



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



January 29, 2024

Governor's Office of Planning & Research

Jan 29 2024

STATE CLEARINGHOUSE

Jocelyn Swain
44933 Fern Avenue
Lancaster, CA 93534
jswain@cityoflancasterca.org

**SUBJECT: SITE PLAN REVIEW NO. 23-012 (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2023120722**

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.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

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.

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streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description Summary

Proponent: Northpoint Development, LLC

Objective: The Project proposes the construction and operation of a 1,227,596 square foot industrial and cold storage warehouse. Approximately 40,000 square feet of the building would be designated as office space. A total of 415 trailer parking spaces and 564 passenger vehicle parking spaces would be installed throughout the Project site. Access to the Project site would be provided via two driveways along 30th Street West. Two detention basins are proposed to the east of the building and a third detention basin is proposed to the west of the building. Other Project improvements include road improvements along Avenue G, lighting, utilities, and landscaping. Project activities are anticipated to commence in June 2024 for a duration of 18 months and be completed by February 2026. Construction activities would consist of grading, excavation, building construction, paving, and architectural coating. Operational activities are anticipated to occur 24-hours per day.

Location: The 80-acre Project site is located on the northeast corner of 30th Street West and Avenue G in the City of Lancaster, California. The Project site is bound by vacant land to the north and east, West Avenue G to the south, and 30th Street West to the west. The Assessor’s Parcel Numbers associated with the Project site include 3114-010-002, 3114-010-003, and 3114-010-011.

Biological Setting: The Project site is currently vacant and undeveloped. Beyond the immediate borders of the Project site, Highway 14 is to the east, and there is more undeveloped land to the north, south, and west. Signs of litter, debris, and off-road activity are exhibited throughout the entire Project site and surrounding area.

A general biological survey and habitat assessment was conducted on April 17, 2023, with findings compiled in a Biological Resources Assessment (BRA). In addition to a general biological survey, protocol-level rare plant surveys were conducted on May 22, 2023, and July 11, 2023. Focused burrowing owl surveys were also conducted from April through July 2023, in accordance with CDFW’s *Staff Report on Burrowing Owl Mitigation*.

The Project site is relatively flat with native desert scrub habitat and Pond-Oban complex soil composition. It supports approximately 76.8 acres of disturbed shadscale (*Atriplex confertifolia*) scrub. During the rare plant surveys, 1,880 individual alkali mariposa lilies

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(*Calochortus striatus*; California Rare Plant Ranking (CRPR) 1B.2) were observed over 0.72 acre. The rare plant survey also reported 6,146,024 individual Mojave spineflowers (*Chorizanthe spinosa*; CRPR 4.2) in 72.32 acres; 1,145 individual Rosamond eriastrums (*Eriastrum rosamondense*; CRPR 1B.1); and 181 individual golden goodmanias (*Goodmania luteola*; CRPR 4.2).

In regard to wildlife species, no special-status species were observed during the general biological and rare plant surveys. Although Mohave ground squirrel (*Xerospermophilus mohavensis*; CESA listed-threatened species) was not detected during the surveys, shadscale scrub provides suitable habitat for this species. During the burrowing owl focused surveys, no burrowing owls were detected but suitable burrows and sign of burrowing owl were observed. Common wildlife species that were observed include, but is not limited to, desert cottontail (*Sylvilagus audubonii*), western fence lizard (*Scleroporos occidentalis*), California quail (*Callipepla californica*), and California horned lark (*Eremophila alpestris actia*). No watercourses were detected during surveys.

Comments and Recommendations

CDFW appreciates the meeting with the City on January 19, 2024, to discuss biological resources observed within the Project site and offer feedback at that time. CDFW offers additional 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: Impact on Rare Plants

Issue: The Project will impact rare plants.

Specific impacts: Vegetation removal and grading activities will result in loss of suitable habitat, loss of population, and direct mortality of alkali mariposa lily and Rosamond eriastrum.

Why impact would occur: According to Antelope Valley Regional Conservation Investment Strategy (AVRCIS), alkali mariposa lily is designated as a focal species of special interest with limited distribution in the AVRCIS area. As a focal species with limited distribution, alkali mariposa lily is given the highest level of conservation priority with a conservation goal of 90 percent (DMCA 2021). Additionally, Rosamond eriastrum has a

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CRPR of 1B.1 and has only been observed and recorded in Antelope Valley within Southern California (Calflora 2024).

To offset Project-related impacts toward these rare plants, the MND proposes Mitigation Measure 4. Mitigation Measure 4 requires the Project proponent to calculate the total acreage of habitat based on the rare plant survey results and pay \$2,405/acre for these impacted areas. CDFW has previously expressed concern that the City is unable to determine the total impacted acreage of Rosamond eriastrum, given that the survey results only provided individual counts for this species. Mitigation Measure 4 also states that the funds shall be placed into a designated account for acquisition of conservation habitat. However, the mitigation measure does not disclose pertinent information such as potential locations of mitigation land or a timeframe of when the funds would be utilized to purchase mitigation land. As currently written, Mitigation Measure 4 does not commit to acquiring land that would adequately offset the direct loss of both rare plants, nor does it adopt specific performance standards and actions pertaining to management of mitigation land. Without sufficient information, Mitigation Measure 4 is considered deferred mitigation [CEQA Guidelines, § 15126.4(a)(1)(B)].

Furthermore, CDFW has ongoing concerns that a blanket fee of \$2,405/acre may not cover all costs associated with land acquisition and management of mitigation land. Current land value costs in the Antelope Valley have increased throughout the years and is approximately \$11,000/acre (Zillow 2024). Therefore, a fee of \$2,405/acre would be less than the cost of acquisition, thus resulting in mitigation that is less than a 1:1 mitigation ratio. Moreover, Mitigation Measure 4 does not account for the funding necessary to permanently protect mitigation land through a conservation easement, conduct management activities by a qualified land management entity, and provide an endowment that would ensure adaptive management of the mitigation lands in-perpetuity. Without sufficient funding for acquisition and management of mitigation land, the Project would not be able to fulfill its compensatory mitigation and would continue to have a significant adverse impact on alkali mariposa lily and Rosamond eriastrum.

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. 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 2024). 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).

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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.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Mitigation Measure 4 - CDFW strongly recommends the City revise Mitigation Measure 4 by incorporating the underlined language and removing the language with strikethrough:

Prior to the issuance of any construction related permits, the Project proponent shall provide compensatory mitigation to offset the Project's impact on alkali mariposa lily and Rosamond eriastrum at no less than 2:1. The total habitat acreage within the mitigation land shall be no less than 2:1. The Project proponent shall acquire CDFW approved mitigation land that has presence of both plant species and is located in the same watershed as the Project site. The mitigation land shall also provide equivalent or greater habitat value than that of the Project site. The Project proponent 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. Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.

~~In the event that a springtime survey cannot be conducted, the biologist shall map all habitat suitable for this special status plant species. The biologist's report shall include the total acreage of each special status species present or the suitable habitat for these species and the applicant shall be required to pay \$2,405/acre for these areas. The funds shall be placed into a designated account and utilized for the acquisition of conservation habitat within the Antelope Valley.~~

Mitigation Measure #2: Habitat Management and Monitoring Plan – The Project proponent shall retain a certified botanist to draft a Habitat Management and Monitoring Plan (HMMP) and submit it to the City and CDFW for review and approval prior to Project activities. The HMMP shall outline initial and long-term management and maintenance activities that would occur on mitigation lands. The HMMP shall provide measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Maintenance activities outlined in the HMMP shall include measures pertaining to control of exotic vegetation, irrigation schedule, and protection from future maintenance activities (i.e., fuel modification).

Comment #2: Impacts on Mohave Ground Squirrel

Issue: The Project may impact Mohave ground squirrel.

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Specific impacts: Project construction and ground-disturbing activities (e.g., equipment staging, mobilization, and grading) may result in mortality or injury to Mohave ground squirrel, habitat destruction, and may contribute to further habitat decline within the regional population.

Why impacts would occur: Desert shrub vegetation such as Mojave creosote bush scrub and shadscale scrub are known to provide habitat for Mohave ground squirrel. According to CDFW's [Mohave Ground Squirrel Predicted Habitat – CWHR M073](#) database, the Project site provides moderately suitable habitat for Mohave ground squirrel (CDFW 2016). Furthermore, the BRA acknowledges that, "[T]he Project site lies within the far southwestern-most edge of the MGS geographic range..." (page 11). Despite suitable habitat for this CESA-listed species being present on site, the MND does not incorporate any avoidance or minimization measure specific to Mohave ground squirrel. Furthermore, the BRA states that recent literature has cited a lack of occurrence records within Los Angeles County. A lack of recorded observations near a Project site does not provide sufficient merit to make the definitive statement that no impacts would occur without conducting protocol-level focused surveys. Mohave ground squirrels are challenging to detect, and a general survey may not provide an accurate assessment of presence/absence. As previously discussed with the City, CDFW strongly recommends that focused protocol surveys are conducted to confirm the presence or absence of this CESA-listed species and findings should be disclosed in the MND for public review. Without focused protocol surveys during the appropriate survey period, Project activities may adversely impact Mohave ground squirrel.

Evidence impacts would be significant: The Mohave ground squirrel has a restricted geographic range in the western Mojave Desert, where it has suffered from habitat loss as a result of conversion or degradation of native vegetation. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Inadequate avoidance, minimization, and mitigation measures for impacts on the Mohave ground squirrel will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a wildlife species identified as special status by CDFW and USFWS. As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #3: Mohave Ground Squirrel Focused Surveys - A qualified biologist familiar with the species' behavior and life history shall conduct focused surveys for Mohave ground squirrel throughout the Project site. Focused Mohave ground squirrel surveys shall adhere to [California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines](#) (CDFW 2023). If Mohave ground squirrel is observed on site or

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captured during any of the trapping sessions, the Project proponent shall secure a CESA Incidental Take Permit (ITP) for Mohave ground squirrel before to issuance of City permits. The ITP shall specify avoidance, minimization, and mitigation conditions for temporary and/or permanent impacts to Mohave ground squirrel including habitat acquisition at a CDFW-approved location and mitigation ratio.

Mitigation Measure #4: Incidental Take Permit - The Project proponent may choose to forgo focused Mohave ground squirrel presence/absence surveys and assume presence of Mohave ground squirrel on site. Under this option, a CESA ITP shall be obtained for Mohave ground squirrel prior to ground/vegetation disturbance activities. The Project shall mitigate temporary and/or permanent impacts to Mohave ground squirrel habitat as specified in conditions of the ITP through habitat acquisition at a CDFW-approved location and mitigation ratio.

Recommendation #1: CEQA - CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, a project's CEQA document should fully identify the potential impacts to Mohave ground squirrel and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

Additional Recommendations

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.

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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.~~

Nesting Birds and Raptors. CDFW recommends the City revise Mitigation Measure 2 by incorporating the underlined language and removing the language with strikethrough:

If project-related activities are to be initiated during the nesting season (January 1 to September 15 ~~August 31~~), a pre-construction nesting bird and raptor ~~clearance~~ survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within a 500-foot radius of the Project site ~~the project impact area, and areas within a biologically defensible buffer zone surrounding the project impact area.~~ 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. At a minimum, the no-disturbance buffer shall be at least 500 feet around active raptor nests and 100 feet around nests of migratory bird species. 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. 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

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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 2024a). 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 2024b).

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).

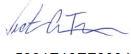
Environmental Document Filing Fees

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 or (562) 330-7563.

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager

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EC: State Clearinghouse, Sacramento, State.Clearinghouse@opr.ca.gov
Jennifer Turner – San Diego – Senior Environmental Scientist (Supervisory) –
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References:

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Conservation Investment Strategy. Available at:
<https://wildlife.ca.gov/Conservation/Planning/Regional-Conservation/RCIS>
- Zillow. 2024. Lots/Land in the City of Lancaster. Available at: <https://www.zillow.com/>

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Attachment A:

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

Recommendation	Mitigation Measures	Timing	Responsible Party
<p>MM-BIO-1 – Mitigation Measure 4</p>	<p>Prior to the issuance of any construction related permits, the Project proponent shall provide compensatory mitigation to offset the Project’s impact on alkali mariposa lily and Rosamond eriastrum at no less than 2:1. The total habitat acreage within the mitigation land shall be no less than 2:1. The Project proponent shall acquire CDFW approved mitigation land that has presence of both plant species and is located in the same watershed as the Project site. The mitigation land shall also provide equivalent or greater habitat value than that of the Project site. The Project proponent 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. Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.</p>	<p>Prior to Project activities.</p>	<p>Project proponent/ City</p>
<p>MM-BIO-2- Habitat Management and Monitoring Plan</p>	<p>The Project proponent shall retain a certified botanist to draft a Habitat Management and Monitoring Plan (HMMP) and submit it to the City and CDFW for review and approval prior</p>	<p>Prior to Project activities</p>	<p>Project proponent/ Qualified Botanist</p>

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	<p>to Project activities. The HMMP shall outline initial and long-term management and maintenance activities that would occur on mitigation lands. The HMMP shall provide measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Maintenance activities outlined in the HMMP shall include measures pertaining to control of exotic vegetation, irrigation schedule, and protection from future maintenance activities (i.e., fuel modification).</p>		
<p>MM-BIO-3- Mohave Ground Squirrel Surveys</p>	<p>A qualified biologist familiar with the species' behavior and life history shall conduct focused surveys for Mohave ground squirrel throughout the Project site. Focused Mohave ground squirrel surveys shall adhere to California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines. If Mohave ground squirrel is observed on site or captured during any of the trapping sessions, the Project proponent shall secure a CESA Incidental Take Permit (ITP) for Mohave ground squirrel before ground-disturbing activities commence. The ITP shall specify avoidance, minimization, and mitigation conditions for temporary and/or permanent impacts to Mohave ground squirrel including habitat acquisition at a CDFW-approved location and mitigation ratio.</p>	<p>Prior to Project activities</p>	<p>Project Proponent/ Qualified Biologist</p>
<p>MM-BIO-4- Incidental Take Permit</p>	<p>The Project proponent may choose to forgo focused Mohave ground squirrel presence/absence surveys and assume presence of Mohave ground squirrel on site. Under this option, a CESA ITP shall be obtained for Mohave ground squirrel prior to</p>	<p>Prior to Project activities</p>	<p>Project proponent</p>

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	<p>ground/vegetation disturbance activities. The Project shall mitigate temporary and/or permanent impacts to Mohave ground squirrel habitat as specified in conditions of the ITP through habitat acquisition at a CDFW-approved location and mitigation ratio.</p>		
<p>MM-BIO-5-- Mitigation Measure 3</p>	<p>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 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</p>	<p>Prior to Project activities</p>	<p>Project proponent/ Qualified Biologist</p>

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	<p>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 prior to issuance of construction permits.</p>		
<p>MM-BIO-6 – Mitigation Measure 2</p>	<p>If project-related activities are to be initiated during the nesting season (January 1 to September 15), a pre-construction nesting bird and raptor survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within a 500-foot radius of the Project site. 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</p>	<p>Prior to and during Project activities</p>	<p>Project proponent/ Qualified Biologist</p>

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	<p>active bird nests are detected during the 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. At a minimum, the no-disturbance buffer shall be at least 500 feet around active raptor nests and 100 feet around nests of migratory bird species. 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. 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.</p>		
<p>REC-1- CEQA</p>	<p>CDFW’s issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from</p>	<p>Prior to issuance of ITP</p>	<p>City</p>

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	<p>the lead agency/Project proponent for the project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, a project's CEQA document should fully identify the potential impacts to Mohave ground squirrel and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.</p>		
<p>REC-2 – Environmental Data</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. 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>	<p>Prior to Project activities</p>	<p>Qualified Biologist</p>