brown-hatched area for Swainson's hawk. As a spring and fall migrant through the area, we are not clear as to why the entire county is not shown as habitat, at least for foraging Swainson's hawks. There are a few places in Los Angeles County northwest of Lancaster where Swainson's hawks have recently nested or attempted to nest, but we are not aware of any in San Bernardino County.

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Squire, Jim - LUS

From: Juan Torres [JTORRES@dfg.ca.gov]
Sent: Wednesday, February 01, 2012 9:44 AM
To: Squire, Jim - LUS
Cc: Eric Weiss; Jeff Brandt; Joanna Gibson; Robin Maloney-Rames; Tonya Moore
Subject: San Bernardino County Biotic Resources Maps Review

February 1, 2012

Jim Squire
San Bernardino County
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415
jsquire@lus.sbcounty.gov

Subject: San Bernardino County Biotic Resources Maps Review

Dear Mr. Squire,

The California Department of Fish and Game (Department) would like to thank the County of San Bernardino for the opportunity to review the November 9, 2011, Biotic Resources Maps. The Department appreciates the effort your agency has undertaken on this task. The Department believes that the mapping effort is a good initial step in mapping biotic resources of San Bernardino County, however the Department would like to point out that the Biotic Resource Maps are deficient in several areas. Overall, the Department has the following comments to offer pertaining to the mapping effort:

1. The mapping effort omitted a number of State and federally listed species, and California Species of Concern. The County should consider researching the following sources of information: the Department's Special Animal list, the California Natural Diversity Database (CNDDDB) State and Federally listed Endangered, Threatened, and Rare Plants of California list, and information available through the California Native Plant Society.
2. The mapping effort did not include the mapping of rare and sensitive habitat types. The Department encourages the County to incorporate the mapping of rare and sensitive (both terrestrial and aquatic) habitats, including riparian resources.
3. The Department also encourages the County to include the identification of wildlife corridors, mitigation lands and mitigation banks in the mapping effort.

The Department would like to express our availability to assist the County on revisions to the Biotic Resources Maps. The Department is also interested in reviewing further edits and additions to the mapping effort. If you have any questions regarding this matter, please contact me.

Sincerely,

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