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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
WESTERN JOSHUA TREE CONSERVATION ACT
INCIDENTAL TAKE PERMIT
NO. 1927-ITP-2025-048-05

United Civil, Inc.
TTM No. 61600, Lancaster

CEQA FINDINGS

INTRODUCTION:

The California Department of Fish and Wildlife (CDFW) has prepared these findings to document its compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 *et seq*.). CDFW is a responsible agency under CEQA with respect to the TTM No. 61600, Lancaster (Project) because of its permitting authority under the Western Joshua Tree Conservation Act (WJTCA)(Fish and G. Code § 1927 et seq.) and the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See generally Pub. Resources Code, §§ 21002.1, subd. (d), 21069; CEQA Guidelines, § 15381.)[1] CDFW makes these findings under CEQA as part of its discretionary decision to authorize United Civil, Inc. (Permittee) to incidentally take western Joshua tree (*Yucca brevifolia*, WJT) during implementation of the Project. (See generally Fish & G. Code, § 1927.3.) The WJT is protected by the WJTCA and CESA.

CDFW is a responsible agency under CEQA with respect to the Project because of prior environmental review and approval of the Project by the lead agency, City of Lancaster (City). (See generally Pub. Resources Code, § 21067; CEQA Guidelines, § 15367.) The City analyzed the environmental impacts associated with implementation of the Project in a Tentative Tract Map (TTM) No. 61600/Variance (VAR) No. 22-02 Initial Study/Mitigated Negative Declaration (SCH No.: 2022080385) and approved the Project on September 19, 2022. In so doing, the City imposed mitigation measures for impacts to the WJT as conditions of Project approval and concluded that Project-related impacts to the WJT could be substantially lessened with implementation of mitigation and avoidance measures, such that the impacts would be less than significant.

As approved by the City, the Project involves the development of approximately 10 acres of undeveloped land into 32 single-family residential lots. The Project site supports 51 individuals of the WJT. Development of the Project site will result in the take of 34 individuals of WJT as defined by Fish and Game Code (Fish & G. Code, § 86). Take of WJT falls within CDFW's permitting jurisdiction under the WJTCA and CESA. (*Id.*, §§ 1927.3, 2080, 2081, subd. (b).)

[1] The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

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As a responsible agency, CDFW's CEQA obligations are more limited than those of the lead agency, in that CDFW is responsible for considering only the effects of those activities involved in the Project which it is required by law to carry out or approve. Thus, while CDFW must consider the environmental effects of the Project as set forth in the City's prior analysis, CDFW has responsibility to mitigate or avoid only the direct or indirect environmental effects of those parts of the Project which it decides to carry out, finance, or approve. (Pub. Resources Code, § 21002.1, subd. (d); CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because CDFW's exercise of discretion is limited to issuance of a WJTCA Incidental Take Permit (ITP) for the Project, CDFW is responsible for considering only the environmental effects that fall within its permitting authority under the WJTCA and CESA. (See generally *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 935-941.) Indeed, with respect to all other effects associated with implementation of the Project, CDFW is bound by the legal presumption that the Mitigated Negative Declaration fully complies with CEQA. (Pub. Resources Code, § 21167.3; *City of Redding v. Shasta County Local Agency Formation Commission* (1989) 209 Cal.App.3d 1169, 1178-1181; see also CEQA Guidelines, § 15096, subd. (e); Pub. Resources Code, § 21167.2; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130.)

FINDINGS:

CDFW has considered the Mitigated Negative Declaration adopted by the City as the lead agency for the Project.

CDFW finds that the mitigation measures imposed as conditions of Project approval by the City, along with the mitigation measures and Conditions of Approval set forth in CDFW's WJTCA ITP for the Project, will ensure that all Project-related impacts on WJT are mitigated to below a level of significance under CEQA.

CDFW finds that issuance of the WJTCA ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the conditions of Project approval adopted by the lead agency, as well as adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of the ITP, will avoid or reduce such potential effects to below a level of significance.

The following measures and others set forth in CDFW's WJTCA ITP for the Project will avoid to the extent feasible and mitigate to below a level of significance all Project-related impacts on WJT:

A. The Permittee has satisfied the mitigation obligations under the WJTCA ITP by paying the appropriate fees pursuant to the fee schedule set forth in Fish and Game Code section 1927.3 subdivision (e), as adjusted annually, for deposit into the Western Joshua Tree Conservation Fund. Permittee submitted payment in the amount of $14,861 and it was received by CDFW on November 10, 2025.

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B. Permittee shall provide CDFW with a Project Completion Report (PCR) no later than 1 month after the Project has been completed. The PCR shall include, at a minimum: (1) photos that illustrate the state of the Project Site upon completion of the Project; (2) approximate start and end date(s) when Covered Activities occurred; and (3) an accounting of the WJT individuals identified in the census that have been removed, relocated, and/or injured (e.g., trimmed) since this Permit's issuance.

C. Permittee or the Designated Representative shall immediately notify CDFW if Permittee is not in compliance with any Condition of Approval of this Permit, including but not limited to any actual or anticipated failure to implement any measure in this Permit within the time periods indicated therein. The Designated Representative shall follow up within 24 hours with a written notice to CDFW describing, in detail, any actual or anticipated non-compliance with this Permit and suggested measures to remedy the situation.

The Project is approved.

DATE: 12/18/2025

By: DocuSigned by: B6E58CFE24724F5...

Erinn Wilson-Olgin, Regional Manager
South Coast Region
California Department of Fish and Wildlife