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August 28, 2025

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**SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE LANCASTER
EASTSIDE ANNEXATION PROJECT, SCH NO. 2025071152, CITY OF
LANCASTER, LOS ANGELES COUNTY**

Dear Kendall Brekke:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) for the Lancaster Eastside Annexation Project (Project), which has been proposed by the City of Lancaster (Lead Agency; City).

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's 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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 (Id., § 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 State fish and wildlife resources.

CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as

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proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the City obtain appropriate authorization under the Fish and Game Code.

Project Summary

Project Proponent: City of Lancaster.

Objective: According to the MND, the proposed Project includes the annexation of an approximately 638-acre area into the City’s jurisdiction (Annexation Project), and the development of an approximately 288-acre solar facility (Solar Project) in the northern half of the annexation area. There is no construction or development proposed within the annexation area at this time (aside from the solar facility). Future development within the Annexation Project would be subject to project-specific and site-specific discretionary approvals that may necessitate CEQA review on a case-by-case basis.

The development of the solar facility consists of the construction, operation, maintenance, and decommissioning of a maximum 80-megawatt solar photovoltaic alternating current electric generating facility. It is anticipated that generation-tie and communication lines would connect the facility to either

1. A recently approved hydrogen production facility located at 70th Street East and Avenue K (approximately two miles to the southeast of the proposed solar facility site); or,
2. An existing Southern California Edison substation, the nearest of which is located at the northeast corner of Avenue J and 90th Street East (approximately three miles to the southeast).

The proposed Solar Project does not require the construction of an on-site operations and maintenance (O&M) facility and would be unmanned and remotely monitored. There would be no full-time personnel on-site during operations. Regular maintenance, emergency maintenance (as needed), panel cleaning, and seasonal vegetation clearing are anticipated up to one to two times per week. Grazing animals may be used to control vegetation on the site.

Location: The Solar Project would occupy approximately 288 acres of three parcels in the City of Lancaster in Los Angeles County. The L-shaped solar facility site consists of three parcels (Los Angeles County Assessor Parcel Numbers 3384-001-001, -002, and -003) in the northern portion of the annexation area, generally bound by Avenue I to the north, 60th Street East to the east, Lancaster Boulevard to the south, and 50th Street East to the west.

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Biological Setting:

The Solar Project site primarily consists of active agricultural fields and a residential home located near other rural residences and agricultural fields (both active and abandoned fields).

Several special-status animal species have a moderate potential to occur in the vicinity, including Crotch's bumble bee (*Bombus crotchii*; CESA candidate), burrowing owl (*Athene cunicularia*; CESA candidate), Swainson's hawk (*Buteo swainsoni*; CESA-listed endangered), LeConte's thrasher (*Toxostoma lecontei*; California Species of Special Concern (SSC)), loggerhead shrike (*Lanius ludovicianus*; SSC), mountain plover (*Charadrius montanus*; SSC), ferruginous hawk (*Buteo regalis*; CDFW Watch List Species (WL)), prairie falcon (*Falco mexicanus*; WL), short-eared owl (*Asio flammeus*; SSC), and merlin (*Falco columbarius*; WL). Additionally, several common native and nonnative bird species such as western meadowlark (*Sturnella neglecta*), white-crowned sparrow (*Zonotrichia leucophrys*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), California quail (*Callipepla californica*), mourning dove (*Zenaida macroura*), greater roadrunner (*Geococcyx californianus*), mountain bluebird (*Sialia currucoides*), and red-tailed hawk (*Buteo jamaicensis*) may nest or forage within or near the site.

Two special-status mammal species—the American badger (*Taxidea taxus*), an SSC, and the desert kit fox (*Vulpes macrotis arsipus*), which is protected by Title 14, section 460 of the California Code of Regulations (furbearing mammals)—have low potential to occur on the Solar Project site.

Several special-status plant species have a low-moderate potential to occur in the vicinity of the Project, including Golden goodmania (*Goodmania luteola*; California Rare Plant Rank (CRPR) 4.2), alkali mariposa lily (*Calochortus striatus*; CRPR 1B.2), desert cymoterus (*Cymopterus deserticola*; CRPR 1B.2), Barsow woolly sunflower (*Eriophyllum mohavense*; CRPR 1B.2), Mojave spineflower (*Chorizanthe spinosa*; CRPR 4.2), sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiaru*; CRPR 2B.2), crowned muilla (*Muilla coronata*; CRPR 4.2), Lancaster milk-vetch (*Astragalus preussii* var. *laxiflorus*; CRPR 1B.1), white pygmy-poppy (*Canbya candida*; CRPR 4.2), Mojave Indian paintbrush (*Castilleja plagiotoma*; CRPR 4.3), and Rosamond eriastrum (*Eriastrum rosamondense*; CRPR 1B.1).

Little Rock Wash traverses the eastern portion of the solar facility site. However, the construction of the solar facility is not proposed within 100 feet of Little Rock Wash.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Solar Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

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Editorial comments or other suggestions may also be included to improve the document.

Comment #1: Impacts to Swainson's Hawk

Issue: The Solar Project may adversely impact Swainson's Hawk nesting and foraging habitat.

Specific impacts: Swainson's hawks are regularly observed nesting and foraging throughout the Lancaster area. The Solar Project may potentially result in the loss of nesting and foraging habitat for a CESA-listed raptor species.

Why impacts would occur: According to the 2022 Biological Resource Assessment, the Solar Project area contains suitable habitat with trees within the northwest corner of the study area. These trees provide potential nesting sites for migratory birds including Swainson's hawk and other raptor species. According to California's Natural Diversity Database (CNDDDB), Swainson's hawks have been documented nesting adjacent to the study site (CDFW 2025a).

The MND does not provide avoidance measures to minimize the impacts to Swainson's hawk, despite nesting and foraging habitat present within the Solar Project area. Protocol-level focused surveys (CDFW 2010) were also not conducted for Swainson's hawk. Solar Project activities, absent appropriate surveys and avoidance and minimization measures, could result in injury or mortality to unidentified Swainson's hawks. The Solar Project construction activities could result in a loss of foraging habitat.

Evidence impacts would be significant: Consistent with CEQA Guidelines, section 15380, the status of 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, Pete Bloom estimated a population of only 375 pairs (CDFW 2016). The decline was primarily due to habitat loss from development (CDFW 2016). The most recent 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 2016).

CDFW considers a Swainson's hawk nest active if it has been used at least once within the past five years. CDFW also considers impacts to suitable nesting or foraging habitat, or to individual birds, within a five-mile radius of an active nest to be potentially significant under CEQA. Based on this information, the proposed Project could result in significant impacts to Swainson's hawk by:

- Reducing the number or restricting the range of the species;

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- Contributing to the abandonment of active nests;
- Resulting in the loss of critical foraging habitat within an established territory, and/or,
- Resulting in “take” as defined under CESA.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: Habitat Assessment. The MND should be revised to provide a detailed discussion of Swainson’s hawk habitat suitability within and adjacent to the Solar Project site. The discussion should also disclose the Solar Project’s potential direct and indirect impacts on Swainson’s hawk. If the Solar Project may affect Swainson’s Hawk, the MND should also include measures to minimize, and/or mitigate potential impacts to Swainson’s Hawk and the habitat supporting the species. The level of analysis should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the MND.

Recommendation #2: CEQA Analysis. CDFW’s issuance of an Incidental Take Permit for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the MND from the Lead Agency/Project proponent for the Project. However, additional documentation may be required as part of an Incidental Take Permit application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate take of CESA-listed species. To minimize additional requirements by CDFW, pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project’s MND should fully identify the potential impacts to CESA-listed species and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the Incidental Take Permit.

Mitigation Measure #1: Protocol Level Surveys. CDFW released guidance for Swainson’s hawk 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* (2010). The Solar Project proponent shall conduct focused surveys for Swainson’s hawk in accordance with the 2010 guidance and disclose the results in the Solar Project’s MND. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing any Solar Project ground-disturbing activities.

Mitigation Measure #2: Incidental Take Permit. If Swainson’s Hawk is detected the Solar Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Solar Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Solar Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Solar Project ground-disturbing activities and vegetation removal.

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Comment #2: Impacts to Western Burrowing Owl

Issue: The Solar Project may adversely impact burrowing owl.

Specific impacts: The Solar Project may potentially result in the loss of foraging and nesting habitat for burrowing owl. Solar Project activities may result in a loss of refugia, nest abandonment, and/or decreased feeding frequency. This could result in increased nestling mortality, a significant impact on this imperiled species.

Why impacts would occur: According to the *2022 Biological Resource Assessment*, the Solar Project area contains suitable habitat and burrowing owl feathers were observed along the southwest portion of the agricultural field. According to CNDDDB, burrowing owls have been documented nesting within a 2.5-mile radius of the study site (CDFW 2025a).

Solar Project activities include vegetation and tree removal, grading, and construction. Solar Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests could cause individuals to abandon their nests, resulting in the loss of fertile eggs or nestlings.

Evidence impacts would be significant: CDFW considers adverse impacts to a species protected by CESA, absent appropriate mitigation, to be significant under CEQA. Under CESA, take of any endangered, threatened, 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).

CDFW considers impacts to CESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #3: Protocol Level Surveys. CDFW released guidance for burrowing owls titled *2012 Staff Report on Burrowing Owl Mitigation*. CDFW recommends that focused surveys for burrowing owl be conducted in accordance with the 2012 guidance, with the results disclosed in the Solar Project's MND and providing additional mitigation measures for the Solar Project.

MM-3: Mitigation Measure Revision. CDFW recommends that MM-3 is revised to incorporate the underlined language for burrowing owl and omit the language in strikethrough:

For future development within the annexation area subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt

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from CEQA), if suitable habitat for burrowing owl (candidate for potential listing as a threatened or endangered species under the California Endangered Species Act [CESA]) ~~is observed~~ occurs within 500 feet of the direct impact area, a qualified biologist shall conduct protocol-level surveys for burrowing owl the year prior to the commencement of construction activities to determine the presence/absence of burrowing owl within or adjacent to the direct impact area(s). Two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 ~~48~~ hours prior to ground disturbance. The survey shall be conducted by a qualified biologist retained by the project proponent and in accordance with the methods outlined in the *Staff Report on Burrowing Owl Mitigation* (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department and California Department of Fish and Wildlife (CDFW) 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) and shall report the observation to CDFW within 24 hours to determine a “no-disturbance” buffer in a site-specific plan. The qualified biologist shall record the observation with an entry in California Natural Diversity Database. As a candidate species under CESA, the burrowing owl shall be afforded the same protections as listed species against “take” without permit authorization throughout the entirety of California. The size of the “no-disturbance” buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, nonbreeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

Mitigation Measure #3: Incidental Take Permit. If burrowing owl is detected, the Solar Project proponent shall coordinate with California Department of Fish and Wildlife (CDFW) and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Solar Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Solar Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Solar Project ground-disturbing activities and vegetation removal.

Comment #3: Impacts to Crotch’s Bumble Bee

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

Specific impacts: The Solar Project may result in temporary or permanent loss of suitable nesting and foraging habitat of Crotch’s bumble bee. Solar Project ground disturbing activities may cause death or injury of adults, eggs, and larva; burrow

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collapse; nest abandonment; and reduced nest success.

Why impacts would occur: According to CNDDDB, there have been historical observations of Crotch's bumble bee throughout the Antelope Valley (CDFW 2025a). In addition to regional observations, the Solar Project area lies within the home range for Crotch's bumble bee (CDFW 2025b). Crotch's bumble bee may fly throughout the City and utilize areas that have suitable nesting habitat and floral resources. Crotch's bumble bee primarily nest in late February through late October, underground in abandoned small mammal burrows. With small mammal burrows present on site, it is probable that they may provide suitable habitat for Crotch's bumble bee. They may also nest under perennial bunch grasses, thatched annual grasses, brush piles as well as in old bird nests, dead trees, or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or areas under leaf litter or other debris (Williams et al. 2014).

The MND does not address the potential presence of Crotch's bumble bee or provide species-specific measures to reduce impacts to a level less than significant if present during Solar Project activities. Ground disturbance and vegetation removal associated with Solar Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Solar Project site. Potential habitat loss, as a result of the proposed Solar Project, may also reduce foraging habitat for this species in the broader landscape, as development increases throughout the City.

Evidence impacts 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 Solar 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 Solar 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 Solar Project site. In addition, Crotch's bumble bee has a state ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (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):

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Recommendation #4: Habitat Assessment. The MND should be revised to provide a discussion on habitat suitability for Crotch's bumble bee within and adjacent to the Solar Project site. The discussion should also disclose the Solar Project's potential direct and indirect impacts on Crotch's bumble bee. If the Solar Project may impact Crotch's bumble bee, the MND should provide measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the MND.

Recommendation #5: CEQA Analysis. CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the MND from the Lead Agency/Project proponent for the Project's impacts to Crotch's bumble bee (see Recommendation #2).

Mitigation Measure #4: Protocol Level Surveys. The Solar Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire Solar Project site during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Solar Project ground-disturbing activities.

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

Comment #4: Impacts on Special-Status and Rare Plant Species

Issue: The Solar Project may adversely impact special-status and rare plant species.

Specific impacts: Solar Project implementation includes grading, vegetation clearing for Solar Project activities may result in direct mortality, population declines, or local extirpation of sensitive plant species.

Why impacts would occur: According to the 2022 Biological Resource Assessment, focused plant surveys were not conducted and biological surveys were also not conducted within the fenced portions of the Solar Project site. Golden goodmania, alkali mariposa lilies, desert cymoterus, and Barsow woolly sunflowers, Mojave spineflower, sagebrush loeflingia, crowned muilla, Lancaster milk-vetch, white pygmy-poppy, Mojave Indian paintbrush, Rosamond eriastrum have been recorded within five miles of the

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project site.

The MND does not provide avoidance or minimization measures for special-status plants, despite known occurrences of special status plant species in the area. Solar Project activities without surveys could result in direct mortality, population declines, or local extirpation of sensitive plant species.

The traditional method of solar construction is “blade and grade” which involves blading vegetation and grading resulting in compaction of the soil. According to Karban et al. (2024), construction practices often include the removal of all native vegetation with “blade and grade”, causing redistribution of seeds that are stored in a soil seed bank. Many rare or special-status plant species are annuals that avoid disturbance with a dormant seed phase, so their persistence depends on seeds stored in undisturbed soils (Karbon et al. 2024). Solar Project activities without consideration of minimizing disturbance to vegetation and soil could result in population declines, or local extirpation of sensitive plant species.

Evidence impacts would be significant: Impacts on rare flora could be considered a significant effect on the environment. Plants with a CRPR of 1B are classified as rare throughout their range, endemic to California, and are seriously or fairly threatened. Most of the plants that are ranked 1B have declined significantly over the last century. The additional threat rank of 0.1 indicates a species with over 80 percent of its occurrences threatened in California. The additional threat rank of 0.2 indicates a species with 20 to 80 percent of its occurrences threatened (CNPS 2024). Impacts to CRPR 1B plant species and their habitat meet the definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Impacts to CRPR 1B plant species and their habitat may result in a mandatory finding of significance because the Project would potentially 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. Without appropriate avoidance and minimization measures or appropriate mitigation, the Project would have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #6: Habitat Assessment. The MND should be revised to include a discussion on special-status plant species within and adjacent to the Solar Project site. The discussion should also disclose and evaluate the Solar Project’s potential direct and indirect impacts on special-status plant species. If the Solar Project may impact special-status plant species, the MND should include appropriate minimization and/or mitigation measures.

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Recommendation #7: Additional Minimization Measure. CDFW recommends the Solar Project proponent consider an alternative construction method instead of the traditional “blade and grade” method, where vegetation is crushed in some areas, but soils and vegetation are otherwise left intact (“drive and crush”). Leaving vegetation crushed with the “drive and crush” method, leaves roots intact and allows special-status plant species and other vegetation to more successfully regenerate. This alternative construction method can create an opportunity for vegetation to be left between panel rows and ameliorate some habitat effects (Karban et al. 2024).

Mitigation Measure #6: Rare Plant Surveys. Prior to the construction of the proposed Solar Project, a qualified California Department of Fish and Wildlife (CDFW) approved botanists with experience with local flora shall conduct focused surveys during the appropriate identification period(s) to ensure no special-status plant species are present or will be impacted within the proposed impact areas. Methods during the surveys shall be in accordance with CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018). If a special-status plant or population of special-status plants is discovered on-site, the City shall notify CDFW within 24 hours. The City shall provide survey results to CDFW at least 14 days prior to the planned commencement of Solar Project activities. If any rare plants or special-status species are observed during floristic surveys, no activities with the potential to impact special-status plants shall occur until CDFW is notified and provides further direction and written concurrence for those activities to begin.

Mitigation Measure #7: Habitat Mitigation and Monitoring Plan. If special-status plants are detected during surveys, the Solar Project proponent shall coordinate with California Department of Fish and Wildlife (CDFW) prior to Solar Project initiation to identify suitable compensatory mitigation for impacts on these species. The Solar Project proponent shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) for review and written approval by CDFW prior to any ground disturbance. The HMMP shall detail relocation, salvage, and/or restoration of impacted species and subsequent maintenance and monitoring, payment to an agency approved mitigation bank, or acquisition of off-site lands to be protected under a conservation easement in perpetuity. The HMMP shall outline initial and long-term management and maintenance activities that would occur on mitigation lands. The HMMP shall provide measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Maintenance activities outlined in the HMMP shall include measures pertaining to control of non-native invasive vegetation, irrigation schedule, and protection from future disturbance or maintenance activities.

Mitigation Measure #8: Listed Plant Species. If a state and/or federally listed plant species is present, consultation with the California Department of Fish and Wildlife (CDFW) and/or the U.S. Fish and Wildlife Service (USFWS) should be required prior to initiating any Solar Project activities. This consultation is necessary to determine whether take authorization is required under state and/or federal law and to coordinate any requisite compensatory mitigation.

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Additional Comments

Nesting Birds: Please note that it is the Solar Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA), as amended (16 U.S.C. 703 et seq.). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. In addition, sections 3503, and 3503.5 of the California Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; and Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto. CDFW recommends the MND include specific avoidance and minimization measures to ensure that impacts to nesting birds or their nests do not occur. The MND should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Solar Project site.

To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project site, CDFW generally recommends a 100-foot buffer for common avian species, 300 feet for listed or highly sensitive species, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

Mitigation and Monitoring Reporting Plan

CDFW recommends the City adopt the mitigation measures and recommendations in this letter into the MND. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA Guidelines, section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be

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fully enforceable and implemented successfully via mitigation, monitoring, and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

The City 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 the City with a summary of suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database (CNDDDB)) which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, sub. (e)) Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDDB. The [CNDDDB field survey form](#) can be filled out and submitted online (CDFW 2024b). Please visit CDFW online to access [the types of information reported to CNDDDB](#). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2025)

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

Conclusion


CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources. To ensure significant impacts are adequately mitigated to a level less-than-significant, the feasible mitigation measures described above should be incorporated as enforceable conditions in the MND for the Project. CDFW requests an opportunity to review and comment on any

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response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Questions regarding this letter or further coordination should be directed to Mary Ngo, Senior Environmental Scientist (Specialist), at Mary.Ngo@wildlife.ca.gov or (562) 477-0743 to schedule a meeting with CDFW.

Sincerely,

DocuSigned by:
 8/28/2025
DF423498814B441
Heather A. Pert
Environmental Program Manager
South Coast Region

Attachments

Attachment A: Draft Mitigation and Monitoring Plan

cc: California Department of Fish and Wildlife
Baron Barrera, Senior Environmental Scientist (Supervisory)
Felicia Silva, Senior Environmental Scientist (Specialist)
Cindy Hailey, Staff Services Analyst
CEQA Program Coordinator – Sacramento

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

References

- [CDFW] California Department of Fish and Wildlife. 2025a. California Natural Diversity Database. Available at: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFW] California Department of Fish and Wildlife. 2025b. Crotch's Bumble Bee Range – CDFW [ds3095]. Available at: <https://data.ca.gov/dataset/crotchs-bumble-beerange-cdfw-ds3095>
- [CDFW] California Department of Fish and Wildlife. 2016. Status review: Swainson's hawk (*Buteo swainsoni*) in California. Report to the California Fish and Game Commission, Sacramento, CA, USA.
- [CDFW] California Department of Fish and Wildlife. 2012 Staff Report on Burrowing Owl Mitigation. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>
- [CDFW] California Department of Fish and Wildlife. June 2, 2010. Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties,

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California Available from:

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

- Goulson, D. 2010. Bumblebees: behavior, ecology, and conservation. Oxford University Press, New York. 317pp.
- Hatfield, R., Jepsen, S., Foltz Jordan, S., Blackburn, M., Code, Aimee. 2018. A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species
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- Williams, P. H., R. W. Thorp, L. L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey. 208pp

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Attachment A: Mitigation and Monitoring Reporting Plan		
Mitigation Measures	Timing	Responsible Party
<p>MM-3: <u>Mitigation Measure Revision</u>. CDFW recommends that MM-3 is revised to incorporate the underlined language for burrowing owl and omit the language in strikethrough:</p> <p>For future development within the annexation area subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA), if suitable habitat for burrowing owl (candidate for potential listing as a threatened or endangered species under the California Endangered Species Act [CESA]) is observed <u>occurs within 500 feet of the direct impact area, a qualified biologist shall conduct protocol-level surveys for burrowing owl the year prior to the commencement of construction activities to determine the presence/absence of burrowing owl within or adjacent to the direct impact area(s).</u> Two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 48 hours prior to ground disturbance. The survey shall be conducted by a qualified biologist retained by the project proponent and in accordance with the methods outlined in the <i>Staff Report on Burrowing Owl Mitigation</i> (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department <u>and California Department of Fish and Wildlife (CDFW)</u> 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) and shall report the observation to CDFW within 24 hours <u>to determine a “no-disturbance” buffer in a site-specific plan. The qualified biologist shall record the observation with an entry in California Natural Diversity Database.</u> As a candidate species under CESA, the burrowing owl</p>	<p>Prior to finalizing CEQA document; and</p> <p>Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>

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<p>shall be afforded the same protections as listed species against “take” without permit authorization throughout the entirety of California. The size of the “no-disturbance” buffer shall be determined in consultation with California Department of Fish and Wildlife (CDFW) and be based on the species status (i.e., breeding, nonbreeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.</p>		
<p>Mitigation Measure #1: Protocol Level Surveys. CDFW released guidance for Swainson’s hawk entitled <i>Swainson’s Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California</i> (2010). The Solar Project proponent shall conduct focused surveys for Swainson’s hawk in accordance with the 2010 guidance and disclose the results in the Solar Project’s MND. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing any Solar Project ground-disturbing activities.</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Mitigation Measure #2: Incidental Take Permit. If Swainson’s Hawk is detected the Solar Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Solar Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Solar Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Solar Project ground-disturbing activities and vegetation removal.</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Mitigation Measure #3: Incidental Take Permit. If burrowing owl is detected, the Solar Project proponent shall coordinate with California Department of Fish and Wildlife (CDFW) and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Solar Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Solar Project proponent shall provide a copy of a fully</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>

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<p>executed take authorization to the City prior to implementing Solar Project ground-disturbing activities and vegetation removal.</p>		
<p>Mitigation Measure #4: <u>Protocol Level Surveys</u>. The Solar Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW’s Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire Solar Project site during the appropriate flying season to ensure no missed detection of Crotch’s bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Solar Project ground-disturbing activities.</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Mitigation Measure #5: <u>Incidental Take Permit</u>. If Crotch’s bumble bee is detected the Solar Project proponent shall coordinate with California Department of Fish and Wildlife (CDFW) and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Solar Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Solar Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Solar Project ground-disturbing activities and vegetation removal.</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Mitigation Measure #6: <u>Rare Plant Surveys</u>. Prior to the construction of the proposed Solar Project, a qualified California Department of Fish and Wildlife (CDFW) approved botanists with experience with local flora shall conduct focused surveys during the appropriate identification period(s) to ensure no special-status plant species are present or will be impacted within the proposed impact areas. Methods during the surveys shall be in accordance with CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018). If a special-status plant or population of special-status plants is discovered on-site, the City shall notify CDFW within 24 hours. The City shall provide survey results to CDFW at least 14 days prior to the planned commencement of Solar Project activities. If any rare plants or special-status species are observed during floristic surveys, no</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>

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<p>activities with the potential to impact special-status plants shall occur until CDFW is notified and provides further direction and written concurrence for those activities to begin.</p>		
<p>Mitigation Measure #7: <u>Habitat Mitigation and Monitoring Plan</u>. If special-status plants are detected during surveys, the Solar Project proponent shall coordinate with California Department of Fish and Wildlife (CDFW) prior to Solar Project initiation to identify suitable compensatory mitigation for impacts on these species. The Solar Project proponent shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) for review and written approval by CDFW prior to any ground disturbance. The HMMP shall detail relocation, salvage, and/or restoration of impacted species and subsequent maintenance and monitoring, payment to an agency approved mitigation bank, or acquisition of off-site lands to be protected under a conservation easement in perpetuity. The HMMP shall outline initial and long-term management and maintenance activities that would occur on mitigation lands. The HMMP shall provide measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Maintenance activities outlined in the HMMP shall include measures pertaining to control of non-native invasive vegetation, irrigation schedule, and protection from future disturbance or maintenance activities.</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Mitigation Measure #8: <u>Listed Plant Species</u>. If a state and/or federally listed plant species is present, consultation with the California Department of Fish and Wildlife (CDFW) and/or the U.S. Fish and Wildlife Service (USFWS) should be required prior to initiating any Solar Project activities. This consultation is necessary to determine whether take authorization is required under state and/or federal law and to coordinate any requisite compensatory mitigation.</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Recommendation #1: <u>Habitat Assessment</u>. The MND should be revised to provide a detailed discussion of Swainson’s hawk habitat suitability within and adjacent to the Solar Project site. The discussion should also disclose the Solar Project’s potential direct and indirect impacts on Swainson’s hawk. If the Solar Project may affect Swainson’s Hawk, the MND should also include measures to</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>

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<p>minimize, and/or mitigate potential impacts to Swainson’s Hawk and the habitat supporting the species. The level of analysis should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the MND.</p>		
<p>Recommendation #2: <u>CEQA Analysis</u>. CDFW’s issuance of an Incidental Take Permit for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the MND from the Lead Agency/Project proponent for the Project. However, additional documentation may be required as part of an Incidental Take Permit application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate take of CESA-listed species. To minimize additional requirements by CDFW, pursuant to Fish and Game Code, section 2081 and/or under CEQA, the Project’s MND should fully identify the potential impacts to CESA-listed species and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the Incidental Take Permit.</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Recommendation #3: <u>Protocol Level Surveys</u>. CDFW released guidance for burrowing owls titled <i>2012 Staff Report on Burrowing Owl Mitigation</i>. CDFW recommends that focused surveys for burrowing owl be conducted in accordance with the 2012 guidance, with the results disclosed in the Solar Project’s MND and providing additional mitigation measures for the Solar Project.</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>
<p>Recommendation #4: <u>Habitat Assessment</u>. The MND should be revised to provide a discussion on habitat suitability for Crotch’s bumble bee within and adjacent to the Solar Project site. The discussion should also disclose the Solar Project’s potential direct and indirect impacts on Crotch’s bumble bee. If the Solar Project may impact Crotch’s bumble bee, the MND should provide measures to minimize, and/or mitigate potential impacts to Crotch’s bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the MND.</p>	<p>Prior to finalizing CEQA document; and Prior to construction.</p>	<p>Lead Agency; and, Project Proponent</p>

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Recommendation #5: CEQA Analysis. CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the MND from the Lead Agency/Project proponent for the Project's impacts to Crotch's bumble bee (see Recommendation #2).	Prior to finalizing CEQA document; and Prior to construction.	Lead Agency; and, Project Proponent
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