



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
3883 Ruffin Road | San Diego, CA 92123
wildlife.ca.gov



June 19, 2023

Brenda Magaña
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550
BMagana@cityofpalmdale.org

**Subject: Site Plan Review 22-012, Draft Environmental Impact Report,
SCH #2022080663, City of Palmdale, Los Angeles County**

Dear Ms. Magaña:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Palmdale for the Site Plan Review 22-012 (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 & 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

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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 Applicant obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The Project proposes the construction and operation of a non-refrigerated 380,410 square-foot fulfillment warehouse building. The fulfillment warehouse building would consist of a 374,410 square-foot warehouse space and a total of 6,000 square-foot office space in the northeast and southeast corners of the building. Installation of 54 truck docking doors would occur along the north side of the warehouse building. For access to the Project site, two new driveways would be constructed extending from 8th Street East along the Project frontage. The northern and southern driveways would provide access for trucks and passenger vehicles. In the current design, 200 parking stalls for passenger vehicles, electric vehicles, and accessible parking would be installed along the eastern and western sides of the warehouse building. Additionally, 30 bicycle space racks and 68 truck trailer parking stalls would be provided. As for lighting, ancillary lighting would include light fixtures in the parking and loading dock areas as well as downward lighting affixed to the exterior of the building. Moreover, landscaping for the Project would consist of a variety of trees, shrubs, and groundcover. In the current design, landscaping would occur at the Project site frontage along 8th Street East, along the western site boundary, and within the passenger vehicle parking area. In addition to landscaping, an unnamed graded channel that currently runs along the southern boundary of the Project site would be redesigned as an earthen channel. The newly designed earthen channel would capture off-site flows from the west and maintain its existing west to east flow path along the southern boundary. A drainage easement is also proposed in the southeast corner of the Project site. Lastly, off-site improvements would include the installation of additional pavement, curb, gutter, and an 8-foot-wide parkway along the frontage of the Project site at 8th Street East. Installation of storm drain outlet pipes would also occur to accommodate the existing flows from the channel. The Project is anticipated to commence in July 2023 and be completed by July 2024.

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Four alternatives to the Project were proposed and analyzed in the DEIR. The four alternatives include the no development alternative, reduced building size and trailer lot alternative, reduced intensity alternative, and trailer lot alternative. Under the no development alternative, the Project site would remain in its existing condition and no development would occur. Under the reduced building size and trailer lot alternative, the Project site would be redeveloped to provide space for a non-refrigerated fulfillment warehouse and a trailer parking lot. The warehouse building would be reduced to 200,000 square feet and a trailer parking lot would be developed on the eastern portion of the site. The overall total building area would be reduced compared to the proposed Project. Under the reduced intensity alternative, the total building size would be reduced by 82 percent to support a 63,500 square-foot non-refrigerated general warehouse building. The remainder of the 18.02-acre Project site would remain undeveloped. Under the trailer lot alternative, the Project site would be developed as a truck and trailer parking lot. The entire Project site would be developed to accommodate approximately 400 truck trailer parking spaces along with landscaping along the perimeter.

Location: The Project site encompasses an 18.05-acre property located between the Sierra Highway and 8th Street East. The Project site is bounded by a Union Pacific Railroad rail spur to the north, 8th Street East to the east, Sierra highway to the west, and vacant undeveloped land to the south. The Project site is associated with Assessor's Parcel Number 3022-001-027.

Comments and Recommendations

The City submitted a Notice of Preparation of a DEIR for the Project to the State Clearinghouse for public review and commenting on August 29, 2022. CDFW submitted our comments for the Notice of Preparation on September 27, 2022. CDFW comments for the proposed Project addressed potential impacts on western Joshua trees (*Yucca brevifolia*), an unnamed stream in the southern boundary, and nesting birds. CDFW appreciates that the City has taken into consideration our comments and responded to our concerns in a Response to Comments. Upon review of the Biological Technical Report (BTR) and DEIR, CDFW offers 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. 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,

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§ 15097).

Specific Comments

Comment #1: Impacts on Species of Special Concern (SSC)

Issue: The Project may impact various species designated as a [Species of Special Concern](#), including but not limited to, the northern legless lizard (*Anniella pulchra*), coast horned lizard (*Phrynosoma blainvillii*), kangaroo rat (*Dipodomys* spp.), and southern grasshopper mouse (*Onychomys torridus ramona*). No avoidance or minimizations were proposed for these species in the DEIR.

Specific impacts: Direct impacts to these SSC could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; trampling or crushing from construction equipment, vehicles, and foot traffic. Project ground disturbing activities such as vegetation removal will also result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings.

Why impacts would occur: The vegetation within the Project site consists of desert scrub, which may provide cover and habitat for a variety of wildlife, especially small mammals and reptiles. According to the BTR, eight small mammals were observed in the study area, which include, but is not limited to, the southern grasshopper mouse and kangaroo rat. According to CDFW's [Special Animals List](#), southern grasshopper mouse is designated as a species of special concern with a State Rank of S3 (CDFW 2023d). Additionally, the BTR does not state which species of kangaroo rat was observed in the study area, but depending on the specific kangaroo rat species, it may be considered an SSC or CESA-listed. In addition to the confirmed presence of these SSC, the DEIR states on page 4.3-4 that, "One special status reptile species, the northern legless lizard, may occur on the Project site." Similar to the northern legless lizard, the Project site can provide suitable habitat for additional reptile species. According to the [California Natural Diversity Database \(CNDDDB\)](#) an observation of coast horned lizard has been recorded in close proximity to the Project site (CDFW 2023c). A focused survey was conducted for the coast horned lizard. Although the species was not observed on site during the focused survey, it should not exclude the possibility of the species being present during Project activities since marginally suitable habitat was identified.

It is highly probable that any of these SSC may be present on the Project site and may be crushed, trampled, or killed and occupied habitat will be lost by

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construction activities. The DEIR states that, "Removing or altering habitat on the Project site would likely result in the loss of small mammals, reptiles, amphibians, and other slow-moving wildlife that live in the direct impact area of the Project." Although the DEIR acknowledges the direct impacts and potential loss of small mammals and reptiles, no avoidance or minimization measures were proposed to alleviate the Project's impact. The DEIR further states that no mitigation is required because the Project would, "...impact a limited amount of habitat relative to the amount of habitat available for these species in the region..." Though habitat exists in the region, these small reptiles and mammals are not as mobile as other wildlife and may not survive traveling to other parts of the region outside of the Project site to find suitable habitat. Without appropriate avoidance and minimization measures implemented during Project activities, these SSC may be harmed or killed.

Evidence impact would be significant: A SSC 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 extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;

- 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 2023b).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that 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). The DEIR does not provide mitigation for potential impacts on SSC. 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.

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Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Biological Monitor – To avoid direct injury and mortality of any SSC, CDFW recommends the City retain a qualified biologist on site to move out of harm's way wildlife of low mobility that would otherwise be injured or killed. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where any SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. The qualified biologist should remain on site daily during ground disturbing activities and vegetation removal to advise workers to proceed with caution and ensure no wildlife is harmed. 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. If the Project requires species to be removed, disturbed, or otherwise handled, see Mitigation Measure #2.

Mitigation Measure #2: Scientific Collecting Permit – CDFW recommends the City retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. 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). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2023a). Pursuant to the [California Code of Regulations, title 14, section 650](#), the Project Applicant/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. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

Mitigation Measure #3: Wildlife Relocation Plan – Prior to initial ground and habitat disturbing activities and vegetation removal, CDFW recommends the qualified biologist to prepare a Wildlife Relocation Plan. The Wildlife Relocation Plan should describe all wildlife species that could occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan should include species-specific relocation areas, at least 200 feet outside of the

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Project site and in suitable and safe relocation areas. The Project Applicant should submit a copy of a Wildlife Relocation Plan to the City prior to initial ground and habitat disturbing activities and vegetation removal. No wildlife nests, eggs, or nestlings may be removed or relocated at any time.

Mitigation Measure #4: Injured or Dead Wildlife – 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 immediately. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). 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.

Mitigation Measure #5: Rodenticides – CDFW recommends the City avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.

Additional Recommendations

BIO MM-1: Nesting Birds/Raptors. CDFW recommends modifying BIO MM-1 by including underlined language and remove language with strikethrough as follows:

“To avoid impacts on active nests for common and special status birds and raptors, no vegetation removal or ground-disturbing activities shall occur during avian breeding season which generally runs from February 1 through September 15 (as early as January 1 for some raptors). The Project Contractor shall schedule vegetation clearing and blasting during the non-breeding season (i.e., September 16 to ~~December~~ January 31) to the extent feasible. If Project timing requires that vegetation clearing occur between February 1 and September 15, the Project Applicant or its designee shall retain a qualified biologist to conduct a pre-construction survey for nesting birds and raptors. The pre-construction survey shall be conducted by a qualified biologist within three days prior to vegetation clearing. The pre-construction nesting bird survey area shall include the Project impact area (i.e., disturbance footprint) plus a 250-foot buffer to search for nesting birds and a 500-foot buffer to search for nesting raptors. If no active nests are found, no further mitigation would be required.

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If an active nest is located in the pre-construction nesting bird survey area, the qualified biologist shall delineate an appropriate buffer to protect the nest based on the sensitivity of the species. A minimum 300-foot no disturbance buffer shall be used around each active bird nest. A protective buffer of 500 feet shall be used to protect nesting raptors and 0.5 mile for special status species (e.g., CESA-listed), if feasible. If appropriate, a smaller buffer may be considered around active nests that are not considered special status species (e.g., CESA-listed). Adjustments to the buffer size may be based on site topography, existing disturbance, sensitivity of the individuals (established by observing the individuals at the nest), and the type of construction activity. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. No construction activities shall be allowed in the designated buffer until the qualified biologist determines that nesting activity has ended. Construction may proceed within the buffer once the qualified biologist determines that nesting activity has ceased (i.e., fledglings have left the nest or the nest has failed). The designated buffer shall be clearly marked in the field and shall be mapped as Environmentally Sensitive Areas (ESAs) on construction plans.

Prior to the initiation of construction activities, an email summary of the results shall be submitted to the City with a map of any active nests found and their designated buffers. Construction shall be allowed to proceed if appropriate standard buffer distances are employed for all any active nests. The qualified biologist shall then prepare a formal Letter describing methods used, results of the survey, recommended buffers, and/or justification for buffer reductions. The Letter shall be submitted to the City within one week of completion of the survey. If an active nest is observed during the survey, the Letter shall include a map showing the designated protective buffer."

BIO MM-2: Desert Kit Fox Burrows/American Badger. CDFW recommends modifying BIO MM-2 by including underlined language and remove language with strikethrough as follows:

"The Project Applicant shall retain a qualified biologist with experience surveying for desert kit fox and American badger, to conduct a pre-construction burrow survey for desert kit fox and American badger no less than 14 days and no more than 30 days prior to initiation of ground disturbance/construction activities. ~~Ideally, this~~ The survey shall be

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conducted by a qualified biologist prior to the initiation of the breeding season for both species (i.e., February 1) to allow for passive exclusion, if necessary. Breeding season for the American badger generally occurs from late summer to early fall (July to September). Breeding season for desert kit fox generally occurs from December to February. The pre-construction survey shall include the Project site plus a 200-foot buffer (if access is available). If no active burrows are found, no further mitigation would be required.

If an active burrow is observed outside the breeding season for each species (i.e., September 16 to January 31) and it cannot be avoided, the burrow shall be closed using passive exclusion. One-way doors shall be used to exclude American badgers from their burrows; doors shall be left in place for at least five nights. Progressive soil blocking shall be used to discourage use by desert kit fox. Once the burrow is determined to be unoccupied (i.e., not used for five nights), as verified by site monitoring (e.g., wildlife cameras), the burrow shall be closed by a qualified biologist who shall excavate the burrow using hand tools.

If an active burrow is observed outside the breeding season for each species (i.e., September 16 to January 31) and it can be avoided, a minimum 100 50-foot protective buffer shall be delineated around the burrow. The designated buffer shall be clearly marked in the field and shall be mapped as an Environmentally Sensitive Area (ESA) on construction plans. ~~The Project Applicant shall consult with CDFW to determine whether a reduced buffer can be accommodated without adversely impacting occupied burrows.~~

If an active den of either species is observed during the breeding season ~~(i.e., February 1 to September 15)~~, the active den shall be protected with a minimum 200 100-foot buffer until breeding activity has ended. The designated buffer will be clearly marked in the field and shall be mapped as an ESA on construction plans. ~~The Project Applicant shall contact CDFW to determine whether a reduced buffer can be accommodated without adversely impacting the occupied den.~~ Construction shall be allowed to proceed when the qualified biologist has determined that the den burrow is no longer active based on site monitoring (i.e., no activity has been observed at the den burrow for five nights).

Upon completion of the pre-construction burrow survey, a Letter shall be prepared and submitted to CDFW documenting the results of the survey within two weeks of completing the survey effort and prior to Project activities. If an active burrow/den is observed, the Letter shall include a

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description of the protective buffer that has been designated and a summary of any additional correspondence with the CDFW.”

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023e). 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 2023f).

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the DEIR’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 DRP 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 DRP 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 DRP 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

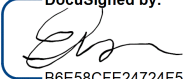
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Palmdale and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in 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).

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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

Victoria Tang, Seal Beach – Victoria.Tang@wildlife.ca.gov

Frederic Rieman, Seal Beach – Frederic.Rieman@wildlife.ca.gov

Ruby Kwan-Davis, Seal Beach – Ruby.Kwan-Davis@wildlife.ca.gov

Felicia Silva, Seal Beach – Felicia.Silva@wildlife.ca.gov

Andrew Aitken, Seal Beach – Andrew.Aitken@wildlife.ca.gov

Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

CEQA Program Coordinator, Sacramento –

CEQACommentLetters@wildlife.ca.gov

Office of Planning and Research

State Clearinghouse – State.Clearinghouse@opr.ca.gov

References:

[CDFWa] California Department of Fish and Wildlife. 2023. Scientific Collecting Permit. Available from: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>

[CDFWb] California Department of Fish and Wildlife. 2023. Species of Special Concern. Available from: <https://wildlife.ca.gov/Conservation/SSC>

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- [CDFWc] California Department of Fish and Wildlife. 2022. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Maps-andData#43018408-cnddb-in-bios>
- [CDFWd] California Department of Fish and Wildlife. 2023. California Natural Diversity Database: Special Animals List. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>
- [CDFWe] California Department of Fish and Wildlife. 2023. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- [CDFWf] California Department of Fish and Wildlife. 2023. Combined Rapid Assessment and Releve Form. Available from: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Biological Monitor	To avoid direct injury and mortality of any SSC, the City shall retain a qualified biologist on site to move out of harm's way wildlife of low mobility that would otherwise be injured or killed. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where any SSC was found, work shall only occur in these areas after a qualified biologist has determined it is safe to do so. The qualified biologist shall remain on site daily during ground disturbing activities and vegetation removal to advise workers to proceed with caution and ensure no wildlife is harmed. It shall 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. If the Project requires species to be removed, disturbed, or otherwise handled, see Mitigation Measure #2.	Prior to and during Project ground disturbing activities	City/Project Applicant
MM-BIO-2- Scientific Collecting Permit	The City shall retain a qualified biologist with appropriate handling permits, or shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.	Prior to and during Project ground	City/Project Applicant

	<p>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. 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. Pursuant to the California Code of Regulations, title 14, section 650, the Project Applicant/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. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.</p>	disturbing activities	
<p>MM-BIO-3 Wildlife Relocation Plan</p>	<p>Prior to initial ground and habitat disturbing activities and vegetation removal, the qualified biologist shall prepare a Wildlife Relocation Plan. The Wildlife Relocation Plan shall describe all wildlife species that could occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan shall include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. The Project Applicant shall submit a copy of a Wildlife Relocation Plan to the City prior to initial ground and habitat disturbing activities and vegetation removal. No wildlife nests, eggs, or nestlings may be removed or relocated at any time.</p>	Prior to Project activities	<p>Project Applicant/ Designated Biologist</p>

<p>MM-BIO-4 Injured or Dead Wildlife</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 immediately. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). 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>Prior to and during Project ground disturbing activities</p>	<p>City/Project Applicant/ Designated Biologist</p>
<p>MM-BIO-5 Rodenticides</p>	<p>The City shall avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.</p>	<p>Prior to and during Project ground disturbing activities</p>	<p>City/Project Applicant</p>
<p>MM-BIO-6 Nesting Birds/Raptors</p>	<p>To avoid impacts on active nests for common and special status birds and raptors, no vegetation removal or ground-disturbing activities shall occur during avian breeding season which generally runs from February 1 through September 15 (as early as January 1 for some raptors). The Project Contractor shall schedule vegetation clearing and blasting during the non-breeding season (i.e., September 16 to December 31) to the extent feasible. If Project timing requires that vegetation clearing occur between February 1 and September 15, the Project Applicant or its designee shall retain a qualified biologist to conduct a pre-</p>	<p>Prior to and during Project ground disturbing activities</p>	<p>Project Applicant/ Designated Biologist</p>

	<p>construction survey for nesting birds and raptors. The pre-construction survey shall be conducted by a qualified biologist within three days prior to vegetation clearing. The pre-construction nesting bird survey area shall include the Project impact area (i.e., disturbance footprint) plus a 250-foot buffer to search for nesting birds and a 500-foot buffer to search for nesting raptors. If no active nests are found, no further mitigation would be required.</p> <p>If an active nest is located in the pre-construction nesting bird survey area, the qualified biologist shall delineate an appropriate buffer to protect the nest based on the sensitivity of the species. A minimum 300-foot no disturbance buffer shall be used around each active bird nest. A protective buffer of 500 feet shall be used to protect nesting raptors and 0.5 mile for special status species (e.g., CESA-listed), if feasible. If appropriate, a smaller buffer may be considered around active nests that are not considered special status species (e.g., CESA-listed). Adjustments to the buffer size may be based on site topography, existing disturbance, sensitivity of the individuals (established by observing the individuals at the nest), and the type of construction activity. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. No construction activities shall be allowed in the designated buffer until the qualified biologist determines that nesting activity has ended.</p>		
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	<p>Construction may proceed within the buffer once the qualified biologist determines that nesting activity has ceased (i.e., fledglings have left the nest or the nest has failed). The designated buffer shall be clearly marked in the field and shall be mapped as Environmentally Sensitive Areas (ESAs) on construction plans.</p> <p>Prior to the initiation of construction activities, an email summary of the results shall be submitted to the City with a map of any active nests found and their designated buffers. Construction shall be allowed to proceed if appropriate buffer distances are employed for all active nests. The qualified biologist shall then prepare a formal Letter describing methods used, results of the survey, recommended buffers, and/or justification for buffer reductions. The Letter shall be submitted to the City within one week of completion of the survey. If an active nest is observed during the survey, the Letter shall include a map showing the designated protective buffer.</p>		
<p>MM-BIO-7 Desert Kit Fox/American Badger</p>	<p>The Project Applicant shall retain a qualified biologist with experience surveying for desert kit fox and American badger, to conduct a pre-construction burrow survey for desert kit fox and American badger no less than 14 days and no more than 30 days prior to initiation of ground disturbance/construction activities. The survey shall be conducted by a qualified biologist prior to the initiation of the breeding season for both species to allow for passive exclusion, if necessary. Breeding season for the American badger generally occurs from late summer to early fall (July to</p>	<p>Prior to and during Project ground disturbing activities</p>	<p>Project Applicant/ Designated Biologist</p>

	<p>September). Breeding season for desert kit fox generally occurs from December to February. The pre-construction survey shall include the Project site plus a 200-foot buffer (if access is available). If no active burrows are found, no further mitigation would be required.</p> <p>If an active burrow is observed outside the breeding season for each species and it cannot be avoided, the burrow shall be closed using passive exclusion. One-way doors shall be used to exclude American badgers from their burrows; doors shall be left in place for at least five nights. Progressive soil blocking shall be used to discourage use by desert kit fox. Once the burrow is determined to be unoccupied (i.e., not used for five nights), as verified by site monitoring (e.g., wildlife cameras), the burrow shall be closed by a qualified biologist who shall excavate the burrow using hand tools.</p> <p>If an active burrow is observed outside the breeding season for each species and it can be avoided, a minimum 100-foot protective buffer shall be delineated around the burrow. The designated buffer shall be clearly marked in the field and shall be mapped as an Environmentally Sensitive Area (ESA) on construction plans.</p> <p>If an active den of either species is observed during the breeding season, the active den shall be protected with a minimum 200-foot buffer until breeding activity</p>		
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	<p>has ended. The designated buffer will be clearly marked in the field and shall be mapped as an ESA on construction plans. Construction shall be allowed to proceed when the qualified biologist has determined that the den is no longer active based on site monitoring (i.e., no activity has been observed at the den for five nights).</p> <p>Upon completion of the pre-construction burrow survey, a Letter shall be prepared and submitted to CDFW documenting the results of the survey within two weeks of completing the survey effort and prior to Project activities. If an active burrow/den is observed, the Letter shall include a description of the protective buffer that has been designated and a summary of any additional correspondence with the CDFW.</p>		
REC-1 Data	<p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms. 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.</p>	<p>Prior to Project ground disturbing activities</p>	<p>Designated Biologist</p>