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August 19, 2024

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**SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE SITE PLAN REVIEW
NO. 24-010 PROJECT, SCH NO. 2025070909, LOS ANGELES COUNTY,
CA**

Dear Jocelyn Swain:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from City of Lancaster for the Site Plan Review No. 24-010 (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for

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

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 2 of 29

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: Northpoint Development, LLC

Objective: The Project site consists of two parcels, totaling an approximate 30-acre area. The objective of the Project is to develop either 1) a warehouse building or 2) a trailer parking facility. Each of these options are described in more detail below.

Warehouse Option

This option would construct a 510,000-square-foot industrial warehouse. The building would be a 50-foot-tall tilt-up concrete structure. This option would include a total of 152 trailer parking spaces and 236 passenger vehicle parking spaces. Site improvements include road upgrades (Avenue F-8 and 25th Street West), private driveways, lighting, utility infrastructure, perimeter landscaping, and a detention basin along the southern boundary. Construction activities would primarily include grading, building construction, paving, and architectural coating. Approximately 442,000 cubic yards of cut and 446,000 cubic yards of fill are expected, resulting in 4,000 cubic yards of material import during the grading phase.

Trailer Parking Option

This option proposes construction of a trailer parking facility with approximately 929 trailer spaces to support nearby industrial uses. No buildings are proposed. Site improvements include road upgrades (Avenue F-8 and 25th Street West), private driveways, lighting, and perimeter landscaping. Access would be provided via Avenue F-8 from 30th Street West. Construction activities would primarily include grading, paving, and striping for the parking facility. Construction under this development option would not require any import or export of earthwork materials.

Location: The approximately 30-acre Project site consists of two parcels at the southwest corner of 25th Street West and Avenue F-8 (APNs 3114-010-054 and eastern 10 acres of 3114-010-003) in the City of Lancaster, Los Angeles County. The Project site is immediately bound by vacant land on all sides. Around the vacant land is

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."

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 3 of 29

West Avenue F-8 to the north, SR-14 to the east, 30th street to the west, and Avenue G to the south.

Timeframe: Under Option 1, construction would occur over approximately 14 months, beginning in January 2026 and concluding in March 2027. Under Option 2, construction would occur over approximately three months, beginning in January 2026 and concluding in April 2026.

Biological Setting: The Project site is currently undeveloped and vacant. It lies within the [Antelope Valley Regional Conservation Investment Strategy](#)³ and is immediately surrounded by other vacant properties. A general biological field survey was conducted on August 8, 2024, and a Biological Resource Report (BRR) was prepared for the Project site. The BRR states that the Project site is composed of primarily *Atriplex confertifolia* Shrubland Alliance (*Atriplex confertifolia* – *Atriplex polycarpa* Association). Disturbed areas comprise the remaining 3.43 acres of the Project site. Wildlife species with the potential to occur on site include Swainson's Hawk (*Buteo swainsoni*; California Endangered Species Act (CESA) threatened species), western burrowing owl (*Athene cunicularia hypugaea*; CESA candidate species), coastal whiptail (*Asidoscelis tigris stejnegeri*; California Species of Special Concern (SSC)), and California legless lizard (*Anniella pulchra*; SSC). The BRR determined that four special-status plant species assigned a California Rare Plant Rank (CRPR) by CNPS were determined to have high potential to occur on-site, including alkali mariposa-lily (*Calochortus striatus*; CRPR 1B.2), and Rosamond eriastrum (*Eriastrum rosamondense*; CRPR 1B.1).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist City of Lancaster in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Impacts to Swainson's Hawk (*Buteo swainsoni*)

Issue: The Project could impact habitat for Swainson's hawk, a threatened CESA-listed species.

Specific impact: The Project may result in loss of foraging habitat for Swainson's hawk.

Why impact would occur: Swainson's hawk are generally found in the Central Valley but have also been documented foraging in Palmdale and Lancaster areas. This raptor species prefers open spaces, open grasslands, pastures, and agricultural land. Based on aerial imagery, the Project site is an open space with sparse vegetation that provides

³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=197234>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 4 of 29

potential foraging habitat. According to the [California Natural Diversity Database \(CNDDB\)](#)⁴, Swainson's hawk has been documented within three miles of the Project site. Furthermore, four observations of Swainson's hawk within the City of Lancaster have been documented through [iNaturalist](#)⁵. Although there is a potential for Swainson's hawk to be observed within or near the Project site, the MND does not provide avoidance measures to mitigate the impacts to Swainson's hawk habitat. The BRR acknowledges that the Project site contains suitable habitat for foraging. Project activities conducted without pre-construction surveys could result in injury or mortality of unidentified Swainson's hawk. Lastly, development of the Project will result in loss of habitat and foraging areas.

Evidence impact may be significant: Consistent with CEQA Guidelines section 15380, the status of the Swainson's hawk as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, [Bloom \(1980\)](#)⁶ estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development. A survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change. CDFW considers a Swainson's hawk nest site to be active if it was used at least once within the past five years and impacts to suitable habitat or individual birds within a five-mile radius of an active nest as significant. Based on the foregoing, Project impacts would potentially reduce the number and/or restrict the range of Swainson's hawk or contribute to the abandonment of an active nest and/or the loss of significant foraging habitat for a given nest territory and thus result in take as defined under CESA.

Recommended Potentially Feasible Mitigation Measure(s)

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

Mitigation Measure #1: CDFW released guidance for this species entitled [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](#)⁷. CDFW recommends conducting focused surveys for Swainson's hawk following the 2010 guidance and disclosing the results in the Project's final environmental documentation.

⁴ <https://wildlife.ca.gov/Data/CNDDB>

⁵ https://www.inaturalist.org/observations?nelat=34.76885497535115&nelng=117.9384029576061&place_id=any&swlat=34.63094393921334&swlng=118.3251789896192&taxon_id=5196

⁶ <https://wildlife.ca.gov/Conservation/Birds/Swainsons-Hawk>

⁷ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 5 of 29

Mitigation Measure #2: Permanent impacts to foraging habitat for Swainson's hawk shall be offset by the Project Applicant. There shall be no net loss of suitable foraging habitat for Swainson's hawk. CDFW recommends that the City require the Project Applicant to offset impacts on foraging habitat for Swainson's hawk at no less than 1:1. Project Applicant shall purchase at minimum 30 acres of credits at a mitigation bank offering credits for Swainson's hawk and whose service area contains the Project site. The Project Applicant shall submit the credit amount, bank sponsor, habitat types(s), and map of the mitigation site to the City before the City issues a grading permit for the Project and before any ground-disturbing activities or vegetation removal.

Mitigation Measure #3: If credits at a mitigation bank are not available, the Project Applicant shall acquire at a minimum 30 acres of land that are known to protect habitat for Swainson's hawk in perpetuity. Lands to be conserved shall be selected in consistency with Conservation Actions for Swainson's hawk described in the [Antelope Valley Regional Conservation Investment Strategy](#)⁸.

Permanent impacts to foraging habitat for Swainson's hawk shall be offset by the Project Applicant and 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. The Project Applicant shall record the conservation easement prior to commencement of Project-related activities.

Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that shall be addressed include but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion.

Recommendation #1: 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 CESA-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 CESA-listed species.

⁸ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=197234&inline>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 6 of 29

COMMENT # 2: Impacts on Western Burrowing Owl

Issue: The Project may adversely impact western burrowing owl

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

Why impact would occur: The BRR states that the Project area contains suitable habitat for western burrowing owl. One suitable burrow was found on site during the 2024 survey. Additionally, one [CNDDDB](#)⁹ occurrence was recorded in 2013, approximately 2.36 miles south of the Project site, where three (3) owls were observed near a burrow, two adults and one juvenile. Since the general survey was conducted in 2024, it is undetermined whether the Project area currently has any additional suitable burrows or western burrowing owl presence. Moreover, the Project lies within the current home range for western burrowing owl according to CDFW's [Burrowing Owl Range – CWHR B269 \[ds907\]](#)¹⁰.

On October 15, 2024, the Fish and Game Commission published a Notice of Findings that designates western burrowing owl as a CESA candidate species. Without recent focused surveys, this CESA candidate species may go undetected. If Project activities overlap with the breeding season for western burrowing owl there is potential for Project activities to result in abandonment of burrows, burrow collapse, or injury/mortality of owlets. Furthermore, attempts to flush western burrowing owl from the site may disturb, distress, or lead to potential take of individual western burrowing owl. To avoid unauthorized take, the City shall incorporate mitigation measures that prescribe focused surveys and coordination with CDFW to obtain appropriate take authorization if western burrowing owl is identified on site.

Evidence impact may be significant: Western burrowing owl is a species designated as candidate for listing as threatened or endangered pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, take of individual western burrowing owl and their nests is defined by Fish and Game Code section 86 and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW.

⁹ <https://wildlife.ca.gov/Data/CNDDDB>

¹⁰ <https://www.arcgis.com/home/item.html?id=8e18caa8807b42ad94be8322d7911160>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 7 of 29

Recommended Potentially Feasible Mitigation Measure(s)

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

Mitigation Measure #4: Mitigation Measure 3 – CDFW appreciates the incorporation of Mitigation Measure 3 to address potential impacts to western burrowing owl. However, CDFW recommends City revise Mitigation Measure 3 by incorporating the underlined language and removing the language with strikethrough:

MND: A qualified biologist to conduct focused surveys for western burrowing owl prior to Project activities. Focused surveys shall be conducted pursuant to CDFW's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#)¹¹ or CDFW's most recent guidance. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. A pre-construction burrowing owl clearance survey shall be conducted no less than 14 days prior to any vegetation removal or ground disturbing activities to avoid impacts to burrowing owls and/or occupied burrows. The pre-construction clearance survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster for review and file. If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures shall be required.

If an occupied burrow or western burrowing owl is found within the Project site, the Project proponent shall coordinate with CDFW, which may necessitate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). If take authorization is necessary, the Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall also provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities. 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 by the qualified biologist, who shall notify the City of Lancaster of the size of the no-disturbance buffer. If an occupied burrow or burrowing owl is found within the development footprint, the project proponent shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The project proponent shall prepare a final Burrowing Owl Mitigation Plan to be submitted to the City, and approved by the City, prior to commencement of land disturbance activities.

¹¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 8 of 29

~~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 of the conservation easement shall occur prior to commencement of project activities. An appropriate endowment, to be determined by CDFW, shall also be provided for the long-term monitoring and management of mitigation lands.~~

Mitigation Measure #5: Incidental Take Permit - If an occupied burrow or western burrowing owl is found within the Project site, the Project proponent shall coordinate with CDFW, which may necessitate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). If take authorization is necessary, the Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall also provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities.

COMMENT # 3: Impacts on Species of Special Concern – Reptiles

Issue: The Project may impact coastal whiptail and northern California legless lizard, species designated as SSC.

Specific impact: Project construction and activities, directly or through habitat modification, may result in direct injury or mortality (e.g., trampling, crushing), reduced reproductive capacity, population declines, or local extirpation of SSC. Also, loss of foraging, breeding, or nursery habitat for SSC may occur.

Why impact would occur: According to the [CNDDB](https://wildlife.ca.gov/Data/CNDDB)¹², coastal whiptail and northern California legless lizard have been observed throughout the Antelope Valley. The BRR states that the Project does not support the preferred habitat for northern California legless Lizard. However, given that fact there have been recorded observations within the vicinity of the Project, there is potential for the species to enter the site from surrounding undeveloped land and be present during construction activities. The MND does not discuss the Project's impact on reptile species. The mitigation measures proposed in the MND does not consider reptile species being present during Project activities. Without appropriate avoidance or minimization measures, impacts to SSC

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

Jocelyn Swain
 City of Lancaster
 August 19, 2025
 Page 9 of 29

could result from ground-disturbing activities and vegetation removal. Wildlife may be trapped or crushed under structures. Large equipment, equipment and material staging, and vehicle and foot traffic could trample or bury wildlife. SSC could be injured or killed. Impacts on these SSC are more likely to occur because these are cryptic species that are less mobile and seek refuge under structures.

Evidence impact may be significant: A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;

- is listed as threatened or endangered under Endangered Species Act (ESA)-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status.

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). The MND does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing 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 #6: Biological Monitor – To avoid direct injury and mortality of any SSC, CDFW recommends the City require the Project Applicant to have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where any SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal.

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 10 of 29

Then, the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.

COMMENT # 4: Impacts to Rare Plants

Issue: The Project may impact rare plants.

Specific impact: Grading the Project area may directly impact rare plants.

Why impact would occur: The MND states that there is a high probability that Rosamond eriastrum and alkali mariposa lily may be present on site. Mitigation Measure 4 requires qualified botanists to conduct focused rare plant surveys before issuance of any construction related permits; however, there is an option to not perform spring-time surveys and instead map areas containing suitable habitat and pay \$2,405/acre for these areas. Botanical field surveys are necessary to provide information on the Project's potential impacts on rare, sensitive, and special status plants. Project construction and activities proceeding based on false-negative surveys may result in the Project having an impact on undetected rare plants. Rare plants and seedbank could be buried, crushed, and trampled. The Project may result in permanent loss of rare plants and its seedbank by developing 30 acres of habitat. The Project's potential impact on rare plants may result in local population declines or extirpation of a species.

Evidence impact may 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 according to the [California Native Plant Society](https://www.cnps.org/)¹³. The 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 2025](https://www.cnps.org/rare-plants/california-rare-plant-ranks)¹⁴). 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

¹³ <https://www.cnps.org/>

¹⁴ <https://www.cnps.org/rare-plants/california-rare-plant-ranks>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 11 of 29

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 #7: Mitigation Measure 4 – CDFW recommends the City revise Mitigation Measure 4 by incorporating the underlined language and removing the language with strikethrough:

Prior to the issuance of any construction related permits, a qualified botanist shall conduct focused rare plant surveys within the Project site and adjacent areas, ~~for the entire site~~. The surveys shall be focused on alkali mariposa lilies and Rosamond eriastrum. Surveys shall be conducted according to [CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)¹⁵. Surveys shall also be conducted at the appropriate blooming period for optimal detection. The Project Applicant shall submit a survey report, including negative findings, to the City and CDFW. At a minimum, the survey report shall provide the following information:

- 1) A description and map of the survey area;
- 2) Field survey conditions that shall include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;
- 3) If rare plants are found, a map(s) showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. The map shall distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation;
- 4) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species); and
- 5) If rare plants are found, species-specific measures to mitigate impacts to rare plants and habitat (see Mitigation Measure #9).

~~All special status plant species shall be mapped and total acreage shall be calculated. In the event that a springtime survey cannot be accomplished, the botanist shall map all areas with suitable habitat for special status species and calculate the acreage. The applicant shall pay \$2,405/acre for these areas and the funds shall be placed into a~~

¹⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 12 of 29

~~designated account and utilized for the acquisition of conservation habitat, with similar habitat to the project site, within the Antelope Valley.~~

Mitigation Measure #8: Compensatory Mitigation – If impacts to rare plants and their habitat cannot be avoided, the Project Applicant shall provide compensatory mitigation at no less than 2:1. The abundance of a rare plant species and total habitat acreage within the mitigation lands shall be no less than 2:1. Mitigation lands shall be in the same watershed as the Project site and support habitat that contains the rare plant species impacted. The Project applicant 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. The Project applicant shall record the conservation easement prior to commencement of Project-related activities.

COMMENT # 5: Inadequate Disclosure of Adequacy of Biological Impact Fee

Issue: The MND does not provide sufficient information for CDFW to evaluate the adequacy of the \$770/acre fee (Biological Impact Fee) for offsetting cumulative loss of biological resources in the Antelope Valley and the \$2,405/acre fee (Biological Impact Fee for Special Status Plants) for offsetting cumulative loss of habitat suitable for special status plants supporting species such as Rosamond eriastrum and alkali mariposa lily.

Specific impact: The Project would develop approximately 30 acres of undeveloped land. This would result in permanent loss of habitat that may support rare plants and/or SSCs.

Why impact would occur: The Project's cumulative impacts on biological resources in the Antelope Valley would be mitigated through payment of a \$770/acre Biological Impact Fee. According to page 29 of the MND, the Biological Impact Fee would "[...] offset the cumulative loss of biological resources in the Antelope Valley as a result of development. This fee is required of all projects occurring on previously undeveloped land regardless of the biological resources present and is utilized to enhance biological resources through education programs and the acquisition of property for conservation. Therefore, no impacts would occur." The MND does not explain why payment of the Biological Impact Fee is adequate to offset Project impacts so that the Project would have no impacts. The Project's cumulative impacts on special status plants including Rosamond eriastrum and alkali mariposa lily would be mitigated through payment of \$2,405/acre if the Project proceeds with no focused rare plant surveys. According to page 29 of the MND, "the botanist shall map all areas with suitable habitat for special status species and calculate the acreage. The applicant shall pay \$2,405/acre for these areas and the funds shall be placed into a designated account and utilized for the acquisition of conservation habitat, with similar habitat to the project site, within the Antelope Valley." The MND does not explain why payment of this fee is adequate to offset the Project impacts so that the Project would have no impacts to rare plants. The

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 13 of 29

MND does not discuss or provide the following information for the Biological Impact Fee or the Biological Impact Fee for Special Status Plants, hereafter referred to as “Fees”:

- 1) Whether the Fees are going towards an established program;
- 2) How that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the Fees would acquire. It is unclear if the Fees would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Fees would be used to purchase credits at a mitigation bank, or none of the above;
- 4) What biological resources would the Fees protect/conserv;
- 5) Why these Fees are appropriate for mitigating cumulative loss of biological resources in the Antelope Valley;
- 6) How these Fees are sufficient to purchase land or credits at a mitigation bank;
- 7) Where the City may acquire land or purchase credits at a mitigation bank so that these Fees would offset Project impacts on biological resources and sensitive plant species in the Antelope Valley;
- 8) When the City would use these Fees. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation;
- 9) How the City would commit the Project Applicant to paying these Fees. For example, when would the City require payment from the Project Applicant, how long would the Project Applicant have to pay these Fees, and what mechanisms would the City implement to ensure these Fees are paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4);
- 10) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 11) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and
- 12) How these Fees would be adequate such that no impacts would occur as a result of the Project.

Evidence impact would be significant: The basic purpose of an environmental document is to provide public agencies and the public in general with detailed information about the effect a proposed Project is likely to have on the environment, and ways and manners in which the significant effects of such a Project might be minimized (Pub. Resources Code, §§ 21002.1, 21061). The MND is insufficient as an informational document because it fails to discuss the ways and manners in which these Fees would mitigate for the Project’s cumulative impacts on biological resources and sensitive plant species including Rosamond eriastrum and alkali mariposa lily in the Antelope Valley. Mitigation measures should be adequately discussed and the basis for setting a particular measure should be identified [CEQA Guidelines, § 15126.4(a)(1)(B)]. The MND does not provide enough information to facilitate meaningful public review and comment on the appropriateness of these Fees at mitigating for impacts to biological

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 14 of 29

resources and to sensitive plant species including Rosamond eriastrum and alkali mariposa lily.

This Project may have a significant effect on the environment because the Project may reduce habitat for rare plants or wildlife; cause rare plants or wildlife population to drop below self-sustaining levels; and threaten to eliminate a plant or animal community [CEQA Guidelines, §15065(a)(1)]. Furthermore, the Project may contribute to the ongoing loss of sensitive, special status, threatened, and/or endangered plants, wildlife, and vegetation communities in the Antelope Valley. The Project may have possible environmental effects that are cumulatively considerable [CEQA Guidelines, § 15065(a)(3)]. The City is acknowledging that the Project would contribute to the cumulative loss of biological resources in the Antelope Valley because the City is proposing these fees as compensatory mitigation. These Fees may be inadequate mitigation absent commitment, specific performance standards, and actions to achieve performance standards. 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 in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s)

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

Recommendation #2: CDFW recommends the City revise the MND to provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:

- 1) Whether the Fees are going towards an established program;
- 2) How that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the Fees would acquire. It is unclear if the Fees would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Fees would be used to purchase credits at a mitigation bank, or none of the above;
- 4) What biological resources would the Fees protect/conserv;
- 5) Why these Fees are appropriate for mitigating cumulative loss of biological resources in the Antelope Valley;
- 6) How these Fees are sufficient to purchase land or credits at a mitigation bank;
- 7) Where the City may acquire land or purchase credits at a mitigation bank so that these Fees would offset Project impacts on biological resources and sensitive plant species in the Antelope Valley;
- 8) When the City would use these Fees. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation;

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 15 of 29

- 9) How the City would commit the Project Applicant to paying these Fees. For example, when would the City require payment from the Project Applicant, how long would the Project Applicant have to pay these Fees, and what mechanisms would the City implement to ensure these Fees are paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4).
- 10) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 11) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and,
- 12) How these Fees would be adequate such that no impacts would occur as a result of the Project.

Recommendation #3: The MND should include a discussion describing commitment to mitigation via the Fees. For example, the MND should provide specifics as to when the City would use the Fees; what mechanisms the City would implement to ensure the Fees is paid; and when and where the Fees would be used to offset the Project's impacts. Also, the MND should provide specific performance standards as well as actions to achieve those performance standards.

ADDITIONAL COMMENTS

Injured or Dead Wildlife. If any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the designated biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Landscaping. CDFW recommends the use of native plants for any project proposing revegetation and landscaping. CDFW strongly recommends avoiding non-native, invasive plants for landscaping, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](https://www.cal-ipc.org/plants/inventory/)¹⁶. CDFW recommends the use of native species found in naturally occurring plant communities within or adjacent to the Project area. Finally, CDFW recommends planting species of vegetation with high insect and pollinator value.

Scientific Collecting Permits. 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

¹⁶ <https://www.cal-ipc.org/plants/inventory/>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 16 of 29

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](#)¹⁷ webpage for information. Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.

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 (CNDDB). The [CNDDB website](#)¹⁸ 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](#)¹⁹.

City of Lancaster should ensure data collected for the preparation of the MND 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

¹⁷ <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>

¹⁸ <https://wildlife.ca.gov/Data/CNDDB>

¹⁹ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 17 of 29

required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist City of Lancaster in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City of Lancaster 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 Andrew Aitken²⁰, Environmental Scientist.

Sincerely,

DocuSigned by:
Victoria Tang

6991E19EF094C3
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
Steve Gibson, Senior Environmental Scientist (Supervisory)
Andrew Aitken, Environmental Scientist

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

²⁰ Phone: 562-525-9688; Email: Andrew.Aitken@wildlife.ca.gov

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 18 of 29

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: CDFW released guidance for this species entitled <u>Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California</u> ²¹ . CDFW recommends conducting focused surveys for Swainson's hawk following the 2010 guidance and disclosing the results in the Project's final environmental documentation.	Prior to ☐ Project ☐ Initiation	Project Proponent
Mitigation Measure #2: Permanent impacts to foraging habitat for Swainson's hawk shall be offset by the Project Applicant. There shall be no net loss of suitable foraging habitat for Swainson's hawk. The City shall require the Project Applicant to offset impacts on foraging habitat for Swainson's hawk at no less than 1:1. Project Applicant shall purchase at minimum 30 acres of credits at a mitigation bank offering credits for Swainson's hawk and whose service area contains the Project site. The Project Applicant shall submit the credit amount, bank sponsor, habitat types(s), and map of the mitigation site to the City before the City issues a grading permit for the Project and before any ground-disturbing activities or vegetation removal.	Prior to ☐ Project ☐ Initiation	Project Proponent

²¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline>

Jocelyn Swain
 City of Lancaster
 August 19, 2025
 Page 19 of 29

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #3: If credits at a mitigation bank are not available, the Project Applicant shall acquire at a minimum 30 acres of land that are known to protect habitat for Swainson's hawk in perpetuity. Lands to be conserved shall be selected in consistency with Conservation Actions for Swainson's hawk described in the Antelope Valley Regional Conservation Investment Strategy²². Permanent impacts to foraging habitat for Swainson's hawk shall be offset by the Project Applicant and 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. The Project Applicant shall record the conservation easement prior to commencement of Project-related activities. Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that shall be addressed include but are not limited to the following: protection from any future development and zone changes;	Prior to ☐Project ☐Initiation	Project Proponent

²² <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=197234&inline>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 20 of 29

Mitigation Measure	Timing	Responsible Party
restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion.		
Mitigation Measure #4: Mitigation Measure 3 – CDFW appreciates the incorporation of Mitigation Measure 3 to address potential impacts to western burrowing owl. However, CDFW recommends City revise Mitigation Measure 3 by incorporating the underlined language and removing the language with strikethrough: MND: <u>A qualified biologist to conduct focused surveys for western burrowing owl prior to Project activities. Focused surveys shall be conducted pursuant to CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation²³ or CDFW's most recent guidance. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. A pre-construction burrowing owl clearance survey shall be conducted no less than 14 days prior to any vegetation removal or ground disturbing activities to avoid impacts to burrowing owls and/or occupied burrows. The pre-construction clearance survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster for review and file. If no burrowing owls or occupied burrows are</u>	Prior to adoption of the MND	Lead Agency

²³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 21 of 29

Mitigation Measure	Timing	Responsible Party
detected, project activities may begin, and no additional avoidance and minimization measures shall be required. <u>If an occupied burrow or western burrowing owl is found within the Project site, the Project proponent shall coordinate with CDFW, which may necessitate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). If take authorization is necessary, the Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall also provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities.</u> 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 by the qualified biologist, who shall notify the City of Lancaster of the size of the no-disturbance buffer. If an occupied burrow or burrowing owl is found within the development footprint, the project proponent shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The project proponent shall prepare a final Burrowing Owl Mitigation Plan to be submitted to the City, and approved by the City, prior to commencement of land disturbance 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		

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 22 of 29

Mitigation Measure	Timing	Responsible Party
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 of the conservation easement shall occur prior to commencement of project activities. An appropriate endowment, to be determined by CDFW, shall also be provided for the long-term monitoring and management of mitigation lands.		
Mitigation Measure #5: Incidental Take Permit - If an occupied burrow or western burrowing owl is found within the Project site, the Project proponent shall coordinate with CDFW, which may necessitate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). If take authorization is necessary, the Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall also provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities.	Prior to ☐ Project ☐ Initiation	Project Proponent

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 23 of 29

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #6: Biological Monitor – To avoid direct injury and mortality of any SSC, CDFW recommends the City require the Project Applicant to have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where any SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.	Prior to ☐ Project ☐ Initiation	Project Proponent
Mitigation Measure #7: Mitigation Measure 4 – CDFW recommends the City revise Mitigation Measure 4 by incorporating the <u>underlined</u> language and removing the language with strikethrough: Prior to the issuance of any construction related permits, a qualified botanist shall conduct focused rare plant surveys <u>within the Project site and adjacent areas</u> for the entire site. The surveys shall be focused on alkali mariposa lilies and Rosamond eriastrum. <u>Surveys shall be conducted according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations</u>	Prior to ☐ adoption of ☐ the MND	Lead Agency

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 24 of 29

Mitigation Measure	Timing	Responsible Party
<u>and Sensitive Natural Communities</u>²⁴. Surveys shall also be conducted at the appropriate blooming period for optimal detection. The Project Applicant shall submit a survey report, including negative findings, to the City and CDFW. At a minimum, the survey report shall provide the following information: 1) <u>A description and map of the survey area;</u> 2) <u>Field survey conditions that shall include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;</u> 3) <u>If rare plants are found, a map(s) showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. The map shall distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation;</u> 4) <u>A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species); and</u>		

²⁴ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 25 of 29

Mitigation Measure	Timing	Responsible Party
5) <u>If rare plants are found, species-specific measures to mitigate impacts to rare plants and habitat (see Mitigation Measure #9).</u> All special status plant species shall be mapped and total acreage shall be calculated. In the event that a springtime survey cannot be accomplished, the botanist shall map all areas with suitable habitat for special status species and calculate the acreage. The applicant shall pay \$2,405/acre for these areas and the funds shall be placed into a designated account and utilized for the acquisition of conservation habitat, with similar habitat to the project site, within the Antelope Valley.		
Mitigation Measure #8: Compensatory Mitigation – If impacts to rare plants and their habitat cannot be avoided, the Project Applicant shall provide compensatory mitigation at no less than 2:1. The abundance of a rare plant species and total habitat acreage within the mitigation lands shall be no less than 2:1. Mitigation lands shall be in the same watershed as the Project site and support habitat that contains the rare plant species impacted. The Project applicant 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. The Project applicant shall record the conservation easement prior to commencement of Project-related activities.	Prior to ☐Project ☐Initiation	Project Proponent

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 26 of 29

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #9: Injured or Dead Wildlife – If any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the designated biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project Implementation	Project Proponent
Mitigation Measure #10: Landscaping – CDFW recommends the use of native plants for any project proposing revegetation and landscaping. CDFW strongly recommends avoiding non-native, invasive plants for landscaping, particularly any species listed as ‘Moderate’ or ‘High’ by the California Invasive Plant Council ²⁵ . CDFW recommends the use of native species found in naturally occurring plant communities within or adjacent to the Project area. Finally, CDFW recommends planting species of vegetation with high insect and pollinator value.	Prior to Project Initiation	Project Proponent
Recommendation #1: 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	Prior to adoption of the MND	Lead Agency

²⁵ <https://www.cal-ipc.org/plants/inventory/>

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 27 of 29

Mitigation Measure	Timing	Responsible Party
Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-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 CESA-listed species.		
Recommendation #2: CDFW recommends the City revise the MND to provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project: 1) Whether the Fees are going towards an established program; 2) How that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; 3) What the Fees would acquire. It is unclear if the Fees would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Fees would be used to purchase credits at a mitigation bank, or none of the above; 4) What biological resources would the Fees protect/conserve; 5) Why these Fees are appropriate for mitigating cumulative loss of biological resources in the Antelope Valley; 6) How these Fees are sufficient to purchase land or credits at a mitigation bank; 7) Where the City may acquire land or purchase credits at a mitigation bank so that these Fees would offset Project	Prior to adoption of the MND	Lead Agency

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 28 of 29

Mitigation Measure	Timing	Responsible Party
impacts on biological resources and sensitive plant species in the Antelope Valley; 8) When the City would use these Fees. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation; 9) How the City would commit the Project Applicant to paying these Fees. For example, when would the City require payment from the Project Applicant, how long would the Project Applicant have to pay these Fees, and what mechanisms would the City implement to ensure these Fees are paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4). 10)What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4); 11)What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and, 12)How these Fees would be adequate such that no impacts would occur as a result of the Project.		
Recommendation #3: The MND should include a discussion describing commitment to mitigation via the Fees. For example, the MND should provide specifics as to when the City would use the Fees; what mechanisms the City would implement to ensure the Fees is paid; and when and where the Fees would be used to offset	Prior to adoption of the MND	Lead Agency

Jocelyn Swain
City of Lancaster
August 19, 2025
Page 29 of 29

Mitigation Measure	Timing	Responsible Party
the Project’s impacts. Also, the MND should provide specific performance standards as well as actions to achieve those performance standards.		