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October 1, 2024

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SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WESTSIDE ANNEXATION AND SPECIFIC PLAN PROJECT, SCH NO. 2024081372, LOS ANGELES COUNTY, CALIFORNIA

Dear Jocelyn Swain:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) from the City of Lancaster (City) for the Westside Annexation and Specific Plan Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, 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 (Fish & G. Code, § 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.

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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CDFW may also act 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. 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 law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 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 objective of the Project is to annex approximately 7,153 acres currently in unincorporated Los Angeles County into the City's jurisdiction and to adopt the proposed North Lancaster Industrial Specific Plan (Specific Plan), which would allow for industrial development. The Specific Plan would encompass approximately 1,860 acres in the center of the annexed area and is split into eight planning areas. Of the eight planning areas, six will be zoned as light industrial (planning areas 1 through 6) and two will be zoned as heavy industrial (planning areas 7 and 8). Primary Project activities include conversion of mostly vacant and undeveloped land with scattered rural residences to industrial development. With a proposed floor area ratio of 0.5, the maximum buildout of all planning zones totals approximately 884 acres. Within planning areas 2, 4, 6, 7, and 8, the Project proposes to construct approximately 260 acres of industrial warehouse buildings and associated site improvements over a 5-year period. The NOP does not describe the construction proposal for planning areas 1 and 5.

Location: The Project is located to the north of the City of Lancaster in the County of Los Angeles. The Specific Plan area is generally bound by Avenue B to the north, Sierra Highway and Edwards Air Force Base to the east, Avenue G to the south, and 30th Street West to the west. Piute Ponds and Rosamond Lake are located approximately one and two miles east of the Project, respectively.

Biological Setting: No biological resource assessment of the Project area was provided. The Project is within the Mojave Desert section of the American Semi-Desert and Desert Province. CDFW's [Vegetation Classification and Mapping Program](#)³ (VegCAMP) indicates the predominant vegetation groups within the Specific Plan area are shadscale-saltbush cool semi-desert scrub, intermontane seral shrubland, and Mediterranean California naturalized annual and perennial grassland. The dominant

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

³ <https://wildlife.ca.gov/Data/VegCAMP>

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vegetation alliance is *Atriplex confertifolia*. Based on aerial imagery, the Specific Plan area may also include several tree stands of unknown species.

CDFW's [California Streams Dataset](#)⁴ indicates Amargosa Creek and unnamed streams, tributaries to Piute Ponds, are within the Specific Plan area. Additionally, the United States Fish and Wildlife Service's (USFWS's) [National Wetlands Inventory](#)⁵ indicates there are freshwater ponds within the Specific Plan area. These freshwater ponds may be claypans hydrologically connected to the Amargosa Creek and the unnamed streams.

The Project is within the [Antelope Valley Regional Conservation Investment Strategy](#)⁶ (AVRCIS) area. The northeast portion of the annexation area abuts the [Antelope Valley Significant Ecological Area](#).⁷

CDFW is concerned that the Project has the potential to impact the following special-status species: alkali mariposa-lily (*Calochortus striatus*; California Rare Plant Rank (CRPR) 1B.2), Rosamond eriastrum (*Eriastrum rosamondense*; CRPR 1B.1), Parry's spineflower (*Chorizanthe parryi* var. *parryi*; CRPR 1B.1), Lancaster milk-vetch (*Astragalus preussii* var. *laxiflorus*; CRPR 1B.1), sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*; CRPR 2.B.2), Crotch's bumble bee (*Bombus crotchii*; CESA candidate species), northern California legless lizard (*Anniella pulchra*; California Species of Special Concern (SSC)), least Bell's vireo (*Vireo bellii pusillus*; Federal Endangered Species Act (ESA) and CESA Endangered), tricolored blackbird (*Agelaius tricolor*; CESA Threatened), Swainson's hawk (*Buteo swainsoni*; CESA Threatened), mountain plover (*Charadrius montanus*; SSC), burrowing owl (*Athene cunicularia*; SSC), white-faced ibis (*Plegadis chihi*; California Watch List), merlin (*Falco columbarius*; California Watch List), and other raptors and migratory birds.

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) Programmatic EIR. Planning areas 2, 4, 6, 7, and 8 would be developed over a 5-year period. The NOP does not indicate when planning areas 1 or 5 would be developed. Given that Project activities would occur during different phases and would have similar environmental effects, the City should consider developing a Programmatic EIR (PEIR) for public review and comment (California Code of

⁴ <https://data.cnra.ca.gov/dataset/california-streams>

⁵ <https://www.fws.gov/program/national-wetlands-inventory>

⁶ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=197234>

⁷ https://egis-lacounty_hub.arcgis.com/datasets/c01bf32eee6d4768ac0a82470c810648

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Regulations. Title 14 §15168(a)(4)). The PEIR should provide a complete discussion of the direct and indirect impacts on biological resources for all phases of the Project. The Project may continually impact biological resources through activities such as, but not limited to, ground disturbance, continuous elevated noise, encroachment, vegetation clearing, and/or stream alteration. Mitigation measures incorporated into the PEIR should be drafted in a manner that would reduce Project impacts to a level less than significant for all phases. In the absence of a programmatic environmental document, the DEIR should analyze and discuss every phase of the Project such that CDFW can ascertain whether impacts to biological resources have been adequately avoided, minimized, and/or mitigated.

- 2) Crotch's Bumble Bee. Crotch's bumble bee is a generalist bee species that can utilize a variety of habitats including open areas and desert scrub communities for nesting and foraging opportunities. CNDDDB indicates there is a historical observation of Crotch's bumble bee within four miles of the Project area. Additionally, the Project area falls within the current range for Crotch's bumble bee based on CDFW's [Crotch's Bumble Bee Range Dataset](#).⁸ Focused surveys should be conducted to determine Crotch's bumble bee presence/absence within each planning area. Without a focused survey, Project activities could result in permanent loss of floral resources and nesting sites, nest abandonment, and/or direct injury or mortality of Crotch's bumble bee.

In preparation of the DEIR, CDFW recommends the City require the Project proponent to retain a biologist with the appropriate handling permits to conduct focused surveys. Focused surveys should follow CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#).⁹

Focused surveys should also be conducted within each planning area during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Findings from the focused survey should be included in the DEIR for complete public disclosure and review.

The DEIR should also provide a discussion of habitat suitability for Crotch's bumble bee. Additionally, the DEIR should provide a discussion of the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project would impact Crotch's bumble bee, the DEIR should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. Coordination with CDFW is recommended and may include obtaining appropriate take authorization under CESA.

Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish

⁸ <https://data.ca.gov/dataset/crotchs-bumble-bee-range-cdfw-ds3095>

⁹ nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

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& G. Code, §§ 2080.1, 2081, subds. (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.

- 3) Burrowing Owl. CNDDDB indicates burrowing owl was observed approximately four miles from the Specific Plan area. Additionally, the Project area may support open grassland with inactive small mammal burrows, which is suitable habitat for burrowing owls. Due to various factors including habitat loss and population decline, burrowing owls were recently petitioned to be listed as an endangered or threatened species under CESA by the Center of Biological Diversity (CBD 2024). Project activities may adversely impact burrowing owl through misdetection of burrowing owl, burrow destruction, construction disturbance (i.e., elevated noise, vibration), permanent removal of habitat, and injury and/or mortality.

To ensure that burrowing owls do not occupy the Project area, CDFW recommends that the City require the Project proponent to retain a biologist to conduct focused surveys for burrowing owls. The focused surveys should be conducted prior to the preparation of the Project's environmental document. A qualified biologist should survey for burrowing owls adhering to survey methods described in CDFW's [Staff Report on Burrowing Owl Mitigation](#)¹⁰ (CDFW 2012). A focused burrowing owl survey should be conducted no more than one year from the date of the DEIR. The survey area should include the Project area and a 150-meter buffer around the Project area, where suitable habitat is present. 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.

The DEIR should provide data on the presence or absence of burrowing owls and discuss the Project's impact on burrowing owls and suitable owl habitat. An impact assessment for burrowing owls should consider that this species is somewhat transitory seasonally and should evaluate impacts resulting from Project construction (e.g., grading) activities, as well as from habitat loss on site and cumulatively in the surrounding region. Adequate disclosure in the DEIR is recommended so CDFW may review data pertaining to burrowing owls and provide comments and recommendations specific to the Project's potential alternatives, mitigation measures, and any potential significant effects.

¹⁰ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

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The DEIR should also provide measures to minimize and mitigate potential impacts on burrowing owls and further address the loss of suitable habitat from a perspective of cumulative impacts in Lancaster and the broader Antelope Valley. CDFW recommends mitigation methods described in the Staff Report on Burrowing Owl Mitigation.

- 4) Swainson's Hawk. CNDDDB indicates Swainson's hawk was observed approximately one mile from the Specific Plan area. The Project could impact nesting and foraging habitat for Swainson's hawk. To ensure that Swainson's hawk does not occupy the Project area, CDFW recommends the City conduct focused surveys for Swainson's hawk prior to the preparation of the DEIR. According to the [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California](#)¹¹ (CEC 2010), a biologist should conduct surveys in a manner that maximizes the potential to observe the adult Swainson's hawks and the nest/chicks via visual and audible cues within a five-mile radius of the project. All potential nest trees within the five-mile radius should be surveyed for presence of nests. Surveys should be repeated within the five-mile radius if a survey season ensues or elapses before the onset of project related activities. If construction begins mid-survey season the year after the initial surveys, then the surveys should continue for that part of the season before construction. Findings and potential impacts should be included in the DEIR. If the Project would impact Swainson's hawk, directly or indirectly, the DEIR should provide measures to minimize, and/or mitigate potential impacts to Swainson's hawk as well as habitat supporting the species. If "take" of Swainson's hawk would occur from Project construction or operation, the Project proponent should obtain CESA authorization (i.e., ITP). CDFW may consider the City's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of a CESA-listed species.
- 5) Nesting Birds and Raptors. The Project area may provide suitable habitat for nesting birds and raptors. 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. California Fish and Game Code (Sections 3503, 3503.5, and 3513) prohibits 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.

¹¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline>

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CDFW recommends the City provide a discussion of the Project's impacts on nesting birds and raptors. Additionally, the City should incorporate measures in the DEIR to fully avoid impacts on nesting birds and raptors. To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which general runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a biologist with experience in conducting breeding bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a buffer should be established between the construction activities and the nest so that nesting activities are not interrupted. Buffers should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction should occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

- 6) Species of Special Concern. Northern California legless lizards were observed and recorded through CNDDDB within the Annexation area and adjacent to the Specific Plan area. Mountain plover was also observed within two miles of the Specific Plan area. Project activities, such as grading, may result in death or injury of adults, juveniles, eggs, or hatchlings of these SSC. Moreover, buildout of the Project may eliminate foraging, breeding, or nesting habitat and refugia for these SSC. In preparation of the DEIR, CDFW recommends that City thoroughly discuss the potential impacts to SSC. The City should also incorporate suitable mitigation measures to offset the impacts on sensitive reptile species and their habitats. It should be noted that the temporary relocation of wildlife does not constitute effective mitigation for the purpose of offsetting permanent Project impacts associated with habitat loss.
- 7) Rare Plants. CNDDDB indicates alkali mariposa-lily and sagebrush loeflingia were observed within the Specific Plan area and are presumed extant. Additionally, CNDDDB indicates Lancaster milk-vetch (possibly extirpated), Parry's spineflower (presumed extant), and Rosamond eriastrum (presumed extant) were observed within two miles of the Specific Plan area. Project activities, such as grading, may impact plant species with a CRPR of 1B.1, 1B.2, and 2B.2, and 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 provide 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 biologist with the appropriate handling permits to conduct a rare plant survey throughout the Project area to confirm presence/absence of rare plants.

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Surveys should adhere to CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)¹² (CDFW 2018). Findings of the rare plant survey should be disclosed in the DEIR.

- 8) Adjacency to Sensitive Ecological Areas. The Project area contains Amargosa Creek and ponds and abuts the Antelope Valley Significant Ecological Area. The area adjacent to the Project within Antelope Valley Significant Ecological Area is generally open space. The DEIR should thoroughly analyze potential direct and indirect impacts the Project may have on Amargosa Creek, the ponds, claypans, and the adjacent open space within Antelope Valley Significant Ecological Area. Water features and open space lands, particularly those with sensitive habitats and species, can be significantly affected by the proximity and intensity of industrial activities. Minimally, analysis for the following elements should be included:
- a. Lighting Impacts. The introduction of industrial development adjacent to stream resources and open space areas can result in increased light pollution, which can disrupt the natural behaviors and lifecycles of nocturnal wildlife species. The DEIR should quantify the amount of new lighting that would be introduced and analyze the effects on sensitive species and habitats.
 - b. Noise Impacts. Similarly, the increased human activity, traffic, and operational noise associated with construction and ongoing industrial activities can adversely impact wildlife within Amargosa Creek and adjacent open space areas. The DEIR should model the anticipated noise levels at stream and open space boundaries and assess the impacts on species that are sensitive to disturbance. Mitigation measures should be incorporated to guide future development projects adjacent to open space areas.
 - c. Invasive Species Introduction. Land use changes, particularly the introduction of landscaped areas and ornamental plants, can facilitate the spread of non-native, invasive plant species into stream areas and adjacent open space. Invasive species may outcompete native vegetation, which can result in degraded habitat quality. The DEIR should identify potential pathways for invasive species introduction and propose mitigation measures to prevent introduction and control their spread.
 - d. Altered Hydrology and Water Quality. Changes in impervious surface coverage, stormwater drainage patterns, and landscape irrigation can alter the hydrology of adjacent Amargosa Creek and the open space areas. This can affect the availability of water resources, soil moisture, and overall habitat integrity. Industrial activities can also degrade water quality and impact sensitive species. The DEIR should model hydrological changes that may result from the Project and analyze the impact of the proposed light and heavy industrial activities on water quality within Amargosa Creek and its effects on sensitive species. The

¹² <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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DEIR should also consider water quality impacts on the downstream Piute Ponds and potential impacts on sensitive species within Piute Ponds.

- 9) CESA. The Project area may support CESA-listed and candidate species, such as tricolor blackbird, Swainson’s hawk, Crotch’s bumble bee, and least Bell’s vireo. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any endangered, threatened, candidate species, or NPPA-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). 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, subds. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit.

To ensure CDFW will be able to use the City’s CEQA document for the issuance of an ITP, the DEIR should address all Project impacts to CESA-listed species and specify a mitigation, monitoring, and reporting program that will meet the requirements of an ITP.

- 10) Lake and Streambed Alteration. The Project area supports streams, including claypans that may be hydrologically connected to streams. The Project should be designed to avoid impacts to these resources. If avoidance is not feasible the Project proponent must provide written notification to CDFW pursuant to § 1600 et seq. of the Fish and Game Code. 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. A Notification package for a LSAA may be obtained by accessing CDFW’s [Lake and Streambed Alteration Program website](#).¹³

General Comments

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the

¹³ <http://www.wildlife.ca.gov/Conservation/LSA>

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environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

- 2) 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. 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.
 - c. 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 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, which may cause the watercourse to alter its course of flow.
- 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

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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 Species of Special Concern (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 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](#).¹⁴
- 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](#).¹⁵ 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](#),¹⁶ second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment.

¹⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

¹⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

¹⁶ <https://vegetation.cnps.org/>

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Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts offsite.

- d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. A full literature review includes but is not limited to CNDDDB. The CNDDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. 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.
 - e. 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](#)¹⁷ for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS.
 - f. A recent wildlife and rare plant survey. 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)). 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 affect biological resources with specific measures to offset such impacts. The DEIR should address the following.
- a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or

¹⁷ <https://wildlife.ca.gov/conservation/survey-protocols>

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proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).

- 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. 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.
 - 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 impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.
 - e. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.
- 5) Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects which are individually insignificant. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. 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 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 Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

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- 6) 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 impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, 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. 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. 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.
- 7) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) 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.
- 8) Long-term Management of Mitigation Lands. For proposed mitigation lands, the DEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. 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.

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- 9) 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. These efforts are experimental, and the outcome is 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.

- 10) 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, biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate 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, 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). For more information, please see CDFW’s [Scientific Collecting Permit webpage](#).¹⁸

- 11) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the [Fish and Game Commission’s \(Commission\) policies](#).¹⁹ Through its Wetlands Resources policy, the Commission “...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California” (California Fish and Game Commission, 2005). It is the policy of the 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

¹⁸ <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

¹⁹ <https://fgc.ca.gov/About/Policies/Miscellaneous>

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

- 12) 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](https://www.cal-ipc.org/plants/inventory/).²⁰ 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.

²⁰ <https://www.cal-ipc.org/plants/inventory/>

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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 CNDDDB. The CNDDDB website provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#).²¹

The City should ensure data collected for the preparation of the DEIR is properly submitted.

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 Keith Yaeger, Senior Environmental Scientist Specialist, at (562) 519-7144 or Keith.Yaeger@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager
South Coast Region

²¹ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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cc: California Department of Fish and Wildlife
Victoria Tang
Jennifer Turner
Fritz Rieman
Randy Rodriguez
Keith Yaeger

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

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