From:	Portugal, Julisa@Wildlife
To:	Edwin, Shannon
Cc:	Gibson, Steve@Wildlife
Subject:	CDFW Comments on Conditional Use Permit No. 25-005 (Sierra Azul Apartments) SCH No. 2025070610
Date:	Tuesday, July 29, 2025 2:05:39 PM
Attachments:	image001.png
Importance:	High

Hi Shannon,

Thank you for the phone call to discuss the Conditional Use Permit No. 25-005 (Sierra Azul Apartments) Project. CDFW recommends Mitigation Measures IV-1 and IV-2 are revised to incorporate the language in red and omit the language in strikethrough. If you have any questions, feel free to reach out. Thanks.

Mitigation Measure IV-1
A pre-construction survey burrowing owl clearance survey shall be conducted no more than 14 days prior to any vegetation removal or ground disturbing activities to avoid impacts to burrowing owls and/or occupied burrows. The pre-construction survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the CDFW 2012 Staff Report on Burrowing Owl Mitigation. Documentation of the surveys and findings shall be submitted to the City of Lancaster for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required.

~~If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no-disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance.~~ If an occupied burrow or an individual western burrowing owl is detected during surveys ~~is found within the development footprint~~, the project proponent ~~qualified biologist~~ shall coordinate with CDFW to obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq.). The Project proponent shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal. ~~prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with CDFW's Staff Report on Burrowing Owl Mitigation. The project proponent shall contact CDFW to develop appropriate mitigation and management procedures and a final Burrowing Owl Mitigation Plan shall be submitted to the City and CDFW for review and approval prior to project activities.~~

If burrowing owl presence is confirmed, the Project proponent shall offset impacts by acquiring CDFW-approved mitigation lands for the species. The potential mitigation land shall have the following: 1) have presence of burrowing owl; 2) replace the impacted burrowing owl habitat area at a minimum of 2:1 ratio to ensure no net loss of habitat; and 3) be of equivalent or greater habitat value than that of the project site. Prior to acquisition of potential mitigation land, the project proponent shall provide CDFW with the appropriate documentation for property eligibility. Requested documentation may include, but is not limited to, a biological report, preliminary title report, mineral risk assessment report, and Phase I Environmental Site Assessment report. Following CDFW written approval of potential

mitigation land, the project proponent shall protect the land in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094. Recordation or the conservation easement shall occur prior to commencement of project activities. An appropriate endowment, to be determined by CDFW, shall also be provided for the long-term monitoring and management of mitigation lands.

Mitigation Measure IV-2
The Project shall fully avoid impacts to nesting birds and raptors. To the extent feasible, no construction or ground-disturbing activities (e.g., mobilizing, staging, and excavating) shall occur during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs. If Project activities occur during breeding season, a qualified biologist shall conduct a ~~A~~ pre-construction clearance survey for nesting birds and raptors ~~should be conducted~~ within seven days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds or raptors will be disturbed during construction. The qualified biologist conducting the clearance survey should document a negative survey with a brief letter report to the City indicating that no impacts to active avian nests will occur. If an active ~~avian~~ nest is discovered during the pre-construction clearance survey, ~~construction activities should stay outside of~~ a no-disturbance buffer shall be established to minimize impacts on the active nest and the City of Lancaster Development Services Director must be notified. A minimum 300-foot no disturbance buffer shall be placed around active passerine nests. For raptors, the no disturbance buffer shall be expanded to 500 feet. ~~The size of the no-disturbance buffer will be determined by the wildlife biologist and will~~ Reductions in the nest buffers may occur with approval by CDFW and may depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis ~~when developing buffer distances~~. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Best,

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