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July 6, 2012

Tracy Creason, Senior Planner
County of San Bernardino
Land Use Services- Planning
(760) 995-8143

RE: Points of Clarification for the Biological Resources Report Prepared for the Deep Creek Solar Farm Conditional Use Permit Application, County Assigned Project ID No. P201100391, Assessor's Parcel No. 0433-014-54

Dear Ms. Creason,

Below you will find that I have simplified and reworked the language for of the Proposed Minimization and Avoidance Measures located in Section 9 of the biological resources report. I removed all extraneous and redundant language and provided a simplified yet clear list of measures to be implemented prior to and during construction:

1. As a standard operating procedure for projects located in native habitat, a qualified biologist shall conduct a 30-day preconstruction survey to determine if DT, MGS and/or BUOW have migrated onto the site. If any of these species are encountered during the pre-construction survey, then project proponent must contact the appropriate regulatory authority (USFWS and/or CDFG) to obtain the required take authorization for the project.
2. The State of California prohibits the "take" of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the State identified nesting season (nesting season is February 15 through September 1). Alternatively, the site shall be evaluated by a qualified biologist prior to initiation of ground disturbance to determine the presence or absence of nesting birds. Active bird nests MUST be avoided during the nesting season. If an active nest is located in the project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity will occur within the 300 foot buffer until the young have fledged the nest.
3. All project activities shall be limited to a well-defined and visually delineated area.
4. Prior to grading and construction activities, the limits of disturbance will be clearly marked with flagging, stakes, or fencing.
5. A clear visual delineation (i.e. signs, silt fencing or construction fencing) shall be installed along the western boundary of the project site to prevent encroachment beyond the work zone to the west into the CDFG and/or Corps jurisdictional limits of the Mojave River.
6. A qualified biologist shall prepare and provide environmental awareness training to all construction personnel associate with the project. The environmental awareness class shall include

information regarding the MGS, DT, and BUOW; relevant Federal and State laws; and worker responsibilities when working in Mohave desert habitat.

7. A qualified biologist shall be onsite to monitor the Joshua tree relocation, clearing and grubbing and shall remain on-call for the remainder of construction.

I am also attaching a new Project site map for your use. The red hatching showing the FEMA Floodplain as shown on the original figure has been removed. I believe that you will find that the new figure does not confuse the issue of jurisdictional waters. Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shay Lawrey".

Shay Lawrey
Ecologist/Regulatory Specialist

Enclosure

