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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**September 30 2021**

September 30, 2021

## STATE CLEARINGHOUSE

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**Subject: Notice of Preparation of an Environmental Impact Report for the Tentative Tract Map No. 83232 Project, SCH #2021090009, City of Lancaster, Los Angeles County**

Dear Ms. Campaña:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) from the City of Lancaster (City; Lead Agency) for the Tentative Tract Map No. 83232 Project (Project). 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's 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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 State 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, including 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.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

*Conserving California's Wildlife Since 1870*

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## Project Description and Summary

**Objective:** The Project proposes to develop an approximately 20-acre undeveloped parcel. The Project would consist of a subdivision of 86 single-family residential lots in the R-7,000 zone (single family residential, 7,000 square foot minimum lot size). The Project also includes extending 62<sup>nd</sup> Street West and Hampton Street to the south and constructing new Street “L”, Street “M”, Street “N” and a new Avenue K-12 cul-de-sac. The Project would also include extension of existing water and sewer lines that are available immediately north of the Project site. These new utility lines would be buried underneath the new roadway segments.

**Location:** The Project is located at the northwest corner of 60<sup>th</sup> Street West and Avenue K-12 on Assessor’s Parcel Number 3204-008-048.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The EIR should provide adequate and complete disclosure of the Project’s potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the EIR when it is available.

## Specific Comments

1. Western Joshua Tree (*Yucca brevifolia*). The NOP does not include information on the presence/absence of western Joshua trees on the Project site. The Project could impact western Joshua trees if they occur on site. The western Joshua tree and Joshua tree woodland (*Y. brevifolia* Woodland) is a species and plant community, respectively, that occurs in the City of Lancaster.
  - a) Protection Status: The western Joshua tree is a species designated as candidate for listing as threatened pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). The western Joshua tree is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). As to CEQA, potential impacts on western Joshua trees should be analyzed, disclosed, and mitigated in the Project’s EIR. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA.
  - b) Survey and Analysis: In preparation of the EIR, CDFW recommends the City retain a qualified biologist to perform a western Joshua tree survey. The survey should identify any western Joshua trees and plant communities supporting western Joshua trees that may occur in the following areas: within the Project site; in undeveloped areas within 300 feet of the Project site; and in all areas subject to Project-related ground-disturbing activities (e.g., road construction, utility lines).
  - c) Disclosure: If the Project will impact western Joshua trees, the EIR should fully disclose those impacts on individual western Joshua trees and seedbank. Take of western Joshua tree is defined as any activity that results in the removal of a western Joshua tree, or any part thereof, or impacts the seedbank surrounding one or more western

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- Joshua trees (CDFW 2021a). The EIR should describe what Project-related activities would cause those impacts, where impacts would occur, and when impacts would occur (e.g., site preparation, construction, Project site maintenance).
- d) Avoidance and Minimization: If the Project will impact western Joshua trees, the EIR should provide measures to fully avoid impacts on this candidate species and its seedbank. CDFW recommends a minimum no-disturbance buffer of 300 feet around individual western Joshua trees to fully avoid impacts on the tree and seedbank.
  - e) Mitigation: If take or adverse impacts to western Joshua trees cannot be avoided during Project activities or over the life of the Project, the EIR should provide measures to mitigate for those impacts. Appropriate mitigation may include obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 *et seq.*). Appropriate authorization may include an Incidental Take Permit (ITP) among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Additionally, CDFW recommends the City provide compensatory mitigation for loss of individuals trees and seedbank. CDFW recommends the City identify an appropriate site to preserve western Joshua trees in perpetuity (also see General Comments #8 and #9).
  - f) CESA: To obtain appropriate take authorization under CESA, early consultation with CDFW is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
2. Foraging Habitat for Swainson's Hawk (*Buteo swainsoni*). Swainson's hawk nest and forage in agricultural and undeveloped lands throughout the Antelope Valley. According to the California Natural Diversity Database (CNDDDB), there is a record of Swainson's hawk occurring within five miles of the Project site (CDFW 2021b). Given the recent Swainson's hawk observation near the Project site and the Project site's suitability to support Swainson's hawk foraging habitat (i.e., a former agricultural field), the Project could impact Swainson's hawk through loss of 20 acres of foraging habitat.
- a) Protection Status: The Swainson's hawk is a CESA-listed threatened species. Potential impacts on Swainson's hawk, either directly or through habitat loss and/or modification, should be analyzed, disclosed, and mitigated in the Project's EIR. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA.
  - b) Survey and Analysis: In preparation of the EIR, CDFW recommends the City retain a qualified raptor biologist with Swainson's hawk survey experience to assess the Project site for possible Swainson's hawk foraging habitat and suitable nest sites within five miles of the Project site. CDFW recommends the City perform a Swainson's hawk survey following the 2010 guidance on [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California](#) (CDFW 2010). A qualified raptor biologist should conduct surveys in a manner that maximizes the potential to observe the adult Swainson's hawks and nests/chicks via visual and audible cues within a five-mile radius of the Project site. All potential nest trees within a five-mile radius should be

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- surveyed for presence of nests.
- c) Disclosure: If the Project will impact Swainson's hawk, the EIR should fully disclose those impacts on nests and/or foraging habitat. Also, CDFW recommends the EIR provide a discussion of the Project's potential contribution to the ongoing loss of foraging habitat in the Antelope Valley (i.e., cumulative impacts, see General Comment #5).
  - d) Avoidance and Minimization: If the Project will impact Swainson's hawk nests, the EIR should provide measures to fully avoid impacts on nests.
  - e) Mitigation: If the Project would result in loss of foraging habitat, CDFW recommends the EIR provide measures to mitigate for those impacts. Appropriate mitigation may include consulting with CDFW and obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 *et seq.*). Also, CDFW recommends providing compensatory mitigation for permanent loss foraging habitat. The proposed compensatory mitigation should ensure no net loss of foraging habitat for Swainson's hawk.
3. Mohave Ground Squirrel. The Mohave ground squirrel (*Xerospermophilus mohavensis*) is a CESA-listed species. Mohave ground squirrels have been documented historically to occur within the Antelope Valley region. The Project site could support requisite habitat elements for Mohave ground squirrel, which requires burrows under vegetation found in desert scrub, alkali desert scrub, Joshua tree, and annual grasslands.
- a) Survey and Analysis: CDFW recommends the EIR provide a detailed discussion of habitat suitability for Mohave ground squirrel within the Project site and in all areas subject to Project-related ground-disturbing activities (e.g., road construction, utility lines). If the Project provides suitable habitat for Mohave ground squirrel, CDFW recommends the City retain a qualified biologist to conduct protocol level surveys for Mohave ground squirrel to determine presence/absence of this CESA-listed species. The EIR should provide results from a survey for Mohave ground squirrels adhering to survey methods described in California Department of Fish and Game's January 2003 [Mohave Ground Squirrel Survey Guidelines](#) (CDFG 2003).
  - b) Disclosure: The EIR should provide full disclosure of the presence/absence of Mohave ground squirrels so CDFW may assist the City during the public comment period in identifying and mitigating for potential impacts on Mohave ground squirrel.
  - c) Avoidance, Minimization, and Mitigation: If Mohave ground squirrel is present, the Project EIR should be conditioned to avoid, minimize, and mitigate for potential impacts to Mohave ground squirrel and habitat. Appropriate mitigation may include consulting with CDFW and obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 *et seq.*). Also, CDFW recommends providing compensatory mitigation for permanent loss habitat. The proposed compensatory mitigation should ensure no net loss of habitat for Mohave ground squirrels.
4. Desert Tortoise (*Gopherus agassizii*). The desert tortoise is a federal Endangered Species Act (ESA) and CESA-listed species. The Project site is within the known range of the desert tortoise (USFWS 2019).
- a) Survey and Analysis: CDFW recommends the EIR provide a detailed discussion of habitat suitability for desert tortoise within the Project site and in all areas subject to

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Project-related ground-disturbing activities (e.g., road construction, utility lines). If the Project provides suitable habitat for desert tortoise, CDFW recommends the City retain a qualified biologist to conduct protocol level surveys for desert tortoise to determine presence/absence of this ESA and CESA-listed species. The EIR should provide results from a survey for desert tortoise adhering to survey methods described in the U.S. Fish and Wildlife Service's (USFWS) October 8, 2019 [Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise](#) (USFWS 2019).

- b) Disclosure: The EIR should provide full disclosure of the presence/absence of desert tortoise so CDFW may assist the City during the public comment period in identifying and mitigating for potential impacts on desert tortoise.
  - c) Avoidance, Minimization, and Mitigation: If desert tortoise is present, the Project EIR should be conditioned to avoid, minimize, and mitigate for potential impacts to desert tortoise and habitat. Appropriate mitigation may include obtaining appropriate take authorization under CESA and ESA. Appropriate authorization from CDFW may include an ITP or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Also, CDFW recommends providing compensatory mitigation for permanent loss habitat. The proposed compensatory mitigation should ensure no net loss of habitat for desert tortoise.
5. Burrowing Owl (*Athene cunicularia*). The burrowing owl is a California Species of Special Concern (SSC). Burrowing owls are yearlong residents of open, dry grassland and desert habitats. Burrowing owls occur within the Antelope Valley region. The Project site could support requisite habitat elements for burrowing owls, which includes desert habitats, dry grasslands, shrubs, small rodent burrows, and soft soils.
- a) Protection Status: CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
  - b) Survey and Analysis: CDFW recommends the EIR provide a detailed discussion of habitat suitability for burrowing owl within the Project site and in all areas subject to Project-related ground-disturbing activities (e.g., road construction, utility lines). If the Project provides suitable habitat for burrowing owl, CDFW recommends the City retain a qualified biologist to conduct surveys for burrowing owl to determine presence/absence of this SSC. The EIR should provide results from a survey for desert tortoise adhering to survey methods described in CDFG's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) (CDFG 2012). A burrowing owl survey should be conducted no more than one year from the date of the Project's EIR. All survey efforts should be conducted by a qualified biologist. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.
  - c) Disclosure: The EIR should provide full disclosure of the presence/absence of burrowing owl so CDFW may assist the City during the public comment period in identifying and mitigating for potential impacts on burrowing owl. CDFW would be unable to provide specific comments and recommendations during the comment period if surveys for burrowing owls is deferred until a later time (i.e., preconstruction surveys).
  - d) Avoidance, Minimization, and Mitigation: If burrowing owl is present, the Project EIR

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should be conditioned to avoid, minimize, and mitigate for potential impacts to burrowing owl. CDFW recommends mitigation methods described in the [Staff Report on Burrowing Owl Mitigation](#) (CDFG 2012). Inadequate avoidance and mitigation measures will result in the Project having substantial adverse direct and cumulative effect, either directly or through habitat modifications, on an SSC.

6. Jurisdictional Waters. According to U.S. Fish and Wildlife Service's (USFWS) [National Wetland Inventory](#), there is a stream adjacent to the Project site and a freshwater pond within the Project site (USFWS 2021). The Project may impact that stream and freshwater pond. Moreover, new roads proposed by the Project would increase imperviousness surface area within and adjacent to the Project site, potentially impacting stormwater drainage and increasing surface water runoff.
  - a) CDFW recommends the Project avoid impacting those waterbodies and associated vegetation to the greatest extent possible. Herbaceous and vegetation adjacent to the stream and in the freshwater pond protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. Where the Project would occur near the stream/freshwater pond but may avoid impacts, the EIR should provide a justification as to why a chosen setback distance of the proposed development would be effective to avoid impacts on the stream/freshwater pond and associated vegetation.
  - b) The EIR should provide a stream delineation and analysis of impacts. The delineation should be conducted pursuant to the to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the EIR discuss whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed.
  - c) CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the Project applicant (or "entity") must notify CDFW pursuant to Fish and Game Code Section 1600 *et seq.* CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (lead agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the EIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2021c).
  - d) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the EIR discuss the results

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and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.

7. Nesting Birds. There are trees and shrubs within the Project site that could support nesting birds. Project activities occurring during the nesting bird season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
  - a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
  - b) CDFW recommends that measures be taken to fully avoid impacts to nesting birds. CDFW recommends the EIR include a measure whereby the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs. If avoidance is not feasible, the EIR should provide underlying reasons for the City's determination that avoidance is not feasible, even if it would substantially lessen or avoid significant effects on nesting birds. The EIR should include other feasible and specific mitigation measures that would provide a comparable lessening of the Project's potentially significant effect on nesting birds.

## General Comments

- 1) Disclosure. An environmental document should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document "shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."
  - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency "shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures" (Pub. Resources Code, § 21081.6). CDFW recommends that the City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources

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Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.

- b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the EIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the EIR should provide an adequate, complete, and detailed disclosure about a project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
  
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to a project site and where a project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to California Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The EIR should include the following information:
  - a) 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)]. The EIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2021d);
  - b) 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 Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where project construction and activities could lead to direct or indirect impacts off site;
  - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a project site and within the neighboring vicinity. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). Adjoining habitat areas should be included in this assessment where project activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
  - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a project. CDFW's

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[California Natural Diversity Database](#) (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2021b). An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];

- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2021e). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and,
  - f) A recent wildlife and rare plant survey. 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 a proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 4) Data. CEQA requires that information developed in environmental impact reports 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 by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2021f). The City should ensure data collected for the preparation of the EIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 5) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The EIR should address the following:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR;

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- b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
  - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
  - d) A discussion of Project-related changes on drainage patterns; the 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 sites. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
  - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the EIR; and,
  - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the EIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 6) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the EIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas; access routes to the construction and staging areas; fuel modification footprint; and grading footprint;
  - b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document "shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project." CEQA Guidelines section 15126.6(f)(2) states if the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include reasons in the environmental document; and,
  - c) A range of feasible alternatives to the Project location and design features to avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas. CDFW recommends the City consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and

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sensitive vegetation communities. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project and from any future development. As a general rule, CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The EIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the City consider alternatives that would fully avoid impacts to such resources. CDFW also recommends alternatives that would allow not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and vegetation communities. Project-related designs should consider elevated crossings to avoid channelizing or narrowing of streams. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the stream to alter its course of flow.
- 7) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing an individual from a project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.
- 8) Compensatory Mitigation. The EIR should include mitigation measures for adverse project-related direct or indirect impacts to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 9) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the EIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the project-induced

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qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

## Conclusion

We appreciate the opportunity to comment on the NOP for the Tentative Tract Map No. 83232 Project to assist the City of Lancaster in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) or (562)-619-2230.

Sincerely,

DocuSigned by:

*Erinn Wilson-Olgin*

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