



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 3, 2024

Brenda Magana
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550
bmagana@cityofpalmdale.org

**SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE SITE PLAN REVIEW
22-014 PROJECT, SCH NO. 2024110191, LOS ANGELES COUNTY, CA**

Dear Brenda Magana:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from City of Palmdale (City; Lead Agency) for the Site Plan Review 22-014 Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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.

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

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.

Brenda Magana
City of Palmdale
December 3, 2024
Page 2 of 23

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: SHL Engineering

Objective: The objective of the Project is to construct and operate a 15-unit industrial building. The building would entail 38,400 square feet for warehouse use and 14,700 square feet for office use. Office spaces would be constructed along the front of the building, and roll-up doors would be installed at the rear of the building. In addition to the industrial building, parking areas would be installed along the northern and southern boundaries of the Project site. Drought-tolerant landscaping would be planted along the perimeter of the Project site.

Location: The 4.32-acre Project site is located at the northwest corner of West Avenue M-8 and 10th Street West within the City. The Project site is bound by vacant land to the north, 10th Street West to the east, vacant land to the west, and West Avenue M-8 to the south. The Assessor's Parcel Numbers associated with the Project site are 3111-012-083 and 3111-012-084.

Biological Setting: The Project site is undeveloped and exhibits signs of disturbance with off-road vehicle tracks and litter. A general biological field survey was conducted in March 2022, along with a focused survey for desert tortoise (*Gopherus agassizii*; Endangered Species Act (ESA) and CESA-listed threatened) and a habitat assessment for western burrowing owl (*Athene cunicularia hypugaea*; CESA candidate species). Findings were compiled in a Biological Resource Assessment (BRA).

Vegetation on site is characteristic of an *Artemisia tridentata* shrubland with non-native grasses. Nine western Joshua trees (*Yucca brevifolia*; CESA candidate species) were recorded on site. No additional special-status plants were observed during surveys. Additionally, a drainage channel for urban runoff is located along the western boundary of the Project site.

Wildlife species observed during the field surveys were common species such as California ground squirrel (*Otospermophilus beecheyi*). The native desert scrub and western Joshua trees provide suitable habitat for various species including, but not

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."

Brenda Magana
City of Palmdale
December 3, 2024
Page 3 of 23

limited to, Crotch's bumble bee (*Bombus crotchii*; CESA candidate species), northern California legless lizard (*Anniella pulchra*; California Species of Special Concern (SSC)), coast horned lizard (*Phrynosoma blainvillii*; SSC), western burrowing owl, and raptors and migratory birds. The City has incorporated two mitigation measures related to western Joshua tree and nesting birds. No compensatory mitigation is outlined in the mitigation measures.

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. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Impacts on Western Joshua Tree

Issue: Mitigation Measure (MM) BIO-1 does not adequately reduce Project-related impacts on western Joshua trees to a level less than significant.

Specific impact: Ground-disturbing activities would result in removal of western Joshua trees from the Project site.

Why impact would occur: The BRA states that nine western Joshua trees are present within the Project site (page 6). The City incorporated MM BIO-1 in the MND, which requires coordination with CDFW to determine appropriate mitigation measures for western Joshua trees. The City is aware that for any living or dead western Joshua tree present within a Project site, the Project proponent would need to obtain the appropriate incidental take permit (ITP) from CDFW under CESA or the [Western Joshua Tree Conservation Act](#)³ (WJTCA) (Fish & G. Code, §§ 1927-1927.12) prior to ground-disturbing activities (CDFW 2024a). If the Project proceeds without appropriate authorization, removal of western Joshua trees from the Project site would result in unauthorized take of a CESA candidate species. Additionally, the MND solely mentions that western Joshua trees are present within the Project site but does not provide a discussion related to the Project's impact on western Joshua trees. Without discussion or analysis of the Project impacts, the CEQA document may not have sufficient information for CDFW to issue a CESA or WJTCA ITP. If CDFW determines that the CEQA analysis is not sufficient to issue the permit, additional CEQA will be required prior to issuance of a permit.

Evidence impact would be significant: The western Joshua tree is a species designated as candidate for listing as threatened pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). The western Joshua tree is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from

³ <https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/WJTCA>

Brenda Magana
City of Palmdale
December 3, 2024
Page 4 of 23

the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, western Joshua tree is protected under the WJTCA. 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.

As to CEQA, inadequate avoidance, minimization, and mitigation measures for impacts on western Joshua trees will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: MND Revision – The MND should be revised to acknowledge that western Joshua trees are fully protected by CESA and the WJTCA. The MND should also be revised to discuss the Project’s direct and indirect impact on any western Joshua trees within the Project site, and to describe the number of western Joshua trees that will be removed and/or remain on site. The discussion should be of a depth and scope that a CESA or WJTCA ITP can be issued based on the analysis provided in the MND.

Mitigation Measure #1: MM BIO-1 - The City should revise MM BIO-1 to incorporate underlined language and omit language in strikethrough:

Prior to any ground-disturbing activities, the Project proponent shall obtain take authorization from CDFW through either a CESA Incidental Take Permit (ITP) or Western Joshua Tree Conservation Act (WJTCA) ITP. The Project proponent shall be required to adhere to all measures and conditions set forth within the CESA ITP or WJTCA ITP. The Project proponent shall provide compensatory mitigation outlined in the CESA ITP or WJTCA ITP. A copy of the fully executed permit shall be provided to the City of Palmdale prior to the issuance of any construction-related permits. CMBC recommends the CDFW to be contacted to determine what avoidance, salvage, and/or mitigation measures are appropriate for the Joshua trees found on the site.

COMMENT # 2: Impacts on Crotch’s Bumble Bee

Issue: The Project may adversely impact Crotch’s bumble bee.

Specific impact: The Project may result in permanent loss of suitable nesting and foraging habitat of Crotch’s bumble bee. Project ground disturbing activities may cause death or injury of adults, eggs, and larva. As well as cause burrow collapse, nest abandonment, and reduced nest success.

Brenda Magana
City of Palmdale
December 3, 2024
Page 5 of 23

Why impact would occur: According to CDFW's [Crotch's Bumble Bee Range – CDFW \[ds3095\]](#)⁴ dataset, the Project site lies within the current home range for Crotch's bumble bee (CDFW 2024b). Additionally, the MND and BRA acknowledge that suitable habitat is present on the Project site for this species. Crotch's bumble bee are generalists and known to utilize a variety of sources for nesting and overwintering opportunities. Crotch's bumble bee primarily uses abandoned small mammal burrows to nest, this species may nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Given that the Project site is in the current range and has suitable habitat, there is potential for this CESA candidate species to be detected on site.

Although the City states that suitable habitat exists, no mitigation measures specific to Crotch's bumble bee are incorporated in the MND. If the Project proceeds without appropriate focused surveys, the Project may result in mortality and/or injury of undetected individual Crotch's bumble bee that may be present during Project activities. Ground disturbance and vegetation removal associated with Project implementation during the breeding season could also result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Habitat loss, as a result of the proposed Project, may further reduce suitable habitat for this species in the broader landscape, as development increases throughout the City.

Evidence impact may be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a State Ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#)⁵ (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 1565).

Recommended Potentially Feasible Mitigation Measure(s)

⁴ <https://data.ca.gov/dataset/crotchs-bumble-bee-range-cdfw-ds3095>

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

Brenda Magana
City of Palmdale
December 3, 2024
Page 6 of 23

Recommendation #2: Crotch's Bumble Bee Discussion – The MND should be revised to provide a thorough discussion on the Project potential direct and indirect impact on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the MND should be amended to incorporate measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the MND.

Recommendation #3: CEQA - CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, a project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

Mitigation Measure #2: Crotch's Bumble Bee Surveys - The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#)⁶ (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.

Mitigation Measure #3: Incidental Take Permit - If Crotch's bumble bee is detected the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.

COMMENT # 3: Impacts on Western Burrowing Owl

Issue: The Project may impact western burrowing owl.

Specific impact: Project ground-disturbing activities, such as vegetation removal and construction of an industrial building, will result in habitat loss and may lead to death or injury of individuals. Project construction activities may also disrupt foraging behavior for over-wintering western burrowing owl present on site.

⁶ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

Brenda Magana
 City of Palmdale
 December 3, 2024
 Page 7 of 23

Why impact would occur: CDFW disagrees with the environmental document's conclusion that the Project site does not provide suitable habitat for western burrowing owl. While western burrowing owl were not detected during the 2022 survey, California ground squirrels were recorded as an observed species adjacent to the Project site in the BRA (page 22). According to Antelope Valley Regional Conservation Investment Strategy (AVRCIS), suitable habitat for burrowing owl encompasses a variety of landscapes throughout the region, but it is imperative that burrows, typically from small mammals (e.g., California ground squirrel), already exist to allow burrowing owl to occupy them (DCMA 2021). If suitable burrows are adjacent to the Project site, it is possible that western burrowing owl may utilize the proposed Project site as foraging habitat or that California ground squirrel may start to create suitable burrows on site. Since the surveys were conducted in 2022, it is undetermined whether the Project site currently has any suitable burrows or western burrowing owl presence. Additionally, CDFW is aware that several western burrowing owl were detected on the Palmdale Warehouse project site and data was submitted to [CDFW's Unprocessed Data from CNDDDB Online Survey Form \[ds1002\]](#)⁷ dataset (CDFW 2024c). The Palmdale Warehouse Project is less than half a mile north of the proposed Project site. Moreover, the Project site lies within the current home range for western burrowing owl according to CDFW's [Burrowing Owl Range – CWHR B269 \[ds907\]](#)⁸ (CDFW 2024d).

On October 15, 2024, the Fish and Game Commission published a Notice of Findings that designates western burrowing owl as a CESA candidate species. Without updated focused surveys, this CESA candidate species may go undetected. If Project activities overlap with the breeding season for western burrowing owl 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, the City should incorporate mitigation measures that prescribe focused surveys and coordination with CDFW to obtain appropriate take authorization if western burrowing owl is identified on site.

Evidence impact would be significant: Western burrowing owl is a species designated as candidate for listing as threatened or endangered pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, take of individual western burrowing owl and their nests is defined by Fish and Game Code section 86 and prohibited by sections 3503, 3503.5, and 3513.

7

https://www.arcgis.com/sharing/rest/content/items/f04a85f5ffaa48208e87fa5e07cf0673/info/metadata/metadata.xml?format=default&token=mzFcMRqhxzPAoRJavp2MJkPkMhrZE5wbfUwwL3pK8TL7h5vog_2ime53gmFvx11WLKAVVt-h1-FiDyo3JizuStliT004rOU227UhINI3sycMG4VObMWZUy6JCqmJwU1bRRMusGc0vTrsxopYLarIWQTTaSmAmWEmWapKQ_r0NsqDzy7eq4wYtUWdg80lyPt&output=html

⁸ <https://www.arcgis.com/home/item.html?id=8e18caa8807b42ad94be8322d7911160>

Brenda Magana
City of Palmdale
December 3, 2024
Page 8 of 23

Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #4: Western Burrowing Owl Discussion – The MND should be revised to acknowledge that western burrowing owl are designated as a CESA candidate species and afforded full protection under CESA. The MND should also provide a thorough discussion on the Project potential direct and indirect impact on western burrowing owl. If the Project may impact western burrowing owl, the MND should incorporate measures to mitigate potential impacts to western burrowing owl as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the MND.

Mitigation Measure #4: Western Burrowing Owl Focused Surveys- The Project proponent shall retain a qualified biologist to conduct focused surveys for western burrowing owl prior to Project activities. Focused surveys shall be conducted pursuant to CDFW’s March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#)⁹ (CDFW 2012) or CDFW’s most recent guidance. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.

Mitigation Measure #5: Incidental Take Permit - If an occupied burrow or western burrowing owl is found within the Project site, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities.

COMMENT # 4: Impacts on Drainage

Issue: The Project may impact the on-site drainage within the Project site.

Specific impact: The Project may impact the on-site drainage as a result of construction and ground-disturbing activities (i.e., paving and grading).

⁹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

Brenda Magana
City of Palmdale
December 3, 2024
Page 9 of 23

Why impact would occur: Based on aerial imagery, it is evident that a drainage runs along the western boundary of the Project site that connects to a culvert under West Avenue M-8. The Project description in the MND does not provide information that demonstrates how the Project proponent intends to avoid impacts to the on-site drainage. Without proper avoidance measures in place, fugitive dust and debris from construction activities may enter the drainage. Additionally, Project activities such as grading may lead to impacts on the bed, bank, or channel of the drainage. CDFW believes that impacts to the on-site drainage would be subject to a Section 1602 Lake and Streambed Alteration Agreement (LSA).

Evidence impact would be significant: CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- 1) Divert or obstruct the natural flow of any river, stream, or lake;
- 2) Change the bed, channel, or bank of any river, stream, or lake;
- 3) Use material from any river, stream, or lake; or
- 4) Deposit or dispose of material into any river, stream, or lake.

The Project may adversely affect the existing water feature and the hydrology pattern of the Project site. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #5: LSA Revision - The MND should be revised to provide a discussion of how impacts to the drainage will be avoided, minimized, and/or mitigated. Best management practices to limit any fugitive dust or construction material from entering the drainage should also be included. The MND should also discuss how disturbance to the drainage will be limited during the operational phase of the Project (i.e., signage, fencing, etc.).

Recommendation #6: LSA CEQA – CDFW’s issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the Project’s CEQA document should fully identify the Project’s potential impacts on stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW

Brenda Magana
City of Palmdale
December 3, 2024
Page 10 of 23

recommends the City consider CDFW's comments and revise the MND by incorporating the mitigation measures recommended in this letter into the Project's environmental document. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement, or restoration, and/or protection, and management of mitigation lands in perpetuity.

Mitigation Measure #6: LSA - The Project proponent shall notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity. The hydrology report shall also include a hydrological evaluation of a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. The Project proponent shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The Project proponent shall also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's [Lake and Streambed Alteration Program](#)¹⁰ webpage for more information (CDFW 2024e).

COMMENT # 5: Impacts on California Species of Special Concern

Issue: The Project will impact coast horned lizard and northern California legless lizard.

Specific impact: Direct impacts to coast horned lizard and northern California legless lizard will result from Project construction, ground disturbance, and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat.

Why impact would occur: The MND notes that the Project site provides suitable habitat for northern California legless lizard and coast horned lizard (page 17). While there is potential for these SSC to occur during Project activities, the MND does not provide any mitigation measures specific to northern California legless lizard and coast horned lizard. Project ground-disturbing activities such as vegetation removal and grading would result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. Additionally, the majority of the Project site would be slated for construction of the industrial building and parking areas, leaving no suitable habitat available for SSC species. Given that habitat loss on a local and regional scale is a major cause of population decline for SSC, removal of confirmed SSC habitat would be considered a significant impact and should be mitigated appropriately.

Evidence impact would be significant: A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that

¹⁰ <https://wildlife.ca.gov/Conservation/LSA>

Brenda Magana
City of Palmdale
December 3, 2024
Page 11 of 23

currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- 1) if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- 2) if the species is listed as threatened or endangered under ESA-, but not CESA-, threatened, or endangered;
- 3) if the species meets the State definition of threatened or endangered but has not formally been listed;
- 4) if the species is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and,
- 5) if naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA - threatened or -endangered status (CDFW 2024f).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). The MND does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #7: SSC Compensatory Mitigation - For SSC that have been confirmed and/or are expected to occur within the Project site, the Project proponent shall provide compensatory mitigation for temporary and permanent loss of any habitat supporting SSC. There shall be no net loss of habitat supporting SSC [CEQA Guidelines, § 15370(e)]. Compensatory mitigation shall be provided within the Project boundary at no less than 2:1. Mitigation shall provide appropriate habitat (depending on the species), refugia, and habitat structures that supports that species (e.g., woody material, rocks, brush piles, pools, burrows). Any proposed mitigation area/plan shall include a discussion on the territory size; nesting, breeding, foraging, and refuge locations; invasive, non-native plant and wildlife species present; food availability; and how all life cycle functions will be mitigated. Any mitigation plan for SSC shall be distributed and approved by CDFW prior to Project activities. The replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.

Brenda Magana
City of Palmdale
December 3, 2024
Page 12 of 23

Mitigation Measure #8: Injured or Dead Wildlife - If any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the designated biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

ADDITIONAL COMMENTS

Project Description. Figure 2 in Attachment C Traffic Impact Analysis provides a map of the Project Site Plan (page 6). The map shows a schematic of the Project site and a proposed road known as 11th Street West. The location of 11th Street West would occur along the western boundary of the Project site where the on-site drainage exists. CDFW recommends the City clarify in the MND whether the installation of 11th Street West is part of this Project. If construction of 11th Street West is part of this Project, the Project description should be revised to discuss this Project activity, and the impacts from the road installation should be analyzed accordingly.

Nesting Birds and Raptors. The City should revise MM BIO-2 to incorporate underlined language and omit language in strikethrough:

Project activities shall occur outside of the nesting season for birds and raptors, which generally runs from February 15 through September 15, and as early January 1 for some raptors. If Project activities are scheduled to occur during the breeding season, the Project proponent shall retain a qualified biologist to perform a pre-construction nesting bird and raptor survey. If Project activities are delayed or suspended for more than 7 days during the breeding season, surveys shall be repeated before activities can restart. In the event nesting birds or raptors are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. Buffers around active passerine nests shall be a minimum of 100 feet and a minimum of 500 feet around raptor nests, unless a qualified CDFW biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest of parental care for survival. A qualified biologist shall monitor the nest(s) weekly after commencement of activities to ensure that nesting behavior is not adversely affected by such activities. CMBC recommends conducting surveys at the appropriate time of day during the breeding season, and surveys would end no more than three days prior to clearing. CDFW is typically notified in writing prior to the start of the surveys. Documentation of surveys and findings should be submitted to the CDFW within 10 days of the last survey. If no nesting birds were observed, project activities may begin. If an active bird nest is located, the plant in which it occurs should be left in place until the

Brenda Magana
City of Palmdale
December 3, 2024
Page 13 of 23

~~birds leave the nest. No construction is allowed near active bird nests of threatened or endangered species.~~

Scientific Collecting Permit. Focused surveys for special-status species (i.e., Crotch's bumble bee and western burrowing owl) require specific handling permits prior to conducting surveys. The Project proponent should retain a qualified biologist(s) with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and 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). Effective October 1, 2018, 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). Please visit CDFW's [Scientific Collection Permits](#)¹¹ webpage for information (CDFW 2024g).

Landscaping. The MND notes that drought-tolerant landscaping would be installed within the Project site. CDFW recommends the Project proponent use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#)¹² (Cal-IPC 2024). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

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

¹¹ <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>

¹² <https://www.cal-ipc.org/plants/inventory/>

Brenda Magana
City of Palmdale
December 3, 2024
Page 14 of 23

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](#)¹³ provides direction regarding the types of information that should be reported and allows online submittal of field survey forms (CDFW 2024h).

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](#)¹⁴(CDFW 2024i).

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

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Julisa Portugal¹⁵, Environmental Scientist.

Sincerely,

DocuSigned by:



5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

¹³ <https://wildlife.ca.gov/Data/CNDDDB>

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

¹⁵ Phone: 562-330-7563; Email: Julisa.Portugal@wildlife.ca.gov

Brenda Magana
City of Palmdale
December 3, 2024
Page 15 of 23

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Jennifer Turner, CEQA Senior Environmental Scientist (Supervisory)
Steve Gibson, CESA Senior Environmental Scientist (Supervisory)
Frederic Rieman, LSA Senior Environmental Scientist (Supervisory)
Andrew Aitken, Environmental Scientist
Julisa Portugal, Environmental Scientist

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

REFERENCES

- [Cal-IPC] California Invasive Plant Council. 2024. The Cal-IPC Inventory. Available at: <https://www.cal-ipc.org/plants/inventory/>
- [CDFW] California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>
- [CDFW] California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>
- [CDFW] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>
- [CDFW] California Department of Fish and Wildlife. 2024a. Western Joshua Tree Conservation Act. Available at: <https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/WJTCA>
- [CDFW] California Department of Fish and Wildlife. 2024b. Crotch's Bumble Bee Range Dataset 3095. Available at: <https://data.ca.gov/dataset/crotchs-bumble-bee-range-cdfw-ds3095>
- [CDFW] California Department of Fish and Wildlife. 2024c. Unprocessed Data from CNDDDB Online Survey Form [ds1002]. Available at: https://www.arcgis.com/sharing/rest/content/items/f04a85f5ffaa48208e87fa5e07cf0673/info/metadata/metadata.xml?format=default&token=mzFcMRghxzPAoRJa vp2MJkPkMHRZE5wbfUwwL3pK8TL7h5vog_2ime53gmFvx11WLKAVVt-h1-FiDyo3JizuStliT004rOU227UhINI3sycMG4VObMWZUy6JCqmJwU1bRRMusGc0vTrsxopYLarlWQTTaS_mAmWEmWapKQ_r0NsqDzy7eq4wYtUWdg80lyPt&output=html

Brenda Magana
City of Palmdale
December 3, 2024
Page 16 of 23

- [CDFW] California Department of Fish and Wildlife. 2024d. Burrowing Owl Range – CWHR B269 [ds907]. Available at: <https://www.arcgis.com/home/item.html?id=8e18caa8807b42ad94be8322d7911160>
- [CDFW] California Department of Fish and Wildlife. 2024e. Lake and Streambed Alteration Program. Available at: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>
- [CDFW] California Department of Fish and Wildlife. 2024f. Threatened and Endangered Species. Available at: <https://wildlife.ca.gov/Conservation/CESA>
- [CDFW] California Department of Fish and Wildlife. 2024g. Scientific Collecting Permits. Available at: <https://wildlife.ca.gov/Licensing/Scientific-Collecting>
- [CDFW] California Department of Fish and Wildlife. 2024h. California Natural Diversity Database. Available at: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFW] California Department of Fish and Wildlife. 2024i. Combined Rapid Assessment and Revele Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- [DMCA] Desert and Mountain Conservation Authority. 2021. Antelope Valley Regional Conservation Investment Strategies. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=197234>
- Goulson, D. 2010. Bumblebees: behavior, ecology, and conservation. Oxford University Press, New York. 317pp.
- Hatfield, R., Jepsen, S., Foltz Jordan, S., Blackburn, M., Code, Aimee. 2018. A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species.
- Williams, P. H., R. W. Thorp, L. L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey. 208pp

Brenda Magana
 City of Palmdale
 December 3, 2024
 Page 17 of 23

ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #1: MM BIO-1</p> <p>Prior to any ground-disturbing activities, the Project proponent shall obtain take authorization from CDFW through either a CESA Incidental Take Permit (ITP) or Western Joshua Tree Conservation Act (WJTCA) ITP. The Project proponent shall be required to adhere to all measures and conditions set forth within the CESA ITP or WJTCA ITP. The Project proponent shall provide compensatory mitigation outlined in the CESA ITP or WJTCA ITP. A copy of the fully executed permit shall be provided to the City of Palmdale prior to the issuance of any construction-related permits.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent</p>
<p>Mitigation Measure #2: Crotch’s Bumble Bee Surveys</p> <p>The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW’s Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch’s bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent/ Qualified Biologist</p>
<p>Mitigation Measure #3: Incidental Take Permit</p> <p>If Crotch’s bumble bee is detected the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW. The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a</p>	<p>Prior to Project activities</p>	<p>Project Proponent</p>

Brenda Magana
 City of Palmdale
 December 3, 2024
 Page 18 of 23

Mitigation Measure	Timing	Responsible Party
fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.		
<p>Mitigation Measure #4: Western Burrowing Owl Surveys</p> <p>The Project proponent shall retain a qualified biologist to conduct focused surveys for western burrowing owl prior to Project activities. Focused surveys shall be conducted pursuant to CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation or CDFW’s most recent guidance. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.</p>	Prior to Project ground-disturbing activities	Project Proponent/ Qualified Biologist
<p>Mitigation Measure #5: Incidental Take Permit</p> <p>If an occupied burrow or western burrowing owl is found within the Project site, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities.</p>	Prior to Project activities	Project Proponent
<p>Mitigation Measure #6: LSA</p> <p>The Project proponent shall notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity. The hydrology report shall also include a hydrological evaluation of a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. The Project</p>	Prior to Project activities	Project Proponent

Brenda Magana
 City of Palmdale
 December 3, 2024
 Page 19 of 23

Mitigation Measure	Timing	Responsible Party
<p>proponent shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The Project proponent shall also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW.</p>		
<p>Mitigation Measure #7: SSC Compensatory Mitigation</p> <p>For SSC that have been confirmed and/or are expected to occur within the Project site, the Project proponent shall provide compensatory mitigation for temporary and permanent loss of any habitat supporting SSC. There shall be no net loss of habitat supporting SSC. Compensatory mitigation shall be provided within the Project boundary at no less than 2:1. Mitigation shall provide appropriate habitat (depending on the species), refugia, and habitat structures that supports that species (e.g., woody material, rocks, brush piles, pools, burrows). Any proposed mitigation area/plan shall include a discussion on the territory size; nesting, breeding, foraging, and refuge locations; invasive, non-native plant and wildlife species present; food availability; and how all life cycle functions will be mitigated. Any mitigation plan for SSC shall be distributed and approved by CDFW prior to Project activities. The replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.</p>	<p>Prior to Project activities</p>	<p>Project Proponent</p>
<p>Mitigation Measure #8: Injured/Dead Wildlife</p> <p>If any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the designated biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or</p>	<p>Prior to and during Project activities</p>	<p>Designated Biologist</p>

Brenda Magana
 City of Palmdale
 December 3, 2024
 Page 20 of 23

Mitigation Measure	Timing	Responsible Party
<p>injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>		
<p>Mitigation Measure #9: MM BIO-2</p> <p>Project activities shall occur outside of the nesting season for birds and raptors, which generally runs from February 15 through September 15, and as early January 1 for some raptors. If Project activities are scheduled to occur during the breeding season, the Project proponent shall retain a qualified biologist to perform a pre-construction nesting bird and raptor survey. If Project activities are delayed or suspended for more than 7 days during the breeding season, surveys shall be repeated before activities can restart. In the event nesting birds or raptors are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. Buffers around active passerine nests shall be a minimum of 100 feet and a minimum of 500 feet around raptor nests, unless a qualified CDFW biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest of parental care for survival. A qualified biologist shall monitor the nest(s) weekly after commencement of activities to ensure that nesting behavior is not adversely affected by such activities.</p>	<p>Prior to and during Project activities</p>	<p>Qualified Biologist</p>
<p>Recommendation #1: MND Revision</p> <p>The MND should be revised to acknowledge that western Joshua trees are fully protected by CESA and the WJTCA. The MND should also be revised to discuss the Project's direct and indirect impact on any western Joshua trees within the Project site and to describe the number of western Joshua trees that will be removed and/or remain on site. The discussion should be of a depth and scope</p>	<p>Prior to adoption of MND</p>	<p>Lead Agency</p>

Brenda Magana
 City of Palmdale
 December 3, 2024
 Page 21 of 23

Mitigation Measure	Timing	Responsible Party
that a CESA or WJTCA ITP can be issued based on the analysis provided in the MND.		
<p>Recommendation #2: Crotch’s Bumble Bee Discussion</p> <p>The MND should be revised to provide a thorough discussion on the Project potential direct and indirect impact on Crotch’s bumble bee. If the Project may impact Crotch’s bumble bee, the MND should be amended to incorporate measures to minimize, and/or mitigate potential impacts to Crotch’s bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the MND.</p>	Prior to adoption of the MND	Lead Agency
<p>Recommendation #3: CEQA</p> <p>To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, a project’s CEQA document should fully identify the potential impacts to Crotch’s bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.</p>	Prior to adoption of the MND	Lead Agency
<p>Recommendation #4: Western Burrowing Owl Discussion</p> <p>The MND should be revised to provide a thorough discussion on the Project potential direct and indirect impact on western burrowing owl. If the Project may impact western burrowing owl, the MND should incorporate measures to minimize, and/or mitigate potential impacts to western burrowing owl as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the MND.</p>	Prior to adoption of the MND	Lead Agency

Brenda Magana
 City of Palmdale
 December 3, 2024
 Page 22 of 23

Mitigation Measure	Timing	Responsible Party
<p>Recommendation #5: LSA Revision</p> <p>The MND should be revised to provide a discussion of how impacts to the drainage will be avoided, minimized, and/or mitigated. Best management practices to limit any fugitive dust or construction material from entering the drainage should also be included. The MND should also discuss how disturbance to the drainage will be limited during the operational phase of the Project (i.e., signage, fencing, etc.).</p>	<p>Prior to adoption of the MND</p>	<p>Lead Agency</p>
<p>Recommendation #6: LSA CEQA</p> <p>As such, CDFW recommends the City consider CDFW’s comments and revise the MND by incorporating the mitigation measures recommended in this letter into the Project’s environmental document. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement, or restoration, and/or protection, and management of mitigation lands in perpetuity.</p>	<p>Prior to adoption of the MND</p>	<p>Lead Agency</p>
<p>Recommendation #7: Project Description</p> <p>CDFW recommends the City clarify in the MND whether the installation of 11th Street West is part of this Project. If construction of 11th Street West is part of this Project, the Project description should be revised to discuss this Project activity and the impacts from the road installation should be analyzed accordingly.</p>	<p>Prior to adoption of the MND</p>	<p>Lead Agency</p>
<p>Recommendation #8: Scientific Collecting Permit</p> <p>The Project proponent should retain a qualified biologist(s) with appropriate handling permits, or should obtain appropriate handling permits to capture,</p>	<p>Prior to adoption of MND</p>	<p>Project Proponent/ Qualified Biologist</p>

Brenda Magana
 City of Palmdale
 December 3, 2024
 Page 23 of 23

Mitigation Measure	Timing	Responsible Party
temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.		
<p>Recommendation #9: Landscaping</p> <p>CDFW recommends the Project proponent use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly ‘Moderate’ or ‘High’ listed by the California Invasive Plant Council.</p>	<p>Prior to Project activities</p>	<p>Project Proponent</p>