



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

November 21 2023

November 20, 2023

STATE CLEARINGHOUSE

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

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR PALMDALE LOGISTICS PARK, SCH #2022080668, CITY OF PALMDALE, LOS ANGELES COUNTY

Dear Brenda Magana:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) for the Palmdale Logistics Park (Project) proposed by the City of Palmdale (City). Supporting documentation for the Project includes the *Biological Resource Technical Report* (BRTR). 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 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

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Brenda Magana
City of Palmdale
November 20, 2023
Page 2 of 8

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.

Project Summary

Objective: The proposed Project entails the construction and operation of two industrial buildings totaling approximately 1,420,070 square feet. Both buildings would take access from a proposed north-south oriented public street (Public Street B) through the center of the Project site, which would provide a connection to West Columbia Way / Avenue M on the north and an east-west oriented roadway (Public Street A) proposed along the southern boundary of the site. Building 1 would have a total of 112 docking doors for trucks, with 56 dock doors each along the northern and southern façades of the building. Building 2 would have a total of 98 docking doors for trucks, with 49 dock doors each along the northern and southern façades of the building. As part of the Project, to mitigate erosion, two aboveground infiltration basins (Basins A and B) are proposed along the northern portion of the Building 1 site and two aboveground infiltration basins (Basins C and D) are proposed along the northern portion of the Building 2 site. Other site features include landscaping, lighting, and paved areas for vehicle movement and parking.

Location: The Project is 81.75 gross acres (71.34 net acres) of vacant property located at the southwest corner of West Columbia Way / Avenue M and Division Street, approximately 0.1-mile west of Sierra Highway and 0.8-mile east of State Route (SR) 14.

Biological Setting: The Project area is a 76.97-acre site currently undeveloped with a large dry wash running through the western portion of the site. The vegetation on the site is generally comprised of 26.37 acres of Joshua tree woodland in the east, a total of 110 western Joshua trees were documented in the survey area; 99 living and 11 dead. Of the 110 Joshua trees, 92 are on-site and 18 are located off-site within the survey buffer area. The vegetation also includes various shrub communities such as 34.07 acres of disturbed Nevada joint fir scrub, 6.22 acres of disturbed Nevada joint fir tea – Mojave cottonthorn, 2.31 acres of disturbed great basin sagebrush – rubber rabbitbrush scrub, 2.78 acres of red-stem filaree fields, and 2.81 acres sandy dry wash, occurring throughout the rest of the site. Only 5.46 acres of the site will be unimpacted.

Comments and Recommendations

CDFW acknowledges the City's actions to address CDFW's previous comments on the Notice of Preparation for this Project. CDFW offers the following further 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.

Brenda Magana
City of Palmdale
November 20, 2023
Page 3 of 8

- 1) Scientific Collecting Permit. BIO MM-4 on page S-25 in the DEIR states, “[w]here feasible, the biological monitor will attempt to ensure wildlife are out of potential direct impact. If a wildlife species is in harm’s way and has not moved on its own, the Biologist will attempt to scare them away from the area. If wildlife does not move, and where feasible, the wildlife species will be relocated to suitable habitat.” The City should require the Project Applicant 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.

Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related 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).

- a) Injured or Dead Wildlife: If any special status species are harmed during relocation or a dead or injured animal is found, work in the immediate area shall 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 3 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.
- 2) Habitat Loss: It should be noted that the temporary halt of Project activities within buffers during nesting/breeding season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss (e.g., BIO MM-1 on page S-18 and BIO MM-5 on page S-27). Additional mitigation is necessary to compensate for the permanent removal of nesting/breeding habitat within the Project site based on acreage of impact, vegetation composition, and status of the wildlife species. A minimum ratio of 2:1 is recommended for impacts to occupied habitat. CDFW is available should the City desire additional feedback regarding proper mitigation for impacts to occupied habitat depending on the status of the species. Mitigation ratios would increase with the occurrence a California

Brenda Magana
City of Palmdale
November 20, 2023
Page 4 of 8

Species of Special Concern and would further increase with the occurrence of a CESA-listed species.

- 3) Rodenticide: Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.
- 4) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting California Natural Diversity Database ([CNDDDB](#)) [Field Survey Forms](#) (CDFW 2023b). The City should ensure data collected at a project-level has been properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.

Conclusion

CDFW appreciates the opportunity to provide comments and recommendations regarding the Project to assist the City of Palmdale in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW looks forward to reviewing an ensuing Project-related environmental document. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

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David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW
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Brenda Magana
City of Palmdale
November 20, 2023
Page 5 of 8

References:

- [CDFW] California Department of Fish and Wildlife. 2023a. Scientific Collecting Permit.
Available from: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>
- [CDFW] California Department of Fish and Wildlife. 2023b. Submitting Data to the
CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>



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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-Scientific Collecting Permit	<p>BIO MM-4 in the DEIR on page S-25 states, "Where feasible, the biological monitor will attempt to ensure wildlife are out of potential direct impact. If a wildlife species is in harm's way and has not moved on its own, the Biologist will attempt to scare them away from the area. If wildlife does not move, and where feasible, the wildlife species will be relocated to suitable habitat." The City shall require the Project Applicant 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.</p> <p>Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related 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,</p>	Prior to issuance of development permit	City of Palmdale (City)/Project Applicant

Conserving California's Wildlife Since 1870

Brenda Magana
 City of Palmdale
 November 20, 2023
 Page 7 of 8

	<p>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).</p> <p>a) <u>Injured or Dead Wildlife</u>: If any special status species are harmed during relocation or a dead or injured animal is found, work in the immediate area shall 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 3 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.</p>		
<p>MM-BIO-2-Occupied Habitat Loss</p>	<p>The temporary halt of Project activities within buffers during nesting/breeding season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss (e.g., BIO MM-1 on page S-18 and BIO MM-5 on page S-27). Additional mitigation is necessary to compensate for the permanent removal of nesting/breeding habitat within the Project site based on acreage of impact, vegetation composition, and status of the</p>	<p>Prior to finalizing CEQA document</p>	<p>City/Project Applicant</p>

Brenda Magana
 City of Palmdale
 November 20, 2023
 Page 8 of 8

	wildlife species. A minimum ratio of 2:1 is recommended for impacts to occupied habitat. CDFW is available should the City desire additional feedback regarding proper mitigation for impacts to occupied habitat depending on the status of the species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.		
REC-BIO-1-Rodenticides	Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.	Prior to finalizing CEQA document	City/Project Applicant
REC-2-CNDDDB Update	CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting CNDDDB Field Survey Forms (CDFW 2023b). The City should ensure data collected at a project-level has been properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.	Prior to finalizing CEQA document	City/Project Applicant