



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
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*GAVIN NEWSOM, Governor*  
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April 2, 2025

Brenda Magana  
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**SUBJECT: RESPONSE TO COMMENTS FOR THE QUAIL VALLEY PROJECT -  
TENTATIVE PARCEL MAP 65813 AND PLANNED DEVELOPMENT 18-001,  
SCH NO. 2024100065, LOS ANGELES COUNTY, CA**

Dear Brenda Magana:

The California Department of Fish and Wildlife (CDFW) reviewed a Response to Comments from the City of Palmdale (City; Lead Agency) for the Quail Valley Project – Tentative Parcel Map 65813 and Planned Development 18-001 (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California’s Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (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.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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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 law<sup>2</sup> 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:** Quail Valley, LLC -c/o RY Properties

**Objective:** The objective of the Project is to build a community comprised of a maximum of 730 dwelling units, 51 equestrian estate lots, a 3.2-acre Homeowner's Association (HOA) recreation center, a 26.4-acre public park, and an extensive trail system with multi-purpose use. The Project is divided into two primary land areas: Area A (primarily Tentative Tract Map 65813) and Area B. Area A will consist of the 483-acre development footprint and 184.5-acre undeveloped area. Area B will remain permanently undeveloped and comprise 210.6 acres. The residential lots are subdivided into six lot categories with varying lot width, depth, and area size. In addition to residential lots, development within Area A would include installation of road networks and utilities (i.e., water, sewer, electric, and gas). Vehicular access to the Project area would be provided by Avenue S and Tovey Avenue.

The public park associated with the Project would be constructed to extend through the length of the developed areas and end at a trail connection at the southern edge of development. Approximately seven miles of new trails would be constructed to extend from the Project area in multiple directions and connect to the Antelope Valley Backbone Trail system. The DEIR stated that the Project would also include formalizing over three miles of currently informal hillside trails. A private decomposed granite trail system would be constructed on specific rural lots within the development. Prior to construction activities, the entire development footprint within Area A will be graded and landscaped. Additionally, the City proposes annexing the 878.1-acre Project area and adjacent parcels for a total of approximately 1,310 acres from unincorporated Los Angeles County to the City's Sphere of Influence. The entire Project area was addressed in the 2045 General Plan and pre-zoning designations were established by the City in that Plan.

**Location:** The 878.1-acre Project area is located on the south side of Avenue S, approximately 1.2 miles west of State Route 14. Area A occupies 667.5 acres of the

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<sup>2</sup> "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."

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northern portion of the Project area and encompasses the 483-acre development footprint. Area B comprises of 210.6 acres in the higher elevations of the foothills, to the ridgeline of the Sierra Pelona Mountains. The Project area is bound by undeveloped land to the west, south, and partially mixed with development to the north and east.

**Timeframe:** The DEIR stated that Project development will occur in 13 phases; however, additional conversations with the City clarified that grading activities within the development footprint will be conducted in two phases. Each phase is designed to provide all necessary grading, backbone infrastructure, drainage features, and additional elements to support the overall development. Build-out is anticipated in five to six years depending on market demand.

**Biological Setting:** The 878.1-acre Project area is undeveloped with varying landscapes, from the valley floor with natural hillsides, to the ridges and arroyos of the Sierra Pelona Mountains. Certain areas of the Project area exhibit signs of off-road vehicular tracks, historical grading, illegal refuse dumping, and unpaved roads. The Tovey Fire engulfed approximately 375 acres of the Project area in July 2005, and an additional wildfire occurred in 2012. General biological surveys of Area A within the Project Area were conducted in 2005, 2008, 2017, 2020, and 2023. Focused surveys for rare plants were conducted in 2005, 2008, and 2014. A habitat assessment for Mohave ground squirrel (*Xerospermophilus mohavensis*; CESA-threatened species) was conducted in 2005. Focused surveys for western burrowing owl (*Athene cunicularia hypugaea*; CESA candidate species) were conducted in 2005 and 2019.

**Project History:** CDFW provided the City with a Notice of Preparation (NOP) of a draft EIR (DEIR) comment letter on December 10, 2018. An additional NOP comment letter was provided to the City on October 18, 2024, following the public circulation of a new NOP. CDFW provided a DEIR comment letter to the City on January 7, 2025. Following the DEIR comment letter, CDFW met with the City on January 22, 2025, to discuss the Project. In response to CDFW's DEIR comment letter, the City provided a Response to Comments and supplemental documentation on February 12, 2025. CDFW met with the City on March 10, 2025, to discuss the City's responses and CDFW's remaining concerns.

## COMMENTS AND RECOMMENDATIONS

### COMMENT #1: Compensatory Mitigation

CDFW strongly disagrees with the City's conclusion that compensatory mitigation is not required to offset the permanent loss of 483 acres. We appreciate and acknowledge that the Project design will be updated to eliminate trails in Area B as a result of agency feedback; however, impact avoidance is not equivalent to providing compensatory mitigation for several hundred acres of permanent impacts. In particular, avoidance is not a replacement for mitigation because there is no restoration, enhancement, or preservation (e.g., no conservation easement) proposed for Area B.

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The undeveloped land within Area A alone provides vast biological value and suitable habitat to many sensitive species and vegetation communities. Vegetation maps in the DEIR and survey findings show more than 10 vegetation communities, including a western Joshua tree woodland (a community that includes species that are at risk of extinction and thus afforded protection under CESA), within Area A. Even though the habitat is degraded, several special-status species were also observed in Area A, such as tricolored black bird, long-eared owl, yellow-breasted chat, loggerhead shrike, and San Diego desert woodrat. Furthermore, short-joint beavertail and Peirson's morning glory were observed throughout Area A. This demonstrates that the degraded habitat retains its biological function despite its low quality. Removing 460 acres of nesting and foraging habitat for these species constitutes a significant direct impact under CEQA that needs to be mitigated [CEQA Guidelines Section 15370(e)].

Permanent impacts to 483 acres are also biologically significant for the region and are cumulatively considerable. Again, CDFW recommends the City re-evaluate the cumulative impacts of the Project and provide compensatory mitigation commensurate with the direct and cumulative impacts [CEQA Guidelines, § 15130(a)(2)].

#### **COMMENT #2: Crotch's Bumble Bee**

The City's response to CDFW's recommendation of focused surveys is to require a preconstruction survey for Crotch's bumble bee. A preconstruction survey is limited in its scope, typically consisting of one general survey at one point in time. Such a survey would not ensure there is no unauthorized take of Crotch's bumble bee. With the intention of maximum possibility of detection of a specific species, focused surveys are conducted at a protocol-level by a qualified biologist with experience and familiarity with the targeted species. If the Project proceeds with a preconstruction survey, there is a high risk of the survey resulting in a false negative and impacting Crotch's bumble bee during their breeding and/or overwintering season. Additionally, with the difficulty of identifying Crotch's bumble bee and potential handling of this CESA species, biologists conducting the survey will need to obtain a [Memorandum of Understanding and/or Scientific Collecting Permit](#)<sup>3</sup> prior to any surveys, which may delay commencement of Project activities. Given the large size of the development footprint, it would take multiple biologists, with the appropriate permits, more than one single preconstruction survey to cover the entire area.

Insurance of avoidance of incidental take is potentially very costly for the Project applicant and the City. If Crotch's bumble bee was detected during the preconstruction survey, the Project proponent would need to coordinate CDFW to discuss next steps. Additional surveys may be required before take authorization is provided, inevitably delaying the Project months or years. As a result, CDFW strongly encourages that the City incorporate Mitigation Measure #6: Crotch's Bumble Bee Surveys and Mitigation

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<sup>3</sup> <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

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Measure #7: Incidental Take Permit from CDFW's DEIR comment letter into the final EIR.

In addition, the City's response states that a discussion of limited floral resources within the development area will be provided, and it will be noted that better potential Crotch's bumble bee habitat occurs in Area B. Given that Crotch's bumble bee are landscape generalists that utilize disturbed and undisturbed habitat for foraging and nesting opportunities, it is not necessary to point out the habitat condition of Area B versus Area A (CDFW 2023a). Both areas within the Project area are potential Crotch's bumble bee habitat. Overall, the discussion should focus on the Project's impact pertaining to floral and nesting opportunities present within the Project area. CDFW also recommends that the final EIR provides a thorough discussion on the Project's potential direct and indirect impact on Crotch's bumble bee. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the environmental document.

### **COMMENT #3: Western Burrowing Owl**

In response to CDFW's recommendation of focused surveys, the City states that "[s]ufficient planning level surveys have been completed for burrowing owl. Prior to construction a take avoidance (pre-construction) burrowing owl survey will be conducted within 2 weeks of grading activities to ensure no take of owls will occur" (page 17). Focused burrowing owl surveys were conducted for the Project in 2005 and 2019, both of which are more than five years old and outdated by CDFW standards. It is evident from both focused surveys that Area A has burrows and burrow complexes, which can serve as suitable habitat for burrowing owl. Additionally, the DEIR states, "[t]he City determined that approximately 445 acres on the Project site were suitable for burrowing owl habitat and consisted of open, generally level, gently-sloping or rolling terrain, and arroyo bottoms" (page 4.4-43). Given the high amount of suitable habitat and lack of recent focused surveys, there is a high possibility that a single preconstruction survey within two weeks of grading activities would result in missed detection of individual western burrowing owl and/or any active burrows. If Project activities overlap with the breeding season for western burrowing owl, then there is potential for Project activities to result in abandonment of burrows, burrow collapse, or injury/mortality of owlets. Furthermore, attempts to flush western burrowing owl from the site may disturb, distress, or lead to potential take of individual western burrowing owl. To avoid unauthorized take of a CESA candidate species, CDFW strongly recommends the City incorporate Mitigation Measure #8: Western Burrowing Owl Focused Surveys and Mitigation Measure #9: Incidental Take Permit from CDFW's DEIR comment letter into the final EIR.

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#### **COMMENT #4: Rare Plants**

It is stated in the City's response that "[s]ufficient planning level surveys have been completed for rare plants. Short-joint beavertail and Pierson's morning glory will be included as part of the mitigation for Joshua trees" (page 20). CDFW disagrees that the surveys are sufficient. The last count of short-joint beavertail and Pierson's morning glory was conducted during rare plant surveys in 2017; the 2020 general biological assessment noted the presence of these rare plants, but individuals were not counted or mapped. The planning level surveys have captured the historical counts of these rare plants but has no indication of the current acreage and total count of rare plant individuals within the Project area. CDFW strongly recommends the City incorporate Mitigation Measure #11: Updated Rare Plant Surveys from CDFW's DEIR comment letter into the final EIR.

In addition to outdated surveys, CDFW is concerned that the Project proponent is relying on compensatory mitigation required for an ITP to provide compensatory mitigation for other special-status species such as rare plants. The CDFW ITP through the CESA and [Western Joshua Tree Conservation Act \(WJTCA\)](#)<sup>4</sup> provides compensatory mitigation solely for western Joshua trees, and not for all flora and fauna associated with western Joshua tree woodland habitat. The WJTCA states, "[a]ny moneys in the fund are continuously appropriated to the department solely for the purposes of acquiring, conserving, and managing western Joshua tree conservation lands..." (CDFW 2023b).

There is recent precedent that compensatory mitigation should be provided for each special-status species that would be adversely impacted by the Project. For example, the Palmdale Warehouse Project in the City of Palmdale has obtained a CESA ITP which outlines separate compensatory mitigation for western Joshua trees and Mohave ground squirrel. Additionally, western burrowing owl were observed on site, and separate compensatory mitigation is being provided for unavoidable impacts to their confirmed habitat. As indicated in Comment #1, with no compensatory mitigation being provided by the Project proponent, CDFW asserts that the City is unable to make the determination that the Project's impact on rare plants have been reduced to a less than significant level. CDFW recommends the City incorporates Mitigation Measure #12: Mitigation Measure BIO-8 Revisions and Mitigation Measure #13: Habitat Management and Monitoring Plan from CDFW's DEIR comment letter into the final EIR.

#### **COMMENT #5: Rodenticides**

CDFW asserts that disregard for impacts to biological resources, which could occur from use of rodenticides, are significant without mitigation. Literature demonstrates that the use of rodenticides leads to the massive poisoning of wild animals and birds based on transmission along the food chain (Erofeeva et al. 2022). While CDFW appreciates that the use of rodenticides will be limited during construction, we disagree that this

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<sup>4</sup> <https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/WJTCA>

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limitation of use by residents is unenforceable and impractical. The HOA governs the housing community and can set Covenants, Conditions and Restriction (CC&Rs) that residents are obligated to abide by. CDFW recommends the City incorporate a mitigation measure that outlines the prohibition of rodenticides and second-generation anticoagulant rodenticides as a CC&R for the HOA to enforce. Enforcing this CC&R throughout the residential community reduces the risk of household pets being subjected to second-hand poisoning and is common practice for many HOAs. CDFW is available to scope language if that would be helpful to the City.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)<sup>5</sup> 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](#)<sup>6</sup>.

## **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 provide responses to the City's Response to Comments.

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<sup>5</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>6</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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Questions regarding this letter or further coordination should be directed to Jennifer Turner, Senior Environmental Scientist (Supervisory), at (858)467-2717 or [Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Victoria Tang  
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ec: California Department of Fish and Wildlife  
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## REFERENCES

- California Department of Fish and Wildlife. (2023a). Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>
- California Department of Fish and Wildlife. (2023b). Chapter 11.5 Western Joshua Tree Conservation Act. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213498&inline>
- California Department of Fish and Wildlife. January 7, 2025. Draft Environmental Impact Report for the Quail Valley Project – Tentative Parcel Map 65813 and Planned Development 18-001, SCH No. 2024100065, Los Angeles County, CA
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