



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Rd.
San Diego, CA 92123
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 25, 2023

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

SUBJECT: PALMDALE LOGISTICS CENTER (PROJECT), NOTICE OF PREPARATION (NOP), SCH #2023090551

Dear Brenda Magana:

The California Department of Fish and Wildlife (CDFW) has received a Notice of Preparation of a Draft Environmental Impact Report (DEIR) from the City of Palmdale (City) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own 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

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Brenda Magana
City of Palmdale
October 25, 2023
Page 2 of 13

law, of any species protected under the California Endangered Species Act (CESA) (Fish & Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code §1900 et. sea.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description Summary

Proponent: Transwestern Development Company

Objective: The Project proposes to subdivide a 150.18-acre property into three parcels for the creation of two industrial buildings on two of the parcels and an 11-acre stormwater detention basin on the remaining parcel. Each industrial building would be approximately 1,500,586 square feet. The Project also proposes to construct two new roadways, Avenue L-8 along the northern portion and 35th Street East along the eastern portion. Fencing, utilities, and landscaping will be installed throughout the Project site. The stormwater detention basin would be constructed in the most northern parcel within the Project site, and stormwater runoff will be conveyed to the basin via catch basins and roof drains. Construction activities (i.e., site preparation, grading, building construction, paving, and architectural coatings) would be conducted in one phase over the course of 11 months.

Location: The Project site is located on the northeast corner of 30th Street East and Columbia Way in the City of Palmdale, California, and is bound by Columbia Way to the south, vacant land to the north, 30th Street East to the west, and vacant land to the east. The Assessor's Parcel Number associated with the Project site is 3170-018-081. Palmdale Regional Airport is approximately 1.5 miles south of the Project site and solar fields are located directly east and approximately 0.5 mile west of the Project site.

Biological Setting: The Project site is currently vacant and undeveloped, with signs of historical agricultural practices, off-road vehicular access, and illegal dumping. Along the immediate borders of the Project site, vacant land lies directly to the north and east, both of which are separated from the Project site by two unpaved roads. A field survey was conducted on November 15, 2022, with findings compiled in a Biological Resource Assessment (BRA).

No natural or sensitive vegetative communities were observed on site; rather, the vegetative density on the Project site varied from unvegetated areas to sparsely vegetated areas, consisting of weedy and non-native species. No watercourses flowed through the Project site or surrounding areas. Wildlife observed during the field survey include ruby-crowned kinglet (*Regulus calendula*), white-crowned sparrow (*Zonotrichia leucophrys*), horned lark (*Eremophila alpestris*), Anna's hummingbird (*Calypte anna*), common raven (*Corvus corax*), turkey vulture (*Cathartes aura*), Say's phoebe (*Sayornis saya*), and California ground squirrel (*Otospermophilus beecheyi*). Sensitive species that have been identified to occur within the City and are of potential concern for the Project include Mohave ground squirrel (*Xerospermophilus mohavensis*, CESA listed-threatened), northern California legless lizard (*Anniella pulchra*, California Species of Special Concern (SSC)), coast horned lizard (*Phrynosoma blainvillii*, SSC), burrowing owl (*Athene*

Brenda Magana
City of Palmdale
October 25, 2023
Page 3 of 13

cunicularia, SSC), mountain plover (*Charadrius montanus*, SSC), and raptors and migratory birds.

Comments and Recommendations

CDFW offers the recommendations below to assist the City in adequately identifying 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. Given the rapid buildout of the City and adjacent areas, potential exists for cumulative impacts to open space (CEQA Guidelines, §15064(d)). CDFW is especially concerned about the loss of desert habitats that support sensitive avian and herpetofauna species (discussed below), and rare plants, as well as the general biodiversity of plant and wildlife species occurring in these local habitats. Cumulatively, loss of on-site habitat may be significant and warrant further analysis, including mitigating for loss of habitat. CDFW believes that cumulative impacts of the Project on biological resources could be cumulatively considerable (CEQA Guidelines §15065(a)(3)) and recommend that the environmental document include analysis of the overall level of existing and proposed development in the surrounding region, as it pertains to biological resources.
2. Local Wildlife Movement. Although the Project site is not located within a designated wildlife corridor, the Project site is surrounded by open space from the north and east. With the northern parcel designated for a future vehicle storage facility, wildlife movement in this urbanized area may be further hindered. CDFW recommends the DEIR analyze whether the Project would impact local wildlife movement. Impacts include, but are not limited to, habitat loss and fragmentation, narrowing of wildlife corridors, and introduction of barriers to wildlife movement. Technical detail such as data, maps, diagrams, and similar relevant information should be provided to permit full assessment of significant environmental impacts by reviewing agencies and members of the public (CEQA Guidelines, §15147). If avoidance of corridor encroachment is not feasible, the DEIR should provide measures to mitigate the Project's significant impacts to local wildlife movement.
3. Mohave Ground Squirrel. Mohave ground squirrels are documented within the Antelope Valley region. *Table BIO-2: Sensitive Animal Species with Potential to Occur on Project Site* presented in the Initial Study lists Mohave ground squirrel as a potential species to occur on site (page 49). Additionally, the [Mohave Ground Squirrel Predicted Habitat Dataset](#), demonstrates that there is low to medium value suitable habitat for Mohave ground squirrel in the surrounding open spaces (CDFW 2017).

Brenda Magana
City of Palmdale
October 25, 2023
Page 4 of 13

- a) Protection Status. Mohave ground squirrel is designated as a threatened species under CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. 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).
 - b) Disclosure and Surveys. CDFW recommends the DEIR provide a discussion of habitat suitability, as well as potential direct and indirect impacts on Mohave ground squirrel. CDFW recommends the Project proponent retain a qualified biologist to conduct a focused survey during the appropriate period and adhering to CDFW's [Mohave Ground Squirrel Survey Guidelines](#) (CDFW 2010). Findings from the focused survey should be included in the DEIR for complete public disclosure and review.
 - c) Mitigation. If the Project would impact Mohave ground squirrel, the DEIR should provide measures to avoid, minimize, and/or mitigate potential impacts to Mohave ground squirrel as well as habitat supporting the species. For unavoidable impacts, CDFW recommends consultation with CDFW and obtaining appropriate take authorization under CESA.
 - d) CESA ITP. An appropriate take authorization from CDFW under CESA 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 for the Project unless the Project's DEIR addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The DEIR should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the DEIR. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's DEIR may not necessarily satisfy mitigation required to obtain an ITP. Please visit CDFW's [California Endangered Species Act \(CESA\) Permits](#) webpage for more information (CDFW 2023a).
4. Mountain Plover. According to [California Natural Diversity Database](#) (CNDDDB), there are various observations (2004, 2007, 2011, 2012) that have been recorded of mountain plover utilizing the surrounding areas as wintering grounds (CDFW 2023b). Although the Project site is disturbed, mountain plover utilize sparse vegetation or bare ground as wintering habitat, which is characteristic of the Project site. Activities proposed by the Project may impact mountain plover through direct mortality and/or injury as well as removal or habitat modification.

Brenda Magana
City of Palmdale
October 25, 2023
Page 5 of 13

- a) Protection Status. Mountain plover is designated as an SSC. CEQA provides protection for any species including but not limited to SSC, which can be shown to meet the criteria for State listing. Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
 - b) Disclosure. The DEIR should disclose the presence of mountain plover on a local and regional scale. The DEIR should include a discussion describing the Project's potential impact on mountain plover, its wintering habitat within and adjacent to the site, and the Project's potential contribution to the ongoing loss of wintering habitat.
 - c) Surveys. CDFW recommends the Project proponent retain a qualified biologist to conduct a focused survey for mountain plover. Within one year prior to vegetation removal, a qualified biologist familiar with the species' behavior and life history should conduct surveys to determine the presence/absence of mountain plover. Surveys should be conducted throughout the entire Project site and adjacent. Surveys should also be conducted during the appropriate season (September - March) when the species is in California and utilizing wintering grounds.
 - d) Mitigation. If the Project would impact mountain plover or their favored wintering habitat, the DEIR should provide measures to avoid, minimize, and/or mitigate potential impacts to mountain plover as well as habitat supporting the species.
5. Burrowing Owl. According to the Initial Study, burrowing owl has potential to occur on site (page 49). Moreover, California ground squirrels are the primary excavator of burrows used by burrowing owls and ground squirrels were found on site during the field survey. Project activities may result in removal of supporting habitat. Additionally, elevated levels of noise, human activity, ground vibrations may flush burrowing owls out of potential wintering or breeding sites, thus resulting in nest abandonment and/or reduced reproductive capacity.
- a) Protection Status. Burrowing owls are designated as an SSC. Although burrowing owls are not a CESA-listed species, CEQA provides protection for any species including but not limited to SSC, which can be shown to meet the criteria for State listing. Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
 - b) Disclosure. The DEIR should provide full disclosure of the presence or absence of burrowing owls within the Project site and the Project's impact on burrowing owls and suitable owl habitat. An impact assessment for burrowing owls should consider that this species may be transitory seasonally and evaluate impacts resulting from Project construction activities as well as from habitat loss on site and cumulatively on a regional scale. Adequate disclosure is recommended so CDFW may review data pertaining to burrowing owls and provide comments and recommendations specific to the Project's potential alternatives, mitigation measures, and any potential significant effects.

Brenda Magana
City of Palmdale
October 25, 2023
Page 6 of 13

- c) Surveys. CDFW recommends the Project proponent retain a qualified biologist to conduct a focused survey for burrowing owls prior to the preparation of the DEIR. A qualified biologist should survey for burrowing owls adhering to survey methods described in CDFW's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012). A focused burrowing owl survey should be conducted no more than one year from the date of the Project's DEIR. The survey area should include the Project site and 150 meters from the Project site where suitable 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. Findings from the focused surveys should be included in the DEIR for complete public disclosure and review.
 - d) Mitigation. If presence of burrowing owls within the Project site is confirmed, the DEIR provide measures to avoid, minimize, and mitigate potential impacts on burrowing owls and further address the loss of suitable habitat from a perspective of cumulative impacts. CDFW recommends mitigation methods described in the Staff Report on Burrowing Owl Mitigation. Inadequate avoidance and mitigation measures will result in the Project having substantial adverse direct and cumulative effect, either directly or through habitat modifications, on an SSC.
6. Species of Special Concern – Reptiles. The BRA states that, "[T]he survey area provides suitable foraging and cover habitat for local reptile species adapted to a high degree of anthropogenic disturbance in the Mojave Desert (page 5)". Northern California legless lizard and coast horned lizard are two species that have been identified throughout Antelope Valley and the Mojave Desert. It is possible for both species to be present during Project activities as they utilize the vegetation on site.
 - a) Protection Status. Northern California legless lizard and coast horned lizard are both designated as SSC. CDFW considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures [CEQA Guidelines, §§ 15064, 15065, 15125(c), and 15380].
 - b) Disclosure. CDFW recommends the DEIR thoroughly discuss the potential for impacts to these species, assume their presence, and include a mitigation measure or measures which provide compensatory mitigation for Project impacts on SSC.
7. Nesting Birds and Raptors. The Initial Study states, "[T]he Project site contains some shrubs that can be utilized by nesting birds during the nesting bird season... (page 50)". Moreover, various avian species were identified during the field survey. The proposed Project would impact nesting birds through construction activities, installation activities, elevated-related noise, and vegetation removal. Furthermore, Project activities occurring during the nesting bird season, especially in areas providing suitable nesting habitat, could result in the incidental loss of fertile eggs or nestlings, or nest abandonment.

Brenda Magana
City of Palmdale
October 25, 2023
Page 7 of 13

- 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.
- b) Disclosure and Analysis. The DEIR should discuss the Project's potential impact on nesting birds and raptors within the Project site. A discussion of potential impacts should include impacts that may occur during ground-disturbing activities and vegetation removal. The DEIR should analyze and discuss the Project's impact on bird and raptor nesting and breeding habitat.
- c) Avoidance. CDFW recommends the DEIR include a measure to fully avoid impacts to nesting birds and raptors. To the extent feasible, no construction, ground-disturbing activities (e.g., mobilizing, staging, and excavating), and vegetation removal during the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
- d) Minimizing Potential Impacts. If impacts to 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, a qualified biologist should conduct nesting bird and raptor surveys to identify nests. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW generally recommends a minimum 100-foot no disturbance buffer around active passerine nests. For raptors, the no disturbance buffer should be expanded to 500 feet. Personnel working on the Project, including all contractors working on site, should be instructed on the presence of nesting birds, area sensitivity, and adherence to 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.

General Comments

1. Biological Baseline Assessment. The DEIR should provide an adequate biological resources assessment, including a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing

Brenda Magana
City of Palmdale
October 25, 2023
Page 8 of 13

appropriate avoidance and/or mitigation measures. The DEIR should include the following information.

- a) Information on the regional setting 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)], or common habitats that have become greatly reduced because of ongoing development. The DEIR should include measures to fully avoid or otherwise offset impacts to Sensitive Natural Communities or native/naturalized communities that support regional sensitive species from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. In particular, plant communities, alliances, and associations with a state-wide 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 2023d).
- 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). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site.
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation Online](#) should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on the Project site. 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 rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, 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 a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat.

Brenda Magana
City of Palmdale
October 25, 2023
Page 9 of 13

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 for select species. Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS.

- f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
2. 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).
 3. Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects 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/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, 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 (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
 - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, 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

Brenda Magana
City of Palmdale
October 25, 2023
Page 10 of 13

impacts of proposed mitigation measures.

4. Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative 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 adjacent areas, should be fully evaluated in the DEIR.
 - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)].
 - 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 Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included.
 - 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.
 - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the DEIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)] including the amount of development which has occurred within the City and adjacent lands, and the amount of development forecasted/expected to occur.

Brenda Magana
City of Palmdale
October 25, 2023
Page 11 of 13

5. Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction 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 not adequately mitigate the loss of biological functions and values, off-site mitigation through acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, 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. Consideration may also be given for the purchase of credits from a conservation bank supporting similar habitat as that being impacted; the bank should have been approved by CDFW.
6. 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 the 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 non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
7. Scientific Collecting Permits. 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 2023e). Pursuant to the California Code of Regulations, title 14, section 650, the 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.
8. Environmental 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 2023f). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to

Brenda Magana
City of Palmdale
October 25, 2023
Page 12 of 13


CDFW's Vegetation Classification and Mapping Program (CDFW 2023g).

9. Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects using feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Mitigation measures must be feasible, effective, implemented, and fully enforceable by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). In preparation of an environmental document, CDFW recommends that the City prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear so that a measure is fully enforceable and implemented successfully via a mitigation, monitoring, and reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6).

Conclusion

We appreciate the opportunity to comment on the NOP for the Palmdale Logistics Center to assist the City in identifying and mitigating Project impacts on biological resources. 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
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov

OPR
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

References

- [CDFW] California Department of Fish and Wildlife. 2010. Mohave Ground Squirrel Survey Guidelines. Available at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975>
- [CDFW] California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation. Available at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>

Brenda Magana
City of Palmdale
October 25, 2023
Page 13 of 13

- [CDFW] California Department of Fish and Wildlife. 2017. Mohave Ground Squirrel Predicted Habitat – CWHR M073 [ds2531]. Available at: <https://data.ca.gov/dataset/mohave-ground-squirrel-predicted-habitat-cwhr-m073-ds2531>
- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>
- [CDFW] California Department of Fish and Wildlife. 2023a. Threatened and Endangered Species. Available at: <https://wildlife.ca.gov/Conservation/CESA>
- [CDFW] California Department of Fish and Wildlife. 2023b. California Natural Diversity Database. Available at: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFW] California Department of Fish and Wildlife. 2023c. Survey and Monitoring Protocols and Guidelines. Available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols>
- [CDFW] California Department of Fish and Wildlife. 2023d. Vegetation Classification and Mapping Program Natural Communities. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>
- [CDFW] California Department of Fish and Wildlife. 2023e. Scientific Collecting Permit. Available at: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>
- [CDFW] California Department of Fish and Wildlife. 2023f. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- [CDFW] California Department of Fish and Wildlife. 2023g. Natural Communities - Submitting Information. Combined Rapid Assessment and Revele Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- [CNPS] California Native Plant Society. 2023. A Manual of California Vegetation Online. Available at: <https://vegetation.cnps.org/>