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July 21, 2025

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SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WESTSIDE ANNEXATION AND SPECIFIC PLAN PROJECT, SCH NO. 2024081372, LOS ANGELES COUNTY, CA

Dear Jocelyn Swain:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the City of Lancaster (City) for the Westside Annexation and 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

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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regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration (LSA) 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 (i.e., Incidental Take Permit [ITP]) as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Lancaster

Objective: The objective of the Project is to annex approximately 7,153 acres currently in unincorporated Los Angeles County into the City's jurisdiction and to adopt the proposed North Lancaster Industrial Specific Plan (Specific Plan), which would allow for industrial development. The Specific Plan would encompass approximately 1,860 acres in the center of the annexed area and is split into eight planning areas. Of the eight planning areas, six will be zoned as light industrial (planning areas 1 through 6) and two will be zoned as heavy industrial (planning areas 7 and 8). Primary Project activities include conversion of mostly vacant and undeveloped land with scattered rural residences to industrial development. With a proposed floor area ratio of 0.5, the maximum buildout of all planning zones totals approximately 884 acres. Within planning areas 2, 4, 6, 7, and 8, the Project proposes to construct approximately 260 acres of industrial warehouse buildings and associated site improvements over a 5-year period. Site plan review and final City approvals for industrial use within Planning Areas 2, 4, 5, 7, and 8 would occur at a later date and tier from the proposed EIR.

Location: The Project is located to the north of the City of Lancaster in the County of Los Angeles. The Specific Plan is generally bound by Avenue B to the north, Sierra Highway and Edwards Air Force Base to the east, Avenue G to the south, and 30th Street West to the west. Piute Ponds and Rosamond Lake are located approximately one and two miles east of the Project, respectively.

Timeframe: Within planning areas 2, 4, 6, 7, and 8, the Project proposes to construct approximately 260 acres of industrial warehouse buildings and associated site improvements over a 5-year period.

Biological Setting: The Project is within the Mojave Desert section of the American Semi-Desert and Desert Province. Vegetation surveys completed in 2023 for Planning Areas 2, 4, 6, 7, and 8 indicate that native desert scrub habitats are the dominant vegetation community/land cover type, composed primarily of shadscale/allscale (*Atriplex* spp.) scrub. Other disturbed and undisturbed vegetation communities observed during the 2023 vegetation surveys include: Fiddleneck – Phacelia Fields (*Amsinckia*

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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[*menziesii*, *tessellata*] - *Phacelia* spp. Herbaceous Alliance, *Amsinckia tessellata* - *Erodium cicutarium* Association, Rubber Rabbitbrush Scrub (*Ericameria nauseosa* Shrubland Alliance, *Ericameria nauseosa* Association), and Tamarisk Thickets (*Tamarix* spp. Shrubland Semi-Natural Alliance, *Tamarix* spp. Association).

CDFW's [Vegetation Classification and Mapping Program](#)³ (VegCAMP) indicates the dominant vegetation groups outside the 2023 survey areas contain similar *Atriplex*-dominated desert scrub habitats, as well as rubber rabbitbrush scrub (*Ericameria* spp.), Mediterranean California naturalized annual and perennial grassland, and stands of salt cedar (*Tamarix* spp.).

CDFW's [California Streams Dataset](#)⁴ indicates Amargosa Creek and unnamed streams, tributaries to Piute Ponds, are within the Specific Plan area. The Project site may also contain claypans that seasonally pond and may be hydrologically connected to the Amargosa Creek and the unnamed streams. Claypans are common in the general area of the Project site (ESA 2004). Claypans provide habitat for Alkali mariposa-lily (*Calochortus striatus*) (ICF 2021), which was observed within the Project site. The United States Fish and Wildlife Service's (USFWS's) [National Wetlands Inventory](#)⁵ indicates there are freshwater ponds within the Specific Plan area, some of which may be claypans. Some of these claypans may be hydrologically connected to streams during high flow events (see Attachment B, Figure 1).

The Project is within the [Antelope Valley Regional Conservation Investment Strategy](#)⁶ (AVRCIS; ICF 2021) area. The northeast portion of the annexation area abuts the [Antelope Valley Significant Ecological Area](#).⁷

CDFW is concerned that the Project has the potential to impact the following special-status wildlife species: western Joshua tree (*Yucca brevifolia*; CESA candidate), alkali mariposa lily (*Calochortus striatus*; California Rare Plant Ranking [CRPR] 1B.2), Mojave spineflower (*Chorizanthe spinosa*; CRPR 4.2), Rosamond eriastrum (*Eriastrum rosamondense*; CRPR 1B.1), white pygmy poppy (*Canbya candida*; CRPR 4.2), golden goodmania (*Goodmania luteola*; CRPR 4.2), Parry's spineflower (*Chorizanthe parryi* var. *parryi*; CRPR 1B.1), Lancaster milk-vetch (*Astragalus preussii* var. *laxiflorus*; CRPR 1B.1), sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*; CRPR 2.B.2), Crotch's bumble bee (*Bombus crotchii*; CESA candidate), northern California legless lizard (*Anniella pulchra*; California Species of Special Concern [SSC]), Swainson's hawk (*Buteo swainsoni*; CESA Threatened), mountain plover (*Charadrius montanus*; SSC), western burrowing owl (*Athene cunicularia*; CESA candidate), northern harrier (*Circus hudsonius*; SSC), loggerhead shrike (*Lanius ludovicianus*; SSC), California horned lark

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

⁴ <https://data.cnra.ca.gov/dataset/california-streams>

⁵ <https://www.fws.gov/program/national-wetlands-inventory>

⁶ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=197234>

⁷ <https://egis-lacounty.hub.arcgis.com/datasets/c01bf32eee6d4768ac0a82470c810648>

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(*Eremophila alpestris*; Watch List [WL]), white-faced ibis (*Plegadis chihi*; WL), merlin (*Falco columbarius*; WL), and other raptors and migratory birds.

The DIER includes Mitigation Measures that require 1) pre-construction surveys for special-status plant species and consultation with CDFW or USFWS regarding an ITP if a State- and/or federally listed plant species is identified; 2) pre-construction surveys for burrowing owl and compensatory mitigation if burrowing owl is impacted by the Project; 3) pre-construction nesting bird surveys; and 4) consultation with CDFW, U.S. Army Corps of Engineers, and/or the Regional Water Quality Control Board for impacts to streams.

Project History: As part of the CEQA process, the City published a Notice of Preparation (NOP) for the Project on August 30, 2024. During the public review period, CDFW submitted a comment letter to the City on September 20, 2024. The City published the DEIR for the Project on May 28, 2025.

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 are also included to improve the document.

COMMENT # 1: Impacts to Burrowing Owl

Issue: The Project may impact burrowing owl and its habitat, and Mitigation Measure BIO-2, as currently written, does not effectively avoid impacts to burrowing owl.

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

Why impact would occur: Urban development in Antelope Valley contributes to the ongoing loss of suitable habitat for burrowing owls and rapid decline of the burrowing owl population size on a regional scale. Due to various factors, including habitat loss and population decline, burrowing owls were recently petitioned to be listed as an endangered or threatened species under CESA by the Center of Biological Diversity (CBD 2024). According to the AVRCIS, suitable habitat for burrowing owl encompasses a variety of landscapes throughout the region, but it is imperative that burrows, typically from small mammals (e.g., California ground squirrel), already exist to allow burrowing owl to occupy them (DCMA 2021).

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According to the [California Natural Diversity Database](#)⁸ (CNDDDB), burrowing owl has been historically observed near the Project site (CDFW 2024a). Additionally, focused surveys for burrowing owl were conducted in Planning Areas 2, 4, 6, 7, and 8 in 2023. Signs of burrowing owl in the form of old pellets, whitewash, and remnants of animal bones were observed at one burrow along the west Project boundary during the focused surveys in Planning Areas 6 through 8 (see Appendix H, Burrowing Owl Survey Report, Planning Areas 6-8 of the DEIR). However, the discussion of burrowing owl in section 5.4, page 10 of the DEIR, incorrectly states “[a] limited number of burrows potentially suitable for burrowing owl were identified during the protocol surveys performed across Planning Areas 2, 4, 6, 7, and 8 in 2023; however, no individuals or sign of this species (i.e. whitewash, scat, or prey remains) were detected at burrows suitable for the species or elsewhere during the protocol surveys.” As described in [Staff Report on Burrowing Owl Mitigation](#)⁹ (CDFW 2012), burrowing owl occupancy is confirmed at a site when a burrowing owl, or its signs at or near a burrow entrance, is observed (also see Rich 1984). Therefore, burrowing owl is presumed present within the Project site.

Mitigation Measure BIO-2 of the DEIR requires a pre-construction survey for burrowing owl no more than 14 days prior to vegetation removal or ground disturbing activities to avoid impacts to burrowing owl. However, as described in *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), while non-breeding season (1 September to 31 January) surveys may provide information on burrowing owl occupancy, they do not substitute for breeding season surveys because results are typically inconclusive. Burrowing owls are more difficult to detect during the non-breeding season and their seasonal residency status is difficult to ascertain. Therefore, the surveys required by Mitigation Measure BIO-2 may not detect burrowing owl if the surveys are not conducted during the appropriate season. Failure to detect burrowing owl could result in take of the species due to Project activities.

Mitigation Measure BIO-2 of the DEIR also states “[i]f an active nest (i.e., occupied with eggs or fledglings) 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).” As currently written, an active burrowing owl nest may be greater 500 feet from the development footprint and not require a buffer, but the nesting site may still be subject to disturbance. As described in *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), recommended burrowing owl nesting site buffers vary by time of year and level of disturbance, and range from 50 meters to 500 meters. Therefore, while an active nest may be more than 500 feet from development footprint, the nest may still be within the recommended no-disturbance buffer and subject to impacts.

Lastly, Mitigation Measure BIO-2 of the DEIR includes a reference to *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Survey methods and mitigation measures related to burrowing owl may evolve as their status is updated as part of *Petition to List*

⁸ <https://wildlife.ca.gov/Data/CNDDDB>

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

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California Populations of the Western Burrowing Owl as Endangered or Threatened under CESA (CBC 2024) to reflect best practices according to the most recent research available.

Evidence impact would be significant: Burrowing owl is a species designated as a 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:

Mitigation Measure #1: Burrowing Owl Surveys and Buffers – Mitigation Measure BIO-2 should be revised to: 1) require focused burrowing owl surveys during the burrowing owl breeding season. Multiple surveys may be required to confirm presence of burrowing owl; 2) remove the requirement for an active nest be within 500 feet of the development footprint to require a no-disturbance buffer. If burrowing owl is observed during pre-construction surveys, regardless of distance from the development footprint, the Project proponent should consult with CDFW on the appropriate buffers, avoidance and minimization measures, and the need for an ITP; and 3) require surveys and mitigation measures consistent with *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), including any future revisions to the staff report or updated guidance from CDFW.

Recommendation #1: Burrowing Owl Discussion – The discussion of burrowing owl in section 5.4, page 10 of the DEIR should be revised to conclude that burrowing owl presence is confirmed within the Project site.

COMMENT # 2: Impacts to Sensitive and Rare Plant Species

Issue: The Project will impact rare plants observed within the Project site, including alkali mariposa lily, Rosamond eriastrum, and Mojave spineflower. Additional impacts to rare plant species may also occur in areas not surveyed. As currently written, Mitigation Measure BIO-1 does not include avoidance and minimization measures or compensatory mitigation for impacts to rare plants.

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Specific impact: Ground-disturbing activities (i.e., vegetation removal and grading) would result in loss of suitable habitat, loss of population, and direct mortality of rare plants.

Why impact would occur: Alkali mariposa lily, Mojave spineflower, and Rosamond eriastrum have been documented within the Project site (see Table 5.4-1 of the DEIR). In total, approximately 192.23 acres of alkali mariposa lily, 3.35 acres of Mojave spineflower, and 0.81 acres of Rosamond eriastrum will be impacted in Planning Areas 2, 4, 6, 7, and 8. Rare plant surveys were not conducted in Planning Areas 1, 3, and 5 ; therefore, the impact to rare plant species in these Planning Areas is unknown. Project implementation includes grading, vegetation clearing, road construction, building construction, utilities construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of these sensitive plant species.

Alkali mariposa lily has a CRPR of 1B.2 and is designated as a focal species of special interest with limited distribution in the AVRCIS area (ICF 2021). As a focal species with limited distribution, alkali mariposa lily is given the highest level of conservation priority with a conservation goal of 90 percent (DMCA 2021). Rosamond eriastrum has a CRPR of 1B.1 and most of the documented observations are within Antelope Valley (Calflora 2024). Mojave spineflower has a CRPR of 4.2 and most of the documented observations are within the Mojave Desert (Calflora 2025). While Mitigation Measure BIO-1 of the DEIR requires surveys for special-status plant species, it does not include avoidance and minimization measures or compensatory mitigation should a non-listed special-status plant species be observed. As currently written, the Project could completely remove all rare plant species documented in the Project site, including the 192.23 acres of alkali mariposa lily, 3.35 acres of Mojave spineflower, and 0.81 acres of Rosamond eriastrum in Planning Areas 2, 4, 6, 7, and 8, which could be considered a significant impact without mitigation. The total impact to rare plants from the Project is expected to be higher as Planning Areas 1, 3, and 5 and the annexation area were not surveyed for rare plants.

The Mitigation Measure for rare plants included in the Appendix 11.2, section 6.1 of the DEIR states “[s]hould non-listed, CRPR-designated special-status plant species be identified, coordination with the City of Lancaster to mitigate for unavoidable impacts to such species via its existing biological resources fee mitigation program would occur.” However, this statement was not included in the Mitigation Measure BIO-1 of the DEIR (see section 5.4, page 24 of the DEIR).

Additionally, sensitive claypan habitat is known to support alkali mariposa lily (ICF 2021), and has been documented in the general area of the Project (ESA 2004). Other than section 7, page 28 of the DEIR that acknowledges the presence of claypans, the DEIR does not discuss impacts to claypan habitat that support alkali mariposa lily. The Project could remove an undisclosed amount of claypan habitat that supports alkali mariposa lily without mitigation.

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Evidence impact would be significant:

Impacts on rare flora could be considered a significant effect on the environment. Plants with a CRPR of 1B are rare throughout their range, endemic to California, and are seriously or fairly threatened. Most of the plants that are ranked 1B have declined significantly over the last century. The additional threat rank of 0.1 indicates a species with over 80 percent of its occurrences threatened in California. The additional threat rank of 0.2 indicates a species with 20 to 80 percent of its occurrences threatened (CNPS 2024). Impacts to CRPR 1B plant species and their habitat meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Some CRPR 3 and 4 species meet the definitions of endangered, rare, or threatened under CEQA. Impacts to CRPR 1B plant species and their habitat may result in a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant community and substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065).

Insufficient mitigation may result in unmitigated temporal or permanent impacts to a rare plant species. Subsequently, the Project would continue 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)

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

Mitigation Measure #2: Rare Plant Survey and Mitigation – Prior to the issuance of any construction related permits, the Project proponent shall retain a qualified biologist to conduct a springtime rare plant survey. The focused survey shall occur during the appropriate bloom period (April to July) and adhere to methods outlined in CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018). Survey documentation shall include 1) biological report prepared by a qualified biologist that includes rare plant surveys conducted in appropriate conditions; 2) maps of the location and extent of rare plant species; 3) avoidance and minimization to protect rare plants and its habitat; and 4) identification compensatory mitigation for any direct impacts to rare plants.

The Project proponent shall provide compensatory mitigation to offset the Project's impact on rare plants observed on site at no less than 2:1. The Project proponent shall acquire CDFW approved mitigation land that has presence of the plant species and is located in the same watershed as the Project site. The mitigation land shall also provide equivalent or greater habitat value than that of the Project site. The Project proponent shall protect replacement habitat 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. All properties for conservation shall undergo appropriate due diligence. Recordation of the

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conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.

Mitigation Measure #3: Habitat Management and Monitoring Plan – The Project proponent shall retain a certified botanist to draft a Habitat Management and Monitoring Plan (HMMP) and submit it to the City and CDFW for review and approval prior to Project activities. The HMMP shall outline initial and long-term management and maintenance activities that would occur on mitigation lands. The HMMP shall provide measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Maintenance activities outlined in the HMMP shall include measures pertaining to control of exotic vegetation, irrigation schedule, and protection from future maintenance activities.

Recommendation #2: Justification for Less than Significant Impact – The DEIR should be revised to include additional justification that impacts to special-status plant species would be less than significant with the implementation of Mitigation Measure BIO-1. As discussed above, the Project could completely remove all rare plant species, including alkali mariposa lily, Mojave spineflower, and Rosamond eriastrum without mitigation. The DEIR should also consider impacts to rare plant habitat, including claypan habitat that supports alkali mariposa lily.

COMMENT # 3: Impacts to Crotch's Bumble Bee

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

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

Why impact would occur: According CNDDDB, there have been historical observations of Crotch's bumble bee throughout the Antelope Valley (CDFW 2024a). In addition to regional observations, the Project site lies within the home range for Crotch's bumble bee (CDFW 2024b). Crotch's bumble bee may fly throughout the City and utilize areas that have suitable nesting habitat and floral resources.

While the DEIR included focused surveys for Crotch's bumble bee with no detections, these surveys were only conducted in Planning Areas 2, 4, 6, 7, and 8, and only one of the recommended three surveys was completed. The DEIR does not provide a discussion on the potential presence of Crotch's bumble bee in Planning Areas 1, 3, and 5 or the annexation area and does not provide any species-specific measures to reduce impacts to a level less than significant if present during Project activities. As described in Appendix 11.2, Table C-2 of the DEIR, Crotch's bumble bee food plant genera are present within the Project site. Additionally, the DEIR states “[t]hese surveys yielded no detections of Crotch's bumble bee, nor were any nests found. Further habitat

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assessments confirmed that the majority of the project site lacks key biological features necessary to support this species, including sufficient floral resources and a high density of small rodent burrows for nesting and overwintering.” (DEIR section 5.4, page 11). While Crotch’s bumble bee primarily nest in abandoned small mammal burrows, they 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).

Ground disturbance and vegetation removal associated with 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. Potential habitat loss, as a result of the proposed Project, may also reduce foraging habitat for this species in the broader landscape, as development increases throughout the City.

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 considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch’s bumble bee has a State Ranking of S1/S2. This means that the Crotch’s bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch’s bumble bee is also listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#)¹⁰ (CDFW 2017). Accordingly, Crotch’s bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch’s bumble bee could require a mandatory finding of significance by the District (CEQA Guidelines, § 1565).

Recommended Potentially Feasible Mitigation Measure(s)

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

Mitigation Measure #4: Crotch’s Bumble Bee Surveys – The Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys prior to ground grading or vegetation removal. Focused surveys shall follow CDFW’s [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#)¹¹ (CDFW 2023). Survey effort should include multiple on-site

¹⁰file:///C:/Users/kyaeager/Downloads/SCP_Terrestrial%20and%20Vernal%20Pool%20Inverts%20of%20Conservation%20Priority%20List%2006-12-2017.pdf

¹¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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surveys and should be developed to detect foraging Crotch's bumble bee and potential nesting sites (nesting surveys). Focused surveys shall also be conducted in all Planning Areas, including the Planning Areas insufficiently surveyed in 2023, during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.

Mitigation Measure #5: Crotch's Bumble Bee ITP – If Crotch's bumble bee is detected the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.

Recommendation #3: Crotch's Bumble Bee Discussion – The DEIR should be revised to provide a discussion on habitat suitability for Crotch's bumble bee for all Planning Areas. The discussion should also disclose the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project may impact Crotch's bumble bee or its habitat, the DEIR should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the DEIR.

Recommendation #4: Crotch's Bumble Bee 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.

ADDITIONAL COMMENTS

Mitigation Measure #6: LSA Notification – CDFW recommends proponents of subsequent individual projects notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit or vegetation removal. The LSA notification should include a stream delineation report, and a hydrology report to evaluate whether altering streams within the Project site may impact claypans that are hydrologically connected to streams or disrupt hydrologic activity. The hydrology report shall also include a hydrological evaluation of a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. The Project proponent shall comply with the mitigation measures detailed in an LSA Agreement

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issued by CDFW. The Project proponent shall also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW. Be advised that claypans in the Project site may be hydrologically connected to streams and subject to notification under Fish and Game code section 1600 *et seq.* Mitigation would be required if these resources are impacted.

Mitigation Measure #7: Nesting Bird Surveys – The City shall revise Mitigation Measure BIO-3 to incorporate the underlined language and omit the ~~strikethrough~~ language:

“Regardless of the time of year, if project-related activities are to be initiated, a preconstruction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey the entire project site ~~all suitable nesting habitat within the project impact area~~, and areas within a biologically defensible buffer zone surrounding the project site impact area. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required.

If an active bird nest is found, the species shall be identified, and a “no-disturbance” buffer shall be established around the active nest. The size of the “no-disturbance” buffer shall be a minimum of 500 feet for active raptor nests and 300 feet for migratory bird nests ~~increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species~~. Personnel working on the project, including all contractors working onsite, shall be instructed on the presence of nesting birds, restricted areas, and adherence to the no-disturbance buffers. Once the minimum buffer is established, the qualified biologist shall document baseline behavior, stage of reproduction, expected fledge date, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. The qualified biologist shall ~~periodically~~ daily monitor any active bird nests at the onset of project activities, and the onset of any changes in project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the qualified biologist determines that the Project activities may be causing an adverse reaction, the qualified biologist shall adjust the buffer accordingly. ~~to determine if project-related activities occurring outside the “no-disturbance” buffer disturb 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 nests in the restricted area.”

Mitigation Measure #8: Pre-Construction SSC Surveys – Northern harrier and loggerhead shrike, both SSC, were observed within the Project site. Additional SSC may be present in areas not previously surveyed, including Planning Areas 1, 3, and 5, and the annexation area. CDFW recommends the City require Project proponents conduct pre-construction biological surveys with a focus on SSC that have the potential

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to occur within the Project site. The pre-construction surveys shall be conducted by a qualified biologist and results shall be provided to the City and CDFW. The biological survey report shall include 1) the site level biological report prepared by a qualified biologist; 2) maps of the location observed SSC and its habitat; 3) avoidance and minimization for observed SSC and its habitat; and 4) identification of mitigation for any unavoidable direct impacts to SSC.

Mitigation Measure #9: Swainson's Hawk Surveys – The Project site may contain suitable nesting and foraging habitat for Swainson's hawk, including in areas not previously surveyed. CDFW released guidance for this species titled *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* (2010). CDFW recommends subsequent individual projects conduct focused surveys for Swainson's hawk prior to ground disturbance activities following the 2010 guidance and disclosing the results in the Project's environmental documentation. If "take" of Swainson's hawk would occur from Project construction or operation, CESA authorization (i.e., ITP) would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to state-listed species. 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 state-listed species.

Recommendation #5: Impact Analysis for Planning Areas 1, 3, and 5 – The DEIR states the Specific Plan is analyzed at a project-level and the annexation area is analyzed at a programmatic level (section 2, page 1 of the DEIR). However, the analysis of the Specific Plan area does not include project-level analysis for Planning Areas 1, 3, and 5. These areas do not have a defined build-out timeline, and no biological surveys were completed. Without biological surveys, the Project's impact in Planning Areas 1, 3, and 5 is unknown and therefore undisclosed. If Planning Areas 1, 3, and 5 were intended to be a project-level analysis, appropriately timed surveys for biological resources as outlined in the DEIR and this letter shall be conducted and included in a recirculated DEIR. If Planning Areas 1, 3, and 5 were not intended to be analyzed at a project level, the DEIR should clarify that these planning areas are analyzed programmatically and a full analysis, including biological surveys of the area and cumulative analysis, will be conducted at a later date. CDFW requests notification of the subsequent analysis.

Recommendation #6: Stream Setbacks and Mapping – CDFW recommends the Specific Plan include design guidelines (Chapter 4 of the Specific Plan) and/or development standards (Chapter 5 of the Specific Plan) to avoid and minimize impacts to stream resources to the maximum extent practicable. To avoid direct impacts to stream resources and to protect stream function and resource value, CDFW recommends the Specific Plan require a minimum setback, such as 150 feet, from Amargosa Creek, other ephemeral streams, and hydrologically connected claypan features. Additionally, the Specific Plan mapping (e.g., Figure 3-1 of the Specific Plan)

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should be updated to include, at minimum, Amargosa Creek and designate this area as having additional requirements to address sensitive biological resources, such as setback requirements or the need to notify for a LSA pursuant to Fish and Game Code section 1600 *et seq.*

Recommendation #7: Missing Mitigation Measure – The DEIR in section 7, page 16, 21, and 28 refers to Mitigation Measure BIO-5. CDFW is unable to locate this mitigation measure in the DEIR, and the Mitigation Measure is not included in the summary in section 1.4 (starting on page 8) of the DEIR. Please provide the language for Mitigation Measure BIO-5.

Recommendation #8: Design Guidelines and Development Standards for Biological Resources – CDFW recommends the Specific Plan include design guidelines and development standards to avoid and minimize impacts to biological resources. Design guidelines and development standards could include, but is not limited to, appropriate fencing to mitigate the potential for wildlife entrapment (e.g., prohibit barbed wire fencing, requirement to cap fence posts), lighting restrictions near stream and other sensitive habitats (e.g., lighting shielded down and away from sensitive habitats), and a requirement for trash receptacles be covered.

Recommendation #9: Mitigation Area – CDFW recommends the DEIR identify areas of high biological resource value within the Project site to designate for potential compensatory mitigation and to offset habitat loss from the Project. High biological value areas could include areas with streams, claypans, and/or special-status plant and animal species. CDFW can assist in identifying appropriate areas for mitigation within the Specific Plan or annexation area.

Recommendation #10: Native Plant Species for Landscaping – CDFW recommends the Specific Plan be revised to include more local native plant species for landscaping for the benefit of native nesting birds, pollinators, and other wildlife. Chapter 4 section 8 of the Specific Plan provides a planting palette for landscaping within the Specific Plan area. The Specific Plan states “the plant palette for the Specific Plan area includes colorful shrubs and groundcovers, ornamental grasses and succulents, and evergreen and deciduous trees that are commonly used in arid regions of California. Many of the plant materials are native water-efficient species or naturalized to the desert climate of the City of Lancaster.” (pg. 56 of the Specific Plan). Table 4-1 of the Specific Plan provides the landscaping plant palette; however, of the 45 plant species listed in Table 4-1, only five species are native to California.

Recommendation #11: Prohibit Invasive Species for Landscaping – CDFW recommends the City prohibit the use of invasive plants in landscaping. The landscaping planting palette described in Table 4-1 of the Specific Plan (pg. 56) includes Hahn’s ivy (*Hedera helix* 'Hahn's'). Hahn’s ivy is a cultivar of English ivy (*Hedera helix*), a species with a high invasive ranking by California Invasive Plant Council (Cal IPC). English ivy can completely replace native vegetation, including trees, shrubs and herbaceous plants by outcompeting the seedlings of other species for light

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or smothering existing species (Thomas 1980). Additionally, English ivy seeds can be dispersed to new areas by birds (Bossard et al. 2000).

Recommendation #12: Mitigation and Monitoring Reporting Plan – CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make 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 CNDDDB. The [CNDDDB website](#)¹² 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](#)¹³.

The City should ensure data collected for the preparation of the EIR and any subsequent site-specific data are 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.)

¹² <https://wildlife.ca.gov/Data/CNDDDB>

¹³ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>


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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)).

Questions regarding this letter or further coordination should be directed to Keith Yaeger¹⁴, Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

cc: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Randy Rodriguez, Senior Environmental Scientist (Supervisor)
Steve Gibson, Senior Environmental Scientist (Supervisor)
Keith Yaeger, Senior Environmental Scientist (Specialist)

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

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¹⁴ Phone: 562-519-7144; Email: Keith.Yaeger@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
<p>Mitigation Measure #1: Burrowing Owl Surveys and Buffers</p> <p>Mitigation Measure BIO-2 should be revised to: 1) require focused burrowing owl surveys during the burrowing owl breeding season. Multiple surveys may be required to confirm presence of burrowing owl; 2) remove the requirement for an active nest be within 500 feet of the development footprint to require a no-disturbance buffer. If burrowing owl is observed during pre-construction surveys, regardless of distance from the development footprint, the Project proponent should consult with CDFW on the appropriate buffers, avoidance and minimization measures, and the need for an ITP; and 3) require surveys and mitigation measures consistent with <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012), including any future revisions to the staff report or updated guidance from CDFW.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent/ Qualified Biologist</p>
<p>Mitigation Measure #2: Rare Plant Survey and Mitigation</p> <p>Prior to the issuance of any construction related permits, the Project proponent shall retain a qualified biologist to conduct a springtime rare plant survey. The focused survey shall occur during the appropriate bloom period (April to July) and adhere to methods outlined in CDFW's <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFW 2018). Survey documentation shall include 1) biological report prepared by a qualified biologist that includes rare plant surveys conducted in appropriate conditions; 2) maps of the location and extent of rare plant species; 3) avoidance and minimization to</p>	<p>Prior to Project ground-disturbing activities and vegetation removal</p>	<p>Project Proponent/ Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p>protect rare plants and its habitat; and 4) identification compensatory mitigation for any direct impacts to rare plants. Documentation shall be submitted to the City and CDFW for review and concurrence.</p> <p>The Project proponent shall provide compensatory mitigation to offset the Project's impact on rare plants observed on site at no less than 2:1. The Project proponent shall acquire CDFW approved mitigation land that has presence of the plant species and is located in the same watershed as the Project site. The mitigation land shall also provide equivalent or greater habitat value than that of the Project site. The Project proponent shall protect replacement habitat 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. All properties for conservation shall undergo appropriate due diligence. Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall also be provided for the long-term monitoring and management of mitigation lands.</p>		
<p>Mitigation Measure #3: Habitat Management and Monitoring Plan</p> <p>The Project proponent shall retain a certified botanist to draft a Habitat Management and Monitoring Plan (HMMP) and submit it to the City and CDFW for review and approval prior to Project activities. The HMMP shall outline initial and long-term management and maintenance activities that would occur on mitigation lands. The HMMP shall provide measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Maintenance activities outlined in the HMMP shall include measures pertaining to control of exotic vegetation, irrigation schedule, and protection from future maintenance activities.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent/ Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #4: Crotch’s Bumble Bee Surveys</p> <p>The Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW’s Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species¹⁵ (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site during the appropriate flying season to ensure no missed detection of Crotch’s bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent/ Qualified Entomologist or Biologist</p>
<p>Mitigation Measure #5: Crotch’s Bumble Bee ITP</p> <p>If Crotch’s bumble bee is detected the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent/ Qualified Biologist</p>

¹⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #6: LSA Notification</p> <p>CDFW recommends proponents of subsequent individual projects notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit or vegetation removal. The LSA Notification should include a stream delineation report, and a hydrology report to evaluate whether altering streams within the Project site may impact claypans that are hydrologically connected to streams or hydrologic activity. The hydrology report shall also include a hydrological evaluation of a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. The Project proponent shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The Project proponent shall also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent/ Qualified Biologist</p>
<p>Mitigation Measure #7: Nesting Bird Surveys</p> <p>The City shall revise Mitigation Measure BIO-3 to incorporate the <u>underlined</u> language and omit the strikethrough language:</p> <p>Regardless of the time of year, if project-related activities are to be initiated, a preconstruction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey <u>the entire project site</u> all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone surrounding the project <u>site impact area</u>. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent/ Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p>If an active bird nest is found, the species shall be identified, and a “no-disturbance” buffer shall be established around the active nest. The size of the “no-disturbance” buffer <u>shall be a minimum of 500 feet for active raptor nests and 300 feet for migratory bird nests increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species.</u> <u>Personnel working on the project, including all contractors working onsite, shall be instructed on the presence of nesting birds, restricted areas, and adherence to the no-disturbance buffers.</u> <u>Once the minimum buffer is established, the qualified biologist shall document baseline behavior, stage of reproduction, expected fledge date, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance.</u> The qualified biologist shall periodically monitor any active bird nests <u>daily at the onset of project activities, and the onset of any changes in project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer.</u> <u>If the qualified biologist determines that the project activities may be causing an adverse reaction, the qualified biologist shall adjust the buffer accordingly.</u> to determine if project-related activities occurring outside the “no-disturbance” buffer disturb 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 nests in the restricted area.</p>		
<p>Mitigation Measure #8: Pre-Construction SSC Surveys</p> <p>CDFW recommends the City require Project proponents conduct pre-construction biological surveys with a focus on SSC that have the potential to occur within the Project site. The pre-construction surveys shall be conducted by a qualified biologist and results shall be provided to the City and CDFW. The biological survey report shall include 1) the site level biological report prepared by a qualified biologist; 2) maps of</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent/ Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p>the location observed SSC and its habitat; 3) avoidance and minimization for observed SSC and its habitat; and 4) identification of mitigation for any unavoidable direct impacts to SSC.</p>		
<p>Mitigation Measure #9: Swainson’s Hawk Surveys</p> <p>CDFW released guidance for this species titled <i>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</i> (2010). CDFW recommends subsequent individual projects conduct focused surveys for Swainson’s hawk prior to ground disturbance activities following the 2010 guidance and disclosing the results in the Project’s environmental documentation. If “take” of Swainson’s hawk would occur from Project construction or operation, CESA authorization (i.e., ITP) would be required for the Project.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>Project Proponent/ Qualified Biologist</p>
<p>Recommendation #1: Burrowing Owl Discussion</p> <p>The discussion of burrowing owl in section 5.4, page 10 of the DEIR should be revised to conclude that burrowing owl presence is confirmed within the Project site.</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p>Recommendation #2: Justification for Less than Significant Impact</p> <p>The DEIR should be revised to include additional justification that impacts to special-status plant species would be less than significant with the implementation of Mitigation Measure BIO-1. The DEIR should also consider impacts to rare plant habitat, including claypan habitat that supports alkali mariposa lily.</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>
<p>Recommendation #3: Crotch’s Bumble Bee Discussion</p> <p>The DEIR should be revised to provide a discussion on habitat suitability for Crotch’s bumble bee for all Planning Areas. The discussion should also disclose the Project’s potential direct and indirect impacts on Crotch’s bumble bee. If the Project may impact Crotch’s bumble bee or its habitat, the DEIR should provide measures to minimize, and/or mitigate potential impacts to Crotch’s bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the DEIR.</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>
<p>Recommendation #4: Crotch’s Bumble Bee CEQA</p> <p>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</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p>should fully identify the potential impacts to Crotch’s bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.</p>		
<p>Recommendation #5: Impact Analysis for Planning Areas 1, 3, and 5</p> <p>If Planning Areas 1, 3, and 5 were intended to be a project-level analysis, appropriately timed surveys for biological resources as outlined in this letter should be conducted and included in a recirculated DEIR. If Planning Areas 1, 3, and 5 were not intended to be analyzed at a project level, the DEIR should clarify that these planning areas are analyzed programmatically and a full analysis, including biological surveys of the area and cumulative analysis, will be conducted at a later date. CDFW requests notification of the subsequent analysis.</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>
<p>Recommendation #6: Stream Setbacks and Mapping</p> <p>CDFW recommends the Specific Plan include design guidelines (Chapter 4 of the Specific Plan) and/or development standards (Chapter 5 of the Specific Plan) to avoid and minimize impacts to stream resources to the maximum extent practicable. To avoid direct impacts to stream resources and to protect stream function and resource value, CDFW recommends the Specific Plan require a minimum setback, such as 150 feet, from Amargosa Creek, other ephemeral streams, and hydrologically connected claypan features. Additionally, the Specific Plan mapping (e.g., Figure 3-1 of the Specific Plan) should be updated to include, at minimum, Amargosa Creek and designate this area as having additional requirements to address sensitive biological resources, such as setback requirements or the need to notify for a LSA pursuant to Fish and Game Code section 1600 <i>et seq.</i></p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p>Recommendation #7: Missing Mitigation Measure</p> <p>The DEIR in section 7, page 16, 21, and 28 refers to Mitigation Measure BIO-5. CDFW is unable to locate this mitigation measure in the DEIR, and the Mitigation Measure is not included in the summary in section 1.4 (starting on page 8) of the DEIR. Please provide the language for Mitigation Measure BIO-5.</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>
<p>Recommendation #8: Design Guidelines and Development Standards for Biological Resources</p> <p>CDFW recommends the Specific Plan include design guidelines and development standards to avoid and minimize impacts to biological resources. Design guidelines and development standards could include, but is not limited to, appropriate fencing to mitigate the potential for wildlife entrapment (e.g., prohibit barbed wire fencing, requirement to cap fence posts), lighting restrictions near stream and other sensitive habitats (e.g., lighting shielded down and away from sensitive habitats), and a requirement for trash receptacles be covered.</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>
<p>Recommendation #9: Mitigation Area</p> <p>CDFW recommends the DEIR identify areas of high biological resource value within the Project site to designate for potential compensatory mitigation and to offset habitat loss from the Project. High biological value areas could include areas with streams, claypans, and/or special-status plant and animal species.</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p>Recommendation #10: Native Plant Species for Landscaping</p> <p>CDFW recommends the Specific Plan be revised to include more local native plant species for landscaping for the benefit of native nesting birds, pollinators, and other wildlife.</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>
<p>Recommendation #11: Prohibit Invasive Species for Landscaping</p> <p>CDFW recommends the City prohibit the use of invasive plants in landscaping.</p>	<p>Prior to adopting CEQA document</p>	<p>Lead Agency</p>