



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
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San Diego, CA 92123  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

December 8, 2023

**Dec 08 2023**

**STATE CLEARINGHOUSE**

Jocelyn Swain  
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Lancaster, CA 93534  
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TENTATIVE TRACT MAP No. 66680 (PROJECT)  
MITIGATED NEGATIVE DECLARATION (MND) SCH# 2023110234

Dear Jocelyn Swain,

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Lancaster (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 law, of any species protected under the California Endangered Species Act (CESA)

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<sup>1</sup> 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.

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

## **Project Description Summary**

**Proponent:** Jeff Evans

**Objective:** The Project proposes the subdivision of approximately 72 acres into 215 residential lots and four drainage basin lots. Ingress and egress from the subdivision would be provided via Avenue K-8 and 55<sup>th</sup> Street West. Streets within the subdivision would be public. A block wall and landscaping would surround the subdivision, and a sidewalk would be installed along Avenue K-8 and 55<sup>th</sup> Street West.

**Location:** The Project site is located on the southeast corner of the intersection of Avenue K-8 and 57<sup>th</sup> Street West in the City of Lancaster, California. The Project site is bound by Avenue K-8 to the north, 52<sup>nd</sup> Street West to the east, 57<sup>th</sup> Street West to the west, and West Avenue L to the south. The Assessor's Parcel Numbers associated with the Project site include 3204-006-025, -026, -027, -031, -032, -033, -067, -071, -075, -081, -085, -086, and -088.

**Biological Setting:** The Project site is currently vacant, undeveloped, and bisected by a dirt road (55<sup>th</sup> Street West). The site is bordered by vacant land to the north and south along with residential communities to the east and partially to the west. Based on pre-consultation and previous CEQA review of Projects throughout the City, several future residential developments are anticipated to occur on open land west, north, and south of the Project site. Signs of human disturbance, litter, debris, and off-road activity are exhibited throughout the entire Project site.

Several field surveys were conducted on certain parcels within the Project site and the findings were compiled in two separate Biological Resource Assessments (BRA). A line transect survey was conducted on March 19, 2022, to inventory biological resources on Assessor's Parcel Numbers 3204-006-033, -067, -071, -081, -085, -086, and -088. Findings from the field survey were compiled in *Biological Resource Assessment of a 38 Acre Parcel* (BRA 1). Two additional field surveys were conducted on May 3 and 4, 2022 to inventory biological resources within Assessor's Parcel Numbers 3204-006-025, -026, -027, -028, -031, -032, and -075. Findings from the field surveys were compiled in *Biological Resource Assessment of a 30 Acre and 5 Acre Parcel* (BRA 2).

**BRA 1:** The area analyzed in BRA 1 covers approximately 38 acres that spans continuous land in the northwest, center, and southeast portion of the Project site. The 38 acres are depicted as characteristic of old abandoned agricultural fields with no native plant communities present. The surveyed areas were dominated by fiddleneck (*Amsinckia tessellata*) and red stemmed filaree (*Erodium cicutarium*). Two dead and disarticulated western Joshua trees (*Yucca brevifolia*; CESA candidate species) were observed in the

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northwest and southeast area. No water courses were identified within the Project site. Wildlife observed during the field survey included 15 locally common species. No special-status wildlife species were observed during the field survey.

BRA 2: The area of the Project site analyzed in BRA 2 covers approximately 35 acres in two disjunct areas; 30 acres in the northeast (Area A) and 5 acres (Area B) in the southwest portion of the site. Both areas are described as a disturbed western Joshua tree woodland with a desert scrub plant community. A total of 221 western Joshua trees were observed on site, with 155 standing western Joshua trees and 53 dead western Joshua trees in Area A and 13 standing western Joshua trees in Area B. No additional special-status plants were observed within the Project site. Similar to BRA 1, no water courses were identified, and wildlife observed during the field surveys included 31 common species. A total of 29 bird nests were observed throughout both areas in western Joshua trees, silver cholla (*Opuntia echinocarpa*), and peach thorn (*Lycium cooperi*). No special-status wildlife species were observed during the surveys.

Sensitive species that have been identified to occur within the City and are of potential concern for the Project include desert tortoise (*Gopherus agassizii*; CESA listed-threatened; Endangered Species Act (ESA) listed-threatened), burrowing owl (*Athene cunicularia*; California Species of Special Concern (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. 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: Cumulative Impact

**Issue:** The MND does not analyze the impact of future residential developments in addition to impacts of the Project, which may lead to significant cumulative impacts to biological resources.

**Specific impacts:** The MND does not analyze or discuss cumulative impacts on biological resources as it relates to loss of open space. Significant loss of open space and vacant land could contribute to local expiration of various biological resources. CDFW is especially concerned about the loss of desert habitats that support sensitive species, such as burrowing owls, desert tortoise, western Joshua tree, and additional flora and fauna. Cumulatively, loss of on-site habitat may be significant and warrant further analysis, as well as require compensatory mitigation to offset the loss of habitat.

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**Why impact would occur:** Cumulative impacts can result from individually minor but collectively significant projects inclusive of prior, concurrent, and future projects [CEQA Guidelines, §§ 15065(a)(3), 15355]. Although the MND states that the existing land use for the surrounding properties is vacant, the MND does not discuss nor analyze future residential developments that will occur in close proximity to the Project site. CDFW has reviewed and provided comments for the following Projects located north, west, and south of the Project site: Tentative Tract Map (TTM) 71210 Conditional Use Permit (CUP) 15-19 (SCH # 2019109045), TTM 61678 CUP 20-05 (SCH # 2021100193), TTM 61600/ Variance 22-02 (SCH # 2022080385), TTM 53642 CUP 22-08, and TTM 83553 Zone Change 21-03 (SCH # 202320219). All of the Projects propose development of residential homes and combined with the proposed Project, would develop a total of approximately 197 acres of currently vacant land. Despite residential subdivisions already existing in this region of the City, development of open land would further limit the availability of suitable habitat to support wildlife. Given the anticipated buildout of the Project site and adjacent areas, potential exists for cumulative impacts to open space (CEQA Guidelines, §15064(d)).

CDFW believes that cumulative impacts of the Project on biological resources could be cumulatively considerable (CEQA Guidelines §15065(a)(3)) and recommends that the MND include analysis of the overall level of existing and proposed development in the surrounding region, as it pertains to biological resources.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Recommendation #1:** CDFW recommends the City revise the MND to include 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 MND 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)].

### **Comment #2: Impacts on Desert Tortoise**

**Issue:** The Project may impact desert tortoise.

**Specific impacts:** Project ground-disturbing activities (i.e., grading, installation activities, vegetation removal, and heavy machinery use) would result in loss of burrowing and/or foraging habitat and cause the death or injury of adults, juveniles, eggs, or hatchlings.

**Why impacts would occur:** BRA 2 states that, “[s]uitable desert tortoise habitat was present within Area A” (page 13). The statement is contradicted by the MND which states, “[t]he site does not contain suitable habitat for either desert tortoise or Mohave ground squirrel” (page 20). The MND does not provide further discussion as to what characteristics of the Project site make it unsuitable for desert tortoise aside from

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surrounding development. Conclusions related to the presence of desert tortoise on site should be derived by sound evidence based on scientific literature data, and/or maps. Additionally, CDFW has concerns that conclusions drawn from biological data, from two separate BRAs, may not represent an accurate environmental baseline.

Additional data exists to support that the Project site contains suitable habitat for desert tortoise, in that the site lies within the current range based on the USFWS geographic range map for desert tortoise (USFWS 2023). Although no desert tortoises were observed during the surveys, the western Joshua tree woodland and desert scrub within the Project site may support burrow opportunities. The MND should include focused surveys for desert tortoise to ensure that Project activities will not adversely impact desert tortoise and supporting habitat. If desert tortoise utilize the Project site, Project activities may result in direct mortality and/or injury. Loss of habitat on the Project site would also contribute to the rapid cumulative loss of desert tortoise habitat on a local and regional scale. For this reason, CDFW strongly recommends that the MND incorporate a mitigation measure that outlines replacement of desert tortoise habitat that is permanently protected by a conservation easement, managed by a qualified land management entity, and funded by an endowment that will ensure adaptive management of the mitigation lands in-perpetuity.

**Evidence impacts would be significant:** Desert tortoise has full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species, or CESA-listed plant species that results from a project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Desert tortoises meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). 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 #1: Desert Tortoise Surveys** – The Project applicant shall retain a qualified biologist to prepare a habitat assessment and conduct 10-meter-wide belt transects covering the Project site and adjacent areas in order to determine the presence of desert tortoise. The habitat assessment and transects shall be performed adhering to methods described in [Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise](#) (USFWS 2019). Findings from the surveys shall be provided in the MND for public disclosure and review.

**Mitigation Measure #2: Compensatory Mitigation** - The MND shall provide compensatory mitigation for impacts to desert tortoise suitable habitat. If direct incidental take of tortoise will occur, the Project applicant shall consult with CDFW and USFWS to obtain appropriate take authorization under CESA and federal ESA prior to implementing the Project.

#### **Additional Recommendations**

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1. **Biological Resource Assessment.** An adequate BRA provides 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 biological resources on the Project site were analyzed in two separate BRAs, which resulted in an incomplete and inconsistent biological analysis of the overall Project. Because some areas of the Project site were analyzed in March and the remaining areas in May, sensitive flora and fauna may not have been observed and appropriately reported. Due to the manner in which biological resources were assessed, CDFW is unable to ascertain if Project impacts to the natural resources have been reduced to less than significant. CDFW strongly recommends that the City combine and reconcile the data collected in BRA 1 and BRA 2, and amend the MND to include one comprehensive BRA which describes a complete environmental baseline for the Project.
  
2. **Burrowing Owl.** CDFW recommends the City revise Mitigation Measure 3 by incorporating the underlined language and removing the language with strikethrough:

A pre-construction burrowing owl clearance survey shall be conducted no less than 14 days ~~no more than 30 days~~ prior to any vegetation removal or ground disturbing activities to avoid impacts to burrowing owls and/or occupied burrows. The pre-construction clearance survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Burrowing owl protocol surveys shall be conducted 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 variations 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. Documentation of surveys and findings shall be submitted to the City of Lancaster for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required.

If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a “no-disturbance” buffer around the burrow location(s). The size of the “no-disturbance” buffer shall be determined in consultation with CDFW and be based on the species’ status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow or burrowing owl is found within the development footprint, the Project proponent shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project proponent shall contact CDFW to develop appropriate mitigation/management procedures and a final Burrowing Owl Mitigation Plan shall be submitted to the City prior to issuance of construction permits. ~~and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.~~

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3. **Nesting Birds and Raptors.** CDFW recommends the City revise Mitigation Measure 4 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 14 days prior to the start of any construction/ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone surrounding the project impact area. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be identified, and a “no disturbance” buffer shall be established around the active nest. The size of the “no disturbance” buffer shall be increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species. At a minimum, the buffer shall be at least 500 feet around active raptor nests and 100 50 feet around nests of migratory bird species. 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. The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the “no-disturbance” buffer disturb the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the “no-disturbance” buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.

**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 2023a). 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 2023b).

**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

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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).

### **Environmental Document Filing Fees**

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

### **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](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Sincerely,

DocuSigned by:

  
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David Mayer  
Environmental Program Manager  
South Coast Region

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**References:**

- [CDFW] California Department of Fish and Wildlife. 2023a. Submitting Data to the CNDDDB. Available at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
- [CDFW] California Department of Fish and Wildlife. 2023b. Combined Rapid Assessment and Releve Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- California Department of Fish and Wildlife. November 12, 2019. Tentative Tract Map No. 71210/ Conditional Use Permit No.15-19
- California Department of Fish and Wildlife. November 12, 2021. Tentative Tract No. 61678/ Conditional Use Permit No. 20-05
- California Department of Fish and Wildlife. September 8, 2022. Tentative Tract Map No. 61600/Variance 22-02
- California Department of Fish and Wildlife. May 23, 2022. Tentative Tract Map 53642 & Conditional Use Permit 22-08
- California Department of Fish and Wildlife. March 8, 2023. Tentative Tract Map No. 83553 Zone Change No. 21-03
- [USFWS] United States Fish and Wildlife Service. 2019. Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise (*Gopherus agassizii*). Version October 8, 2019. Available at: <https://wildlife.ca.gov/Conservation/SurveyProtocols#377281283-reptiles>
- [USFWS] United States Fish and Wildlife Service. 2023. Desert Tortoise. Available at: <https://www.fws.gov/species/desert-tortoise-gopherus-agassizii>

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**Attachment A:**

**CDFW Draft Mitigation, Monitoring, and Reporting Plan and Associated Recommendations**

Recommendation	Mitigation Measures	Timing	Responsible Party
<b>MM-BIO-1 – Desert Tortoise Surveys</b>	The Project proponent shall retain a qualified biologist to prepare a habitat assessment and conduct 10-meter-wide belt transects covering the Project site and adjacent areas in order to determine the presence of desert tortoise. The habitat assessment and transects shall be performed adhering to methods described in Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise. Findings from the surveys shall be provided in the MND for public disclosure and review.	Prior to and Adoption of MND.	Project proponent/ Qualified Biologist/ City
<b>MM-BIO-2- Compensatory Mitigation</b>	The MND shall provide compensatory mitigation for impacts to desert tortoise suitable habitat. If direct incidental take of tortoise will occur, the Project applicant shall consult with CDFW and USFWS to obtain appropriate take authorization under CESA and federal ESA prior to implementing the Project	Prior to Project activities	Project proponent
<b>MM-BIO-3 – Mitigation Measure 3</b>	A pre-construction burrowing owl clearance survey shall be conducted no less than 14 days prior to any vegetation removal or ground disturbing activities to avoid impacts to burrowing owls and/or occupied burrows. The pre-construction clearance survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Burrowing owl protocol surveys shall be conducted on the Project site and within 500 feet	Prior to Project activities	Project proponent/ Qualified Biologist

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	<p>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 variations 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. Documentation of surveys and findings shall be submitted to the City of Lancaster for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required.</p> <p>If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a “no-disturbance” buffer around the burrow location(s). The size of the “no-disturbance” buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow or burrowing owl is found within the development footprint, the Project proponent shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project proponent shall contact CDFW to develop appropriate mitigation/management procedures and a final Burrowing Owl Mitigation Plan shall be submitted to the City</p>		
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	<p>prior to issuance of construction permits.</p>		
<p><b>MM-BIO-4 – Mitigation Measure 4</b></p>	<p>If Project activities occur 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 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 no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be identified, and a “no disturbance” buffer shall be established around the active nest. The size of the “no disturbance” buffer shall be increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species. At a minimum, the buffer shall be at least 500 feet around active raptor nests and 100 feet around nests of migratory bird species. 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</p>	<p>Prior to Project activities</p>	<p>Project proponent/                  Qualified Biologist</p>

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	<p>becomes inactive as determined by a qualified biologist. The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the “no-disturbance” buffer disturb the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the “no-disturbance” buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.</p>		
<p><b>REC-1- Cumulative Analysis</b></p>	<p>The City should revise the MND to include 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 MND should indicate why the cumulative impact is not significant. The City’s conclusion should be supported by facts and analyses.</p>	<p>Prior to Adoption of MND</p>	<p>City</p>
<p><b>REC 2 – Biological Resource Assessment</b></p>	<p>CDFW strongly recommends that the City combine and reconcile the data collected in BRA 1 and BRA 2 and amend the MND to include one comprehensive BRA which describes a complete environmental baseline for the Project.</p>	<p>Prior to Adoption of MND</p>	<p>City</p>
<p><b>REC-2 – Environmental Data</b></p>	<p>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.</p>	<p>Prior to Project activities</p>	<p>Qualified Biologist</p>

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	<p>Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms. Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.</p>		
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