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DEPARTMENT OF FISH AND WILDLIFE
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January 27, 2026

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SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PACIFIC PALMDALE PROJECT, SCH NO. 2025020362, LOS ANGELES COUNTY, CA

Dear Brenda Magaña:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Program EIR (DEIR) from the City of Palmdale (City) for the Pacific Palmdale (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.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Brenda Magaña
 City of Palmdale
 January 27, 2026
 Page 2 of 23

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 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: PI Palmdale Owner, LLC

Objective: The objective of the Project is to accomplish the development of vacant property. Primary Project objectives are to consolidate the Project site into one parcel and develop a cross-dock industrial warehouse and supporting infrastructure. Since the proposed building height is expected to be a maximum of 59 feet 8 inches, the Project will also seek authorization to allow the proposed building to exceed 50 feet in height. The development portion of the Project involves the construction of a warehouse of approximately 1,000,000 square feet (sq. ft.). 990,000 sq. ft. would consist of warehouse space, while the remaining 10,000 sq. ft. would consist of office space. The building would have a total of 148 dock doors, including 74 dock-high and 2 grade-level doors. A total of 628 parking stalls and for passenger vehicles, electric vehicles, and accessible parking and 339 trailer stalls would be provided around the building. A detention basin would be provided near the southwestern corner of the site, north of the future grade separator. Five driveways are proposed to allow access: two driveways connecting to Division Street, two driveways connecting to Avenue O-12, and one driveway connecting to West Rancho Vista Boulevard/ East Avenue P.

Location: The Project site encompasses approximately 67 acres within the City of Palmdale, Los Angeles County. The Project site is located directly north of West Rancho Vista Boulevard/East Avenue P; directly east of Division Street; approximately 0.75 miles south of East Avenue O; and approximately 0.01 miles west of Sierra Highway. The Project site is located approximately 0.51 miles east of State Route 14 (SR-14) and approximately 1.8 miles southwest of Runway 7 of United States Air Force (USAF) Plant 42. Communities surrounding the Project site include the City of Lancaster and the unincorporated community of Quartz Hill to the north, as well as other unincorporated communities such as Lake Los Angeles to the east; Sun Village, Littlerock, and Pearblossom to the southeast; Acton to the south; Agua Dulce to the southwest, and Leona Valley to the west.

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Brenda Magaña
City of Palmdale
January 27, 2026
Page 3 of 23

Timeframe: The Pacific Palmdale Project is expected to last approximately 18 months.

Biological Setting: An initial field survey of the Project site was conducted on March 11, 2022, followed by a general biological resources field survey conducted on February 22, 2024. The results were compiled in a Biological Resources Technical Report (BTR). The BTR describes the Project site as undeveloped land with three vegetation communities. The vegetation communities are Joshua tree woodland, rubber rabbitbrush scrub, and Nevada joint fir-Anderson's boxthorn-spiny hop sage scrub. The Project site is bordered by undeveloped land on all sides, with a section of residential development in the south. Additional residential development occurs to the northwest.

Special-status species that have the potential to occur on site, and may be impacted by the Project, include, but are not limited to: Joshua tree (*Yucca brevifolia*; Endangered Species Act (ESA) Candidate Endangered), white bursage (*Ambrosia dumosa*), rubber rabbitbrush (*Ericameria nauseosa*), needle goldfields (*Lasthenia gracilis*), longspine horsebrush (*Tetradymia axillaris*), bristly fiddleneck (*Amsinckia tessellata*), spiny hop sage (*Sisymbrium altissimum*), winterfat (*Krascheninnikovia lanta*), Anderson's boxthorn (*Lycium andersonii*), creosote bush (*Larrea tridentata*), Nevada joint fir (*Ephedra nevadensis*), tiger whiptail (*Aspidoscelis tigris*), western meadowlark (*Sturnella neglecta*), house finch (*Haemorhous mexicanus*), Say's phoebe (*Sayornis saya*), red-tailed hawk (*Buteo jamaicensis*), Anna's hummingbird (*Calypte anna*), common raven (*Corvus corax*), northern mockingbird (*Mimus polyglottos*), California quail (*Callipepla californica*), mourning dove (*Zenaida macroura*), cactus wren (*Campylorhynchus brunneicapillus*), white-crowned sparrow (*Zonotrichia leucophrys*), and black-tailed jackrabbit (*Leupus californicus*).

Project History: A Notice of Preparations (NOP) was submitted on February 11, 2025. CDFW provided recommendations in the form of a comment letter on February 26, 2025. Recommendations included: western Joshua tree census and discussion of impacts, Crotch's bumble bee surveys, focused surveys for reptile species of special concern, discussion of impacts to nesting birds and raptors, a lighting plan, a landscaping plan that avoids non-native, invasive species, a discussion of Project alternatives, a biological baseline assessment, a discussion of impacts to biological resources, the potential cumulative impact of the Project when considered collectively with prior concurrent, and probable future projects, any mitigation measures to mitigate impacts below a significant level, and compensatory mitigation for the Project's significant impacts to sensitive and special status species.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist 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.

Brenda Magaña
City of Palmdale
January 27, 2026
Page 4 of 23

COMMENT # 1: Burrowing Owl

Issue: The Project may significantly impact overwintering or breeding populations of burrowing owl.

Specific impact: Project activities such as vegetation clearing, construction, and operation could impact burrowing owl through loss of habitat, burrow collapse, or direct mortality. Mitigation measures may not provide sufficient avoidance and minimization to prevent impacts to burrowing owl.

Why impact would occur: According to the DEIR, burrowing owl could potentially occur on the Project site and a focused survey was conducted in 2024. In addition, the California Natural Diversity Database, (CNDDDB), shows records of burrowing owl within two miles of the Project site (CNDDDB 2026). On October 15, 2024, the Fish and Game Commission accepted a petition to list burrowing owl as a candidate species under CESA (FGC 2024). According to the petition that the Fish and Game accepted, burrowing owl populations are experiencing a decline as their habitat is lost. One of the drivers of this loss of habitat are attributed to direct and indirect impacts from urbanization (CBD 2024). This Project involves clearing and construction of undeveloped land, further reducing potential habitat for burrowing owl. Furthermore, burrowing owl remains a Species of Special Concern. Therefore, regardless of their status as a candidate species, burrowing owl may be considered an “endangered” or “rare” species under CEQA.

The existing mitigation measure for burrowing owl, BIO MM-12, only provides for mitigation should an Incidental Take Permit (ITP) be required for impacts to the species. It is possible for burrowing owl to be delisted as a candidate species under CESA. However, this does not mean that burrowing owl would no longer fit the definition of an “endangered” or “rare” species under CEQA. Therefore, mitigation for the impacts to burrowing owl should be provided regardless of CESA listing. Additionally, even though focused surveys in 2024 returned negative results, depending on when the Project begins, the results from that survey may be outdated. A preconstruction survey 30 days prior to Project initiation may not account for breeding or overwintering populations. Therefore, unintended impacts to burrowing owl may occur, which could lead to unauthorized take under CESA.

Evidence impact would be significant: 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.

In addition, burrowing owl has a State Ranking of S1/S2. This means that the species is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer

Brenda Magaña
City of Palmdale
January 27, 2026
Page 5 of 23

populations). Burrowing owl is also listed as a Species of Special Concern. Accordingly, burrowing owl meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of burrowing owl could require a mandatory finding of significance by the City (CEQA Guidelines, § 1565). CDFW considers impacts to CESA-listed and SSC's a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

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)

Mitigation Measure #1: Mitigation Measure BIO MM-12 – CDFW recommends the City revise Mitigation Measure BIO MM-12 by incorporating the underlined language and removing the language with strikethrough:

Burrowing owl has the potential to occur as a transient during wintering, dispersal, and migration. Focused preconstruction surveys for burrowing owl shall be conducted according to the protocols outlined in CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012) ~~beginning 30 days prior to the commencement of Project activities~~ with the last/fourth survey being conducted three days prior to the commencement of vegetation removal. If burrowing owl are located during any focused preconstruction surveys, or during the monitoring of construction activities, a 500-foot no-work buffer shall be established around the location of the burrow(s), and the City and California Department of Fish and Wildlife (CDFW) shall be notified. No Project activities will be allowed and CDFW shall be consulted regarding the potential need for an Incidental Take Permit per California Fish and Game Code 2081.

~~In the event an Incidental Take Permit is needed, m~~ Mitigation for direct impacts will be fulfilled through compensatory mitigation at a minimum ~~1~~ 3:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial startup costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a Project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record will

Brenda Magaña
City of Palmdale
January 27, 2026
Page 6 of 23

consider all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

Mitigation Measure #2: Mitigation Measure BIO DF-2. – CDFW recommends the City revise Mitigation Measure BIO MM-12 by incorporating the underlined language and removing the language with strikethrough:

During Project construction, areas where stockpiling can occur shall be selected in consultation with a qualified biologist. Spoils shall be stockpiled in disturbed areas lacking native vegetation. The construction contractor in coordination with a qualified biologist shall clearly mark stockpile areas in the field to define the limits where stockpiling can occur. When not in use, stockpiles shall be covered to discourage burrowing owl from utilizing materials as burrowing habitat.

COMMENT # 2: Crotch's Bumble Bee

Issue: The Project may have significant impact to Crotch's bumble bee.

Specific impact: The Project's ground and vegetation disturbance could result in potentially significant impacts to Crotch's bumble bee including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality.

Why impact would occur: The DEIR states that Crotch's bumble bee has a low potential to occur on the Project site. In addition, the California Natural Diversity Database, (CNDDB), shows records of Crotch's bumble bee within two miles of the Project site (CNDDB 2026). On June 12, 2019, the Fish and Game Commission accepted a petition to list Crotch's bumble bee as a candidate species under CESA (FGC 2019). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#)³ (CDFW 2017). Therefore, regardless of their status as a candidate species, Crotch's bumble bee may be considered an "endangered" or "rare" species under CEQA.

The existing mitigation measure for Crotch's bumble bee, BIO MM-10, only provides for mitigation should an Incidental Take Permit (ITP) be required for impacts to the species. It is possible for Crotch's bumble bee to be delisted as a candidate species under CESA. However, the species may still fit the definition of an "endangered" or "rare" species under CEQA. Therefore, mitigation for the impacts to Crotch's bumble bee should be provided regardless of CESA listing. Additionally, BIO MM-10 does not require additional minimization measures if foraging Crotch's bumble bee are detected in the absences of nests. However, vegetation clearing in the presence of Crotch's

³<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

Brenda Magaña
City of Palmdale
January 27, 2026
Page 7 of 23

bumble bee could result in direct impacts through individual mortality. This would be considered take under CESA.

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 area. 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](#)⁴ (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 1565).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #3: Mitigation Measure BIO MM-10 – CDFW recommends the City revise Mitigation Measure BIO MM-10 by incorporating the underlined language and removing the language with strikethrough:

Pre-Construction Crotch's Bumble Bee Survey and Potential Incidental Take Permit. ~~If Crotch's bumble bee is still a candidate for listing under the California Endangered Species Act or has been listed, a~~ A pre-construction survey for the species shall be conducted within the construction footprint prior to the start of initial vegetation removal or initial grading activities ~~occurring during the Crotch's bumble bee nesting period (February 1 through October 31).~~ The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area. The preconstruction survey shall include 1) a habitat assessment and 2) focused surveys, both of which will be based on recommendations described in the "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species," released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023, or the most current at the time of construction. The habitat assessment and focused surveys will be performed by a biologist with a California Department of Fish and Wildlife-issued Scientific Collecting Permit for handling Crotch's bumble bee.

The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat onsite including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes

⁴<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

Brenda Magaña
City of Palmdale
January 27, 2026
Page 8 of 23

of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and man-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. If nesting resources are present in the impact area, focused surveys will be conducted.

The focused survey will include at least three (3) survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys will not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors will wait at least 1 hour following rain. Optimal survey conditions are when there are sunny to partly sunny skies with temperatures that are greater than 60° Fahrenheit. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). The qualified biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the qualified biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. The qualified biologist should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them depending on their proximity to one another. It is up to the discretion of the qualified biologist regarding the actual survey viewshed limits from the chosen vantage point which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).

Identification will include the qualified biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographically documented. The bee will be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee identifying characteristics cannot be adequately captured in the container due to movement, the container will be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, bees become active shortly after removal from the cold environment, so photography must be performed quickly.

Brenda Magaña
City of Palmdale
January 27, 2026
Page 9 of 23

If Crotch's bumble bee ~~is not detected~~ is not detected, no further mitigation shall be required, and no additional surveys shall be needed if construction begins within 14 days of the last survey for a given phase area. If construction in a given phase area does not start within 14 days of the last survey, or if construction in a given phase area stops for 14 days or longer, surveys shall be repeated if construction re-commences between February 1 and October 31.

~~The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to 10 kilometers from their nests. If Crotch's bumble bee is detected, vegetation removal shall not occur until after plants have stopped blooming in the fall and outside of the Queen Flight and Colony Active Periods (February 1 through August 31), and ground disturbance shall not occur during the Overwintering Season (November 1 through January 31).~~ If nest resources occupied by Crotch's bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a City-approved qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest as the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.

A written survey report will be submitted to the City within 30 days of the preconstruction survey and shall be reviewed and approved by the City before the start of grading and construction activities. The survey report shall also be submitted to CDFW within the same timeframe for its consideration and action in accordance with applicable laws and regulations. The report will include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report will include the qualifications/resumes of the surveyor(s) and the qualified biologist(s), detailed habitat assessment, and photo vouchers. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information will be submitted to the California Natural Diversity Database (CNDDB) at the time of, or prior to, submittal of the survey report.

If a Crotch's bumble bee nest is found, the Project applicant will consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this CEQA document and shall be incorporated into a habitat mitigation and monitoring plan.

~~In the event an Incidental Take Permit is needed, m~~ Mitigation for direct impacts to Crotch's bumble bee will be fulfilled through compensatory mitigation at a minimum 4

Brenda Magaña
City of Palmdale
January 27, 2026
Page 10 of 23

3:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a Project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record will take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

ADDITIONAL COMMENTS

Mitigation Measure BIO MM-7: Invasive Plant Management. CDFW recommends the City revise Mitigation Measure BIO MM-7 by incorporating the underlined language and removing the language with strikethrough:

To reduce the spread of invasive plant species, landscape plants ~~within 200 feet of native vegetation communities~~ shall not be on the most recent version of the Cal-IPC California Invasive Plant Inventory (<http://www.cal-ipc.org/ip/inventory/index.php>). Prior to the installation of landscaping, the City of Palmdale shall review and approve the Project's landscaping plan and verify that the prohibited plants will not be installed ~~within 200 feet of native communities~~, and the City also shall conduct a site inspection after the landscaping has been installed and prior to issuance of a building occupancy permit to verify that the prohibited plants were not installed. Post-construction, the applicant, its successor in interest, or the building occupant shall be responsible for annual removal of invasive plant species on site by hand or mechanical methods, as feasible.

Mitigation Measure BIO MM-9: Herbicides. CDFW recommends the City revise Mitigation Measure BIO MM-9 by incorporating the underlined language and removing the language with strikethrough:

Herbicide use on the site for invasive plant species control shall be limited and herbicides should only be used if it has been determined that hand or mechanical efforts are infeasible. If there is a potential for herbicide to come into contact with water, only herbicides approved for aquatic use shall be used. To prevent drift, herbicides shall only be applied when wind speeds are less than 7 miles per hour. These requirements shall be made provisions of the Project's construction contracts, landscape installation and maintenance contracts, and building occupant leases, subject to verification by the City of Palmdale upon request. All herbicide application shall be performed by a licensed

Brenda Magaña
City of Palmdale
January 27, 2026
Page 11 of 23

applicator and in accordance with all applicable federal, State, and local laws and regulations.

Mitigation Measure BIO DF-5: Lighting. CDFW recommends the City revise Mitigation Measure BIO DF-5 by incorporating the underlined language and removing the language with strikethrough:

Lighting for construction activities and operations shall be directed inward and downward toward the Project site and lighting shall not be directed toward adjacent undeveloped areas.

Scientific Collecting Permit. Focused surveys for special-status species (i.e., Crotch's bumble bee) require specific handling permits prior to conducting surveys. The Project proponent should retain a qualified biologist(s) with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678)⁵ webpage for information (CDFW 202c).

Lake and Streambed Alteration: The Project activities, as described, have the potential to temporarily and permanently impact water flows at the Project site and are subject to CDFW's regulatory authority pursuant to Fish and Game Code 1600 et seq. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a

⁵ <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>

Brenda Magaña
City of Palmdale
January 27, 2026
Page 12 of 23

subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's [LSA webpage](#)⁶.

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 the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)⁷ 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](#)⁸.

City 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.)

⁶ <https://wildlife.ca.gov/Conservation/LSA>

⁷ <https://wildlife.ca.gov/Data/CNDDDB>

⁸ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Brenda Magaña
City of Palmdale
January 27, 2026
Page 13 of 23

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist City in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that 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 Riley Scott⁹, 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
South Coast Region 5
Steve Gibson, Senior Environmental Scientist (Supervisory)
Riley Scott, Environmental Scientist

State Clearinghouse
Office of Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

REFERENCES

[CDFW] California Department of Fish and Wildlife. 2012. *Staff Report on Burrowing Owl Mitigation*. Available from:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

[CDFW] California Department of Fish and Wildlife. 2017. *California Terrestrial and Vernal Pool Invertebrates of Conservation Priority*. Available at:
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⁹ Phone: (858) 761-8020; Email: Riley.Scott@wildlife.ca.gov

Brenda Magaña
City of Palmdale
January 27, 2026
Page 14 of 23

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[FGC] California Fish and Game Commission. 2019. *Crotch Bumble Bee (Bombus crotchii)*, *Franklin's Bumble Bee (Bombus franklini)*, *Suckley Cuckoo Bumble Bee (Bombus suckleyi)*, and *Western Bumble Bee (Bombus occidentalis occidentalis)*. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=170351&inline>

[FGC] California Fish and Game Commission. 2024. *Notice of Findings – Western Burrowing Owl (Athene cunicularia hypugaea)*. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227089&inline>

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Brenda Magaña
 City of Palmdale
 January 27, 2026
 Page 15 of 23

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

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

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Mitigation Measure BIO MM-12 – CDFW recommends the City revise Mitigation Measure BIO MM-12 by incorporating the underlined language and removing the language with strikethrough: Burrowing owl has the potential to occur as a transient during wintering, dispersal, and migration. Focused preconstruction surveys for burrowing owl shall be conducted <u>according to the protocols outlined in CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012)</u> ~~beginning 30 days prior to the commencement of Project activities~~ with the last/fourth survey being conducted three days prior to the commencement of vegetation removal. If burrowing owl are located during any focused preconstruction surveys, or during the monitoring of construction activities, a 500-foot no-work buffer shall be established around the location of the burrow(s), and the City and California Department of Fish and Wildlife (CDFW) shall be notified. No Project activities will be allowed and CDFW shall be consulted regarding the potential need for an Incidental Take Permit per California Fish and Game Code 2081. ~~In the event an Incidental Take Permit is needed, m~~ <u>Mitigation for direct impacts</u> will be fulfilled through compensatory mitigation at a minimum ~~±~~ <u>3:1</u> nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial startup costs and ongoing annual costs of management activities for the management of the	Prior to Project Initiation	Project Proponent

Brenda Magaña
 City of Palmdale
 January 27, 2026
 Page 16 of 23

Mitigation Measure	Timing	Responsible Party
conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a Project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record will consider all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.		
Mitigation Measure #2: Mitigation Measure BIO DF-2. – CDFW recommends the City revise Mitigation Measure BIO MM-12 by incorporating the underlined language and removing the language with strikethrough: During Project construction, areas where stockpiling can occur shall be selected in consultation with a qualified biologist. Spoils shall be stockpiled in disturbed areas lacking native vegetation. The construction contractor in coordination with a qualified biologist shall clearly mark stockpile areas in the field to define the limits where stockpiling can occur. <u>When not in use, stockpiles shall be covered to discourage burrowing owl from utilizing materials as burrowing habitat.</u>	During Project Construction	Project Proponent
Mitigation Measure BIO MM-10 - CDFW recommends the City revise Mitigation Measure BIO MM-10 by incorporating the underlined language and removing the language with strikethrough: Pre-Construction Crotch's Bumble Bee Survey and Potential Incidental Take Permit. ~~If Crotch's bumble bee is still a candidate for listing under the California Endangered Species Act or has been listed, a~~ <u>A</u> pre-construction survey for the species shall be conducted within the construction footprint prior to the start of initial	Prior to Project Initiation	Project Proponent

Brenda Magaña
City of Palmdale
January 27, 2026
Page 17 of 23

Mitigation Measure	Timing	Responsible Party
vegetation removal or initial grading activities occurring during the Crotch's bumble bee nesting period (February 1 through October 31). The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area. The preconstruction survey shall include 1) a habitat assessment and 2) focused surveys, both of which will be based on recommendations described in the "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species," released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023, or the most current at the time of construction. The habitat assessment and focused surveys will be performed by a biologist with a California Department of Fish and Wildlife-issued Scientific Collecting Permit for handling Crotch's bumble bee. The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat onsite including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and man-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. If nesting resources are present in the impact area, focused surveys will be conducted. The focused survey will include at least three (3) survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys will not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors will wait at least 1 hour following rain. Optimal survey conditions are when there are sunny to partly sunny skies with temperatures that are greater than 60° Fahrenheit. Surveys may be conducted earlier		

Brenda Magaña
City of Palmdale
January 27, 2026
Page 18 of 23

Mitigation Measure	Timing	Responsible Party
if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). The qualified biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the qualified biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. The qualified biologist should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them depending on their proximity to one another. It is up to the discretion of the qualified biologist regarding the actual survey viewshed limits from the chosen vantage point which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes). Identification will include the qualified biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographically documented. The bee will be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee identifying characteristics cannot be adequately captured in the container due to movement, the container will be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of		

Brenda Magaña
 City of Palmdale
 January 27, 2026
 Page 19 of 23

Mitigation Measure	Timing	Responsible Party
other bumble bee species, bees become active shortly after removal from the cold environment, so photography must be performed quickly. If Crotch's bumble bee ~~nest~~^{is} is not detected, no further mitigation shall be required, and no additional surveys shall be needed if construction begins within 14 days of the last survey for a given phase area. If construction in a given phase area does not start within 14 days of the last survey, or if construction in a given phase area stops for 14 days or longer, surveys shall be repeated if construction re-commences between February 1 and October 31. ~~The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to 10 kilometers from their nests.~~ <u>If Crotch's bumble bee is detected, vegetation removal shall not occur until after plants have stopped blooming in the fall and outside of the Queen Flight and Colony Active Periods (February 1 through August 31), and ground disturbance shall not occur during the Overwintering Season (November 1 through January 31).</u> If nest resources occupied by Crotch's bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a City-approved qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest as the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.		

Brenda Magaña
 City of Palmdale
 January 27, 2026
 Page 20 of 23

Mitigation Measure	Timing	Responsible Party
A written survey report will be submitted to the City within 30 days of the preconstruction survey and shall be reviewed and approved by the City before the start of grading and construction activities. The survey report shall also be submitted to CDFW within the same timeframe for its consideration and action in accordance with applicable laws and regulations. The report will include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report will include the qualifications/resumes of the surveyor(s) and the qualified biologist(s), detailed habitat assessment, and photo vouchers. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information will be submitted to the California Natural Diversity Database (CNDDDB) at the time of, or prior to, submittal of the survey report. If a Crotch's bumble bee nest is found, the Project applicant will consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this CEQA document and shall be incorporated into a habitat mitigation and monitoring plan. ~~In the event an Incidental Take Permit is needed, m~~ Mitigation for direct impacts to Crotch's bumble bee will be fulfilled through compensatory mitigation at a minimum 4 <u>3</u>:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The		

Brenda Magaña
 City of Palmdale
 January 27, 2026
 Page 21 of 23

Mitigation Measure	Timing	Responsible Party
funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a Project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record will take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.		
Mitigation Measure BIO MM-7: Invasive Plant Management. CDFW recommends the City revise Mitigation Measure BIO MM-7 by incorporating the underlined language and removing the language with strikethrough: To reduce the spread of invasive plant species, landscape plants <u>within 200 feet of native vegetation communities</u> shall not be on the most recent version of the Cal-IPC California Invasive Plant Inventory (http://www.cal-ipc.org/ip/inventory/index.php). Prior to the installation of landscaping, the City of Palmdale shall review and approve the Project's landscaping plan and verify that the prohibited plants will not be installed <u>within 200 feet of native communities</u>, and the City also shall conduct a site inspection after the landscaping has been installed and prior to issuance of a building occupancy permit to verify that the prohibited plants were not installed. Post-construction, the applicant, its successor in interest, or the building occupant shall be responsible for annual removal of invasive plant species on site by hand or mechanical methods, as feasible.	Project Operation	Project Proponent
Mitigation Measure BIO MM-9: Herbicides. CDFW recommends the City revise Mitigation Measure BIO MM-9 by incorporating the underlined language and removing the language with strikethrough:	Project Operation	Project Proponent

Brenda Magaña
City of Palmdale
January 27, 2026
Page 22 of 23

Mitigation Measure	Timing	Responsible Party
Herbicide use on the site for invasive plant species control shall be limited and herbicides should only be used if it has been determined that hand or mechanical efforts are infeasible. <u>If there is a potential for herbicide to come into contact with water, only herbicides approved for aquatic use shall be used.</u> To prevent drift, herbicides shall only be applied when wind speeds are less than 7 miles per hour. These requirements shall be made provisions of the Project's construction contracts, landscape installation and maintenance contracts, and building occupant leases, subject to verification by the City of Palmdale upon request. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, State, and local laws and regulations.		
Mitigation Measure BIO DF-5: Lighting. CDFW recommends the City revise Mitigation Measure BIO DF-5 by incorporating the underlined language and removing the language with strikethrough: Lighting for construction activities and operations shall be directed inward <u>and downward</u> toward the Project site and lighting shall not be directed toward adjacent undeveloped areas.	Project Operation	Project Proponent
Scientific Collecting Permit. Focused surveys for special-status species (i.e., Crotch's bumble bee) require specific handling permits prior to conducting surveys. The Project proponent should retain a qualified biologist(s) with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project	Prior to Project Initiation	Project Proponent

Brenda Magaña
City of Palmdale
January 27, 2026
Page 23 of 23

Mitigation Measure	Timing	Responsible Party
impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits ¹⁰ webpage for information (CDFW 2025c).		
Lake and Streambed Alteration: The Project activities, as described, have the potential to temporarily and permanently impact water flows at Hungry Valley SVRA and are subject to CDFW's regulatory authority pursuant to Fish and Game Code 1600 et seq. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins. CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW's LSA webpage¹¹.	Prior to Project Initiation	

¹⁰ <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>

¹¹ <https://wildlife.ca.gov/Conservation/LSA>