



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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SENT BY EMAIL ONLY

May 5, 2022

Sarah Stachnik
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550
SStachnik@cityofpalmdale.org

Subject: Tentative Tract Map 60148, Mitigated Negative Declaration, SCH #2022040052, City of Palmdale, Los Angeles County

Dear Ms. Stachnik:

The California Department of Fish and Wildlife (CDFW) has reviewed an Initial Study/Mitigated Negative Declaration (MND), General Biological Resources Assessment (BRA), and Desert Vegetation Preservation Plan from the City of Palmdale (City) for Tentative Tract Map 60148 (Project). The Project is proposed by Pacific Communities Builder, Inc (Project Applicant). 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

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authorization under the Fish and Game Code.

Project Description and Summary

Objective: The Project proposes the subdivision of 31 acres into 130 lots. The lots will consist of 127 single-family homes and three detention basins. The proposed residential lots will range in size from 7,000 square feet to 9,666 square feet. Three lots in the northwest corner of the Project site will be designated as areas for the detention basins. The Project will also consist of dry infrastructure, construction of roads, solar panel installation, and construction of sidewalks. Project construction is anticipated to commence in 2022 and end in 2025.

Location: The Project is located on 31 acres in the northwest corner of East Avenue R-8 and 45th Street East in the City of Palmdale, Los Angeles County. The Project site is bounded by East Avenue R to the north, 45th Street East to the east, East Avenue R-8 to the south, and 40th Street East to the west. The Project location encompasses the following Assessor's Parcel Number (APNs): 3023-006-028, -029, -040, -041, -049, and -057.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately avoiding and/or mitigating the Project's impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts on Western Joshua Trees (*Yucca brevifolia*)

Issue: Mitigation Measure BIO-2 as presented may inadequately address the Project's impacts on western Joshua trees.

Specific impacts: Grading and vegetation removal during Project activities will impact 86 western Joshua trees scattered throughout the Project site. Based on the MND, the Project will require the removal of 80 western Joshua trees and six western Joshua trees have been regarded as suitable for transplanting and relocation.

Why impact would occur: 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 Joshua trees (CDFW 2022e). The mitigation measure does not discuss the Project's impacts to the seedbank of western Joshua trees within and adjacent to the Project site. However, the Project would include removing vegetation, grading, and compacting of soils. Impacts on western Joshua tree and seedbank may occur as a result of these activities. For instance, the Project may remove western Joshua trees, eliminate, or modify habitat, and crush or bury living seeds in the soil, rendering living seeds inviable.

In addition, the MND proposes translocation of specific western Joshua trees. Appropriate temperature, soil composition, sunlight, irrigation system, and native nursery plants are a few

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conditions necessary for survival, and there is currently no scientific peer reviewed evidence of a transplanting method that guarantees success. Transplanting may also be considered unsuccessful even if the transplanted western Joshua trees survive due to the inability to sexually reproduce. Western Joshua trees have an obligate mutualistic relationship with the yucca moth (*Tegeticula* sp.) that enables western Joshua trees to reproduce sexually. Without yucca moths present on the relocation site to facilitate sexual reproduction, individual western Joshua trees would not persist. In addition, the presence of seed-caching rodents would be required on the relocation site since rodents are the primary mode of seed dispersal for western Joshua trees. Without successful sexual reproduction and seed dispersal, there will be detrimental impacts to the long-term survivability of the transplanted western Joshua trees. Lastly, CDFW does not recognize transplanting as a sufficient form of mitigation but rather a minimization measure.

Evidence impact would be significant: 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, inadequate avoidance, minimization, and mitigation measures for impacts on western Joshua trees will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends the City revise the final environmental document to provide the following information:

- 1) How the Project would impact the western Joshua tree seedbank and what mitigation measures would be implemented to address impacts to the seedbank;
- 2) How the Project would directly and indirectly impact western Joshua trees adjacent to the Project site; and
- 3) How many acres of habitat supporting western Joshua trees and seedbank would be directly and indirectly impacted

Mitigation Measure #1: CDFW recommends revising Mitigation Measure BIO-2 by incorporating the underlined language and removing language that has strikethrough:

~~“If Because the Project will result in “take” or adverse impacts to western Joshua trees and their seedbank cannot be avoided during project implementation, consultation with the CDFW will be undertaken and an Incidental Take Permit (ITP) (pursuant to Fish and Game Code, § 2080 et seq.) will be sought. During the consultation process, ~~if take of Joshua trees is necessary for the project to be constructed~~, compensatory mitigation will be required in the ITP ~~and may include in-kind and/or in-lieu mitigations as per Fish and Game Code 2081~~ to offset impacts. The ITP will also specify minimization and avoidance measures and fully mitigate any impacts to western Joshua trees. No take of western Joshua trees will occur until the ITP has been issued to the applicant.”~~

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Mitigation Measure #2: CDFW concurs with Mitigation Measure BIO-2 which requires the Project Applicant to obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife. CDFW recommends that the Project Applicant submit an ITP Application that provides the following information (at a minimum):

- 1) An analysis of number of individual western Joshua trees (clonal and non-clonal) that would be impacted both within the Project site and within 300 feet of the Project site;
- 2) An analysis of morphological characteristics for individual western Joshua trees (e.g., flowers, number of flower panicles) that would be impacted;
- 3) An analysis of age structure of the individual western Joshua trees that would be impacted within the Project site (e.g., mature, seedling, juvenile);
- 4) An analysis of acres of western Joshua tree seedbank impacted;
- 5) A map showing where direct impacts on western Joshua trees and seedbank would occur relative to the Project's site plan;
- 6) A map showing where indirect impacts on western Joshua trees and seedbank would occur relative to the Project's site plan;
- 7) A discussion of whether the Project could have impact (direct and indirect) to any western Joshua trees adjacent to the Project site;
- 8) A map showing the alliance and/or association-based plant communities in the Project site following the [Manual of California Vegetation](#) (MCV), second edition (Sawyer et al. 2009); and
- 9) Photographs of the Project site, including depicting different aspects and a photograph documenting each western Joshua tree.

Mitigation Measure #3: CDFW recommends the Project Applicant provide compensatory mitigation for unavoidable Project impacts on western Joshua trees. Mitigation should be higher if the Project will impact a western Joshua tree population that is increasing through seedling recruitment. An appropriate mitigation site should at minimum:

- 1) Have Joshua trees of similar density, abundance, and age structure;
- 2) Support plant communities of similar native plant species composition, density, structure, and function to habitat that was impacted;
- 3) Support nursery plants for Joshua tree recruits; and
- 4) Not be exposed or have the potential to be exposed to disturbances such as OHV activity, illegal access, and encroachment from pending or future development.

Mitigation Measure #4: The Project Applicant should identify mitigation and mitigation lands prior to submitting an ITP application or during the ITP process. CDFW recommends the Project Applicant protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), 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. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed

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land dedications; control of illegal dumping; water pollution; and, increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to impacts on western Joshua trees.

Comment #2: Impacts to Coast horned lizard (*Phrynosoma blainvillii*)

Issue: The MND does not provide avoidance or mitigation measures for the coast horned lizard, which is designated as a Species of Special Concern (SSC).

Specific impacts: Direct impacts to coast horned lizards could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat.

Why impacts would occur: Grading activities and the removal of vegetation may potentially result in the loss or disturbance of foraging and breeding habitat for this SSC. The BRA indicates in Table 4-2 that the Project site provides suitable habitat for coast horned lizards. Although the species was not observed during the survey, a focused species-specific survey was not conducted for SSC reptile species. Without focused surveys, there is little chance for detection, leading to potential false negative results. Furthermore, the BRA states that "...species with limited mobility (i.e., small mammals and reptiles) will experience increases in mortality during the construction phase." The MND does not provide any avoidance, minimization, or mitigation measures for potential impacts to the SSC. Without measures to avoid, minimize, or mitigate for potential impacts to the SSC, individuals not detected on site may be crushed, trampled, or killed and occupied habitat will be lost by construction activities.

Evidence impacts would be significant: A [California Species of Special Concern](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022d).

Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. 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. This SSC meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, impacts to coast horned lizards could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The MND does not provide

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mitigation for potential loss of habitat supporting coast horned lizards. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #5: The Project may require capture, handling, and relocation of wildlife. Pursuant to the [California Code of Regulations, title 14, section 650](#), the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2022a).

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).

Mitigation Measure #6: The City should retain a qualified biologist with experience surveying for coast horned lizard. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. Project related activities include construction, equipment and vehicle access, parking, and staging. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.

Mitigation Measure #7: Wildlife should be protected or allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife should be captured by only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring.

Mitigation Measure #8: If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

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Additional Recommendations

Burrowing Owl. CDFW recommends the City revise Mitigation Measure BIO-1 by incorporating the underlined language and removing the language that has strikethrough:

“A pre-construction presence/absence survey for burrowing owl shall be conducted ~~within 30 days~~ prior to any on-site ground disturbing activity. The survey shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site. Surveys for burrowing owls shall adhere to the survey methods outlined in CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation prior to the City issuing construction permits (CDFW 2012). In California, the burrowing owl breeding season extends from 1 February to 31 August with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between February 15 to 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 15 June. ~~conducted pursuant to the recommendations and guidelines established by the California Department of Fish and Wildlife (CDFW).~~”

If, during the preconstruction surveys, ~~the~~ burrowing owl is found to occupy the site, ~~the~~ applicant shall prepare an Impact Assessment in accordance with ~~mitigation for potential impacts to burrowing owls shall adhere to~~ CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation. If burrowing owl are discovered at the site, an Avoidance Plan for burrowing owl shall be prepared by a qualified biologist that would include measures that are effective, enforceable, and feasible to avoid impacts to burrowing owl. The Project Applicant shall contact CDFW to develop appropriate mitigation and management procedures. The applicant shall submit a final Avoidance Plan to the City prior to the City issuing construction permits. The applicant shall implement all measures identified in the Avoidance Plan. At a minimum, the following shall occur:

- If burrowing owls are identified during the non-nesting season, a qualified biologist shall install one-way gates to relocate the owl to a suitable nearby property. Upon confirmation that the burrow is empty, the burrow shall be collapsed.
- In the event that a breeding pair or female owl with offspring are present at the burrow, a buffer zone of at least 50 feet shall be established around the burrow until the offspring have fledged and left the burrow. No work shall occur within the buffer zone. The specific buffer zone shall be established in coordination with CDFW.

The Avoidance Plan shall be fully developed prior to implementation of project-related ground disturbance activities that includes site preparation, equipment staging and mobilization. If no burrowing owl are found during the pre-construction presence/absence survey, no further work is required.”

Nesting birds. CDFW recommends the City revise Mitigation Measure BIO-4 by incorporating the underlined language and removing the language that has strikethrough:

“To protect nesting birds and raptors that may occur on site or adjacent to the Project site, construction activities shall not occur from February 15 through September 15. If project

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grading/construction activities are scheduled to occur during the nesting season for breeding birds (February 15th through ~~June 15th~~ September 15th) a preconstruction nesting bird survey shall be conducted by qualified biologists. If nesting birds are observed during the survey, the following measures shall be implemented:

1. An Avoidance Plan for nesting birds will be prepared by a qualified biologist that would include measures that are effective, enforceable, and feasible to avoid impacts to nesting birds. The Avoidance Plan would be fully developed prior to implementing project-related ground disturbance activities that includes site preparation, equipment staging and mobilization.
2. As part of the Avoidance Plan, within seven days prior to commencement of grading/construction activities, a qualified biologist shall perform a preconstruction survey of all proposed work limits and within 500 feet of the proposed work limits unless those areas are developed or restricted due to a lack of property owner permission for access. If Project activities are delayed or suspended for more than 7 days during the breeding season, surveys will be repeated before activities can begin or restart.
3. ~~If active avian nest(s) of non-special status species~~ In the event that nesting birds or raptors are discovered within or 500 feet from the work limits, all work in the area shall cease until a qualified biologist determines that young birds have fledged. Impacts to nests shall be avoided by delay of work or by establishing a buffer shall be delineated around the active nest(s) measuring 300 feet for around active passerines (perching birds) and songbird nests, 500 feet for around active non-listed raptors nests, and 0.5 mile around active nests of a CESA or Endangered Species Act-listed bird species. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. A qualified biologist shall monitor the nest(s) weekly after commencement of grading/construction to ensure that nesting behavior is not adversely affected by such activities. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist.

If the qualified biologist determines that nesting behavior of ~~non-special status~~ avian species is adversely affected by grading/construction activities, then a noise mitigation program may be required to be prepared in advance of work at the site (i.e., within 10 calendar days prior to the start of construction activities including removal of vegetation).”

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDDB Online Field Survey Form](#) (CDFW 2022c). The City should ensure that the Project applicant has submitted data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project applicant should provide CDFW with confirmation of data submittal.

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Mitigation and Monitoring Reporting Plan. CDFW recommends updating the MND's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

The Project, as proposed, could 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 City of Palmdale 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 & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Palmdale in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Palmdale has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at Julisa.Portugal@wildlife.ca.gov or (562) 330-7563.

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Mitigation Measure BIO-2 western Joshua trees	Because the Project will result in “take” or adverse impacts to western Joshua trees and their seedbank, consultation with the CDFW shall be undertaken and an Incidental Take Permit (ITP) (pursuant to Fish and Game Code, § 2080 et seq.) shall be sought. During the consultation process, compensatory mitigation shall be required in the ITP to offset impacts. The ITP shall also specify minimization and avoidance measures and fully mitigate any impacts to western Joshua trees. No take of western Joshua trees shall occur until the ITP has been issued to the applicant.	Prior to the Project-related ground-disturbing activities/vegetation removal	City of Palmdale/ Project Applicant
MM-BIO-2 – CESA ITP Application	CDFW concurs with Mitigation Measure BIO-2 which requires the Project Applicant to obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife. The Project Applicant shall submit an ITP Application that provides the following information (at a minimum): <ol style="list-style-type: none"> 1) An analysis of number of individual western Joshua trees (clonal and non-clonal) that would be impacted both within the Project site and within 300 feet of the Project site; 2) An analysis of morphological characteristics for individual western Joshua trees (e.g., flowers, number of flower panicles) that would be impacted; 3) An analysis of age structure of the individual western 	Prior to the Project-related ground-disturbing activities/vegetation removal	Project Applicant

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	<p>Joshua trees that would be impacted within the Project site (e.g., mature, seedling, juvenile);</p> <ol style="list-style-type: none"> 4) An analysis of acres of western Joshua tree seedbank impacted; 5) A map showing where direct impacts on western Joshua trees and seedbank would occur relative to the Project's site plan; 6) A map showing where indirect impacts on western Joshua trees and seedbank would occur relative to the Project's site plan; 7) A discussion of whether the Project could have impact (direct and indirect) to any western Joshua trees adjacent to the Project site; 8) A map showing the alliance and/or association-based plant communities in the Project site following the Manual of California Vegetation (MCV), second edition (Sawyer et al. 2009); and, 9) Photographs of the Project site, including depicting different aspects and a photograph documenting each western Joshua tree. 		
<p>MM-BIO-3 – Western Joshua Tree Habitat Replacement</p>	<p>The Project Applicant shall provide compensatory mitigation for unavoidable Project impacts on western Joshua trees. Mitigation shall be higher if the Project will impact a western Joshua tree population that is increasing through seedling recruitment. An appropriate mitigation site shall at minimum:</p> <ol style="list-style-type: none"> 1) Have Joshua trees of similar density, abundance, and age structure; 2) Support plant communities of similar native plant species composition, density, structure, and function to habitat that was impacted; 3) Support nursery plants for Joshua tree recruits; and, 4) Not be exposed or have the potential to be exposed to disturbances such as OHV activity, illegal access, and 	<p>Prior to the Project-related ground-disturbing activities/vegetation removal or during the ITP process</p>	<p>Project Applicant</p>

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	encroachment from pending or future development.		
MM-BIO-4– Western Joshua Tree Compensatory Mitigation	The Project Applicant shall identify mitigation and mitigation lands prior to submitting an ITP application or during the ITP process. The Project Applicant shall protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that shall be addressed include but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and, increased human intrusion. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to impacts on western Joshua trees.	Prior to the Project-related ground-disturbing activities/vegetation removal or during the ITP process	Project Applicant
MM-BIO-5- Scientific Collection Permits	The Project may require capture, handling, and relocation of wildlife. Pursuant to the California Code of Regulations, title 14, section 650 , the City/qualified biologist shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's Scientific Collection Permits webpage for information.	Prior to the Project-related ground-disturbing activities and vegetation removal	City of Palmdale/ Project Applicant
MM-BIO-6 – Coast horned lizard surveys	The City shall retain a qualified biologist with experience surveying for coast horned lizard. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist shall conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-	Prior to Project-related ground-disturbing activities and	City of Palmdale/ Project Applicant

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	<p>disturbing activities or vegetation removal where there may be impacts to SSC. Project related activities include construction, equipment and vehicle access, parking, and staging. In addition, the qualified biologist shall conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location shall be mapped and photographed. The qualified biologist shall provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist shall develop species-specific mitigation measures for implementation during the Project.</p>	<p>vegetation removal</p>	
<p>MM-BIO-7 – Wildlife Relocation Plan</p>	<p>Wildlife shall be protected or allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife shall be captured by only by a qualified biologist with proper handling permits. The qualified biologist shall prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring.</p>	<p>During Project activities</p>	<p>Project Applicant/ Qualified Biologist</p>
<p>MM-BIO-8 – Wildlife Injury or Death</p>	<p>If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>	<p>During Project Activities</p>	<p>Project Applicant/ Qualified Biologist</p>

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<p>MM-BIO-9 - Mitigation Measure BIO-1 Burrowing Owl Surveys</p>	<p>A pre-construction presence/absence survey for burrowing owl shall be conducted prior to any on-site ground disturbing activity. The survey shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site. Surveys for burrowing owls shall adhere to the survey methods outlined in CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation prior to the City issuing construction permits. In California, the burrowing owl breeding season extends from 1 February to 31 August with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between February 15 to 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 15 June.</p> <p>If, during the preconstruction surveys, burrowing owl is found to occupy the site, the applicant shall prepare an Impact Assessment in accordance with CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation. If burrowing owl are discovered at the site, an Avoidance Plan for burrowing owl shall be prepared by a qualified biologist that would include measures that are effective, enforceable, and feasible to avoid impacts to burrowing owl. The Project Applicant shall contact the CDFW to develop appropriate mitigation and management procedures. The applicant shall submit a final Avoidance Plan to the City prior to the City issuing construction permits. The applicant shall implement all measures identified in the Avoidance Plan. At a minimum, the following shall occur:</p> <ul style="list-style-type: none"> • If burrowing owls are identified during the non-nesting season, a qualified biologist shall install one-way gates 	<p>Prior to Project-related ground disturbing activities and during Project implementation</p>	<p>City of Palmdale/ Project Applicant/ Qualified Biologist</p>

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	<p>to relocate the owl to a suitable nearby property. Upon confirmation that the burrow is empty, the burrow shall be collapsed.</p> <ul style="list-style-type: none"> In the event that a breeding pair or female owl with offspring are present at the burrow, a buffer zone of at least 50 feet shall be established around the burrow until the offspring have fledged and left the burrow. No work shall occur within the buffer zone. The specific buffer zone shall be established in coordination with CDFW. <p>The Avoidance Plan shall be fully developed prior to implementation of project-related ground disturbance activities that includes site preparation, equipment staging and mobilization. If no burrowing owl are found during the pre-construction presence/absence survey, no further work is required.</p>		
<p>MM-BIO-10- Mitigation Measure BIO-4 Nesting Bird Surveys</p>	<p>To protect nesting birds and raptors that may occur on site or adjacent to the Project site, construction activities shall not occur from February 15 through September 15. If Project grading/construction activities are scheduled to occur during the nesting season for breeding birds (February 15th through September 15th) a preconstruction nesting bird survey shall be conducted by qualified biologists. If nesting birds are observed during the survey, the following measures shall be implemented:</p> <ol style="list-style-type: none"> An Avoidance Plan for nesting birds will be prepared by a qualified biologist that would include measures that are effective, enforceable, and feasible to avoid impacts to nesting birds. The Avoidance Plan would be fully developed prior to implementing Project-related ground disturbance activities that includes site preparation, equipment staging 	<p>Prior to Project-related ground disturbing activities and during Project implementation</p>	<p>City of Palmdale/ Project Applicant/ Qualified Biologist</p>

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	<p>and mobilization.</p> <p>2. As part of the Avoidance Plan, within seven days prior to commencement of grading/construction activities, a qualified biologist shall perform a preconstruction survey of all proposed work limits and within 500 feet of the proposed work limits unless those areas are developed or restricted due to a lack of property owner permission for access. If Project activities are delayed or suspended for more than 7 days during the breeding season, surveys will be repeated before activities can begin or restart.</p> <p>3. In the event that nesting birds or raptors are discovered within or 500 feet from the work limits, all work in the area shall cease until a qualified biologist determines that young birds have fledged. Impacts to nests shall be avoided by delay of work or by establishing a buffer around the active nest(s) measuring 300 feet around active passerines (perching birds) and songbird nests, 500 feet around active non-listed raptors nests, and 0.5 mile around active nests of a CESA or Endangered Species Act-listed bird species. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. A qualified biologist shall monitor the nest(s) weekly after commencement of grading/construction to ensure that nesting behavior is not adversely affected by such activities. These buffers shall be increased to protect the nesting birds, if necessary, as determined by a qualified biologist.</p> <p>If the qualified biologist determines that nesting behavior of avian species is adversely affected by grading/construction activities, then a noise mitigation program may be required to be prepared in advance of work at the site (i.e., within 10 calendar</p>		
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	days prior to the start of construction activities including removal of vegetation).		
REC 1 – Western Joshua Tree Impacts	<p>CDFW recommends the City revise the final environmental document to provide the following information:</p> <ol style="list-style-type: none"> 1) How the Project would impact the western Joshua tree seedbank and what mitigation measures would be implemented to address impacts to the seedbank; 2) How the Project would directly and indirectly impact western Joshua trees adjacent to the Project site; and 3) How many acres of habitat supporting western Joshua trees and seedbank would be directly and indirectly impacted 	Prior to finalizing CEQA document	City of Palmdale/ Palmdale Applicant
REC 2 – Data	<p>Please report any special status species detected by completing and submitting CNDDB Online Field Survey Form. The City should ensure that the Project Applicant has submitted the data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant should provide CDFW with confirmation of data submittal.</p>	Prior to finalizing CEQA document	City of Palmdale/ Project Applicant
REC 3 - MMRP	<p>The MND's proposed Biological Resources Mitigation Measures should be updated and conditioned to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.</p>	Prior to finalizing CEQA document	City of Palmdale