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**GAVIN NEWSOM, Governor**  
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October 18, 2024

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**SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE QUAIL VALLEY PROJECT; SCH 2024100065; CITY OF PALMDALE, LOS ANGELES COUNTY, CA**

Dear Brenda Magana:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Quail Valley Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines, with the County acting as lead CEQA agency.<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. We appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is mandated to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and

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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. Lead agency is defined in CEQA Guidelines section 15367.

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related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public 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 & Game Code, § 1600 et seq.). 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 & Game Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION AND SUMMARY**

**Proponent:** City of Palmdale

**Objective:** The Project will consist of rezoning and developing 878.1 total acres for a residential housing complex in southwestern Palmdale. The City of Palmdale is proposing to annex the entire 878.1-acre vacant Project site, together with a General Plan Amendment, to change the land use designation of approximately 600.4 acres from Low Density Residential (LDR) to a variety of higher density Single Family Residential (SFR) designation. The Project site is comprised of two primary land areas – Area A (primarily Tentative Tract Map 65813) and Area B. Area A occupies 667.5 acres in the northerly Project site adjacent to Avenue S and will contain the 483-acre developed portion of the Project site. Area B comprises 210.6 acres in the higher elevations of the foothills to the ridgeline of the Sierra Pelona Mountains and will be preserved in its entirety as undisturbed. Development of the Project site would include installation of access roads and utilities (water, sewer, electric, and gas). Prior to construction activities, the entire Project area will be graded.

**Location:** The Project is located in the southwestern portion of the City of Palmdale (City) within the Antelope Valley portion of the Mojave Desert. The main Project area is located on the south side of Avenue S and west of Tovey Avenue.

**Biological Setting:** No biological resource assessment for the Project area was provided with this current NOP. A previous NOP related to this site called the Quail Valley Development Project NOP was circulated in 2018. That previous NOP's supporting documentation includes an *Initial Study and Environmental Evaluation* (IS), dated October 23, 2018, provided by the City of Palmdale.

Based on aerial imagery and the Initial Study, the 878.1-acre Project area is undeveloped with evidence of off-road vehicular tracks, historical grading, illegal refuse dumping, and unpaved roads throughout the area. Vegetation on site appears to be a

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mix of desert communities with California juniper (*Juniperus californica*) habitat and grassland. The Project area supports multiple drainage features that are tributaries to Anaverde Creek. CDFW is concerned that the Project has the potential to impact several special-status wildlife species including: Crotch's bumble bee (*Bombus crotchii*; CESA candidate species), northern California legless lizard (*Anniella pulchra*; California Species of Special Concern (SSC)), mountain lions (*Puma concolor*; CESA candidate species), burrowing owl (*Athene cunicularia hypugaea*; CESA candidate species), Swainson's Hawk (*Buteo swainsoni*; CESA-listed) tricolored blackbird (*Agelaius tricolor*; CESA-listed), and other raptors and migratory birds.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

For impacts demonstrated to be unavoidable in the DEIR, CDFW recommends the measures or revisions provided below should be included by the City in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

## SPECIFIC COMMENTS

- 1) Programmatic EIR. A full buildout of the Project is anticipated to occur over a span of 13 phases. Given that Project activities would occur during different phases and would have similar environmental effects, CDFW recommends that the City prepare a Programmatic EIR (PEIR) for public review and comment (California Code of 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 alternation. Mitigation measures incorporated in 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 for each phase and cumulatively for all phases.
- 2) Biological Resources Assessment. While CDFW appreciates that field surveys were conducted in 2018, as described in the IS, an updated general field survey should be conducted prior to Project activities to provide a current depiction of wildlife

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utilizing the Project area. Generally, surveys older than two years are unable to accurately represent baseline conditions for biological resources. The new biological resources assessment should include a complete assessment and impact analysis of the flora and fauna within the Project area. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

- 3) Burrowing Owl. A review of California Natural Diversity Database (CNDDDB) indicates multiple occurrences of burrowing owl within two miles north of the Project site. As indicated in the supplemental IS, the Project site has the potential to support burrowing owls and therefore pre-disturbance surveys should be conducted prior to initiation of Project development. 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 direct mortality, habitat loss and population decline from urbanization and reduction or elimination of their primary burrow excavators (ground squirrels) from grazing and agricultural lands, burrowing owls were recently petitioned to be listed as an endangered or threatened species under CESA by the Center of Biological Diversity (CBD 2024). In October 2024, the State Fish and Game Commission unanimously approved naming the western burrowing owl as a candidate for potential listing as a protected species under the CESA. 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. The Department will undertake a one-year review of the species' status before the Commission is expected to make a final decision on listing. As a candidate for potential listing, the western burrowing owl is temporarily afforded the same protections as a state-listed endangered or threatened species. If the Project cannot ensure burrowing owls and their burrows are fully avoided, the Project proponent shall consult with CDFW and obtain appropriate take authorization or otherwise demonstrate compliance with CESA.

To evaluate potential impacts to burrowing owls from the Project, CDFW recommends that a qualified biologist conduct focused surveys for this bird species and the results be incorporated into the EIR including project design, baseline conditions, environmental analysis, alternatives and proposed mitigation. A qualified biologist should survey for burrowing owls adhering to survey methods described in CDFW's [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012). 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 are 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 (CDFW 2012).

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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 in Lancaster and the broader Antelope Valley. 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. CDFW recommends mitigation methods described in the Staff Report on Burrowing Owl Mitigation.

- 4) Swainson's Hawk. A review of CNDDDB indicates recorded observations of Swainson's hawk, a CESA-listed threatened species, within 2.5 miles (northeast) of the site. Swainson's hawks are regularly observed foraging throughout the Palmdale and Lancaster area. The Project could impact nesting and foraging habitat for Swainson's hawk. To evaluate potential impacts to Swainson's hawk from the Project, CDFW recommends that a qualified biologist conduct focused surveys for this CESA-listed species and the results be incorporated into the EIR including project design, baseline conditions, environmental analysis, alternatives and proposed mitigation.

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](#) (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., Incidental Take Permit; ITP). Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of a CESA-listed species. 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

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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

- 5) Tricolored Blackbird. A review of CNDDDB indicates recorded observations of tricolored blackbird, a CESA-listed threatened species, 1.5 miles (east) of the site. Due to the proximity of the Project site to Lake Palmdale, the onsite presence of riparian vegetation, and documented occurrence of tricolored blackbirds in the area, the Project has a potential to impact this bird species from the loss of foraging and nesting habitat and indirect effects (noise, lighting, introduction of non-native flora and fauna).

To evaluate potential impacts to tricolored blackbird from the Project, CDFW recommends that a qualified biologist conduct focused surveys this CESA-listed species and the results be incorporated into the EIR including project design, baseline conditions, environmental analysis, alternatives and proposed mitigation. Prior to initiation of construction within or adjacent to suitable nesting habitat, a CDFW-approved biologist with experience surveying for and observing tricolored blackbird should conduct preconstruction surveys in accordance with established protocols to determine use of nesting habitat by tricolored blackbird colonies. Surveys should be conducted within and adjacent to suitable habitat, where access allows, during the nesting season (generally March 15 to July 31). If a nesting colony is found, no activity should occur within a 500-foot buffer of the colony until a qualified biologist determines and CDFW confirms that all chicks have fledged and are no longer reliant on the nest site.

The DEIR should contain avoidance measures to tricolored blackbirds in rural areas as recommended in the Department [Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields, March 19, 2015](#) (CDFW 2015). If take of tricolored blackbird would occur from Project construction or operation, CDFW recommends the Project obtain appropriate take authorization under CESA which may include an ITP. 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.

- 6) 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. According to the [California Natural Diversity Database \(CNDDDB\)](#), there is a historical observation of Crotch's bumble bee within two miles of the Project area (CDFW 2024a). Additionally, the Project area falls

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within the current range for Crotch's bumble bee (CDFW 2023a). Focused surveys should be conducted to determine Crotch's bumble bee presence/absence within the Project 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 qualified entomologist with the appropriate handling permits to conduct focused surveys for Crotch's bumble bee. Focused surveys should follow CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#) (CDFW 2023b). Focused surveys should also be conducted throughout the entire Project area during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Findings from the focused survey should be incorporated into the DEIR including project design, baseline conditions, environmental analysis, alternatives and proposed mitigation.

The DEIR should also provide a discussion of habitat suitability for Crotch's bumble bee and analyze the Project's potential direct and indirect impacts to the 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. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. A separate CEQA document may be needed by CDFW 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.

- 7) Mountain Lion. The Project site may impact movement of mountain lions (*Puma concolor*, CESA candidate species) and other large or medium sized mammals between natural habitat areas/open space. Mountain lions are known to occur in throughout the Transverse Ranges, including the Sierra Pelona Mountains, and may occur within the Project footprint or in areas immediately adjacent to the Project (Elbroch 2020). Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap et al. 2019). Maintaining wildlife corridors and habitat continuity is essential for wildlife survival and is increasingly important considering habitat loss and climate change. In preparation of the DEIR, CDFW recommends the City conduct studies to document wildlife activity and movement through the Project site. The results, including mapped data, and a discussion of how the Project may affect wildlife movement and dispersal should be provided in the DEIR. The DEIR should also include mitigation measures that demonstrate that direct impacts to this species would be avoided and also address the reduction of wildlife corridor and impacts to wildlife movement.

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- 8) Nesting Birds and Raptors. The Project area may provide suitable habitat for nesting birds and raptors. According to the IS, significant portions of the Project site are dominated by various woodland and chaparral species, which provide suitable nesting and foraging habitat for nesting birds. Based on a review of data including CNDDDB, there are historic records of loggerhead shrike (*Lanius ludovicianus*), Le Conte's thrasher (*Toxostoma lecontei*), and the Southern California rufous-crowned sparrow (*Aimophila ruficeps*), all CDFW species of special concern, less than two miles away from the Project site in multiple directions. 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.

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 shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. Buffers should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall 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.

- 9) CESA. The Project area may support CESA-listed and candidate species, such as burrowing owl, tricolored blackbird, Swainson's hawk, Crotch's bumble bee, and mountain lion. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any CESA endangered, threatened, candidate 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



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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. To ensure CDFW will be able to use the City's CEQA document for the issuance of any 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) Species of Special Concern. Northern California legless lizards (*Anniella pulchra*) were observed and recorded through CNDDDB within a mile of the Project area. Project activities may result in death or injury of adults, juveniles, eggs, or hatchlings. Moreover, buildout of the Project may eliminate foraging, breeding, or nesting habitat and refugia for this SSC. In preparation of the DEIR, CDFW recommends that City thoroughly discuss the potential impacts to this 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.
- 11) Rare Plants. The Biological Section of the IS indicates that at least two sensitive plant species, Pierson's morning glory (*Calystegia piersonii*) and short-joint beavertail (*Opuntia basilaris*) were found onsite. A review of CNDDDB also shows that short-joint beavertail is found in multiple locations surrounding the Project site. Western Joshua tree (*Yucca brevifolia*; CESA candidate species) and California junipers (*Juniperus californica*) were also surveyed on the Project site. The IS further indicates that the most recent survey for special-status plant species was conducted in 2014.

Construction activities and vegetation removal may result in loss of individuals and seedbank and contribute to the population decline of these rare plants. Given that survey assessments are 6-10 years old and may or may not have occurred during the blooming period, the locations of all sensitive plant species may not be known. CDFW recommends the Project proponent incorporates a measure that requires a rare plant survey to be conducted prior to any ground-disturbing activities to ensure that no impacts to undetected rare plants occur. CDFW also recommends a qualified botanist conduct a rare plant survey, adhering to CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). If rare plants are observed within the Project area, the qualified botanist should implement an adequate buffer around the individual plant or population to prevent any potential adverse impacts. If avoidance is not achievable, the City should offset the loss of rare plants through compensatory mitigation at a minimum of 2:1 ratio. Translocation of these species

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are not advisable, as currently there is insufficient data to support that such translocations would be successful.

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

- 13) Lake and Streambed Alteration Agreement. CDFW is concerned that the Project location supports streams subject to notification under Fish and Game Code section 1600 *et seq.* Based on the location of the Project site (at the bottom of multiple canyons) and a review of satellite imagery, the Project is likely to require a Lake or Streambed Alteration (LSA) Notification for grading and construction activities. The Biological Resources Section of the IS states, "Approximately 2.01 acres of California Department of Fish and Wildlife jurisdiction is associated with the Project site; 1.42 acres of which consist of riparian vegetation." As indicated in the Hydrology Section of the IS, "Project development will significantly alter the existing drainage pattern of Area A...", further highlighting the need for notification under Fish and Game Code section 1600 *et seq.* CDFW recommends the City require the Project proponent to obtain a Lake and Streambed Alteration Agreement prior to the start of Project activities. The DEIR should discuss the Project's impact on the streams and include a stream delineation and evaluation of impacts. Impacts would include grading streams and removing associated vegetation.

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CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which include rivers, streams, or lakes and associated natural communities. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the Project proponent (or “entity”) must notify CDFW. Accordingly, because the Project would impact streams, the DEIR should include measures that require the Project proponent to notify CDFW pursuant to Fish and Game Code section 1602 prior to starting activities. Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2024c).

14) Trail Plan and Recreation. The proposed Project includes plans to expand and improve the series of trails found on the Project site, connect to the County Backbone Trail and the Palmdale Hills Trail, and make them available for public use. Project activities, such as trail widening and the installation of benches or shade structures, are likely to accommodate (and subsequently may lead to) increased hiker frequency and duration on trails found on-site. Elevated hiker usage can create direct and indirect impacts to local wildlife species through the loss of potential habitat. An increase in the number of hikers has potential to impact sensitive wildlife species and their habitat through a variety of ways including:

- Increased numbers of people and dogs using the trail system
- Loss of habitat due to erosion from footpaths
- Increased noise levels
- Increased trash or pet waste
- Introduction of unnatural food sources via trash and trash receptacles
- Introduction of invasive species from other sites

CDFW requests that the Recreational Trails Plan included as part of the Project be included with the DEIR so that the public, CDFW and other interested entities may have an opportunity to review it and provide feedback to the City prior to the consideration of the final EIR. CDFW recommends the Recreation Trails Plan include:

- a. Setting aside conserved acreage of sensitive vegetation communities in a manner that is isolated and free from influence by recreational usage. These conserved areas should be oriented to provide refugia for species that may be flushed or relocated by the presence of trails.

For proposed preservation and/or restoration, the environmental document should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective should be to offset the

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Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be provided for the long-term monitoring and management of mitigation lands. CDFW recommends that mitigation occur at a CDFW-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), 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.

- b. Understanding wildlife responses to recreation and the area of influence of human activities may help managers judge whether wildlife populations are experiencing stress due to interactions with humans and may aid in tailoring recreation plans to minimize long-term effects to wildlife from disturbance. The DEIR should include an analysis of recreational usage of the trail system in which current levels of traffic (hiker, biker, and dog) is compared to the expected increase in traffic as a result of trail improvements.
- c. Educational materials and signage should be made available to trail users to keep aware of the impacts that human disturbance brings to open spaces. Hikers should be made aware of the impacts that they have on surrounding habitat (such as noise or smells), particularly during breeding seasons.

CDFW recommends the City install appropriate public information signage at trailheads to 1) educate and inform the public about wildlife present in the area; 2) advise on proper avoidance measures to reduce human-wildlife conflicts; 3) advise on proper use of open space trails in a manner respectful to wildlife; and, 4) provide local contact information to report injured or dead wildlife. Signage should be written in the language(s) understandable to all those likely to recreate and use the trails. Signage should not be made of materials harmful to wildlife such as spikes or glass. The City should provide a long-term maintenance plan to repair and replace the signs.

- d. Restrictions on types of activities allowed in some areas, such as prohibiting dogs or restricting use to trails near active breeding habitat, will aid in minimizing disturbance. Pets should be kept on leash and on trails at all times. Hikers should be encouraged to clean up after their dogs and discourage animal waste as it tends to lead to wildlife avoidance.
- e. Trash receptacles should be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste

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in core habitat areas.

- 15) Wildlife Friendly Fencing. The Project proposes installing fencing within the Project area. Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link 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).
- 16) Landscaping. 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 area (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 area. 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.

#### **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 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).

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- 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 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.

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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](#).
- 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](#). 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](#), second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. 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

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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](#) 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 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



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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 Impacts. 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 effects 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)).

- 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

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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.
- 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

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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](#).
- 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](#). 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 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

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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](#). 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.

## **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 CNDDDB. The [CNDDDB website](#) provides directions regarding the types of information that should be reported and allows on-line submittal of field survey forms (CDFW 2024f).

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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 Revele Form](#) (CDFW 2024g).

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


## FILING FEES

The project, as proposed, could 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 & Game Code, § 711.4; Pub. Resources Code, § 21089).

## CONCLUSION

We appreciate the opportunity to comment on the project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the project. If you have any questions or comments regarding this letter, please contact Andrew Valand, Environmental Scientist at [Andrew.Valand@wildlife.ca.gov](mailto:Andrew.Valand@wildlife.ca.gov) or (562) 292-6821.

Sincerely,

DocuSigned by:  
 for  
B12F986CDBBD4AA...  
Victoria Tang

Environmental Program Manager  
South Coast Region

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

Scott Morgan (State Clearinghouse)

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