



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



SENT BY EMAIL ONLY

Governor's Office of Planning & Research

April 4, 2022

Apr 04 2022

Jocelyn Swain
City of Lancaster
44933 Fern Avenue
Lancaster, CA 93534
JSwain@cityoflanasterca.org

STATE CLEARINGHOUSE

Subject: Tentative Tract Map No. 66842 (revised), Mitigated Negative Declaration, SCH #2016121044, City of Lancaster, Los Angeles County

Dear Ms. Swain:

The California Department of Fish and Wildlife (CDFW) has reviewed the revised Initial Study/Mitigated Negative Declaration (MND) from the City of Lancaster (City; Lead Agency) for the Tentative Tract Map No. 66842 (Project). The Project is proposed by Maison's Range 199 (Project Applicant). 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, 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; California Environmental Quality Act (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 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 State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project Applicant obtain appropriate authorization under the Fish and Game Code.

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Project Description and Summary

Objective: The Project proposes the subdivision of approximately 22 acres of vacant land into 84 single-family residential lots. The Project intends to develop 199 residential units on 84 single-family residential lots. The dwelling units will consist of the primary residence with accessory dwelling units or junior accessory dwelling units. The residential development will be enclosed by a six-foot block wall. In addition to the residential development, community amenities will be constructed (e.g., community building, fitness center, office spaces, park, and pool). Internal roads within the residential development will need to be constructed alongside a small parking area adjacent to the community amenities. Lastly, wet and dry utilities will be installed throughout the residential development.

Location: The Project is located on approximately 22 acres in the southeast corner of 40th Street West and Avenue J-8, in the City of Lancaster, Los Angeles County. The Project site encompasses two land areas, on both the north and south side of Avenue J-8. The Project site includes Assessor's Parcel Number 3153-021-032, -033, -034, -035, -036, -038, and 3153-046-065.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately avoiding and/or mitigating the Project's impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts on Burrowing Owls (*Athene cunicularia*)

Issue: The MND proposes avoidance measures that may be insufficient to reduce impacts to burrowing owls to below a level of significance.

Specific impacts: Project construction and activities may result in injury or mortality of burrowing owls and disrupt natural burrowing owl breeding behavior. The Project may also result in the permanent loss and degradation of 22 acres of breeding, wintering, and/or foraging habitat for the species. Habitat loss could result in local extirpation of the species and contribute to local, regional, and State-wide declines of the species.

Why impact would occur: Burrowing owls are yearlong residents of open, dry grassland, and desert habitats. Burrowing owls are known to regularly occur within the Antelope Valley region. The Biological Resources Report (BRR) noted that no burrowing owl were observed; however, the field survey was conducted in February 2016, which is considered outdated. Additionally, the BRR further stated that California ground squirrel (*Otospermophilus beecheyi*) burrows were observed within the Project site. With California ground squirrel on site, their burrows could provide potential cover sites for burrowing owls. Moreover, CNDDDB has recorded burrowing owl observations within one mile of the Project site (CDFW 2022a). It is possible that burrowing owls occupy the Project site or use the Project site for breeding and nesting. The revised MND

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proposes a mitigation measure to perform a burrowing owl survey prior to Project activities. However, the mitigation measure does not describe the specific survey protocol that will be utilized during the survey. Surveys conducted without following the appropriate protocol could result in missed detections of burrowing owls and adverse impacts on burrowing owl habitat. Furthermore, no mitigation was proposed in the event that the Project will result in loss of confirmed burrowing owl habitat. Without sufficient mitigation, habitat loss of 22 acres could result in local extirpation of the species and contribute to local, regional, and State-wide declines of the species.

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

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (nonscyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has 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 2022c).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which 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). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).

Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The Project and environmental document should be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat if burrowing owls are present. 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 #1: CDFW recommends the City revise Mitigation Measure #1 by incorporating the underlined language and removing the language that has strikethrough:

“Burrowing owl protocol surveys shall be conducted on the Project site prior to the start of construction/ground disturbing activities in accordance with established ~~burrowing owl survey~~ protocols described in CDFW’s [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012). Burrowing owl surveys shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site where there is suitable habitat. In California, the

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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. If burrowing owls are identified, the applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project Applicant shall contact CDFW to develop appropriate mitigation/management procedures. The applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits, using the project site during the surveys, the applicant shall contact the California Department of Fish and Wildlife to determine the appropriate mitigation/management requirements."

Mitigation Measure #2: If the Project will impact habitat supporting burrowing owls, CDFW recommends that the City require the Project Applicant to offset impacts on habitat supporting a Species of Special Concern at no less than 2:1. There should be no net loss of burrowing owl habitat. The Project Applicant should set aside replacement habitat. Replacement habitat should 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.

Mitigation Measure #3: CDFW recommends that the City require the Project Applicant to avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.

Comment #2: Inadequate Disclosure of Adequacy of a Biological Impact Fee

Issue: The MND does not provide sufficient information for CDFW to evaluate the adequacy of the Biological Impact Fee to offset the cumulative loss of biological resources in the Antelope Valley.

Specific Impacts: The Project would develop approximately 22 acres of undeveloped land. The Project would eliminate habitat that potentially supports burrowing owls, western Joshua tree (*Yucca brevifolia*), and additional wildlife.

Why impacts would occur: The Project's cumulative impacts on biological resources in the Antelope Valley would be mitigated through payment of a \$770/acre Biological Impact Fee. According to the MND, the Biological Impact Fee would "[...] offset the cumulative loss of biological resources in the Antelope Valley as a result of development. Therefore, no impacts would occur." The MND does not explain why payment of the Biological Impact Fee is adequate to offset Project impacts so that the Project would have no impacts. The MND does not discuss or provide the following information:

- 1) Whether the Biological Impact Fee is going towards an established program;
- 2) How that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the Biological Impact Fee would acquire. It is unclear if the Biological Impact Fee would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Biological Impact Fee would be used to purchase credits at a mitigation bank, or none of the above;
- 4) What biological resources would the Biological Impact Fee protect/conserve;

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- 5) Why the Biological Impact Fee is appropriate for mitigating cumulative loss of biological resources in the Antelope Valley;
- 6) How \$770/acre is sufficient to purchase land or credits at a mitigation bank;
- 7) Where the City may acquire land or purchase credits at a mitigation bank so that the Biological Impact Fee would offset Project impacts on biological resources in the Antelope Valley;
- 8) When the City would use the Biological Impact Fee. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation;
- 9) How the City would commit the Project to paying the Biological Impact Fee. For example, when would the City require payment from the Project Applicant, how long would the Project Applicant have to pay the fee, and what mechanisms would the City implement to ensure the fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4).
- 10) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 11) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and,
- 12) How the Biological Impact Fee would be adequate such that no impacts would occur as a result of the Project.

Evidence impacts would be significant: The basic purpose of an environmental document is to provide public agencies and the public in general with detailed information about the effect a proposed Project is likely to have on the environment, and ways and manners in which the significant effects of such a Project might be minimized (Pub. Resources Code, §§ 21002.1, 21061). The MND is insufficient as an informational document because it fails to discuss the ways and manners in which the Biological Impact Fee would mitigate for the Project's cumulative impacts on biological resources in the Antelope Valley. Mitigation measures should be adequately discussed and the basis for setting a particular measure should be identified [CEQA Guidelines, § 15126.4(a)(1)(B)]. The MND does not provide enough information to facilitate meaningful public review and comment on the appropriateness of the Biological Impact Fee at mitigating for impacts on biological resources.

This Project may have a significant effect on the environment because the Project may reduce habitat for rare plants or wildlife; cause rare plants or wildlife population to drop below self-sustaining levels; and threaten to eliminate a plant or animal community [CEQA Guidelines, §15065(a)(1)]. Furthermore, the Project may contribute to the ongoing loss of sensitive, special status, threatened, and/or endangered plants, wildlife, and vegetation communities in the Antelope Valley. The Project may have possible environmental effects that are cumulatively considerable [CEQA Guidelines, § 15065(a)(3)]. The City is acknowledging that the Project would contribute to the cumulative loss of biological resource in the Antelope Valley because the City is proposing a Biological Impact Fee as compensatory mitigation. The Biological Impact Fee may be inadequate mitigation absent commitment, specific performance standards, and actions to achieve performance standards. 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 in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

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Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends that the MND provide a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the MND should provide specifics as to when the Project Applicant would pay the Biological Impact Fee; what mechanisms would be implemented to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to offset the Project's impacts. Also, the MND should provide specific performance standards, as well as actions to achieve those performance standards.

Recommendation #2: CDFW recommends recirculating the MND for a more meaningful public review and assessment of the Biological Impact Fee. Additionally, the MND should be recirculated if the proposed mitigation measure (i.e., Biological Impact Fee) would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15073.5(b)(2)].

Mitigation Measure #4: CDFW recommends updating the MND to provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:

- a) Whether the Biological Impact Fee is going towards an established program;
- b) How the program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- c) What the Biological Impact Fee would acquire;
- d) What biological resources would the Biological Impact Fee protect/conservate;
- e) Why the Biological Impact Fee is appropriate for mitigating the cumulative loss of biological resources in the Antelope Valley;
- f) Why the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank;
- g) Where land would be acquired or where the mitigation bank is located;
- h) When the Biological Impact Fee would be used; and,
- i) How the Biological Impact Fee would be adequate such that no impacts would occur as a result of the Project.

The MND should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, §15147).

Additional Recommendations

Lake and Streambed Alteration Agreement (LSA). The Project site contains three unnamed drainages. Two drainages flow through the Project site in a south to north direction and converge with a third drainage that flows west to east. CDFW has received the Notification for an LSA (Notification No. LAN-26011-R5). CDFW's issuance of an LSA Agreement for 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 a lead agency for a project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

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Incidental Take Permit (ITP). The Project will result in direct removal of 36 western Joshua trees, a candidate species protected under CESA. The Project will also result in impacts to the seedbank of mature western Joshua trees. CDFW has received the Notification for an ITP (Notification No. 2081-2021-075-05). CDFW's issuance of an ITP for 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 a lead agency for a project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to western Joshua trees and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an ITP.

Nesting Birds. CDFW recommends the City revise Mitigation Measure #2 by incorporating the underlined language and removing the language that has strikethrough:

"If Project activities occurs between January 1 through September 15, a nesting bird and raptor survey shall be conducted within a 500-foot radius of the construction site, prior to ground disturbing activities (e.g., staging, mobilizing, grading) as well as prior to any vegetation removal within the Project site. The A nesting bird survey shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites, within 30 days prior to the start of construction/ground disturbing activities. If nesting birds are encountered, all work in the area shall cease until either the young birds have fledged or the appropriate permits are obtained from the California Department of Fish and Wildlife. The Project Applicant shall retain a qualified biologist to conduct surveys no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. 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 or parental care for survival."

Updated Biological Resources Report. The Biological Resource Report for this Project is based on field surveys performed on January 30 and February 6, 2016. 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. In addition, it is possible that wildlife not previously observed on site are now residents and/or use the Project site for breeding, nesting, or foraging. For these reasons, CDFW strongly recommends the City require the Project Applicant to retain a qualified biologist to perform an updated biological survey to account for the current state of the Project site and the inventory of biological species that may be present. The survey should be conducted at the appropriate time of year and time of day when sensitive species are active or otherwise identifiable for both wildlife and plants. The updated biological report should be disclosed in the CEQA document for public review.

Landscaping. The Project proposes a residential development which will result in landscaping throughout the Project site. CDFW recommends the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant 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

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recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#) (Cal-IPC 2022). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity 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 detected by completing and submitting [CNDDB Online Field Survey Form](#) (CDFW 2022d). The City should ensure that the Project applicant has submitted data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project applicant should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the MND's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The City 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 the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

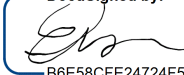
The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Lancaster and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in 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 of Lancaster in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Lancaster has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at Julisa.Portugal@wildlife.ca.gov or (562) 330-7563.

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Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Los Alamitos – Erinn.Wison-Olgin@wildlife.ca.gov
Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov
Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov
Frederic Rieman, Los Alamitos – Frederic.Rieman@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

References:

- [CDFW] California Department of Fish and Wildlife. March 7, 2012. Staff Report on Burrowing Owl Mitigation. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>
- [CDFWa] California Department of Fish and Wildlife. 2022. California Natural Diversity Database (CNDDDB). Available at: <https://wildlife.ca.gov/Data/CNDDDB>.
- [CDFWb] California Department of Fish and Wildlife. 2022. Species of Special Concern. Available at: <https://wildlife.ca.gov/Conservation/SSC>
- [CDFWc] California Department of Fish and Wildlife. 2022. Threatened and endangered Species. Available at: <https://wildlife.ca.gov/Conservation/CESA>
- [CDFWd] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB. Available at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
- [Cal-IPC] California Invasive Plant Council. 2022. The Cal-IPC Inventory. Available at: <https://www.cal-ipc.org/plants/inventory/>.



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1 – Burrowing Owl Survey	Burrowing owl protocol surveys shall be conducted on the Project site prior to the start of construction/ground disturbing activities in accordance with established survey protocol described in CDFW's Staff Report on Burrowing Owl Mitigation . Burrowing owl surveys shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site where there is suitable habitat. 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. If burrowing owls are identified, the applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project Applicant shall contact CDFW to develop appropriate mitigation/management procedures. The applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits.	Prior to finalizing CEQA document and Project Activities	City of Lancaster/ Project Applicant
MM-BIO-2 – Burrowing Owl Mitigation	If the Project will impact habitat supporting burrowing owls, CDFW recommends that the City require the Project Applicant to offset impacts on habitat supporting a Species of Special Concern at no less than 2:1. There shall be no net loss of	Prior to finalizing CEQA document and Project Activities	City of Lancaster/ Project Applicant

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	<p>burrowing owl habitat. The Project Applicant shall set aside replacement habitat. Replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which shall include an appropriate endowment to provide for the long-term management of mitigation lands.</p>		
<p>MM-BIO-3 – Rodenticides</p>	<p>CDFW recommends that the City require the Project Applicant to avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.</p>	<p>Prior to finalizing CEQA document and during Project Activities</p>	<p>City of Lancaster/ Project Applicant</p>
<p>MM-BIO-4 – Biological Impact Fee</p>	<p>CDFW recommends updating the MND to provide adequate, complete and good-faith disclosure of information that would address the following in relation to the Project:</p> <ul style="list-style-type: none"> a) Whether the Biological Impact Fee is going towards an established program; b) How the program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; c) What the Biological Impact Fee would acquire; d) What biological resources would the Biological Impact Fee protect/conservate; e) Why the Biological Impact Fee is appropriate for mitigating the cumulative loss of biological resources in the Antelope Valley; f) Why the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank; g) Where land would be acquired or where the mitigation bank is located; h) When the Biological Impact Fee would be used; and, i) How the Biological Impact Fee would be adequate such that no impacts would occur as a result of the Project. 	<p>Prior to finalizing CEQA document</p>	<p>City of Lancaster</p>

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	The MND shall provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns.		
MM-BIO-5 – Nesting Bird Survey	If Project activities occurs between January 1 through September 15, a nesting bird and raptor survey shall be conducted within a 500-foot radius of the construction site, prior to ground disturbing activities (e.g., staging, mobilizing, grading) as well as prior to any vegetation removal within the Project site. The nesting bird survey shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. The Project Applicant shall retain a qualified biologist to conduct surveys no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. 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 or parental care for survival.	Prior to finalizing CEQA document and Project Activities	City of Lancaster/ Project Applicant
MM-BIO-6 – Updated Biological Resources Report	The Biological Resource Report for this Project is based on field surveys performed on January 30 and February 6, 2016. 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. In addition, it is possible that wildlife not previously observed on site are now residents and/or use the Project site for breeding, nesting, or foraging. For these reasons, CDFW strongly recommends the City require the Project Applicant to retain a	Prior to finalizing CEQA document and Project Activities	City of Lancaster/ Project Applicant

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	qualified biologist to perform an updated biological survey to account for the current state of the Project site and the inventory of biological species that may be present. The survey shall be conducted at the appropriate time of year and time of day when sensitive species are active or otherwise identifiable for both wildlife and plants. The updated biological report should be disclosed in the CEQA document for public review.		
REC 1- Biological Impact Fee Discussion	CDFW recommends that the MND provide a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the MND should provide specifics as to when the Project Applicant would pay the Biological Impact Fee; what mechanisms would be implemented to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to offset the Project's impacts. Also, the MND should provide specific performance standards, as well as actions to achieve those performance standards.	Prior to finalizing CEQA document	City of Lancaster
REC 2- Recirculate MND	CDFW recommends recirculating the MND for a more meaningful public review and assessment of the Biological Impact Fee. Additionally, the MND should be recirculated if the proposed mitigation measure (i.e., Biological Impact Fee) would not reduce potential effects to less than significant and new measures must be required.	Prior to finalizing CEQA document	City of Lancaster
REC 3 - Landscaping	CDFW recommends the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant 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 . These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.	Prior to and during Project activities	Project Applicant

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<p>REC 4 – Data</p>	<p>Please report any special status species detected by completing and submitting CNDDB Online Field Survey Form. The City should ensure that the Project Applicant has submitted the data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant should provide CDFW with confirmation of data submittal.</p>	<p>Prior to finalizing CEQA document</p>	<p>City of Lancaster/ Project Applicant</p>
<p>REC 5 – MMRP</p>	<p>The MND’s proposed Biological Resources Mitigation Measures should be updated and conditioned to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. The City is welcome to coordinate with CDFW to further review and refine the Project’s mitigation measures.</p>	<p>Prior to finalizing CEQA document</p>	<p>City of Lancaster</p>