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November 6, 2025

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Subject: Draft Environmental Impact Report for the Parkway Village Specific Plan Project, SCH No. 2024020979, Los Angeles County, CA

Dear Jocelyn Swain:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from City of Lancaster for the Parkway Village Specific Plan (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 regulatory authority as provided by the Fish and Game Code. As proposed, for

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.

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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: City of Lancaster

Objective: The objective of the Project is to develop and implement the Parkway Village Specific Plan (Plan). The Plan would provide direction for development within the Project area over a 20-year period. The Plan would provide a variety of commercial, residential, medical, and public use areas. Residential uses would vary from single-family residences, townhomes, condominiums, to apartment complexes. Additionally, land use and circulation plans for the Project area would be incorporated into the Plan. The Project area would be divided into multiple planning areas dedicated to different types of uses. Main features of the Plan include future development of the following:

- 3,462 residential units. Planning Areas 7 and 8 may include a transit hub;
- 130 hotel rooms in one or more hotels;
- 150,000 square feet of commercial uses in areas designated Town Center;
- 415,000 square feet of office, medical office, assisted/supportive living, and uses supportive of office including restaurants, financial institutions, professional services, etc., in areas designated Business;
- 185,000 square feet of commercial uses including indoor technical schools, fitness centers and gymnasiums in areas designated Workshop;
- 8.7 acres for school uses;
- 27.8 acres for parks of varying sizes;
- A 200-bed hospital and up to 500,000 square feet of medical-related uses including skilled nursing and assisted living; and
- 10.2-acre aquatic center.

Location: The Project area consists of approximately 435 acres in the central portion of the City of Lancaster (City), Los Angeles County. The Project area is bound by West Avenue L to the south, 10th Street West to the west, Avenue K to the north, and Sierra Highway to the east. The Montecito Apartment Complex located on the northeast corner of Avenue L and 10th Street West and the gas station on the southeast corner of Avenue K-8 and 10th Street West are not part of the Project area.

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."

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Biological Setting: The Project area lies within the Antelope Valley, which is part of the [Antelope Valley Regional Conservation Investment Strategy](#). The Project area is primarily vacant with some developed parcels along the borders of the area. The developed areas have existing buildings that serve varying uses (e.g., commercial, medical, church, etc.). The Project area is bisected by West Avenue K-8 that runs east to west and 5th Street West that runs north to south. Beyond the immediate borders of the Project area lies Sergeant Steve Owen Memorial Park to the west, railroad tracks to the east, residential communities to the north, and vacant land to the south. Based on aerial imagery, off-road vehicular tracks, trash, encampments, and unpaved/paved roads are present throughout the Project area.

General habitat assessments and biological surveys for special-status species were performed in April 2020 and April 2024. Focused botanical surveys were conducted in April 2020, 2024, May 2024, and July 2024. An evaluation of water features and jurisdictional delineation within the Project area was conducted on July 1, 2024. Additionally, a western Joshua tree (*Yucca brevifolia*; CESA candidate species) census was conducted in 2024 within the Project area. All survey and census findings were compiled in a Biological Resources Technical Report (BRTR), dated October 2024. According to the BRTR, the Project area contains mostly non-native grassland/upland mustard and partially developed open space. The remaining areas contain approximately 11 acres of scrub habitat and about 3 acres of western Joshua tree woodland. A total of 103 western Joshua trees were observed on site. Aside from a western Joshua tree woodland, no additional sensitive natural communities were observed, and no rare plants were identified during focused botanical surveys. Additionally, there is an earthen drainage in the southern portion of the Project area.

During surveys, Swainson's hawk (*Buteo swainsoni*; CESA threatened species) and Cooper's hawk were observed flying over the Project area. Special-status wildlife species with moderate or high potential to be present during future individual project activities include, but is not limited to, western burrowing owl (*Athene cunicularia hypugaea*; CESA candidate species), Crotch's bumble bee (*Bombus crotchii*; CESA candidate species), northern California legless lizard (*Anniella pulchra*; California Species of Special Concern (SSC)), and loggerhead shrike (*Lanius ludovicianus*; SSC). The City has incorporated mitigation measures in the DEIR specific to western burrowing owl, Crotch's bumble bee, general pre-construction surveys and monitoring, best management practices, wildlife entrapment, invasive weed introduction, and trash.

Project Timeline: The Plan does not propose or approve individual project construction schedules. The Plan is a planning document that provides guidance for future development over a 20-year time period.

Project History: CDFW previously reviewed the Notice of Preparation (NOP) and provided a comment letter to the City on March 27, 2024. Comments in the NOP addressed cumulative impacts, local wildlife movement, CESA protected species,

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western Joshua tree, an earthen drainage feature, rare plants, SSC, and nesting birds and raptors.

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: Cumulative Impact

Issue: The DEIR does not analyze the impact of future and current developments in addition to impacts of the Project, which may lead to significant cumulative impacts to biological resources.

Specific Impact: The DEIR does not sufficiently analyze the cumulative impacts on biological resources as it relates to loss of undeveloped land from this Project and surrounding projects within the immediate vicinity surrounding the area. Individual project activities such as vegetation clearing and grading of the Project area over time would contribute to the cumulative loss of nesting and foraging habitat for burrowing owl, Loggerhead shrike, Swainson's hawk, western Joshua tree, Crotch's bumble bee, and additional flora and fauna.

Why impact would occur: The DEIR provided a Cumulative Projects Map (map) on page 3.1-6 that depicts 28 projects surrounding the proposed Project that are currently under review, approved, or under construction. The Cumulative Impact Analysis in the Biological Resources Section of the DEIR notes special-status species that have potential to be present in the Project area; however further states, "[t]hese species occur elsewhere in the Antelope Valley and in the vicinity of the Plan area, but extensive habitat is still present in the region" (3.4-25). Contrary to this statement, there has been a rapid increase in development (i.e., industrial, commercial, and residential), especially solar installation, within the City and throughout Antelope Valley, which has led to ongoing loss of suitable habitat. With conversion of a large area of undeveloped land in an urban setting, there may be no additional habitat easily available for small wildlife such as northern California legless lizard to find nesting or foraging opportunities, resulting in a reduced population of special-status species in a localized area within the City. Thus, buildout of the Plan will contribute to the permanent loss of suitable habitat for special status species, and mitigation should be implemented to offset those impacts.

From the map, it is clearly evident that building out these smaller projects in addition to this larger Project area would have a significant cumulative loss to the remaining open space in an area that is highly fragmented due to development and urbanization. While the limited open space may not support large mammals, it does support special-status

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small and medium sized wildlife (e.g., squirrels, coyotes, burrowing owl) as well as several plant species and should be mitigated to offset the permanent loss.

Additionally, the analysis does not provide scientific evidence that demonstrates that habitat within the region is sufficient to offset the loss of roughly 435 acres of suitable nesting and foraging habitat for special status wildlife. The DEIR does not provide scientific literature, maps, or discussion to denote areas of open space within the City that would support these species and how wildlife that occupy the 435 acres would be able to move to those areas for nesting and foraging opportunities. Without any scientific evidence or discussion in the DEIR to support the claim that extensive habitat is still present in the region, CDFW remains concerned that the Project would contribute to the considerable loss of large areas of open space within the City, reduce availability for nesting opportunities during breeding season, decrease foraging areas, and reduce population range of certain special-status species.

Evidence impact may be significant: CDFW believes that cumulative impacts of the Project on biological resources could be cumulatively considerable (CEQA Guidelines §15065(a)(3)). “Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)).

Cumulative impacts can also result from individually minor but collectively significant projects inclusive of prior, concurrent, and future projects [CEQA Guidelines, §§ 15065(a)(3), 15355]. Given the anticipated buildout of the Project site and adjacent areas, potential exists for cumulative impacts to open space (CEQA Guidelines, §15064(d)).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Recommendation #1: Cumulative Impact Analysis Revision - CDFW recommends the City re-evaluate the cumulative impacts analysis of the Project and amend the cumulative impact analysis in the Biological Resources section of the DEIR to demonstrate what open space areas are adjacent to the Project site for wildlife to utilize and how the Project, relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities does not contribute to the considerable loss of undeveloped land in the City. If the City continues to remain certain in their position that the Project would not have a cumulative impact, the DEIR should indicate why the cumulative impact is not significant, supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].

Recommendation #2: Compensatory Mitigation - If the City revises their position that the Project would have a cumulative impact, the City should provide compensatory

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mitigation in the form of land acquisition and permanent preservation to offset the cumulative loss of habitat.

COMMENT # 2: Impacts on Western Burrowing Owl

Issue: Future projects facilitated by the Plan may adversely impact western burrowing owl.

Specific impact: Individual project ground-disturbing activities, such as grading, will result in habitat loss and may lead to death or injury of individuals. Future project construction activities may also disrupt foraging behavior for any western burrowing owl present on site.

Why impact would occur: The DEIR states that the Project area provides suitable habitat for western burrowing owl. While western burrowing owl were not detected during the 2020 or 2024 surveys, it was noted in the BRTR that whitewash was observed and the Project area contains suitable burrows.

According to [Antelope Valley Regional Conservation Investment Strategy](#), 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. If suitable burrows are adjacent to or within the Project area, it is possible that western burrowing owl may utilize the Project area as foraging habitat or that California ground squirrel may start to create suitable burrows on site. Since the individual project activities by individual projects under the Plan will occur at an undisclosed time, additional suitable burrows and western burrowing owl presence may continue to occur.

The DEIR states that the impacts will be mitigated if western burrowing presence is confirmed. However, since the Project area contains suitable habitat, burrows, and prior evidence of whitewash, CDFW believes that future individual projects facilitated by the Plan have a high likelihood of adversely impacting this CESA candidate species. If individual project activities overlap with the breeding season for western burrowing owl there is potential for individual 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. CDFW appreciates the incorporation of MM BIO-2 to have pre-construction surveys for western burrowing owl. However, a single pre-construction clearance survey will not adequately assess how western burrowing owl use a site. Inadequate assessment of western burrowing owl presence may result in unauthorized take. To avoid unauthorized take, every project facilitated by the Plan should be conducting multiple focused western burrowing owl surveys prior to project activities and should coordinate with CDFW to obtain appropriate take authorization if western burrowing owl is identified on site.

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Evidence impact may 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. 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)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

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 western burrowing owl and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

Mitigation Measure #1: Mitigation Measure BIO-2 – CDFW recommends the City revise Mitigation Measure BIO – 2 to incorporate the underlined language and remove the language in strikethrough:

Every individual project applicant 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.

Additionally, pre-construction burrowing owl clearance survey shall be conducted no more than 14 days prior to any vegetation removal or ground disturbing activities to

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avoid impacts to burrowing owls and/or occupied burrows. The pre-construction clearance survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required.

If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a “no-disturbance” buffer around the burrow location(s). The size of the “no-disturbance” buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint, the qualified biologist 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 and management procedures and a final Burrowing Owl Mitigation Plan shall be submitted to the City and CDFW for review and approval prior to project activities.

If burrowing owl presence is confirmed, the project applicant shall offset impacts by acquiring CDFW-approved mitigation lands for the species. The potential mitigation land shall have the following: 1) have presence of burrowing owl; 2) replace the impacted burrowing owl habitat at a minimum of 2:1 ratio to ensure no net loss of habitat; and 3) be of equivalent or greater habitat value than that of the project site. Prior to acquisition of potential mitigation land, the project applicant shall provide CDFW with the appropriate documentation for property eligibility. Requested documentation may include, but is not limited to, a biological report, preliminary title report, mineral risk assessment report, and Phase I Environmental Assessment report. Following CDFW written approval of potential mitigation land, the project applicant shall protect the land in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. Recordation of the conservation easement shall occur prior to commencement of project activities. An appropriate endowment, to be determined by CDFW, shall also be provided for the long-term monitoring and management of mitigation lands.

Each applicant or developer ~~that has a~~ is responsible for analyzing potential impacts to ~~impact~~ western burrowing owl. If there are potential impacts to western burrowing owl, the applicant would need to obtain an Incidental Take Permit from CDFW to ensure compliance with the California Endangered Species Act.

Mitigation Measure #2: Incidental Take Permit – If an occupied burrow or western burrowing owl is identified within the Project site or adjacent areas, the individual project applicant shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish and Game code, § 2080 *et seq.*). Parks shall comply with the

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mitigation measures detailed in the take authorization issued by CDFW. Parks shall obtain a fully executed take authorization prior to implementing Project activities with potential to impact western burrowing owl.

Recommendation #4: Western Burrowing Owl Discussion – The FEIR should acknowledge that western burrowing owl is designated as a CESA candidate species and afforded full protection under CESA. The FEIR should also provide a thorough discussion of the Project's potential direct and indirect impacts to western burrowing owl. If the Project has the potential to impact western burrowing owl, the FEIR should propose measures to mitigate for potential impacts to the species as well as for habitat that supports the species. The discussion should be of depth and scope that a CESA ITP could be issued based on the analysis provided in the FEIR.

COMMENT # 3: Impacts on Swainson Hawk

Issue: The DEIR does not incorporate mitigation measures specific to Swainson's hawk addressing potential impacts by individual projects.

Specific impact: Individual project activities may result in loss of foraging habitat for Swainson's hawk.

Why impact would occur: Swainson's Hawk are generally found foraging in Palmdale and Lancaster areas. This raptor species prefers open spaces, open grasslands, pastures, and agricultural land. The DEIR acknowledges that the Project area contains suitable foraging habitat. The DEIR also states that Swainson's hawk has been detected several times in the vicinity of the Project area and was observed during 2020 surveys flying overhead. CDFW appreciates the incorporation of MM BIO-1 to mitigate impacts to any nesting birds, but this does not adequately address potential impacts to Swainson's Hawk. A single nesting bird survey will not adequately analyze how Swainson's Hawk may be using the Project area. CDFW considers a Swainson's hawk nest site to be active if it was used at least once within the past five years and impacts to suitable habitat or individual birds within a five-mile radius of an active nest as significant. It also does not address the permanent loss of foraging areas for this CESA threatened species due to development of the Project area. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, [Bloom \(1980\)](#) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development. A survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change.

Evidence impact would be significant: Consistent with CEQA Guidelines section 15380, the status of the Swainson's hawk as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA. Project impacts would potentially reduce the number and/or restrict the range of Swainson's hawk or

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contribute to the abandonment of an active nest and/or the loss of significant foraging habitat for a given nest territory and thus result in take as defined under CESA.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #3: Swainson's Hawk Surveys - Every individual project applicant that has suitable habitat to support Swainson's hawk on their project site shall retain a qualified biologist to conduct focused surveys adhering to survey protocol outlined in CDFW's [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California](#). Findings from the focused surveys shall be submitted to the City prior to individual project activities.

Mitigation Measure #4: Take Authorization - If an individual project will impact Swainson's hawk during Project construction or operation, the individual project applicant shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 *et seq.*). The project applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The project applicant shall also provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

COMMENT # 4: Impacts on Crotch's Bumble Bee

Issue: Mitigation Measure BIO-3 does not address all of CDFW concerns pertaining to impacts on Crotch's bumble bee and its associated habitat.

Specific impact: Individual projects facilitated by the Plan may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impact would occur: The DEIR states the Project area provides suitable nesting and foraging habitat for the Crotch's bumble bee and supports numerous food plants. Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also 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).

CDFW appreciates the incorporation of MM BIO-3 to address impacts to Crotch's bumble bee. As currently written, the measure only recommends obtaining an ITP if a

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nest is unavoidable. This does not address impacts to floral resources. Crotch's bumble bee can be adversely impacted when their floral resources are removed. Additionally, ground disturbance and vegetation removal associated with individual project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Without sufficient avoidance, minimization, or mitigation measures, the development may result in undisclosed and unmitigated temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

Evidence impact would 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 taking into account the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. Crotch's bumble bee is listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Recommendation #5: 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 #5: Mitigation Measure BIO-3 Crotch's Bumble Bee - CDFW recommends the City revise Mitigation Measure BIO – 3 to incorporate the underlined language and remove the language in strikethrough:

The project applicant shall retain a qualified biologist with appropriate handling permits to conduct protocol-level surveys following CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#). If any individual Crotch's bumble bee or a Crotch's bumble bee nest is found on a project site, the applicant will obtain an Incidental Take Permit from CDFW for impacts to this species
~~Protocol-level surveys in the appropriate season (CDFW, 2023c) shall be conducted for Crotch's bumble bee prior to the commencement of any ground-disturbing activities. If~~

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~~foraging individuals are found on a project site, a biologist will monitor construction activities to ensure that bees are not impacted by construction activities, vehicles, or any other potential activities. If a nesting colony is identified on the project site, a buffer encompassing the nest and adequate foraging resources will be established by a qualified biologist. The no-activity buffer shall be maintained until the end of flight season or once the nest is deemed inactive and unoccupied by a qualified biologist. If the nest is unavoidable, the Applicant will obtain an Incidental Take Permit from CDFW for impacts to this species. If the California Fish and Game Commission decides not to list Crotch's bumble bee under CESA, this measure will no longer be required.~~

Mitigation Measure #6: No Net Loss - If California Fish and Game Commission does not list Crotch's bumble bee under CESA, it will still remain an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#). Thus, there shall be no net loss of suitable habitat for Crotch's bumble bee. The City shall offset impacts on habitat for Crotch's bumble bee at no less than 2:1, so there is no net loss of suitable habitat.

ADDITIONAL COMMENTS

MM BIO-1 Nest Avoidance. CDFW recommends the City revise MM BIO – 1 to incorporate the underlined language and remove the language in strikethrough:

A nesting bird and raptor survey shall be conducted by a qualified biologist within 7 days prior to the start of construction/ground disturbing activities. The qualified biologist shall survey the entire project site and areas within a biologically defensible buffer zone surrounding the project site. If project activities delay or suspended for more than 7 days during the nesting season, the nesting bird and raptor survey shall be repeated. If active bird nests are identified during the survey, the species shall be identified, and a no-disturbance buffer shall be established around the active nest. At a minimum, a buffer of 500 feet around active raptor nests and ~~400~~ 300 feet around other migratory bird species nests shall be established. Personnel working on the project, including all contractors working onsite, shall be instructed on the presence of nesting birds, restricted areas, and adherence to no-disturbance buffers. A qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the "no-disturbance" buffer disturbs the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the "no-disturbance" buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.

Injured or Dead Wildlife. For every individual project facilitated by the Plan, if any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and City of Lancaster within 3 calendar days of

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the incident or finding. The report should 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.

CEQA Document Tiering. The Project is a specific plan that is intended to provide guidance for individual developments that will occur at a future time within the Project area. While CDFW appreciates that biological surveys and impact analysis in the Biological Resources section of the DEIR, more updated surveys and impact analysis may need to occur once individual projects are approved. Without disclosing any design or individual project specifics, CDFW recommends that, for individual projects nested under the proposed Project, findings of significance should be set aside when certifying the DEIR until those aspects can be fully studied in a subsequent or supplemental CEQA document (see CEQA Guidelines §§ 15162 and 15163). The DEIR should explicitly discuss what further CEQA actions are anticipated for these individual projects, whether further analysis will be provided, and whether it will be available for public review. In addition to this recommendation, CDFW would appreciate the opportunity to review and comment on subsequent CEQA actions (e.g., subsequent, supplemental, addendum, etc.) associated with this DEIR.

Landscaping. For individual projects that will incorporate landscaping, CDFW recommends that the project applicant should 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 nonnative, invasive plant species to areas that are adjacent to and/or near native habitat areas. CDFW recommends the Project proponent 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.

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).

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](https://wildlife.ca.gov/Data/CNDDDB)³ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁴.

City of Lancaster should ensure data collected for the preparation of the DEIR 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 DEIR 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)).

³ <https://wildlife.ca.gov/Data/CNDDDB>

⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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Questions regarding this letter or further coordination should be directed to Andrew Aitken⁵, Environmental Scientist.

Sincerely,

DocuSigned by:

5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Steve Gibson
Andrew Aitken
Julisa Portugal
Jennifer Ludovissy

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

REFERENCES

- 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.

⁵ Phone: 562-525-9688; Email: Andrew.Aitken@wildlife.ca.gov

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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
Mitigation Measure #1: Mitigation Measure BIO-2 – CDFW recommends the City revise Mitigation Measure BIO – 2 to incorporate the underlined language and remove the language in strikethrough: <u>Every individual project applicant 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.</u> Additionally, pre-construction burrowing owl clearance survey shall be conducted no more than 14 days prior to any vegetation removal or ground disturbing activities to avoid impacts to burrowing owls and/or occupied burrows. The pre-construction clearance survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required.	Prior to adoption of the DEIR	Lead Agency

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Mitigation Measure	Timing	Responsible Party
If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a “no-disturbance” buffer around the burrow location(s). The size of the “no-disturbance” buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint, the qualified biologist 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 and management procedures and a final Burrowing Owl Mitigation Plan shall be submitted to the City and CDFW for review and approval prior to project activities. If burrowing owl presence is confirmed, the project applicant shall offset impacts by acquiring CDFW-approved mitigation lands for the species. The potential mitigation land shall have the following: 1) have presence of burrowing owl; 2) replace the impacted burrowing owl habitat at a minimum of 2:1 ratio to ensure no net loss of habitat; and 3) be of equivalent or greater habitat value than that of the project site. Prior to acquisition of potential mitigation land, the project applicant shall provide CDFW with the appropriate documentation for property eligibility. Requested documentation may include, but is not limited to, a biological report, preliminary title report, mineral risk assessment report, and Phase I Environmental Assessment report. Following CDFW written approval of potential mitigation land, the project applicant shall protect the land in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. Recordation of the conservation easement shall occur prior to commencement of		

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Mitigation Measure	Timing	Responsible Party
project activities. An appropriate endowment, to be determined by CDFW, shall also be provided for the long-term monitoring and management of mitigation lands. Each applicant or developer ~~that has a~~ <u>is responsible for analyzing</u> potential impacts to ~~impact~~ western burrowing owl. <u>If there are potential impacts to western burrowing owl, the applicant</u> would need to obtain an Incidental Take Permit from CDFW to ensure compliance with the California Endangered Species Act.		
Mitigation Measure #2: Incidental Take Permit – If an occupied burrow or western burrowing owl is identified within the Project site or adjacent areas, the individual project applicant shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish and Game code, § 2080 <i>et seq.</i>). Parks shall comply with the mitigation measures detailed in the take authorization issued by CDFW. Parks shall obtain a fully executed take authorization prior to implementing Project activities with potential to impact western burrowing owl.	Prior to Project Activities	Project Proponent
Mitigation Measure #3: Swainson’s Hawk Surveys - Every individual project applicant that has suitable habitat to support Swainson’s hawk on their project site shall retain a qualified biologist to conduct focused surveys adhering to survey protocol outlined in CDFW’s <u>Swainson’s Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California</u>. Findings from the focused surveys shall be submitted to the City prior to individual project activities.	Prior to Project Activities	Project Proponent
Mitigation Measure #4: Take Authorization - If an individual project will impact Swainson’s hawk during Project construction or operation, the individual project applicant shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 <i>et seq.</i>). The project applicant shall comply with the mitigation measures detailed in the take authorization issued by	Prior to Project Activities	Project Proponent

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Mitigation Measure	Timing	Responsible Party
CDFW. The project applicant shall also provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.		
Mitigation Measure #5: Mitigation Measure BIO-3 Crotch's Bumble Bee - CDFW recommends the City revise Mitigation Measure BIO – 3 to incorporate the underlined language and remove the language in strikethrough: <u>The project applicant shall retain a qualified biologist with appropriate handling permits to conduct protocol-level surveys following CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. If any individual Crotch's bumble bee or a Crotch's bumble bee nest is found on a project site, the applicant will obtain an Incidental Take Permit from CDFW for impacts to this species. Protocol level surveys in the appropriate season (CDFW, 2023c) shall be conducted for Crotch's bumble bee prior to the commencement of any ground disturbing activities. If foraging individuals are found on a project site, a biologist will monitor construction activities to ensure that bees are not impacted by construction activities, vehicles, or any other potential activities. If a nesting colony is identified on the project site, a buffer encompassing the nest and adequate foraging resources will be established by a qualified biologist. The no-activity buffer shall be maintained until the end of flight season or once the nest is deemed inactive and unoccupied by a qualified biologist. If the nest is unavoidable, the Applicant will obtain an Incidental Take Permit from CDFW for impacts to this species. If the California Fish and Game Commission decides not to list Crotch's bumble bee under CESA, this measure will no longer be required.</u>	Prior to adoption of the DEIR	Lead Agency

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Mitigation Measure	Timing	Responsible Party
Mitigation Measure #6: No Net Loss - If California Fish and Game Commission does not list Crotch's bumble bee under CESA, it will still remain an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Thus, there shall be no net loss of suitable habitat for Crotch's bumble bee. The City shall offset impacts on habitat for Crotch's bumble bee at no less than 2:1, so there is no net loss of suitable habitat.	Prior to adoption of the DEIR	Lead Agency
Mitigation Measure #7: MM BIO-1 Nest Avoidance. CDFW recommends the City revise MM BIO – 1 to incorporate the underlined language and remove the language in strikethrough: A nesting bird and raptor survey shall be conducted by a qualified biologist within 7 days prior to the start of construction/ground disturbing activities. The qualified biologist shall survey the entire project site and areas within a biologically defensible buffer zone surrounding the project site. If project activities delay or suspended for more than 7 days during the nesting season, the nesting bird and raptor survey shall be repeated. If active bird nests are identified during the survey, the species shall be identified, and a no-disturbance buffer shall be established around the active nest. At a minimum, a buffer of 500 feet around active raptor nests and ~~400~~ <u>300</u> feet around other migratory bird species nests shall be established. Personnel working on the project, including all contractors working onsite, shall be instructed on the presence of nesting birds, restricted areas, and adherence to no-disturbance buffers. A qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the “no-disturbance” buffer disturbs the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the “no-	Prior to adoption of the DEIR	Lead Agency

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Mitigation Measure	Timing	Responsible Party
disturbance” buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.		
Mitigation Measure #8: Injured or Dead Wildlife. For every individual project facilitated by the Plan, 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 qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and City of Lancaster 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.	During Project Implementation	Project Proponent
Mitigation Measure #9: Landscaping. For individual projects that will incorporate landscaping, CDFW recommends that the project applicant should 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 nonnative, invasive plant species to areas that are adjacent to and/or near native habitat areas. CDFW recommends the Project proponent 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.	During Project Implementation	Project Proponent

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Mitigation Measure	Timing	Responsible Party
Recommendation #1: Cumulative Impact Analysis Revision - CDFW recommends the City re-evaluate the cumulative impacts analysis of the Project and amend the cumulative impact analysis in the Biological Resources section of the DEIR to demonstrate what open space areas are adjacent to the Project site for wildlife to utilize and how the Project, relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities does not contribute to the considerable loss of undeveloped land in the City. If the City continues to remain certain in their position that the Project would not have a cumulative impact, the DEIR should indicate why the cumulative impact is not significant supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].	Prior to adoption of the DEIR	Lead Agency
Recommendation #2: Compensatory Mitigation - If the City revises their position that the Project would have a cumulative impact, the City should provide compensatory mitigation in the form of land acquisition and permanent preservation to offset the cumulative loss of habitat.	Prior to adoption of the DEIR	Lead Agency
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 western burrowing owl and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.	Prior to adoption of the DEIR	Lead Agency

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Mitigation Measure	Timing	Responsible Party
Recommendation #4: Western Burrowing Owl Discussion – The FEIR should acknowledge that western burrowing owl is designated as a CESA candidate species and afforded full protection under CESA. The FEIR should also provide a thorough discussion of the Project’s potential direct and indirect impacts to western burrowing owl. If the Project has the potential to impact western burrowing owl, the FEIR should propose measures to mitigate for potential impacts to the species as well as for habitat that supports the species. The discussion should be of depth and scope that a CESA ITP could be issued based on the analysis provided in the FEIR.	Prior to adoption of the DEIR	Lead Agency
Recommendation #5: 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.	Prior to adoption of the DEIR	Lead Agency
Recommendation #6: CEQA Document Tiering. The Project is a specific plan that is intended to provide guidance for individual developments that will occur at a future time within the Project area. While CDFW appreciates that biological surveys and impact analysis in the Biological Resources section of the DEIR, more updated surveys and impact analysis may need to occur once individual projects are approved. Without disclosing any design or individual project specifics, CDFW recommends that, for individual projects nested under the proposed Project, findings of significance should be set aside when certifying the DEIR until those aspects can	Prior to adoption of the DEIR	Lead Agency

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Mitigation Measure	Timing	Responsible Party
be fully studied in a subsequent or supplemental CEQA document (see CEQA Guidelines §§ 15162 and 15163). The DEIR should explicitly discuss what further CEQA actions are anticipated for these individual projects, whether further analysis will be provided, and whether it will be available for public review. In addition to this recommendation, CDFW would appreciate the opportunity to review and comment on subsequent CEQA actions (e.g., subsequent, supplemental, addendum, etc.) associated with this DEIR.		