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DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
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Via Electronic Mail Only

August 18, 2023

Governor's Office of Planning & Research

Aug 18 2023

STATE CLEARINGHOUSE

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**Subject: Tentative Tract Map No. 83571, Mitigated Negative Declaration,
SCH #2023070371, City of Lancaster, Los Angeles County**

Dear Ms. Brekke:

The California Department of Fish and Wildlife (CDFW) has reviewed a Mitigated Negative Declaration (MND) from the City of Lancaster (City) for Tentative Tract Map No. 83571 (Project). The Project applicant for the Project is Rodeo Credit Enterprises, LLC. 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.

Kendall Brekke
City of Lancaster
August 18, 2023
Page 2 of 31

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 applicant obtain appropriate authorization under the Fish and Game Code.

PROJECT DESCRIPTION AND SUMMARY

Objective: The Project proposes to construct a 40-lot single-family residential subdivision on approximately 9.78 acres. Each lot will vary in size from 7,091 square feet to 10,972 square feet. Development will also involve installation of access roads and utilities. Prior to construction activities, the entire Project site will be graded. Access to the Project site will be provided from West Avenue J-10 and 37th Street West.

Location: The Project site encompasses undeveloped land located in the southeast corner of 40th Street West and West Avenue J-8 in the City of Lancaster, Los Angeles County. The Project site is bound by 40th Street West to the west, West Avenue J-10 to the south, 35th Street West to the east, and West Avenue J-8 to the north. The Assessor's Parcel Number associated with the Project site is 3153-021-015.

COMMENTS AND RECOMMENDATIONS

The City provided a Biological Resources Assessment (BRA) and tentative tract map for a preconsult review of the proposed Project on September 20, 2022. CDFW submitted comments for the proposed Project to the City on October 10, 2022. Comments addressed potential impacts on western Joshua tree (*Yucca brevifolia*), a CESA-listed candidate species; Swainson's hawk (*Buteo swainsoni*), a CESA-listed threatened species; desert tortoise (*Gopherus agassizii*), a CESA and federally listed threatened species; burrowing owl (*Athene cunicularia*), a California Species of Special Concern (SSC); Mohave ground squirrel (*Xerospermophilus mohavensis*), a CESA-listed threatened species; northern California legless lizard (*Anniella pulchra*), SSC; alkali mariposa lily (*Calochortus striatus*), and nesting birds. Upon review of the BRA and MND, impacts on western Joshua tree, Swainson's hawk, desert tortoise, and Mohave ground

Kendall Brekke
City of Lancaster
August 18, 2023
Page 3 of 31

squirrel were addressed; however, comments below detail species that were insufficiently discussed in the MND. CDFW offers additional comments and recommendations below to assist the City in identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts to Crotch's Bumble Bee

Issue: The Project may impact suitable habitat for Crotch's bumble bee (*Bombus crotchii*), a candidate species for CESA listing. The MND does not discuss or provide mitigation measures to reduce the impact to Crotch's bumble bee.

Specific impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat of Crotch's bumble bee. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impacts would occur: According to [California's Natural Diversity Database \(CNDDDB\)](#), observations of Crotch's bumble bee have been recorded within a mile of the Project site (CDFW 2023a). Additionally, [iNaturalist](#) has recent recorded observations of Crotch's bumble bee within the City of Lancaster (iNaturalist 2023). As with any flying species, Crotch's bumble bee may fly throughout the City and utilize areas that have suitable nesting habitat and floral resources. Moreover, the BRA states that there were a total of 27 plant species within the Project site. The vegetation identified on the Project site has the potential to provide suitable nesting and foraging habitat for this species. There may also be additional plant species that were not captured during the field survey since the survey was conducted in October and not during the bloom period for most plant species. As for nesting habitat, Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering

Kendall Brekke
City of Lancaster
August 18, 2023
Page 4 of 31

sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Habitat loss resulting from the proposed project also removes potential foraging habitat for this species in the broader landscape, as urban development continues to eliminate large tracts of native vegetation. The BRA and MND does not discuss the Project's impact on Crotch's bumble bee. Furthermore, the MND does not provide specific avoidance and minimization measures directly related to Crotch's bumble bee. Without sufficient species-specific avoidance, minimization, or mitigation measures impacts to Crotch's bumble bee may occur.

Evidence impacts would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Lastly, Crotch's bumble bee is listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Crotch's Bumble Bee Surveys - Within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history shall conduct focused surveys to determine the presence/absence of Crotch's bumble bee. Focused surveys shall follow CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#) (CDFW 2023b). Focused surveys shall also be conducted throughout the entire Project site during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project-related ground-disturbing activities. At minimum, a

Kendall Brekke
City of Lancaster
August 18, 2023
Page 5 of 31

survey report shall provide the following:

- 1) a description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee;
- 2) field survey conditions that shall include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;
- 3) map(s) showing the location of nests/colonies; and,
- 4) a description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

Mitigation Measure #2: Avoidance Plan - If Crotch's bumble bee is detected, the Project applicant in consultation with a qualified entomologist shall develop a plan to fully avoid impacts to Crotch's bumble bee. The plan shall include effective, specific, enforceable, and feasible measures. An avoidance plan shall be submitted to the City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.

Mitigation Measure #3: Incidental Take Permit - If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided, the Project applicant shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project applicant shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

Comment #2: Impacts on Species of Special Concern (SSC) – Reptiles

Issue: The Project may impact northern California legless lizard.

Specific impacts: Direct impacts to northern California legless lizard 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-

Kendall Brekke
City of Lancaster
August 18, 2023
Page 6 of 31

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: According to the BRA, the vegetation composition on the Project site is characteristic of a desert scrub ecotone with a high diversity of native perennial shrubs. The vegetation present on the Project site may provide cover and habitat for wildlife, especially small reptiles. Although the northern California legless lizard was not observed during the field survey, this species has been recorded on CNDDDB within a mile of the Project site (CDFW 2023a). Additionally, the field survey was conducted in 2021 which may be considered outdated and may not be inclusive of wildlife that inhabit the Project site. Field surveys are strongly recommended to be conducted within a year of the proposed Project to accurately capture the current wildlife that utilize the Project site. Moreover, the MND does not discuss the Project's impact on reptile species. The mitigation measures proposed in the MND does not consider reptile species being present during Project activities. Without appropriate avoidance or minimization measures, impacts to SSC could result from ground-disturbing activities and vegetation removal. Wildlife may be trapped or crushed under structures. Large equipment, equipment and material staging, and vehicle and foot traffic could trample or bury wildlife. SSC could be injured or killed. Impacts to the northern California legless lizard are more likely to occur because this cryptic species is less mobile and seeks refuge under structures.

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

- 1) if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- 2) if the species is listed as threatened or endangered under Endangered Species Act (ESA)-, but not CESA-, threatened, or endangered;
- 3) if the species meets the State definition of threatened or endangered but has not formally been listed;
- 4) if the species is experiencing, or formerly experienced, serious (nonscyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,

Kendall Brekke
City of Lancaster
August 18, 2023
Page 7 of 31

- 5) if 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 2023c).

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 MND 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.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #4: Biological Monitor – To avoid direct injury and mortality of SSC, the Project applicant shall have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected and allowed to move away on its own in a passive manner. In areas where an SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.

Mitigation Measure #5: Scientific Collecting Permit – The Project applicant 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. 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](#)

Kendall Brekke
City of Lancaster
August 18, 2023
Page 8 of 31

webpage for information (CDFW 2023d). 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.

Mitigation Measure #6: Wildlife Relocation Plan – Prior to initial ground- and habitat-disturbing activities and vegetation removal, the Project applicant shall retain a qualified biologist to 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.

Mitigation Measure #7: Injured or Dead Wildlife – 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 3 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.

Comment #3: Impacts on Rare Plants

Issue: The Project may impact alkali mariposa lily.

Specific impacts: Project construction and activities may result in loss of suitable habitat, loss of population, and direct mortality of alkali mariposa lily.

Why impacts would occur: Alkali mariposa lily is native to California and has a California Rare Plant Ranking (CRPR) of 1B.2. According to [Calflora](#), the Project site lies within the plant home range for this species (Calflora 2023). Additionally, there are recent observations on CNDDDB of alkali mariposa lily within a mile of the Project site. Although no observations of these species were observed during the field survey, the field survey was conducted outside of the blooming period

Kendall Brekke
City of Lancaster
August 18, 2023
Page 9 of 31

(April to June) for alkali mariposa lily. Botanical field surveys during the appropriate season are necessary to provide information on the Project's potential impacts on rare, sensitive, and special status plants. Furthermore, the BRA states that the Project site consists of a sandy loam and clay sandy loam soil texture along with varying plant species such as shadscale (*Atriplex confertifolia*), hope sage (*Grayia spinosa*), and winter fat (*Eurotia lanata*). Alkali mariposa lilies have been recorded in areas that support shadscale scrub and have a loam and sandy loam soil texture (Calflora 2023). Given the recorded observations, site conditions, and out of season field survey, it is probable that alkali mariposa lilies may inhabit the Project site and were undetected during the field survey. Project construction and activities proceeding based on false-negative surveys may result in the Project having an impact on rare plants. Rare plants and seedbank could be buried, crushed, and trampled. The Project may result in permanent loss of alkali mariposa lily and its seedbank for residential development. The Project's potential impact on rare plants may result in local population declines or extirpation of a species.

Evidence impacts would be significant: Impacts on rare flora could be considered a significant effect on the environment. Plants with a CRPR of 1B are rare throughout their range, endemic to California, and are seriously or fairly threatened. Most of the plants that are ranked 1B have declined significantly over the last century (CNPS 2023). The additional threat rank of 0.1 indicates a species with over 80 percent of its occurrences threatened in California. The additional threat rank of 0.2 indicates a species with 20 to 80 percent of its occurrences threatened (CNPS 2023). Impacts to CRPR 1B plant species and their habitat meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Some CRPR 3 and 4 species meet the definitions of endangered, rare, or threatened under CEQA. Impacts to CRPR 1B plant species and their habitat may result in a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant community and substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065).

Insufficient mitigation may result in unmitigated temporal or permanent impacts to a rare plant species. Subsequently, the Project would continue 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.

Kendall Brekke
City of Lancaster
August 18, 2023
Page 10 of 31

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #8: Rare Plant Surveys - Prior to the issuance of any construction-related permits, the Project applicant shall retain a qualified biologist to conduct a rare plant survey specifically focused on alkali mariposa lilies within the Project site. Surveys shall be conducted according to CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Surveys shall also be conducted at the appropriate blooming period for optimal detection. The Project applicant shall submit a survey report, including negative findings, to the City and CDFW. At a minimum, the survey report shall provide the following information:

- 1) a description and map of the survey area;
- 2) field survey conditions that shall include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;
- 3) if rare plants are found, a map(s) showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. The map shall distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation;
- 4) a description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species); and
- 5) if rare plants are found, species-specific measures to mitigate impacts to rare plants and habitat (see Mitigation Measure #9).

Mitigation Measure #9: Compensatory Mitigation - If impacts to alkali mariposa lily cannot be avoided, the Project applicant shall provide compensatory mitigation at no less than 2:1. The abundance of a rare plant species and total habitat acreage within the mitigation lands shall be no less than 2:1. Mitigation lands shall be in the same watershed as the Project site and support habitat that contains the rare plant species impacted. The Project applicant shall protect replacement habitat in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. The Project applicant shall record the conservation easement prior to

Kendall Brekke
City of Lancaster
August 18, 2023
Page 11 of 31

commencement of Project-related activities.

Comment #4: Inadequate Disclosure of Adequacy of Biological Impact Fee

Issue: The MND does not provide sufficient information for CDFW to evaluate the adequacy of the \$770/acre fee (Biological Impact Fee) for offsetting cumulative loss of biological resources in the Antelope Valley.

Specific impacts: Development of vacant land on the Project site may result in permanent loss of habitat that may support burrowing owls, western Joshua trees, rare plants, northern California legless lizard, and additional wildlife.

Why impacts would occur: The Project's cumulative impacts on biological resources in the Antelope Valley would be mitigated through payment of a \$770/acre Biological Impact Fee. According to page 21 of the MND, the Biological Impact Fee would "[...] offset the cumulative loss of biological resources in the Antelope Valley as a result of development. This fee is required of all projects occurring on previously undeveloped land regardless of the biological resources present and is utilized to enhance biological resources through education programs and the acquisition of property for conservation. Therefore, no impacts would occur."

CDFW disagrees that a fee used for "education programs" provides adequate mitigation under CEQA. Direct impacts to biological resources need to be mitigated by the set-aside of actual land/habitat which supports species which are being lost. Furthermore, the habitat being set aside needs to be protected in-perpetuity through a land protection instrument (preferably a Conservation Easement), be adaptively managed by a qualified land manager pursuant to a Resource Management Plan (RMP) approved by the City and CDFW, and adequately funded by proceeds earned from a secure endowment held by a qualified organization separate from the land management entity. The amount of the endowment should be calculated by use of a Property Analysis Record (PAR) or comparable method, and approved by the City and CDFW. The land set aside should further be recognized that, as mitigation for direct impacts, it is designated for conservation purposes and not be subject to recreation use by the public, which could easily reduce habitat quality for species intended to be protected.

It is unclear how the Impact Fee was developed. If this fee is not in line with local land costs, this fee would be adversely affecting entities from establishing a conservation bank which could otherwise provide a viable option to local

Kendall Brekke
City of Lancaster
August 18, 2023
Page 12 of 31

developers to mitigate their projects. The MND also does not explain why payment of the Biological Impact Fee is adequate to offset Project impacts so that the Project would have no impacts. Additionally, the MND does not discuss or provide the following information for the Biological Impact Fee:

- 1) the basis of the \$770/acre fee relative to available undeveloped land costs in the surrounding area and the cost of management of land serving as mitigation;
- 2) if the \$770/acre fee is based on available conservation bank credits, this should be clearly identified;
- 3) whether the Biological Impact Fee is going towards an established program;
- 4) how that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 5) what the Biological Impact Fee would acquire. It is unclear if the Biological Impact Fee would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Biological Impact Fee would be used to purchase credits at a mitigation bank, or none of the above;
- 6) what biological resources would the Biological Impact Fee protect and/or conserve;
- 7) why the Biological Impact Fee is appropriate for mitigating cumulative loss of biological resources in the Antelope Valley;
- 8) where the City may acquire land or purchase credits at a mitigation bank so that the Biological Impact Fee would offset Project impacts on biological resources in the Antelope Valley;
- 9) when the City would use the Biological Impact Fee. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation;
- 10) how the City would commit the Project applicant to paying the Biological Impact Fee. For example, when would the City require payment from the Project applicant, how long would the Project applicant have to pay the fee, and what mechanisms would the City implement to ensure the fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4);
- 11) what performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 12) what type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and,

Kendall Brekke
City of Lancaster
August 18, 2023
Page 13 of 31

13) how the Biological Impact Fee would be adequate such that no impacts would occur as a result of the Project.

Evidence impacts would be significant: The basic purpose of an environmental document is to provide public agencies and the public in general with detailed information about the effect a proposed Project is likely to have on the environment, and ways and manners in which the significant effects of such a Project might be minimized (Pub. Resources Code, §§ 21002.1, 21061). The MND is insufficient as an informational document because it does not disclose the ways and manners in which the Biological Impact Fee would mitigate for the Project's cumulative impacts on biological resources in the Antelope Valley. Mitigation measures should be fully discussed and the basis for setting a particular measure should be identified [CEQA Guidelines, § 15126.4(a)(1)(B)]. The MND does not provide enough information to facilitate meaningful public review and comment on the appropriateness of the Biological Impact Fee at mitigating impacts to biological resources. Additionally, the City is responsible for ensuring that the mitigation measures are carried out as required in its certified CEQA document.

This Project may have a significant effect on the environment because the Project may reduce habitat for rare plants or wildlife; cause rare plants or wildlife population to drop below self-sustaining levels; and/or threaten to eliminate a plant or animal community [CEQA Guidelines, § 15065(a)(1)]. Furthermore, the Project appears to contribute to the cumulative and ongoing loss of sensitive, special status, threatened, and/or endangered plants, wildlife, and vegetation communities in the Antelope Valley. As such, the Project may have possible environmental effects that are cumulatively considerable [CEQA Guidelines, § 15065(a)(3)]. The City is acknowledging that the Project would contribute to the cumulative loss of biological resources in the Antelope Valley because the City is proposing a Biological Impact Fee as compensatory mitigation. However, the Biological Impact Fee may be inadequate mitigation absent commitment, specific performance standards, and actions to achieve performance standards. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

Kendall Brekke
City of Lancaster
August 18, 2023
Page 14 of 31

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends the City revise the MND to provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:

- 1) whether the Biological Impact Fee is going towards an established program;
- 2) how that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) what the Biological Impact Fee would acquire. It is unclear if the Biological Impact Fee would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Biological Impact Fee would be used to purchase credits at a mitigation bank, or none of the above;
- 4) what biological resources would the Biological Impact Fee protect and/or conserve;
- 5) why the Biological Impact Fee is appropriate for mitigating cumulative loss of biological resources in the Antelope Valley;
- 6) if the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank;
- 7) where the City may acquire land or purchase credits at a mitigation bank so that the Biological Impact Fee would offset Project impacts on biological resources in the Antelope Valley;
- 8) when the City would use the Biological Impact Fee. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation;
- 9) how the City would commit the Project applicant to paying the Biological Impact Fee. For example, when would the City require payment from the Project applicant, how long would the Project applicant have to pay the Biological Impact Fee, and what mechanisms would the City implement to ensure the Biological Impact Fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4).
- 10) what performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 11) what type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and,
- 12) how the Biological Impact Fee would be adequate such that no impacts would occur as a result of the Project.

Kendall Brekke
City of Lancaster
August 18, 2023
Page 15 of 31

Recommendation #2: The MND should include a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the MND should provide specifics as to when the City would use the Biological Impact Fee; what mechanisms the City would implement to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to offset the Project's impacts. Also, the MND should provide specific performance standards as well as actions to achieve those performance standards.

Additional Recommendations

Burrowing Owl. The MND proposes Mitigation Measure 2 to avoid impacts to burrowing owl; however, the mitigation measure as proposed may not reduce the Project impact on burrowing owl to less than significant. CDFW recommends the City revise Mitigation Measure 2 by incorporating the underlined language and removing the language with strikethrough:

A take avoidance (preconstruction) burrowing owl survey shall be conducted no less than 14 days prior to initiating ground activities on the project site in accordance with the procedures established by the California Department of Fish and Wildlife in the Staff Report on Burrowing Owl Mitigation prior to the issuance of any construction related permits. Burrowing owl protocol surveys shall be conducted by a qualified biologist on the Project site and within 500 feet of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. 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. If burrowing owls are identified during the surveys, the applicant shall contact the California Department of Fish and Wildlife (CDFW) to develop appropriate mitigation/management procedures. In the event the burrowing owls are observed during the survey, the following shall occur:

a. If burrowing owls are identified, the Project applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project applicant shall contact CDFW to develop appropriate mitigation/management procedures. The Project applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits. during the non-nesting season, a qualified biologist shall install one way gates to relocate the owl to a suitable nearby

Kendall Brekke
City of Lancaster
August 18, 2023
Page 16 of 31

~~property. Upon confirmation that the burrow is empty, the burrow shall be collapsed.~~

b. In the event that a breeding pair or adult female owl with offspring are present at the burrow, a buffer zone of at least 200 feet ~~50 feet~~ shall be established around the burrow until the offspring have fledged and left the burrow. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of burrowing owls, restricted areas, and adherence to the buffer zone. No work shall occur within the buffer zone. The specific buffer zone shall be established in coordination with CDFW.

Nesting Birds. The MND proposes Mitigation Measure 3 to avoid impacts to nesting birds; however, the mitigation measure as proposed may be inadequate to reduce the Project impact on nesting birds to less than significant. CDFW recommends the City revise Mitigation Measure 3 by incorporating the underlined language and removing the language with strikethrough:

If Project activities occurs between January 1 through September 15, a nesting bird and raptor survey shall be conducted within a 500-foot radius of the construction site, prior to ground disturbing activities (e.g., staging, mobilizing, grading, vegetation removal) within the Project site. A The nesting bird and raptor survey shall be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity during the appropriate nesting times and concentrate on potential roosting or perch sites. If Project activities are delayed or suspended for more than 7 days during the breeding season, the nesting bird and raptor survey shall be repeated. within 30 days prior to the start of construction/ground disturbing activities. If active bird nests are identified during the survey, the qualified biologist shall establish no-disturbance buffers to minimize impacts on active nests. the applicant shall contact the California Department of Fish and Wildlife to determine the appropriate mitigation/management requirements. Impacts to nesting birds will be avoided by delay of work or establishing a minimum no-disturbance buffer of 300 feet for passerines, 500 feet for raptors, and 0.5 mile for special status species (e.g., CESA listed), if feasible. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds, restricted areas, and adherence to no-disturbance buffers. The buffer shall remain in place until young have fledged or a nest becomes inactive as determined by a qualified biologist. 500 feet around active raptor nests and 50 feet around other migratory bird species

Kendall Brekke
City of Lancaster
August 18, 2023
Page 17 of 31

Landscaping. CDFW recommends the use of native plants for any project proposing revegetation and landscaping. CDFW strongly recommends avoiding non-native, invasive plants for landscaping, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2023). CDFW recommends the use of native species found in naturally occurring plant communities within or adjacent to the Project area. Finally, CDFW recommends planting species of vegetation with high insect and pollinator value.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) 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 the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

The Project, as proposed, 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 and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Kendall Brekke
City of Lancaster
August 18, 2023
Page 18 of 31

Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [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:

D700B4520375406...

David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator – Sacramento

OPR

State Clearinghouse - State.Clearinghouse@opr.ca.gov

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Kendall Brekke
City of Lancaster
August 18, 2023
Page 19 of 31

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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- Crotch's Bumble Bee Surveys	<p>Within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history shall conduct focused surveys to determine the presence/absence of Crotch's bumble bee. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Focused surveys shall also be conducted throughout the entire Project site during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following:</p> <ol style="list-style-type: none"> 1) a description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee; 2) field survey conditions that shall include name(s) 	<p>Prior to vegetation removal and ground-disturbing activities</p>	<p>Project Applicant/ Qualified Entomologist</p>



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	<p>of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;</p> <p>3) map(s) showing the location of nests/colonies; and,</p> <p>4) a description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).</p>		
<p>MM-BIO-2-Avoidance Plan</p>	<p>If Crotch's bumble bee is detected, the Project applicant in consultation with a qualified entomologist shall develop a plan to fully avoid impacts to Crotch's bumble bee. The plan shall include effective, specific, enforceable, and feasible measures. An avoidance plan shall be submitted to the City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.</p>	<p>Prior to vegetation removal and ground-disturbing activities</p>	<p>Project Applicant/ City</p>
<p>MM-BIO-3-Incidental Take Permit</p>	<p>If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided, the Project applicant shall consult with CDFW and obtain appropriate take authorization from CDFW. The Project applicant shall comply with the mitigation measures</p>	<p>Prior to issuance of grading permit and ground-</p>	<p>Project Applicant</p>



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	<p>detailed in the take authorization issued by CDFW. The Project applicant shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.</p>	<p>disturbing activities</p>	
<p>MM-BIO-4- Biological Monitor</p>	<p>To avoid direct injury and mortality of SSC, the Project applicant shall have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected and allowed to move away on its own in a passive manner. In areas where an SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.</p>	<p>Prior to and during vegetation removal and ground-disturbing activities</p>	<p>Project Applicant/ Qualified Biologist</p>
<p>MM-BIO-5- Scientific Collecting Permit</p>	<p>The Project applicant 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. 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</p>	<p>Prior to and during ground-disturbing activities and vegetation removal</p>	<p>Project Applicant/ Qualified Biologist</p>



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	<p>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.</p>		
<p>MM-BIO-6- Wildlife Relocation Plan</p>	<p>Prior to initial ground- and habitat-disturbing activities and vegetation removal, the Project applicant shall retain a qualified biologist to 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>	<p>Prior to Project activities</p>	<p>Project Applicant/ Qualified Biologist</p>
<p>MM-BIO-7- 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</p>	<p>During ground- disturbing</p>	<p>Qualified Biologist</p>



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	<p>notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within 3 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 shall only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>	<p>activities or vegetation removal</p>	
<p>MM-BIO-8- Rare Plant Surveys</p>	<p>Prior to the issuance of any construction related permits, the Project applicant shall retain a qualified biologist to conduct a rare plant survey specifically focused on alkali mariposa lilies within the Project site. Surveys shall be conducted according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Surveys shall also be conducted at the appropriate blooming period for optimal detection. The Project applicant shall submit a survey report, including negative findings, to the City and CDFW. At a minimum, the survey report shall provide the following information:</p> <ol style="list-style-type: none"> 1) a description and map of the survey area; 2) field survey conditions that shall include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species 	<p>Prior to ground-disturbing activities or vegetation removal</p>	<p>Project Applicant/ Qualified Biologist/ City</p>



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	<p>searched;</p> <p>3) if rare plants are found, a map(s) showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. The map shall distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation;</p> <p>4) a description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species); and,</p> <p>5) if rare plants are found, species-specific measures to mitigate impacts to rare plants and habitat (see Mitigation Measure #9).</p>		
<p>MM-BIO-9- Compensatory Mitigation</p>	<p>If impacts to alkali mariposa lily cannot be avoided, the Project applicant shall provide compensatory mitigation at no less than 2:1. The abundance of a rare plant species and total habitat acreage within the mitigation lands shall be no less than 2:1. Mitigation lands shall be in the same watershed as the Project site and support habitat that contains the rare plant species</p>	<p>Prior to Project activities</p>	<p>Project Applicant</p>



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	<p>impacted. The Project applicant shall protect replacement habitat in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. The Project applicant shall record the conservation easement prior to commencement of Project-related activities.</p>		
<p>MM-BIO-10-Mitigation Measure 2</p>	<p>A take avoidance (preconstruction) burrowing owl survey shall be conducted no less than 14 days prior to initiating ground activities in accordance with the procedures established by the California Department of Fish and Wildlife in the Staff Report on Burrowing Owl Mitigation prior to the issuance of any construction related permits. Burrowing owl protocol surveys shall be conducted by a qualified biologist on the Project site and within 500 feet of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. 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. In the event the burrowing owls are observed during the survey, the following shall occur:</p>	<p>Prior to and during Project activities</p>	<p>Qualified Biologist/ Project Applicant / City</p>



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	<p>a. If burrowing owls are identified, the Project applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project applicant shall contact CDFW to develop appropriate mitigation/management procedures. The Project applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits.</p> <p>b. In the event that a breeding pair or adult owl with offspring are present at the burrow, a buffer zone of at least 200 feet shall be established around the burrow until the offspring have fledged and left the burrow. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of burrowing owls, restricted areas, and adherence to the buffer zone. No work shall occur within the buffer zone. The specific buffer zone shall be established in coordination with CDFW.</p>		
<p>MM-BIO-11-Mitigation Measure 3</p>	<p>If Project activities occurs between January 1 through September 15, a nesting bird and raptor survey shall be conducted within a 500-foot radius of the construction site, prior to ground disturbing activities (e.g., staging, mobilizing, grading, vegetation removal) within the Project site. The nesting bird and raptor survey shall be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity during the appropriate nesting times and concentrate</p>	<p>Prior to and during Project activities</p>	<p>Qualified Biologist</p>



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	<p>on potential roosting or perch sites. If Project activities are delayed or suspended for more than 7 days during the breeding season, the nesting bird and raptor survey shall be repeated. If active bird nests are identified during the survey, the qualified biologist shall establish no-disturbance buffers to minimize impacts on active nests. Impacts to nesting birds will be avoided by delay of work or establishing a minimum no-disturbance buffer of 300 feet for passerines, 500 feet for raptors, and 0.5 mile for special status species (e.g., CESA listed), if feasible. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds, restricted areas, and adherence to no-disturbance buffers. The buffer shall remain in place until young have fledged or a nest becomes inactive as determined by a qualified biologist.</p>		
<p>REC -1- MND Revisions</p>	<p>CDFW recommends the City revise the MND to provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:</p> <ol style="list-style-type: none"> 1) whether the Biological Impact Fee is going towards an established program; 2) how that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; 3) what the Biological Impact Fee would acquire. It is unclear if the Biological Impact Fee would be 	<p>Prior to finalizing the CEQA document</p>	<p>City</p>



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	<p>used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Biological Impact Fee would be used to purchase credits at a mitigation bank, or none of the above;</p> <ol style="list-style-type: none">4) what biological resources would the Biological Impact Fee protect and/or conserve;5) why the Biological Impact Fee is appropriate for mitigating cumulative loss of biological resources in the Antelope Valley;6) how the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank;7) where the City may acquire land or purchase credits at a mitigation bank so that the Biological Impact Fee would offset Project impacts on biological resources in the Antelope Valley;8) when the City would use the Biological Impact Fee. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation;9) how the City would commit the Project applicant to paying the Biological Impact Fee. For example, when would the City require payment from the Project applicant, how long would the Project applicant have to pay the Biological Impact Fee, and what mechanisms would the City implement to ensure the Biological Impact Fee is paid?		
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	<p>Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.</p> <p>10) what performance measures the proposed mitigation would achieve;</p> <p>11) what type(s) of potential action(s) that can feasibly achieve those performance standards; and,</p> <p>12) how the Biological Impact Fee would be adequate such that no impacts would occur as a result of the Project.</p>		
REC-2- Mitigation Commitment	<p>The MND should include a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the MND should provide specifics as to when the City would use the Biological Impact Fee; what mechanisms the City would implement to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to offset the Project's impacts. Also, the MND should provide specific performance standards as well as actions to achieve those performance standards.</p>	<p>Prior to finalizing the CEQA document</p>	<p>City</p>
REC -3- Landscaping	<p>CDFW recommends the use of native plants for any project proposing revegetation and landscaping. CDFW strongly recommends avoiding non-native, invasive plants for landscaping, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council. CDFW recommends the use of native species found in naturally occurring plant communities within or adjacent to the Project area. Finally, CDFW</p>	<p>Prior to finalizing the CEQA document or Project activities</p>	<p>City/Project Applicant</p>



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	recommends planting species of vegetation with high insect and pollinator value.		
REC-4- Data	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) 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.	Prior to ground-disturbing activities or vegetation removal	Biologist