



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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GAVIN NEWSOM, Governor  
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Via Electronic Mail Only

September 8, 2022

Megan Taggart  
City of Palmdale  
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**Subject: Notice of Preparation of a Draft Environmental Impact Report for Site Plan Review 22-013, SCH #2022080668, 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 for 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 need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

*Conserving California's Wildlife Since 1870*

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## Project Description and Summary

**Objective:** The Project proposes to develop a vacant 78-acre property with two industrial buildings that would have a total area of 1,429,700 square feet. Building 1 is proposed to contain approximately 711,930 square feet of warehouse area and 5,000 square feet of office area for a total of 716,930 square feet of total building area. Building 1 would include a total of 112 loading dock doors facing north and south. Building 2 is proposed to contain approximately 707,770 square feet of warehouse area and 5,000 square feet of office area for a total building area of 712,770 square feet. Associated site improvements would include parking areas, drive aisles, landscaping, detention basins, lighting, and signage.

**Location:** The Project site is located on the southwest corner of West Avenue M and the future alignment of Division Street. The Project site is associated with Assessor's Parcel Number 3128-015-089.

## 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) Cumulative Impacts. The Project as proposed would develop 78 acres of habitat. Plant and wildlife species that may be impacted by the Project, either directly or through habitat loss, include (but not limited to) those discussed further in this letter. In addition, the Project may impact streams. The Project when considered collectively with prior, concurrent, and probable future projects<sup>1</sup> with similar impacts on biological resources may have a significant cumulative effect. The Project's potentially significant cumulative effect may substantially reduce the number or restrict the range of endangered, rare, or threatened species such as Mohave ground squirrel (*Xerospermophilus mohavensis*) or burrowing owl (*Athene cunicularia*). Accordingly, the DEIR should include a thorough discussion of the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects [Pub. Resources Code, § 21083(b)].

When using a threshold of significance, the City should briefly explain how compliance with the threshold means that the Project's impacts are less than significant. A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect [CEQA Guidelines, § 15064.7]. Compliance with the threshold does not

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<sup>1</sup> See Antelope Valley Commerce Center (SCH No. 202209009): <https://ceqanet.opr.ca.gov/2022090009> and Antelope Valley Business Park Specific Plan Environmental Impact Report.

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relieve the City's obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant [CEQA Guidelines, § 15064(b)(2)].

If the Project might contribute to a significant cumulative impact on biological resources, but the contribution will be rendered less than cumulatively considerable through mitigation measures, the DEIR should briefly indicate and explain how the contribution has been rendered by the City to be less than cumulatively considerable [CEQA Guidelines, § 15064(h)(2)]. The City "shall identify facts and analysis supporting the City's conclusion that the contribution will be rendered less than cumulatively considerable" [CEQA Guidelines section, § 15130(a)(3)].

- 2) Impacts on Western Joshua Tree (*Yucca brevifolia*). Based on Google Imagery and CDFW's own reconnaissance of the Project site from West Avenue M, there are western Joshua trees on the Project site. In order for the Project to be completed as proposed, western Joshua trees would need to be removed and western Joshua tree seedbank would be impacted through ground disturbing activities. In addition to impacts on western Joshua tree and seedbank within the 78-acre Project site, the Project could impact western Joshua trees to the west, east, and south of the Project site. Any of the following occurring completely or partially off site and near western Joshua trees could impact western Joshua trees, root zone, and seedbank: earth-moving and ground-disturbing activities; staging areas; vegetation and debris piles; operation of heavy machinery; vehicles; temporary and/or permanent changes to on-site hydrology, installation of roads and drive aisles, and installation of temporary and/or permanent fencing.
  - a) Protection Status. The western Joshua tree is a species designated as candidate for listing as threatened pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). 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 2022a). 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). Impacts on western Joshua tree requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065).
  - b) Analysis and Disclosure. In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to survey the Project site and areas around the Project site for western Joshua trees. The qualified biologist should survey all areas within 300 feet of the Project site for western Joshua trees to the west, east, and south. At a minimum, the DEIR should provide information as to where western Joshua trees occur within the survey area, number of trees, tree height, age class (e.g., seedling, juvenile, mature), and any observations of flowers and/or fruits. The DEIR should also provide information on the natural communities supporting western Joshua trees in the survey area (also see General Comment #3a). The DEIR should provide complete disclosure of the Project's impact on western Joshua tree, seedbank, and natural communities supporting western Joshua tree. Both direct and indirect impacts should be discussed and disclosed. The DEIR should discuss if the Project would result in changes to on-site drainage patterns. Surface flow from the Project site directed off site where there may be western Joshua trees could result in soil erosion and disturbance to the root zone.

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- c) Avoidance. CDFW recommends the City require the Project Applicant to fully avoid impacts on western Joshua tree and seedbank to the maximum extent feasible. CDFW recommends the DEIR be conditioned with a mitigation measure to avoid all impacts on western Joshua tree and seedbank through implementation of a 300-foot buffer. No work or access should occur within the buffer until the Project is complete. In addition, CDFW recommends the City require the Project Applicant to design the Project so that drainage from the Project site is not directed to adjacent areas where there may be western Joshua trees. The DEIR should discuss how the Project has been designed to fully avoid impacts on western Joshua tree and seedbank.
  - d) Compensatory Mitigation. If the Project is unable to fully avoid impacts on western Joshua tree and seedbank, CDFW recommends the City require the Project Applicant to provide mitigation to compensate for those impacts. Appropriate mitigation for the Project's impact on western Joshua tree would include obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 et seq.).
  - e) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from a project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project and any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the project's 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 an ITP.
- 3) Foraging Habitat for Swainson's Hawk. Swainson's hawk is a CESA-listed species. Nesting pairs in the Antelope Valley primarily forage in the alfalfa fields and other agricultural areas in the region, as well as other desert scrub habitats that support a suitable prey base of small rodents (ICF 2019). Swainson's hawk is threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat); urban development; environmental contaminants (e.g., pesticides); and climate change (ICF 2019; CDFW 2016).

In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to survey the Project site for nesting habitat and five miles around the Project site where nesting habitat occurs. The qualified biologist should also assess Swainson's hawk foraging habitat in the Project site and areas off site that could be

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impacted by the Project. The DEIR should provide full disclosure of the Project impacts on Swainson's hawk and habitat, including surveys and assessments for the species, and not deferred until a later time (i.e., preconstruction surveys).

If the Project would result in loss of nesting and/or foraging habitat, CDFW recommends the DEIR include measures to mitigate for those impacts. Any 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 & Game Code, § 2080 et seq.).

- 4) Desert tortoise (*Gopherus agassizii*). Desert tortoise is an Endangered Species Act (ESA) and CESA-listed species. The Project site is within the range of desert tortoise. In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to prepare a habitat assessment and conduct 10-meter-wide belt transects covering the Project site and adjacent areas in order to determine the presence of desert tortoise. The habitat assessment and transects should be performed adhering to methods described in U.S. Fish and Wildlife Service's (USFWS) October 8, 2019, [Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise](#) (USFWS 2019).

The DEIR should provide full disclosure of the Project impacts on desert tortoise and habitat, including surveys and assessments for the species, and not deferred until a later time (i.e., preconstruction surveys).

If the Project would impact desert tortoise and habitat, the DEIR should provide measures to avoid and/or mitigate potential impacts to desert tortoise as well as habitat. For unavoidable impacts, appropriate mitigation may include consultation with CDFW and/or USFWS and obtaining appropriate take authorization under CESA and ESA prior to implementing the Project.

- 5) Mohave Ground Squirrel. Mohave ground squirrel is a CESA-listed species. Mohave ground squirrels have been documented historically to occur within the Antelope Valley region. The Project site could support requisite habitat elements for Mohave ground squirrel. This includes burrows under vegetation found in desert scrub, alkali desert scrub, Joshua tree woodland, and annual grasslands. The limits of Mohave ground squirrel's geographic range are not known precisely; surveys may be required in areas up to five miles from currently documented boundaries (CDFW 2003). In addition, Mohave ground squirrel may have occurred, or could possibly still occur, outside the geographic range currently recognized by CDFW (CDFW 2019).

Accordingly, in preparation of the Project's environmental document, CDFW recommends the City require the Project Applicant to retain a qualified biologist to conduct a visual survey for Mohave ground squirrel and habitat quality according to [established survey guidelines](#) (CDFW 2003). If visual surveys do not reveal presence of Mohave ground squirrel on the Project site but potential habitat is present, standard small mammal trapping grids should be established in potential Mohave ground squirrel habitat.

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The DEIR should provide full disclosure of the presence of Mohave ground squirrels on the Project site. Conclusions made as to habitat quality and suitability should be substantiated by scientific and factual data, which may include maps, diagrams, and similar relevant information sufficient to permit full assessment of significant impacts by reviewing agencies. Potential direct and indirect impacts on Mohave ground squirrel should be discussed in the Project's environmental document. If the Project would impact Mohave ground squirrel and habitat, the DEIR should provide measures to avoid and/or mitigate potential impacts to Mohave ground squirrel and habitat supporting the species. For unavoidable impacts, appropriate mitigation may include consultation with CDFW and obtaining appropriate take authorization under CESA.

- 6) Impacts on Burrowing Owl. Burrowing owls preferred habitat is generally typified by short, sparse vegetation with few shrubs, level to gentle topography and well-drained soils. Grassland, shrub, steppe, and desert are naturally occurring habitat types used by the species. The Project site has a vegetation composition that is consistent with the habitat requirements of burrowing owl. In addition, burrowing owl has been observed in the parcel immediately to the west of the Project site (Assessor's Parcel Number 3128-015-902). Accordingly, The Project site could provide overwintering and/or breeding habitat for burrowing owl.
- a) Protection Status. Burrowing owl is a California Species of Special Concern (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. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
- b) Analysis. In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to survey the Project site for burrowing owls adhering to survey methods described in CDFW's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012). Burrowing owl surveys are the second step of the evaluation process, and the best available scientific literature recommends that they be conducted whenever burrowing owl habitat is encountered on or adjacent to (within 150 meters) a project site.
- A burrowing owl survey should be conducted no more than one year from the date of the Project's environmental document<sup>2</sup>. The survey area should include the Project site and 150 meters from the Project site where habitat is present. All survey efforts should be conducted by a qualified biologist. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.
- c) Disclosure. The DEIR should provide full disclosure of the presence of burrowing owls and Project impacts on burrowing owls and habitat, including surveys and assessments, and not deferred until a later time (i.e., preconstruction surveys).

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<sup>2</sup> CDFW generally considers biological field assessments for wildlife to be valid for a one-year period.



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- d) Mitigation. If burrowing owl is present, the DEIR should provide measures to avoid, minimize, and mitigate for potential impacts on burrowing owl. CDFW recommends mitigation methods described in the [Staff Report on Burrowing Owl Mitigation](#) (CDFG 2012). Inadequate avoidance and mitigation measures will result in the Project having substantial adverse direct and cumulative effect, either directly or through habitat modifications, on a SSC.
- 7) Streams and Associated Natural Communities. Amargosa Creek flows through the Project site. The Project could impact Amargosa Creek and natural communities along the stream. Project-related ground-disturbing activities immediately adjacent to Amargosa Creek could cause streambank erosion and excess sediment input into Amargosa Creek. The stream may also be permanently impacted if the Project would require Amargosa Creek to be channelized or diverted underground. Vegetation within and adjacent to Amargosa Creek could be removed or degraded through habitat modification (e.g., loss of water source, encroachment by the Project, edge effects leading to introduction of non-native plants).
- a) Stream Delineation and Impact Assessment. The DEIR should provide a stream delineation, which should also identify culverts, ditches, and storm channels that may transport water, sediment, pollutants, and discharge into any rivers, streams, and lakes<sup>3</sup>. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. Amargosa Creek has multiple braided channels. The Project's delineation of Amargosa Creek should show and discuss potential networks of subordinate features that may occur within the bounds of a single, larger channel containing Amargosa Creek. These subordinate features may be highly varied, transient, and active or relict stream processes and forms.

In addition, the DEIR should include a map showing the Project site plan, location of potential debris basins, Amargosa Creek, and Amargosa Creek during a 100-year storm event. Finally, the DEIR should disclose the total impacts (linear feet and/or acreage) including impacts resulting from any fuel modification on Amargosa Creek and associated natural communities.

- b) Avoidance and Setbacks. CDFW recommends the Project avoid impacts to Amargosa Creek and associated natural communities by avoiding or minimizing Project-related development adjacent to Amargosa Creek. Vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. CDFW recommends the City require the Project Applicant to modify the Project so that impacts on streams are avoided and/or minimized (also see General Comment #5b). The Project should be designed with effective setbacks adjoining Amargosa Creek and associated natural communities. The chosen setback distance and how the Project has been designed to avoid and/or minimize impacts should be disclosed in the DEIR for public review.

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<sup>3</sup> "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

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- c) Mitigation. If avoidance is not feasible, the DEIR should include measures to fully compensate for impacts on Amargosa Creek and loss of associated natural communities. Higher mitigation should be provided to compensate for impacts on streams supporting rare, sensitive, or special status fish, wildlife, and natural communities. In addition, the DEIR should be conditioned to require the Project/Project Applicant to submit a Lake and Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code Section 1600 et seq. 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 notify CDFW<sup>4</sup>. Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022b).
- 8) Nesting Birds. The Project proposes to develop over and adjacent to desert scrub that could provide nesting habitat for 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.
- a) Protection Status. 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. Impacts on nesting birds and raptors may require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065).
- b) Avoidance. 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.
- c) Minimizing Potential Impacts. 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 any nests occurring on the Project site and 500 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

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<sup>4</sup> CDFW’s issuance of a 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.



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no-disturbance buffer around active bird nests. For raptors, the no-disturbance buffer should be expanded to 500 feet. The no-disturbance buffer should be 0.5 mile for special status species. 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.

- 9) Loss of Bird and Raptor Nesting Habitat. The Project proposes to develop over and adjacent to desert scrub that could provide nesting habitat for birds and raptors.
  - a) Analysis and Disclosure. CDFW recommends the DEIR discuss the Project's impact on nesting habitat for birds and raptors. Edge effects and impacts on nesting habitat 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.
  - b) Minimizing Potential Impacts and Compensatory Mitigation. CDFW recommends the Project avoid and minimize the Project's impact on nesting habitat. If avoidance and minimization is not feasible, CDFW recommends the DEIR provide compensatory mitigation for the loss of nesting habitat.

## 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 feasible measures which could mitigate for impacts below a significant level under CEQA."
  - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable and 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, location, specific actions, and success criteria) 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).

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- b) 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) 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 a California Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:
- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The 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 2022c);
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). 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;
- c) 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 assessment. 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;

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- d) 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 2022d). 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). 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)];
  - e) A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project area and adjacent areas, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of 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 2022e). Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS; and
  - f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of 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.
- 4) 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:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;
  - b) 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)];

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- c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
  - d) A discussion of 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
  - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.
- 5) 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:
- a) A complete discussion of the purpose and need for, and description of the proposed Project;
  - b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document “shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project.” CEQA Guidelines section 15126.6(f)(2) states if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion; and
  - c) 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 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.

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).

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- d) 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.
- 6) 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 [CNDDDB Field Survey Forms](#) (CDFW 2022f). 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.
- 7) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive, rare, and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 8) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.
- 9) Wildlife Friendly Fencing. Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link fencing). If the Project would include temporary and/or permanent fencing, prior to preparation of the DEIR, CDFW recommends the City require the Project Applicant to provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the DEIR for potential impacts on biological resources and wildlife movement. The DEIR should discuss how

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fencing proposed for the Project would minimize impacts on biological resources, specifically wildlife movement. CDFW supports the use of wildlife-friendly fencing. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value in order to protect biological resources, habitat, and wildlife movement. CDFW recommends [A Landowner's Guide to Wildlife Friendly Fences](#) for information wildlife-friendly fences (MFWP 2012).

- 10) Use of Native Plants and Trees. If the Project would include landscaping, CDFW recommends the City require the Project Applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#) (Cal-IPC 2022). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting species of trees and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.
- 11) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 12) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (CFGF 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
  - a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface



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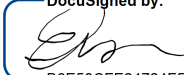
drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

- b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

## Conclusion

We appreciate the opportunity to comment on the NOP for Site Plan Review 22-012 to assist the City of Palmdale in preparing the Project's DEIR and identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) or (562) 619-2230.

Sincerely,

DocuSigned by:  
  
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Erinn Wilson-Olgin  
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