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**GAVIN NEWSOM, Governor**  
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March 27, 2024

Governor's Office of Planning & Research

**Mar 27 2024**

**STATE CLEARINGHOUSE**

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**SUBJECT: PARKWAY VILLAGE SPECIFIC PLAN (PROJECT) NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SCH# 2024020979; LOS ANGELES COUNTY, CA**

Dear Jocelyn Swain,

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced NOP for the Project pursuant to 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, CDFW appreciates 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 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 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

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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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to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** City of Lancaster

**Objective:** The Project proposes to develop and implement the Parkway Village Specific Plan (Plan). The Plan would provide direction for development within the Project area over a 20-year period. The Plan would provide a variety of commercial, residential, medical, and public use areas. Residential uses would vary from single family residences, townhomes, condominiums, to apartment complexes. The Project area would be divided into multiple planning areas dedicated to different types of uses. The St. Paul's Episcopal Church and existing commercial uses would remain. The maximum development allowed by the Plan would include:

- 4, 246 total residential units;
- 130 hotel rooms in one or more hotels;
- Mixed Use - A area: 150,000 square feet of commercial space;
- Mixed Use – B area: 415,000 square feet of office, medical office, assisted/supportive living, and uses supportive of office space, including (e.g., restaurants, financial institutions, professional services, transit hub, etc.);
- Mixed Use – C area: 185,000 square feet of commercial uses that would include technical school, fitness centers, and gymnasiums;
- 8.7 acres for school uses;
- 30.2 acres for parks of varying sizes; and
- 200 bed hospital and up to 500,000 square feet of medical-related uses.

**Location:** The Project area consists of approximately 435 acres in the central portion of the City, Los Angeles County. The Project area is bound by West Avenue L to the south, 10<sup>th</sup> Street West to the west, Avenue K to the north, and Sierra Highway to the east. The Montecito Apartment Complex in the northeast corner of Avenue L and 10<sup>th</sup> Street West and the gas station in the southeast corner of Avenue K-8 and 10<sup>th</sup> Street West are not part of the Project area.

**Biological Setting:** The Project area lies within the Antelope Valley, which is part of the [Antelope Valley Regional Conservation Investment Strategy](#) (AVRCIS). The Project area is primarily vacant with some developed parcels along the borders of the area. The developed areas have existing buildings that serve varying uses (e.g., commercial,

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medical, church, etc.). The Project area is bisected by West Avenue K-8 that runs east to west and 5<sup>th</sup> Street West that runs north to south. Beyond the immediate borders of the Project area lies Sergeant Steve Owen Memorial Park to the west, railroad tracks to the east, residential communities to the north, and vacant land to the south. Based on aerial imagery, off-road vehicular tracks, trash, encampments, and unpaved/paved roads are present throughout the Project area.

A biological assessment of the Project area was not provided in the NOP. Based on aerial imagery, the vacant land north of West Avenue K-8 appears to be barren with patches of desert scrub habitat. Vegetation south of West Avenue K-8 appears to be a mix of desert scrub communities, grassland, and multiple western Joshua trees (*Yucca brevifolia*; CESA candidate species). In the southwest portion of the Project area, there appears to be an earthen drainage. CDFW is concerned that the Project has the potential to impact the following special-status wildlife species: Crotch's bumble bee (*Bombus crotchii*; CESA candidate species), desert tortoise (*Gopherus agassizii*; CESA listed-threatened, Endangered Species Act (ESA) listed-threatened), Mohave ground squirrel (*Xerospermophilus mohavensis*; CESA listed-threatened), coast horned lizard (*Phrynosoma blainvillii*; California Species of Special Concern (SSC)), northern California legless lizard (*Anniella pulchra*; SSC), alkali mariposa lily (*Calochortus striatus*; California Rare Plant Rank (CRPR) 1B.2), Lancaster milk-vetch (*Astragalus preussii* var. *laxiflorus*; CRPR 1B.1), raptors, and migratory birds. No mitigation is proposed in the NOP for this Project.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

### Specific Comments

- 1) Cumulative Impacts. According to the AVRCIS, the cities within the Antelope Valley provide important natural resources (e.g., natural vegetation communities, watercourses, etc.) that support a variety of focal species (i.e., desert tortoise, Mohave ground squirrel, alkali mariposa lily) with high conservation priorities given their conservation status and limited distribution throughout the region (DMCA 2021). Complete buildout of the Plan area would result in the permanent loss of natural resources and have an adverse impact on local wildlife species.

Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources and whether the AVRCIS may apply. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and

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the effects of probable future projects [Pub. Resources Code, § 21083(b)]. The City's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the City concludes that the Project would not result in cumulative impacts on biological resources, the City "shall identify facts and analysis supporting the City's conclusion that the cumulative impact is less than significant" [CEQA Guidelines section § 15130(a)(2)].

When using a threshold of significance, the DEIR should briefly explain how compliance with the threshold means that the Project's impacts are less than significant. A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect [CEQA Guidelines, § 15064.7]. Compliance with the threshold does not relieve the City's obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant [CEQA Guidelines, § 15064(b)(2)]. Alternatively, if the City concludes that the Project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through implementation of mitigation measures, the DEIR should briefly explain how the contribution has been rendered by the City to be less than cumulatively considerable. The City "shall identify facts and analysis supporting the City's conclusion that the contribution will be rendered less than cumulatively considerable" [CEQA Guidelines section, § 15130(a)(3)].

- 2) Local Wildlife Movement. The Project area is surrounded by existing development on all sides except for discontinuous vacant land to the south. Local wildlife that utilizes the Project area would be forced to move further south onto areas that CDFW has reviewed for future development (i.e., Palmdale Warehouse and various pre consultations). Developing the entire Project area would reduce natural habitat and contribute to further habitat fragmentation in the local vicinity of the Project area, presenting more challenges for local wildlife movement. CDFW recommends the City 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. CDFW also recommends that the City discuss and consider how the Project aligns with the AVRCIS for protection of wildlife corridors and removal of movement barriers. 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 wildlife movement. CDFW recommends the City considers conservation actions outlined in the AVRCIS when drafting mitigation measures related to wildlife movement.
- 3) CESA. Crotch's bumble bee, desert tortoise, and Mohave ground squirrel have potential to occur within the Project area and are protected under CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate

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species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9).

CDFW recommends the DEIR provide a thorough discussion of habitat suitability for these CESA protected species within the Project area. In addition to habitat suitability, the City should fully discuss the potential direct and indirect impacts on these species that would occur from the Project and subsequent projects facilitated by the Plan. Impacts should be analyzed on a species-specific level and evaluate habitat (i.e., nesting, foraging, floral resources, refugia), species population on a local/regional scale, and direct injury/harm of a species. If the Project would have impacts, the DEIR should provide measures to avoid, minimize, and mitigate potential impacts to the species and associated habitat. The City should consider species-specific conservation actions outlined in the AVRCIS for focal species when drafting mitigation measures.

CDFW recommends the City incorporate a measure in the DEIR that would require individual project proponents to retain a qualified biologist with the appropriate handling permits to survey for Crotch's bumble bee, Mohave ground squirrel, and/or desert tortoise prior to ground-disturbing activities, if suitable habitat is present. The qualified biologist should conduct focused surveys at the appropriate period, when the species are easily detectable, and adhere to species-specific protocols developed by wildlife agencies (i.e., CDFW, United States Fish and Wildlife Services (USFWS)). Species-specific protocols are available at CDFW's [Survey and Monitoring Protocols and Guidelines](#) (CDFW 2024a). Survey findings should be provided to the City for review prior to the issuance of City permits.

Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. 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 unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements of a CESA ITP.

- 4) Western Joshua Tree. Western Joshua trees are present within the Project area. In addition to protection under CESA, the [Western Joshua Tree Conservation Act](#) (WJTCA) also protects western Joshua trees. The WJTCA was enacted in July 2023

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and prohibits the importation, export, take, possession, purchase, or sale of any western Joshua tree in California unless authorized by CDFW (CDFW 2024b).

If any living or dead western Joshua tree is present within a Project site, the Project proponent would need to obtain the appropriate permit from CDFW prior to ground-disturbing activities. CDFW recommends that the City retain a qualified biologist to conduct a western Joshua tree census throughout the entire Project area. Findings from the western Joshua tree census should be disclosed in the DEIR for public review.

In addition to disclosing the census findings in the DEIR, CDFW recommends that the City provide a discussion on the Project's direct and indirect impacts on individual western Joshua trees and seedbank. Moreover, it should be disclosed in the DEIR whether the City intends to remove all of the western Joshua trees or retain a certain number of western Joshua trees. If the City intends to remove all trees from the Project area, the City should state whether removal of western Joshua trees would occur all at once or in phases. If western Joshua trees remain on site, negative impacts may occur as a result of dust and soil compaction from nearby construction activities. Lastly, the City should disclose in the DEIR whether the Project proponent intends to obtain an incidental permit or any other appropriate take authorization under CESA or obtain permit under the WJTCA (Fish & G. Code, §§ 1927-1927.12). If conventional take authorization under CESA is proposed, the DEIR should also include analysis of the Project's impact on the seedbank of western Joshua trees.

- 5) Lake and Streambed Alteration. From aerial imagery, there appears to be an earthen drainage in the southwest portion of the Project area. Additionally, the [California Streams](#) dataset identifies an unnamed blue line stream in the southwest portion of the Project area (CDFW 2024c). The DEIR should discuss the wetland impacts which could occur as a result of Project activities. CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW recommends that the City assess whether notification is appropriate. A Notification package for a LSAA may be obtained by accessing CDFW's web site at <http://www.wildlife.ca.gov/Conservation/LSA>.
- 6) Rare Plants. According to CNDDDB, alkali mariposa lily was observed in 2016 less than half a mile from the Project area. Additionally, Lancaster milk-vetch inhabits desert scrub communities within the region and has been recorded on multiple occurrences within the City of Lancaster (Calflora 2024). Impacts to plant species with a CRPR 1B.2

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and 1B.1 should be analyzed in the DEIR as they meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). CDFW recommends that the City provides full disclosure of the Project's impact on rare plants and their associated seedbank. CDFW also recommends the City incorporate measures in the DEIR that avoid, minimize, and mitigate potential impacts on rare plants and supporting habitat. The City should also retain a qualified biologist with the appropriate handling permits to conduct a rare plant survey throughout the Project area to confirm presence/absence of rare plants. Surveys should adhere to CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Findings of the rare plant survey should be disclosed in the DEIR.

- 7) Species of Special Concern. A review of CNDDDB indicates historical observations of coast horned lizard and northern California legless lizard within a mile of the Project area. Additionally, coast horned lizard is considered a focal species with a moderate conservation priority in the AVRCIS. Build out of the Project may result in death or injury of adults, juveniles, eggs, or hatchlings. Moreover, the Project may eliminate foraging, breeding, or nesting habitat and refugia for these species. In preparation of the DEIR, CDFW recommends that City thoroughly discuss the potential for impacts to these SSC, assume their presence, and include mitigation measures which provide compensatory mitigation for Project impacts on SSC.
- 8) Nesting Birds and Raptors. Avian species may utilize the trees within the Project area as nesting sites. Implementation of the Project during bird breeding and nesting season may result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. The California Fish and Game Code (Sections 3503, 3503.5, and 3513), prohibit take of all birds and their active nests, including raptors and other migratory nongame birds as listed under the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any nesting bird.

CDFW recommends the City provide a discussion of the Project's impact on nesting birds and raptors. Additionally, the City should incorporate measures in the DEIR to fully avoid impacts on nesting birds and raptors. Proposed Project-related ground-disturbing activities and vegetation removal should occur outside of the avian breeding season, which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds or their eggs.

### **General Comments**

- 1) 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

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specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project 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). The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
  - b. Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, 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 impacts of proposed mitigation measures.
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide 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 on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project’s potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:
  - a. Information on the regional setting that 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)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive



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Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity 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 2024d);

- 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). Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present;
- c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project site and within adjacent areas. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (CNPS 2024). Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site;
- d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. CDFW's [California Natural Diversity Database](#) should be accessed to obtain current information on any previously reported sensitive species and habitat (CDFW 2024e). An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project site. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources. Please see [CNDDDB Data Use Guidelines – Why do I need to do this?](#) for additional information (CDFW 2011);
- e. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. 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)];

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- f. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project site and adjacent areas, including SSC 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 the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. 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 (CDFW 2024a). Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS; and,
  - g. A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 4) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect 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 areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;
  - b. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those 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 post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting

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impacts on habitat (if any) supported by the groundwater. Measures to mitigate such impacts should be included; and

- 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.

5) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:

- a. A complete discussion of the purpose and need for, and description of the proposed Project;
- b. Pursuant to CEQA Guidelines section 15126.6(a), an environmental document “shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project.” CEQA Guidelines section 15126.6(f)(2) states if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion; and,
- c. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- d. Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to

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such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow.

- 6) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and sensitive natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2024f). To submit 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 2024g). The City should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out.
- 7) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization 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 inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and 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.
- 8) 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 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 endowment should be set aside to provide for long-term management of mitigation lands.
- 9) Wildlife Friendly Fencing. Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link

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fencing). If the Project would include temporary and/or permanent fencing, prior to preparation of the DEIR, CDFW recommends the City provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the DEIR for potential impacts on biological resources and wildlife movement. The DEIR should discuss how fencing proposed for the Project would minimize impacts on biological resources, specifically wildlife movement. CDFW supports the use of wildlife-friendly fencing. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value in order to protect biological resources, habitat, and wildlife movement. CDFW recommends [A Landowner's Guide to Wildlife Friendly Fences](#) for information wildlife-friendly fences (MFWP 2012).

- 10) Use of Native Plants and Trees. CDFW recommends the City require the Project Applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#) (Cal-IPC 2024). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.
- 11) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 12) Scientific Collecting Permit. A scientific collecting permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor project impacts on wildlife resources,

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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.

13) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (CFGF 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
- b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive

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amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## FILING FEES

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

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Julisa Portugal at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Sincerely,

DocuSigned by:



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Victoria Tang  
Environmental Program Manager  
South Coast Region

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cc: California Department of Fish and Wildlife  
Jennifer Turner  
Steve Gibson  
Frederic Rieman  
Andrew Aitken  
Jennifer Ludovissy

## REFERENCES

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