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August 5, 2022

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**Governor's Office of Planning & Research**

**AUG 05 2022**

**STATE CLEARINGHOUSE**

**Subject: Notice of Preparation of a Draft Environmental Impact Report for the Lockheed Martin Plant 10 Specific Plan Amendment Project, SCH #2022070108, City of Palmdale, Los Angeles County**

Dear Ms. Taggart:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR) from the City of Palmdale (City) for the Lockheed Martin Plant 10 Specific Plan Amendment Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's 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 & Game Code, §§ 711.7, subdivision (a) & 1802; Public 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 (Public 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 & Game 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 & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

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## Project Description and Summary

**Objective:** The goals of the Project are to 1) create a development plan that provides the flexibility of implementation based on the changing needs of the aviation industry and Lockheed Martin; 2) plan for adequate backbone infrastructure and parking to support future growth; and 3) enable a streamlined permitting and approval process for future development. The Specific Plan Amendment divides the Project site into five planning areas. Planning Area 1 makes up the northwest corner of the Project site and is bound by the Southern Pacific Railroad right-of-way to the west and Site 8 Road to the north. Planning Area 2 represents the northeast portion of the Project site and is bound by Site 8 Road to the north and 15th Street East to the east. Planning Area 3 constitutes the southwest corner of the Project site bound by the Southern Pacific Railroad right-of-way to the west and Lockheed Way to the south. Planning Area 4 is a nearly triangular area that makes up the central portion of the Project site. Planning Area 5 is located in the southeast corner of the site, bounded by East Avenue P to the south, 10<sup>th</sup> Street E to the west, 15<sup>th</sup> Street E to the east.

The existing 2,764,115 square feet of building area on site is programmed to expand by approximately 1,152,700 square feet as part of the proposed Plan. Approximately 24 new structures/expansion projects are proposed to be constructed between 2020 and 2032.

**Location:** The Project is approximately 681 acres. It is bordered by Site 8 Road (a private road) to the north; 15th Street East to the east; Avenue P to the south; and the Southern Pacific Railroad right-of-way (Antelope Valley Metrolink Line) and Sierra Highway to the west. The United States Air Force Plant 42 and Palmdale Regional Airport are located northeast of the site. Regional access to the Project site is provided via State Route 14, and local access is provided via Sierra Highway and Blackbird Drive.

## 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 DEIR 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 DEIR when it is available.

## Specific Comments

- 1) Western Joshua tree. Joshua trees (*Yucca brevifolia*) are known to occur in areas within the Project site. Joshua tree is a CESA-listed candidate species. As a CESA-listed candidate species, western Joshua tree is granted full protection of a threatened species under CESA. Activities associated with building development may directly remove habitats or indirectly cause added pressures to the habitats in which these species reside, leading to further species decline. Any Project activities that involve grading or vegetation removal that would likely result in "take" or adverse impacts to western Joshua tree, its seed bank, and its sole pollinator, the Joshua tree yucca moth (*Tegeticula synthetica*).

CDFW primarily recommends the City avoid impacts to western Joshua tree to the greatest extent feasible. If "take" or adverse impacts to western Joshua trees cannot be avoided

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during any project activities or over the life of the Project, the City should apply for a CESA Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2080 *et seq.* Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. The City should consult with CDFW to obtain additional western Joshua tree survey requirements. CDFW may require separate CEQA documentation 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.

CDFW also recommends that the Project Applicant submit an ITP Application that provides the following information (at a minimum):

1. An analysis of the 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 and what mitigation measures would be implemented to address impacts to seedbank;
  5. A map showing the acreage and where direct impacts on western Joshua trees and seedbank would occur relative to the Project's site plan;
  6. A map showing the acreage and 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 an impact (direct and indirect) to any western Joshua trees adjacent to the Project site; and
  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).
- 2) Swainson's Hawk. The Swainson's hawk (*Buteo swainsoni*) is a CESA-listed species. No field surveys have been conducted in relation to the Project. In addition, there is a historical observation of this species less than a mile of the Project site according to the California Natural Diversity Database (CNDDDB) (CDFW 2022). The Project site is bounded mostly by open space and located west of old agricultural fields, which are potential habitats for Swainson's hawk to utilize for nesting or foraging.

CDFW released guidance for this species entitled *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* (2010). CDFW recommends conducting focused surveys for Swainson's hawk following the 2010 guidance and disclosing the results in the Project's environmental documentation.

Additionally, the Project site may support foraging activities since small mammals and reptiles may reside within the site. CDFW recommends the Project's environmental document discuss the potential impact on foraging habitat for Swainson's hawk. The

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environmental document should also discuss the Project's potential contribution to the ongoing loss of Swainson's hawk foraging habitat in the Antelope Valley. If the Project would result in loss of foraging habitat, CDFW recommends the Project's environmental document provide measures to mitigate for those impacts. The proposed compensatory mitigation should ensure no net loss of foraging habitat for Swainson's hawk. Appropriate mitigation may also include consulting with CDFW and obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & G Code, § 2080 et seq.).

- 3) Mohave Ground Squirrel. The Mohave ground squirrel is a CESA-listed species. Mohave ground squirrels have been documented historically to occur within the Antelope Valley region. CDFW recommends the Project's environmental document provide a discussion of habitat suitability for Mohave ground squirrel within the Project site. Potential direct and indirect impacts on Mohave ground squirrel should be discussed in the Project's environmental document. Mohave ground squirrel surveys should be conducted wherever the Project is taking place in appropriate habitat within the range of the species. Focused Mohave ground squirrel surveys should follow CDFW's [Trapping and Survey Guideline](#) (CDFG 2003). If Mohave ground squirrel is observed on site or captured during any of the trapping sessions, the Project proponent should secure an ITP for Mohave ground squirrel before ground/vegetation disturbance activities commence. If the Project would impact Mohave ground squirrel, the environmental document should provide measures to avoid and/or mitigate potential impacts to Mohave ground squirrel as well as habitat supporting the species. For unavoidable impacts, appropriate mitigation may include consultation with CDFW and obtaining appropriate take authorization under CESA.
- 4) Impacts to Streams. Aerial photography has indicated that there are several canal ditches on site. In addition, the US Fish and Wildlife [National Wetlands Inventory](#) has indicated that riverine habitat is located on the eastern and southeastern area of the site (USFWS 2022). Project activities may impact these canal ditches or disturb the riverine habitat.

As a Responsible Agency under CEQA, 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 provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.*

- i. 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 environmental document 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 information about LSA Notification (CDFWc 2022).
- ii. In the event the Project area may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the environmental document. The delineation should be conducted pursuant

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to the U.S. Fish and Wildlife Service (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.

- iii. In Project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes. Therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages. The environmental document should provide a justification for the effectiveness of the chosen distance for the setback.
  - iv. Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the environmental document.
  - v. As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the environmental document evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 5) Burrowing Owl. Burrowing owls (*Athene cuniculara*), a California Species of Special Concern (SSC), are known to regularly occur throughout the Lancaster and Palmdale area. If it is determined that there are potential cover sites on site, CDFW recommends the City perform a protocol-level survey for burrowing owls adhering to survey methods described in CDFW's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012). 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. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the Project would impact burrowing owls, thus requiring mitigation. The Project and environmental document should be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat.

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. Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). CDFW recommends the Project's environmental document discuss the Project's potential impact on habitat for the above listed avian species. The environmental document should also discuss the Project's potential contribution to the ongoing loss of these species' habitat in the Antelope Valley.

- 6) Species of Special Concern - Reptiles. The Project will require ground disturbing activities such as grading and grubbing, which may result in reptile habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, review of CNDDDB indicates a historic occurrences of California legless lizard (*Anniella pulchra*), California glossy snake (*Arizona elegans occidentalis*), coast horned lizard (*Phrynosoma blainvillii*),

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and two-striped garter snake (*Thamnophis hammondi*) within the Project vicinity. All of these species have been designated special status as a SSC. Moreover, the Project may remove habitat for this species by eliminating vegetation that may support essential foraging and breeding habitat.

CDFW recommends qualified biologists familiar with the reptile species behavior and life history conduct focused surveys to determine the presence/absence of SSC prior to vegetation removal and/or grading. Surveys should be conducted during active season when each reptile species are most likely to be detected.

To further avoid direct mortality, CDFW recommends that a qualified biological monitor be on site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.

- 7) Species of Special Concern - Birds. The Project will require ground disturbing activities such as grading and grubbing, which may result in avian habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, review of CNDDDB indicates occurrences of mountain plover (*Charadrius montanus*), loggerhead shrike (*Lanius ludovicianus*), and Le Conte's thrasher (*Toxostoma lecontei*) within the Project vicinity. These species are currently designated as SSC.

The Project proposes to develop within or adjacent to open space and natural areas that likely supports nesting birds and raptors. Accordingly, the Project may impact nesting birds and raptors. Project activities occurring during the bird and raptor nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.

- i. 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.
- ii. CDFW recommends the DEIR discuss the Project's impact on nesting habitat. Edge effects and impacts due to fuel modification should also be discussed. The DEIR should disclose the acreage of nesting habitat that could be impacted and lost as a result of the proposed Project.
- iii. CDFW recommends that measures be taken to avoid impacts on nesting birds and raptors. CDFW recommends the DEIR 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.

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- iv. If impacts on nesting birds and raptors cannot be avoided, CDFW recommends the DEIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, CDFW recommends a qualified biologist conduct breeding bird and raptor surveys to identify nests occurring in the disturbance area and 100 feet from the disturbance area to the extent allowable and accessible. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW recommends a minimum 300-foot no-disturbance buffer around active bird nests. For raptors, the no-disturbance buffer should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Project personnel, including all contractors working on site, should be instructed on nesting birds, sensitivity of the area, and adherence to the no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.
- 8) Sensitive Natural Communities. Temporal or permanent loss of sensitive plant communities in areas slated for new building development could occur as a result of Project construction and activities. A qualified biologist should map all natural communities within the Project site as well as areas subject to off-site impacts such as edge effects in accordance with established protocol (see General Comment #7ii and 7iii). The qualified biologist should identify and map natural communities including, but not limited, to the following: Joshua tree woodland alliances (*Yucca brevifolia* Alliance; State rarity ranking of 3.2) and winterfat shrubland alliance (*Krascheninnikovia lanata* Alliance; State rarity ranking of 3). The Project site supports other desert plant species that could comprise of other sensitive plant communities as well.

The DEIR should fully disclose where impacts would occur and how many acres of natural communities would be impacted. The DEIR should be conditioned to fully avoid impacts to [Sensitive Natural Communities](#) (CDFW 2022b). If avoidance is not feasible, the DEIR should be conditioned to provide compensatory mitigation for impacts on Sensitive Natural Communities (see General Comment #7i). Due to the local/regional rarity and significance, compensatory mitigation should be higher for impacts on Sensitive Natural Communities with a State Rarity Ranking of S1 or S2 and/or a Sensitive Natural Community with an additional ranking of 0.1 or 0.2.

### General Comments

- 1) Disclosure. The DEIR 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 a project 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

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feasible measures which could mitigate for impacts below a significant level under CEQA.”

- i. 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 the City provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
  - ii. Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) Scientific Collection Permit. 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 (CDFWd 2022). An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

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).

- 4) Move Out of Harm’s Way. CDFW recommends a qualified biological monitor be on site during initial ground disturbing activities and vegetation removal. Wildlife should be primarily allowed to move away on its own volition (non-invasive, passive relocation). No wildlife should be enclosed inside any work zone or otherwise impacted by Project-related fencing. Safe and suitable wildlife relocation areas should be identified by a qualified biological monitor prior to ground disturbing activities and vegetation removal.
- 5) Construction Fencing. CDFW recommends that any fencing used during and after the Project be constructed with materials that are not harmful to wildlife. Prohibited materials should include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence should be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality. These structures mimic the natural cavities



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preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. Fences should be installed in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such that wildlife cannot enter from under the fence). Fences should not have any slack that may cause wildlife entanglement.

- 6) Rodenticides. CDFW recommends that rodenticides and second-generation anticoagulant rodenticides be prohibited both during and over the life of the Project.
- 7) 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 the Project area and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:
  - i. 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 DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity 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 2022e);
  - ii. 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). Botanical field surveys should be comprehensive over the entire Project area, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the project area. This usually involves multiple visits to the Project area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present;
  - iii. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project area and within adjacent areas. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and

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- assessment (Sawyer et al. 2009). Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site;
- iv. A complete and recent assessment of the biological resources associated with each habitat type in the Project area and within adjacent areas. CDFW's [California Natural Diversity Database](#) should be accessed to obtain current information on any previously reported sensitive species and habitat (CDFW 2022f). An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project area. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources. Please see [CNDDDB Data Use Guidelines – Why do I need to do this?](#) for additional information (CDFW 2011);
  - v. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. 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)];
  - vi. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project area and adjacent areas, including SSC 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 the Project area 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 (CDFW 2018). Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS; and,
  - vii. 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 the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 8) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to adversely affect biological resources with specific measures to offset such impacts. The DEIR should address the following:
- i. 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 areas adjacent to the Project, should

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- be fully analyzed and discussed in the DEIR;
- ii. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted [CEQA Guidelines, § 15126.2(a)];
  - iii. A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
  - iv. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat (if any) supported by the groundwater. Measures to mitigate such impacts should be included; and
  - v. 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 DEIR.
- 9) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:
- i. A complete discussion of the purpose and need for, and description of the proposed Project;
  - ii. 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,
  - iii. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. 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 from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

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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 DEIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- iv. Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. 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 watercourse to alter its course of flow.

10) 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 sensitive natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2022d). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW’s Vegetation Classification and Mapping Program (CDFW 2022g). The City should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out.

### **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 Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).


### **Conclusion**

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov) or (562) 292-8105.

Megan Taggart  
City of Palmdale  
August 5, 2022  
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Sincerely,

DocuSigned by:



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Victoria Tang signing for

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW  
Erinn Wilson-Olgin, Los Alamitos – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)  
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CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

OPR

State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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