



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**MEGHAN HERTEL, Director**



March 4, 2026

Al Tsai  
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**Subject: MITIGATED NEGATIVE DECLARATION FOR THE EXTENDED LEARNING OPPORTUNITIES PROGRAM CENTER PROJECT, SCH NO. 2026020578, LOS ANGELES COUNTY, CA**

Dear Al Tsai:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigation Negative Declaration (MND) from the Palmdale School District (District) for the Extended Learning Opportunities Program Center Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

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

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

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regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration 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 law<sup>2</sup> 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:** Palmdale School District

**Objective:** The Project proposes to construct an Extended Learning Center on a 67-acre lot within the City of Palmdale in a series of four (4) phases. This CEQA document focuses on Phase 1A. The objective of Phase 1A of the Project is to construct a 1,920 square foot admin modular building, five (5) flexible modular studios that total approximately 1,920 square feet, three (3) modular restrooms totaling approximately 450 square feet, a 450 square foot modular electrical room, bus covered parking, two (2) mini-pitch sports courts with coverings, a playground with a shade structure, a fire access lane, interior fencing, site access aligned with 42<sup>nd</sup> Street, a temporary bus drop off, staff parking, and off-site improvements to Avenue Q. Associated supporting site work will also include underground utilities, landscaping, reconfigurations and expansion of flatwork and access drives. Additional work included within the following phases are as follows below. These phased activities may change order based on need, but Project impacts will remain the same.

### Phase 1B and C

- One (1) handball court
- Amphitheater/outdoor group area
- Small group gathering area
- Concrete pad for future multipurpose building
- One (1) modular full-service kitchen

### Phase 2

- Track and field
- Baseball field
- Soccer field with shaded bleachers
- Cross country route
- Tennis courts

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

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- Shade canopy with seating
- Modular concession/restroom
- Access/maintenance road
- Planted buffer mounds/berms with plantings and boulders

### Phase 3

- Golf academy
- Parking stalls
- Maintenance yard
- Planted buffer mounds/berms with plantings and boulders

### Phase 4

- Farm building/urban barn
- Stockyard/corral
- Modular concessions/restroom

**Location:** The Project site is located on Assessor's Parcel Numbers (APN) 3025-026-001, 3025-026-002, 3025-026-007, 3025-026-008, and 3025-026-011 in the City of Palmdale. The Project site is north of Avenue Q and east of 40<sup>th</sup> Street East. The Project site is bordering residential land use to the southwest and undeveloped lots to the north, east, west, and southeast. Under the City of Palmdale's 2045 General Plan the vacant lot to the north is zoned as heavy industrial, to the east regional commercial, office flex/light industrial to the west, and single family residential to the south.

**Biological Setting:** The Project site consists of five parcels for development totaling approximately 70 acres. The Project footprint will encompass three other parcels (3025-026-009, 3025-026-031, and 3025-026-032) which will remain undeveloped and total approximately acres. The site elevation is approximately 2,600 feet above sea level. The surrounding vegetation communities include Joshua tree woodland and desert scrub as well as disturbed agricultural fields. The western portion of the site is predominated by disturbed agricultural fields. The eastern portion of the study site is predominated by disturbed Joshua tree woodland and desert scrub. Soils are predominantly characterized by Quaternary (middle Holocene) alluvial fan deposits and to a lesser degree, Quaternary (upper/modern Holocene) alluvial fan deposits.

Wildlife biologist Mark Hagan conducted line transect surveys on December 12, 15, and 16 in 2025. The length and timing were not specified. Sensitive species that are of potential concern for the Project include, but are not limited to:

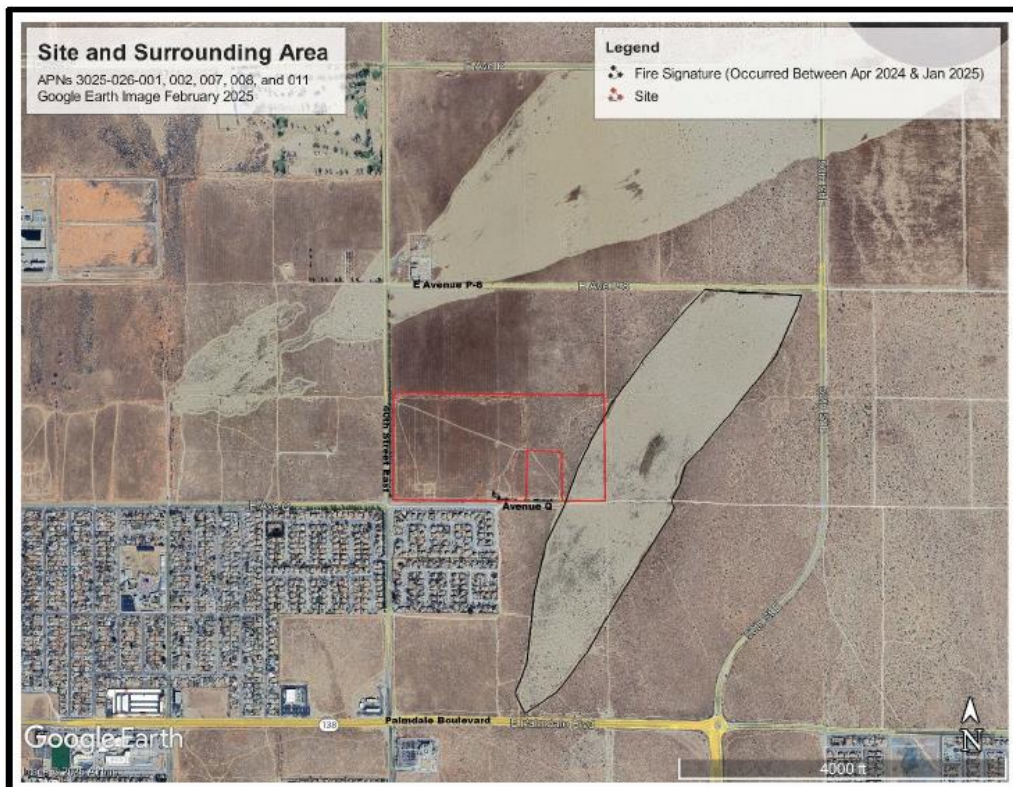
Crotch's bumble bee (*Bombus crotchii*; CESA listed-candidate endangered), western whiptail (*Aspidoscelis tigris*; Species of Special Concern (SSC)), northern California legless lizard (*Anniella pulchra*; SSC), western burrowing owl (*Athene cunicularia*; CESA-candidate), loggerheaded shrike (*Lanius ludovicianus*; SSC), Mojave Desert

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tortoise (*Gopherus agassizii*; CESA-listed endangered; ESA-listed), black-tailed jackrabbit (*Lepus californicus*; SSC), Mohave ground squirrel (*Xerospermophilus mohavensis*; CESA-listed threatened, ESA-listed threatened), Western Joshua tree (*Yucca brevifolia*; CESA-candidate), alkali mariposa lily (*Calochortus striatus*; California Rare Plant Rank (CRPR) 1B.2), desert cymopterus (*Cymopterus deserticola*; CRPR 1B.2), and Barstow wooly sunflower (*Eriophyllum mohavense*; CRPR 1B.2).

The MND provides mitigation measures (MM) BIO-1 through BIO-4. BIO-1 provides mitigation for CESA-listed Joshua tree through engaging in permitting under the Western Joshua Tree Conservation Act (WJTCA). BIO-2 relates to the identification and avoidance of CESA-candidate Crotch's bumble bee through the implementation of pre-construction surveys and subsequent focused surveys for the species. Following surveys under BIO-2, if the species is found to be present, the Applicant will obtain an Incidental Take Permit (ITP). BIO-3 relates to the identification and avoidance of CESA-candidate burrowing owl through the implementation of pre-construction surveys guided by CDFW's 2012 "Staff Report on Burrowing Owl Mitigation." Following surveys under BIO-3, if the species is found to be present, the Applicant will obtain an ITP. BIO-4 pertains the prioritization of vegetation removal outside of the nesting bird season. Under BIO-4 any vegetation removal done within this period (February to July) will necessitate the implementation of nesting bird surveys by a qualified biologist and the establishment of buffers.

Figure 1. Project site map



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## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District 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: Potential Impacts to Species and Habitats not Sufficiently Addressed or Analyzed due to Piecemealing**

**Issue:** The MND does not appear to be sufficient in addressing or analyzing biological impacts associated with the proposed development. CDFW cannot sufficiently assess impacts or appropriately recommend additional mitigation and avoidance measures due to the limited information and analysis involved with the MND document.

**Specific impact:** Based on CDFW's review, it appears that the MND focuses only on Phase 1A of the Project and not the entirety of the Project. Separation of a project into smaller parts may impact the level of analysis required during the CEQA process.

**Why impact would occur:** The MND appears to have emphasis on Phase 1A of the Project. However, the document states that the Project will be carried out in four phases. It is unclear, however, if Phases 1B and 1C will also constitute additional phases of the Project and result in six separate phases instead of four. References to Phases 1B and 1C are referenced in the MND but not within the description or within the Biological Assessment section. No information pertaining to Phases 1B, 1C, or Phases 2-4 are included within the Project's description besides a bullet list of amenities and facilities. Likewise, information regarding the implementation of Phase 1A is not sufficiently addressed within the MND. The Project as whole is not elaborated on a level sufficient for CDFW to address potential impacts caused by the Project's implementation. Evidence to further support that the MND does not analyze the entirety of the Project's impacts includes a statement within the Biological Resources section. It states, "[n]o Joshua tree take will occur in Phase 1." This statement seems to imply that the analysis focuses mostly on Phase 1A instead of the whole Project. No information pertaining to impacts due to the additional phases was provided. CDFW is unable to assess whether the provided avoidance and minimization measures are sufficient to address potential impacts caused by the whole Project. Additionally, it is unclear if the BIO-Measures provided would apply to all phases of the Project and thus protect species and habitats throughout the entirety of the build-out and throughout the entire Project area.

**Evidence impact may be significant:** The Project is the "whole of the action" and, to avoid the proscription on piecemealing<sup>3</sup>, all phases should be included in the impact

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<sup>3</sup> The improper (and often artificial) separation of a project into smaller parts in order to avoid preparing EIR-level documentation.

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analysis of the proposed project (CEQA Guidelines, §§ 15003, subd. (h), 15378, subd. (a); Laurel Heights Improvement Assoc. v. Regents of the University of California (1988) 47 Cal.3d 376, 396.).

**Recommended Potentially Feasible Mitigation Measure(s):**

**Recommendation #1: Update Project Description**

CDFW recommends that the District add to the Project Description to include information pertaining to the whole Project. The description should include the equipment to be used and the area in acres/linear feet of each of the individual facilities and amenities. CDFW recommends that the MND be recirculated after these additions are made to fully disclose the implementation of the Project and to assess potential impacts and proposed avoidance and minimization measures.

**COMMENT # 2: Potential Impacts to CESA-Listed Species Including Burrowing Owl, Crotch's Bumble Bee, Mojave Desert Tortoise, and 1B.2 Ranked Rare Plants due to Inadequate Surveying Methodology and Avoidance and Minimization Measures**

**Issue:** Surveys performed as part of the Biological Resource Assessment (BRA) were performed at an inappropriate time of year for species detection and did not adhere to any specific species protocols. Likewise, the duration and timing of the surveys were undisclosed. The MND did not provide sufficient mitigation measures to minimize impacts to Crotch's bumble bee, burrowing owl, Mojave Desert tortoise, or 1B.2 ranked rare plants.

**Specific impact:** The Project may result in direct and indirect impacts to Crotch's bumble bee, burrowing owl, Mohave Desert tortoise, and rare plants (alkali mariposa lily, desert cymopterus, and Barstow wooly sunflower). Direct impacts may result due to vegetation clearing, grading, cement pad/road installation, and overall construction. Indirect impacts may result due to increased noise, vibration, light, edge effects, and human activity throughout the life of the Project. Project activities associated with the construction can lead to direct take of CESA-candidate, ESA-listed species, and 1B.2 ranked rare plants. Alkali mariposa lily, desert cymopterus, and Barstow wooly sunflower are afforded all of the protections of CESA as a 1B.2 ranked rare plant. Take of the aforementioned species is thus prohibited.

It is also unclear if the undeveloped parcels (3025-026-009, 3025-026-031, and 3025-026-032), which will be encompassed by the development, were also surveyed (by use of binoculars if permission to access the parcels was not provided). Special status species on these parcels may be indirectly impacted by Project activities and overall development. Indirect impacts include but are not limited to loss of nesting and foraging habitat; increased noise; light; vibration; edge effects; and human activity.

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**Why impact would occur:** According to the BRA provided within the Project's MND, "[a] line transect survey was conducted to inventory plant and wildlife species occurring within the proposed project area...[a] total of 34 line transects were walked on 12, 15, and 16 December 2025...[l]ine transects...were spaced about 100 feet (30 m) apart." The month of December is not an optimal time for detection for any of the above-mentioned special status species. The duration of the surveys nor the time of day the surveys were conducted were not disclosed. The BRA also states that "[b]urrowing animals within the study site are not expected to survive construction activities." The majority of CESA species mentioned within this comment are burrowing species and as such, it is paramount that appropriate protocol surveys are performed to avoid potential impact and take of CESA-listed species.

**Burrowing owl:** The Project site is within the geographic range for burrowing owl (Audubon, 2026). According to the California Natural Diversity Database (CNDDDB), several extant populations have been observed in the surrounding area approximately 8 miles away from the Project site (CDFW 2026a). Burrowing owl utilize existing small mammal burrows and may inhabit desert habitats and agricultural fields (CDFW 2012). The BRA states, "California ground squirrel burrows were present which can provide potential future cover sites for burrowing owls." It was also revealed within the BRA that several small rodent and reptile species were identified on-site. Based on these pieces of information, it appears that the Project site is appropriate for burrowing owl nesting and foraging.

Although line transect surveys were conducted, only three were performed during the non-breeding season, all within close time proximity of each other. CDFW's 2012 guidance document recommends "at least four (4) visits, spread evenly, throughout the non-breeding season" for non-breeding season surveys. Additionally, surveys "between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight provide the highest detection probabilities." The timing of the transect surveys was not disclosed within the materials. With consideration of these facts, CDFW does not believe that the transect surveys were sufficient in assessing burrowing owl presence.

CDFW appreciates the incorporation of MM BIO-3 to address impacts to burrowing owl. As currently written, the measure proposes pre-construction surveys for burrowing owl no more than 14 days prior to ground disturbance activities. The measure also states that if burrowing owls were discovered that the District would seek to obtain an ITP. CDFW has concerns that pre-construction surveys associated with BIO-3 are not sufficient to assess potential habitat nor prove presence or absence. Absent of protocol surveys, presence should be assumed based on the suitable nesting and foraging habitat at and surrounding the site. If the Project proceeds without appropriate focused surveys, the Project may result in mortality and/or injury of undetected individual burrowing owl that may be present during Project activities.

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*Crotch's Bumble Bee*: According to CDFW's Crotch's Bumble Bee Range – CDFW [ds3095] dataset<sup>4</sup>, the Project site lies within the current range for Crotch's bumble bee (CDFW 2026b). Desert scrub habitat and surrounding creosote may provide suitable habitat to support Crotch's bumble bee (CDFW 2022). Small mammal burrows were observed on-site; Crotch's bumble bee utilize small mammal burrows to nest. The species may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2012). The MND states, “[n]o bumble bees were observed during field surveys...it is unlikely Crotch's bumble bee would use [the] site.” However, CDFW is concerned with this conclusion as Crotch's bumble bees overwinter underground in abandoned small mammal burrows, typically during November 1 through January 31 (CDFW 2023). Therefore, the December transect surveys were not optimal for detection. Given that the Project site is in the current range and has suitable habitat, there is potential for this CESA-candidate species to be present.

CDFW appreciates the incorporation of MM BIO-2 to address impacts to Crotch's bumble bee. As currently written, the measure proposes pre-construction surveys prior to ground disturbing activity. The measure also states that if Crotch's bumble bee is discovered, the District would seek to obtain an ITP. CDFW has concerns that pre-construction surveys associated with BIO-2 are not sufficient to assess potential habitat nor prove presence or absence. Likewise, nests are often difficult to locate, and dispersal distance of the species is not yet known. Absent of protocol surveys, presence should be assumed based on the suitable nesting at and surrounding the site. If the Project proceeds without appropriate focused surveys, the Project may result in mortality and/or injury of undetected individual Crotch's bumble bee that may be present during Project activities. The Project's ground and vegetation disturbance could result in potentially significant impacts to Crotch's bumble bee, including changes in foraging behavior; burrow collapse; nest abandonment; reduced nest success; reduced health and vigor of eggs, young, and/or queens; and direct mortality.

*Mojave Desert Tortoise*: The Project site is within the geographic range for Mojave Desert tortoise (USFWS 2026). Surveys for desert tortoise should be conducted when the species is active (USFWS, 2019). The desert tortoise hibernates in burrows for up to nine months each year and is most active from March to June and September to October (USFWS 2026). The surveys that were conducted were outside of this timeframe, on the 12, 15, and 16 of December. Likewise, surveys were done on days estimated at 65 degrees Fahrenheit. According to The Nature Conservancy (TNC), desert tortoise is most likely to be observed when temperatures are between 79-93 degrees Fahrenheit (TNC 2021). Transects as part of the surveys were 30 meters apart whereas USFWS suggests 10-meter-wide belt transects. Based on the reviewed information, CDFW is of the opinion that the surveys conducted as part of the MND are

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<sup>4</sup> Dataset represent the range for Crotch's Bumble Bee. The range is defined as the maximum geographic extent of *B. crotchii* based on occurrence records through 2024 from the Bumble Bees of North America Occurrence Record Database (Richardson 2023), California Natural Diversity Database (CNDDDB), and other datasets submitted directly to CDFW.

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not appropriate for detection due to the timing, temperature, and transect spacing. The MND also conclude that, “[n]o protection measures are recommended for desert tortoises.” If the Project proceeds without appropriate focused surveys and minimization measures, the Project may result in mortality and/or injury of undetected individual Mojave Desert tortoise that may be present during Project activities.

*Rare Plants:* The Project site is within the geographic range for alkali mariposa lily, desert cymopterus, and Barstow wooly sunflower. These species are afforded all of the protections of CESA as 1B.2 ranked rare plants. The blooming period for these plants ranges between April to June. Surveys performed in December do not provide optimal chances of detection. If the Project proceeds without appropriate focused surveys and minimization measures, the Project may result in direct take of these species that may be present during Project activities.

**Evidence impact may be significant:** Western burrowing owl and Crotch’s bumble bee, are species designated as candidate for listing as threatened or endangered pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). Mojave Desert tortoise has full protection of a threatened species under CESA. 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). Plants with a CRPR of 1B are rare throughout their range, endemic to California, and are seriously or fairly threatened. Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance.

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.”

The Project and environmental document should be conditioned to avoid and/or mitigate for potential impacts to special-status plants if present. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1: Burrowing Owl and Mitigation Measure BIO-3**

CDFW recommends the District revise Mitigation Measure BIO – 3 to incorporate the underlined language and remove the language in strikethrough:

The District shall retain a qualified biologist to conduct focused surveys for western burrowing owl prior to Project activities. Focused surveys shall be conducted pursuant

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to CDFW's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) 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. In addition to focused surveys, the qualified biologist will conduct preconstruction burrowing owl surveys consistent with the "Staff Report on Burrowing Owl Mitigation" - a take avoidance (preconstruction) burrowing owl survey will be accomplished no more than 14 days prior to ground disturbance activities to ensure no owls have moved into the site (CDFW 2012). Documentation of surveys and findings shall be submitted to the District for review and file. If no burrowing owls or occupied burrows are detected, Project activities may begin, and no additional avoidance and minimization measures shall be required.

If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a "no-disturbance" buffer around the burrow location(s). The size of the "no-disturbance" buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint, the qualified biologist shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project applicant shall contact CDFW to develop appropriate mitigation and management procedures and a final Burrowing Owl Mitigation Plan shall be submitted to the District and CDFW for review and approval prior to Project activities.

If burrowing owl presence is confirmed, the Project applicant 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 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 applicant 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 Assessment report. Following CDFW written approval of potential mitigation land, the Project applicant 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.

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If burrowing owls are discovered during ~~preconstruction~~ surveys and/or if there are potential impacts to western burrowing owl, the applicant shall to obtain an Incidental Take Permit prior to start of work from CDFW to ensure compliance with the California Endangered Species Act. ~~an ITP will be obtained and implemented prior to ground disturbing activities. Implementation of the ITP mitigations would ensure no potentially significant impact to burrowing owl.~~

### **Mitigation Measure #2: Crotch's Bumble Bee and Mitigation Measure BIO-2**

CDFW recommends the District revise Mitigation Measure BIO – 2 to incorporate the underlined language and remove the language in strikethrough:

Prior to ground disturbing activities the Project applicant shall retain a qualified biologist with appropriate handling permits to conduct protocol-level surveys following CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#) (CDFW 2023a). ~~a preconstruction survey for bumble bees will be conducted. If any bumble bees are detected a focused survey for Crotch's bumble bee will be conducted. Focused surveys shall also be conducted throughout the entire Project site and 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 District prior to implementing Project ground-disturbing activities. If Crotch's bumble bee is discovered an ITP will be obtained. Mitigations developed during the ITP process will ensure no significant impact to Crotch's bumble bee would occur. If Crotch's bumble bee is detected on site and/or there are impacts to Crotch's bumble bee, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the District prior to implementing Project ground-disturbing activities and vegetation removal.~~

### **Mitigation Measure #3 No Net Loss of Habitat- Crotch's Bumble Bee**

If California Fish and Game Commission does not list Crotch's bumble bee under CESA, it will still remain an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017). Thus, there shall be no net loss of suitable habitat for Crotch's bumble bee. The District shall offset impacts on habitat for Crotch's bumble bee at no less than 2:1, so there is no net loss of suitable habitat.

### **Mitigation Measure #4: Protocol Surveys and Avoidance and Minimization Measures for Mojave Desert Tortoise**

The Project applicant shall retain a qualified biologist to prepare a habitat assessment and conduct 10-meter-wide belt transects covering the Project site and adjacent areas in order to determine the presence of desert tortoise. The habitat assessment and

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transects shall be performed adhering to methods described in [Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise](#) (USFWS 2019). Findings from the surveys shall be provided in the MND for public disclosure and review. Findings should also include avoidance and minimization measures for the species to reduce potential impacts.

#### **Mitigation Measure #5: Compensatory Mitigation for Mojave Desert Tortoise**

The MND shall provide compensatory mitigation for impacts to desert tortoise suitable habitat. If direct incidental take of tortoise will occur, the Project applicant shall consult with CDFW and USFWS to obtain appropriate take authorization under CESA and federal ESA prior to implementing the Project.

#### **Mitigation Measure #6: ITP- Mojave Desert Tortoise**

If Mojave Desert tortoise is detected on site and/or there are impacts to Mojave Desert tortoise, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the District prior to implementing Project ground-disturbing activities and vegetation removal.

#### **Mitigation Measure #7: Rare Plant Surveys and Avoidance and Minimization Measures**

Surveys included within the MND were not conducted in the blooming period for potentially present rare plants. Within one year prior to the commencement of ground-disturbing activities, habitat assessment surveys for the special-status plants shall be conducted by a qualified botanist. Surveys shall be in accordance with the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018) and [Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants](#) (USFW 2000) at the appropriate time of year when the target species would be in flower or otherwise clearly identifiable. Locations of special-status plant populations shall be clearly identified in the field by staking, flagging, or fencing a minimum 100-foot-wide buffer around them prior to the commencement of activities that may cause disturbance. Survey results, including negative findings, shall be submitted to the District prior to implementing Project ground-disturbing activities.

If state-listed endangered, threatened, or rare plants are detected in areas proposed for development, the District shall contact the CDFW to secure incidental take authorization or develop an avoidance strategy that complies with CESA.

#### **Recommendation #2: CEQA for Burrowing Owl, Crotch's Bumble Bee, and Mojave Desert tortoise**

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CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee, western burrowing owl, and Mojave Desert tortoise and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

### **Recommendation #3: CEQA for Rare Plants**

The MND should be revised to provide a thorough discussion on the Project's potential direct and indirect impacts on rare plants. If the Project may impact alkali mariposa lily, desert cymopterus, and/or Barstow wooly sunflower, the MND should be amended to incorporate more specific measures to minimize and/or mitigate potential impacts to the species as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the final document.

### **ADDITIONAL COMMENTS**

#### **Recommendation #4: Multiple-Species Habitat Conservation Plan and Natural Communities Conservation Program Associated with the City of Palmdale's Updated 2045 General Plan**

The Palmdale General Plan states the City would like to develop a city-wide Multiple-Species Habitat Conservation Plan and Natural Communities Conservation Program to encourage development practices that preserve significant environmental areas and facilitate wildlife movement. To be consistent with the objectives of the General Plan as it relates to the District's Project, CDFW is available to discuss the initiation of a Natural Communities Conservation Plan and looks forward to coordinating this effort.

#### **Recommendation #5: Impacts to Western Joshua Tree**

Western Joshua trees are present within the Project area. In addition to protection under CESA, the WJTCA also protects western Joshua trees. The WJTCA was enacted in July 2023 and prohibits the importation, export, take, possession, purchase, or sale of any western Joshua tree in California unless authorized by CDFW (CDFW 2024).

If any living or dead western Joshua tree is present within a Project site, the Project proponent would need to obtain the appropriate permit from CDFW prior to ground-disturbing activities. CDFW recommends that the District retain a qualified biologist to conduct a western Joshua tree census throughout the entire Project area. Findings from the western Joshua tree census should be disclosed in the MND for public review.

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In addition to disclosing the census findings in the MND, CDFW recommends that the District provide a discussion on the Project's direct and indirect impacts on individual western Joshua trees and seedbank. Moreover, it should be disclosed in the MND whether the District intends to remove all of the western Joshua trees or retain a certain number of western Joshua trees. If the District intends to remove all trees from the Project area, the District should state whether removal of western Joshua trees would occur all at once or in phases. If western Joshua trees remain on site, negative impacts may occur as a result of dust and soil compaction from nearby construction activities. Lastly, the District should disclose in the MND whether the Project proponent intends to obtain an incidental permit or any other appropriate take authorization under CESA or obtain permit under the WJTCA (Fish & G. Code, §§ 1927-1927.12). If conventional take authorization under CESA is proposed, the MND should also include analysis of the Project's impact on the seedbank of western Joshua trees.

### **Recommendation #6: Alliance-level Vegetation Mapping**

An alliance-level vegetation map which depicts areas of impact in relation to vegetation communities was not included within the MND. CDFW recommends surveying the Project footprint and fuel modification area (if applicable) to produce an alliance-level plant communities map. Vegetation surveys should be conducted following systematic field techniques outlined by [CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). To determine the rarity ranking of vegetation communities on a specific Project site(s), CDFW utilizes vegetation descriptions found in the [Manual of California Vegetation](#) (MCV) (CNPS 2026). The MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system (found online at <http://vegetation.cnps.org/>). CDFW recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat.

1. The MND should provide a detailed map (1:24,000 or larger) showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).
2. The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting

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methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

3. Additionally, considerations should be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants and natural communities present in a Project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities and will guide the development of minimization and mitigation measures (CDFW 2018).

### **Recommendation #7: Mohave Ground Squirrel Surveys**

CDFW recommends the District retains a qualified biologist to perform Mohave Ground Squirrel surveys to conduct a protocol level presence or absence survey within the entire Project area following [Mohave Ground Squirrel Survey Guidelines](#) (CDFW 2023b) or most recent version. The applicant should provide avoidance and minimization measures for the species. If impacts to Mohave ground squirrel cannot be avoided the District shall consult with CDFW about an ITP.

### **Recommendation #8: BIO-4 Nesting Bird Pre-Construction Survey and Impact Avoidance**

CDFW recommends the District revise Mitigation Measure BIO – 4 to incorporate the underlined language and remove the language in strikethrough:

Removal of vegetation will be prioritized occur the breeding season for migratory birds outside of the nesting bird season. Breeding generally lasts from February to July February 1 through September 15, and as early as January 1 for some raptors, but may extend beyond this time frame. If vegetation removal will occurs during or close to the nesting season, a qualified biologist will survey all potential nesting areas to be disturbed as close as possible but no more than one week prior to removal. If Project activities occur between January 1 and September 15, a pre-construction nesting bird survey shall be conducted by a qualified biologist no more than 5 days prior to initiation of ground disturbance and vegetation removal. The survey area shall include the Project footprint and a 300-foot buffer for passerine species and a 500-foot buffer for raptor species. If active bird nests are found, impacts to nests will be avoided by either delaying work or establishing initial buffer areas of a minimum of 500 feet (152 m) around active raptor nests or 50 feet (15 m) around smaller active migratory bird species nests. The project biologist will determine if the buffer areas should be increased or decreased based on the nesting bird response to disturbances. The qualified biologist may request the reduction of buffers with consultation with CDFW and/or USFWS. If construction lapses for five days or longer, the qualified biologist shall conduct another focused survey before Project activities are reinitiated.

### **Recommendation #9: BIO-Measures for Special Status Herpetofauna**

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The MND does not provide any BIO-Measures specifically to avoid and minimize impacts to special status herpetofauna which may be present in or around the Project area. CDFW recommends additional BIO-Measures are added and included to minimize potential impacts. These measures may include focused surveys for species likely to occur within the Project site(s). Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for each species. Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

### **Recommendation #10: LSA**

If any construction, vegetation removal, or fuel modification may impact the bed, bank, channel, or associated vegetation of the drainage, CDFW recommends submitting a Lake and Streambed Alteration Notification.

CDFW exercises its regulatory authority (Fish and Game Code, section 1600 *et seq.*) to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code, section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

### **Recommendation #11: Lighting**

Artificial night lighting can affect plants and wildlife through attraction and disorientation, loss of connectivity, interference with pollination and foraging, and disruption of circadian rhythms and lunar and seasonal cycles (Barrientos et al. 2023). CDFW recommends the District incorporates a lighting plan in the MND that discusses the criteria used in selecting the types of light fixtures, a schedule detailing the hours various lights will be on, and steps taken to minimize adverse effects on wildlife species. Methods for minimizing adverse effects of artificial night lighting include lighting only where light is necessary, turning lights off when they are not in use (e.g., motion detector), only using as much light as is needed, directing the light only where it is needed, and using the lowest possible correlated color temperature for the goal of the lighting.

### **Recommendation #12: Fuel Modification**

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If the Project includes fuel modification, CDFW recommends that the final environmental documents include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area(s). A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance.

### **Recommendation #13: Weed Management Plan**

Weed management plans should be developed for all Project areas and implemented both during, and for at least 3 years post-Project. Non-native weeds including noxious weeds (as listed by the [California Invasive Plant Council](#)) (CALIPC 2026) should be prevented from becoming established to control the local spread of invasive plants, both during and after construction. Site visits should be conducted monthly and weekly during the rainy season. The Project areas should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included.

### **Recommendation #14: Native Landscaping**

CDFW recommends the District provides a planting palette to CDFW, specifying the vegetation that will be used as landscaping for this Project. The Project proponent should use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce nonnative, invasive plant species to areas that are adjacent to and/or near native habitat areas. CDFW recommends the Project proponent restrict use of any species, particularly 'moderate' or 'high' listed by the [California Invasive Plant Council](#). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

### **Recommendation #15: Invasive Pests and Diseases**

If the Project activities require remove of vegetation that could host pest species, the District should work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: [thousand canker disease](#) (USDA 2025), [polyphagous shot hole borer](#) (UCANR 2025), and [goldspotted oak borer](#) (UCIPM 2021). If invasive pests and/or diseases are detected, the District should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site(s) without first being treated using best available management practices relevant for each tree disease observed.

### **Recommendation #16: Mitigation and Monitoring Reporting Plan**

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

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)<sup>5</sup> 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](#)<sup>6</sup>.

The District 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 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 District in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the District has to our

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<sup>5</sup> <https://wildlife.ca.gov/Data/CNDDDB>


<sup>6</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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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 Angela Castanon<sup>7</sup>, Environmental Scientist.

Sincerely,

DocuSigned by:  
  
5991E19EF8094C3...

Victoria Tang  
Environmental Program Manager  
South Coast Region

## ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife  
Victoria Tang, Environmental Program Manager  
Frederic (Fritz) Rieman, Senior Environmental Scientist (Supervisor)  
Angela Castanon, Environmental Scientist

Office of Land Use and Climate Innovation  
[State.Clearinghouse@lci.ca.gov](mailto:State.Clearinghouse@lci.ca.gov)

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<sup>7</sup> Phone: 626-513-6308; Email: [Angela.Castanon@wildlife.ca.gov](mailto:Angela.Castanon@wildlife.ca.gov)

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

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

<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<p><b>Mitigation Measure #1: Burrowing Owl and Mitigation Measure BIO-3</b></p> <p>CDFW recommends the District revise Mitigation Measure BIO – 3 to incorporate the underlined language and remove the language in strikethrough:</p> <p><u>The District shall retain 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, <a href="#">Staff Report on Burrowing Owl Mitigation</a> 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. In addition to focused surveys, the qualified biologist will conduct preconstruction burrowing owl surveys consistent with the “Staff Report on Burrowing Owl Mitigation”</u> <del>a take avoidance (preconstruction) burrowing owl survey will be accomplished</del> no more than 14 days prior to ground disturbance activities to ensure no owls have moved into the site. <u>Documentation of surveys and findings shall be submitted to the District for review and file. If no burrowing owls or occupied burrows are</u></p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/                      Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p><u>detected, Project activities may begin, and no additional avoidance and minimization measures shall be required.</u></p> <p><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 in consultation with CDFW and be based on the species status (i.e., breeding, non-breeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint, the qualified biologist shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project applicant shall contact CDFW to develop appropriate mitigation and management procedures and a final Burrowing Owl Mitigation Plan shall be submitted to the District and CDFW for review and approval prior to Project activities.</u></p> <p><u>If burrowing owl presence is confirmed, the Project applicant 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 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 applicant 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 Assessment report. Following CDFW written approval of potential mitigation land, the Project applicant shall protect the land in perpetuity under a conservation easement dedicated to a</u></p>		

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Mitigation Measure	Timing	Responsible Party
<p><u>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.</u></p> <p><del>If burrowing owls are discovered during preconstruction surveys and/or if there are potential impacts to western burrowing owl, the applicant shall to obtain an Incidental Take Permit prior to start of work from CDFW to ensure compliance with the California Endangered Species Act. an ITP will be obtained and implemented prior to ground disturbing activities. Implementation of the ITP mitigations would ensure no potentially significant impact to burrowing owl.</del></p>		
<p><b>Mitigation Measure #2: Crotch’s Bumble Bee and Mitigation Measure BIO-2</b></p> <p>CDFW recommends the District revise Mitigation Measure BIO – 2 to incorporate the underlined language and remove the language in strikethrough:</p> <p>Prior to ground disturbing activities <u>the Project applicant shall retain a qualified biologist with appropriate handling permits to conduct protocol-level surveys following CDFW’s <a href="#">Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species</a>.</u> <del>a preconstruction survey for bumble bees will be</del></p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/                      Qualified Biologist</p>

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Mitigation Measure	Timing	Responsible Party
<p><del>conducted. If any bumble bees are detected a focused survey for Crotch's bumble bee will be conducted. Focused surveys shall also be conducted throughout the entire Project site and 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 District prior to implementing Project ground-disturbing activities. If Crotch's bumble bee is discovered an ITP will be obtained. Mitigations developed during the ITP process will ensure no significant impact to Crotch's bumble bee would occur. If Crotch's bumble bee is detected on site and/or there are impacts to Crotch's bumble bee, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish &amp; Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the District prior to implementing Project ground-disturbing activities and vegetation removal.</del></p>		
<p><b>Mitigation Measure #3 No Net Loss of Habitat- Crotch's Bumble Bee</b></p> <p>If California Fish and Game Commission does not list Crotch's bumble bee under CESA, it will still remain an invertebrate of conservation priority under the <a href="#">California Terrestrial and Vernal Pool Invertebrates of Conservation Priority</a>. Thus, there shall be no net loss of suitable habitat for Crotch's bumble bee. The County shall offset impacts on habitat for Crotch's bumble bee at no less than 2:1, so there is no net loss of suitable habitat.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p><b>Mitigation Measure #4: Protocol Surveys and Avoidance and Minimization Measures for Mojave Desert Tortoise</b></p> <p>The Project applicant shall retain a qualified biologist to prepare a habitat assessment and conduct 10-meter-wide belt transects covering the Project site and adjacent areas in order to determine the presence of desert tortoise. The habitat assessment and transects shall be performed adhering to methods described in <a href="#">Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise</a>. Findings from the surveys shall be provided in the MND for public disclosure and review. Findings should also include avoidance and minimization measures for the species to reduce potential impacts.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/                      Qualified Biologist</p>
<p><b>Mitigation Measure #5: Compensatory Mitigation for Mojave Desert Tortoise</b></p> <p>The MND shall provide compensatory mitigation for impacts to desert tortoise suitable habitat. If direct incidental take of tortoise will occur, the Project applicant shall consult with CDFW and USFWS to obtain appropriate take authorization under CESA and federal ESA prior to implementing the Project.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p><b>Mitigation Measure #6: ITP- Mojave Desert Tortoise</b></p> <p>If Mojave Desert tortoise is detected on site and/or there are impacts to Mojave Desert tortoise, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish &amp; Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the District prior to implementing Project ground-disturbing activities and vegetation removal.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #7: Rare Plant Surveys and Avoidance and Minimization Measures</b></p> <p>Surveys included within the MND were not conducted in the blooming period for potentially present rare plants. Within one year prior to the commencement of ground-disturbing activities, habitat assessment surveys for the special-status plants shall be conducted by a qualified botanist. Surveys shall be in accordance with the <a href="#">Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</a> and <a href="#">Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants</a> at the appropriate time of year when the target species would be in flower or otherwise clearly identifiable. Locations of special-status plant populations shall be clearly identified in the field by staking, flagging, or fencing a minimum</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/ Qualified Biologist</p>

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<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<p>100-foot-wide buffer around them prior to the commencement of activities that may cause disturbance. Survey results, including negative findings, shall be submitted to the District prior to implementing Project ground-disturbing activities.</p> <p>If state-listed endangered, threatened, or rare plants are detected in areas proposed for development, the District shall contact the CDFW to secure incidental take authorization or develop an avoidance strategy that complies with CESA.</p>		
<p><b>Recommendation #1: Update Project Description</b></p> <p>CDFW recommends that the District add to the Project Description to include information pertaining to the whole Project. The description should include the equipment to be used and the area in acres/linear feet of each of the individual facilities and amenities. CDFW recommends that the MND be recirculated after these additions are made to fully disclose the implementation of the Project and to assess potential impacts and proposed avoidance and minimization measures.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p><b>Recommendation #2: CEQA for Burrowing Owl, Crotch’s Bumble Bee, and Mojave Desert tortoise</b></p> <p>CDFW’s issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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<p>agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project’s CEQA document should fully identify the potential impacts to Crotch’s bumble bee, western burrowing owl, and Mojave Desert tortoise and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.</p>		
<p><b>Recommendation #3: CEQA for Rare Plants</b></p> <p>The MND should be revised to provide a thorough discussion on the Project’s potential direct and indirect impacts on rare plants. If the Project may impact alkali mariposa lily, desert cymopterus, and/or Barstow woolly sunflower, the MND should be amended to incorporate more specific measures to minimize and/or mitigate potential impacts to the species as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the final document.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p><b>Recommendation #4: Multiple-Species Habitat Conservation Plan and Natural Communities Conservation Program Associated with the City of Palmdale’s Updated 2045 General Plan</b></p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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<p>The Palmdale General Plan states the City would like to develop a city-wide Multiple-Species Habitat Conservation Plan and Natural Communities Conservation Program to encourage development practices that preserve significant environmental areas and facilitate wildlife movement. To be consistent with the objectives of the General Plan as it relates to the District's Project, CDFW is available to discuss the initiation of a Natural Communities Conservation Plan and looks forward to coordinating this effort.</p>		
<p><b>Recommendation #5: Impacts to Western Joshua Tree</b></p> <p>Western Joshua trees are present within the Project area. In addition to protection under CESA, the WJTCA also protects western Joshua trees. The WJTCA was enacted in July 2023 and prohibits the importation, export, take, possession, purchase, or sale of any western Joshua tree in California unless authorized by CDFW.</p> <p>If any living or dead western Joshua tree is present within a Project site, the Project proponent would need to obtain the appropriate permit from CDFW prior to ground-disturbing activities. CDFW recommends that the District retain a qualified biologist to conduct a western Joshua tree census throughout the entire Project area. Findings from the western Joshua tree census should be disclosed in the MND for public review.</p> <p>In addition to disclosing the census findings in the MND, CDFW recommends that the District provide a discussion on the Project's direct and indirect</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/                      Qualified Biologist</p>

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<p>impacts on individual western Joshua trees and seedbank. Moreover, it should be disclosed in the MND whether the District intends to remove all of the western Joshua trees or retain a certain number of western Joshua trees. If the District intends to remove all trees from the Project area, the District should state whether removal of western Joshua trees would occur all at once or in phases. If western Joshua trees remain on site, negative impacts may occur as a result of dust and soil compaction from nearby construction activities. Lastly, the District should disclose in the MND whether the Project proponent intends to obtain an incidental permit or any other appropriate take authorization under CESA or obtain permit under the WJTCA (Fish &amp; G. Code, §§ 1927-1927.12). If conventional take authorization under CESA is proposed, the MND should also include analysis of the Project’s impact on the seedbank of western Joshua trees.</p>		
<p><b>Recommendation #6: Alliance-level Vegetation Mapping</b></p> <p>An alliance-level vegetation map which depicts areas of impact in relation to vegetation communities was not included within the MND. CDFW recommends surveying the Project footprint and fuel modification area (if applicable) to produce an alliance-level plant communities map. Vegetation surveys should be conducted following systematic field techniques outlined by <a href="#">CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</a>. To determine the rarity ranking of vegetation communities on a</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/                      Qualified Biologist</p>

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<p>specific Project site(s), CDFW utilizes vegetation descriptions found in the <a href="#">Manual of California Vegetation</a> (MCV). The MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system (found online at <a href="http://vegetation.cnps.org/">http://vegetation.cnps.org/</a>). CDFW recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat.</p> <ol style="list-style-type: none"> <li>1. The MND should provide a detailed map (1:24,000 or larger) showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).</li> <li>2. The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g.,</li> </ol>		

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<p>percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.</p> <p>3. Additionally, considerations should be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants and natural communities present in a Project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities and will guide the development of minimization and mitigation measures.</p>		
<p><b>Recommendation #7: Mohave Ground Squirrel Surveys</b></p> <p>CDFW recommends the District retains a qualified biologist to perform Mohave Ground Squirrel surveys to conduct a protocol level presence or absence survey within the entire Project area following <a href="#">Mohave Ground Squirrel Survey Guidelines</a> (CDFW 2023b) or most recent version. The applicant should provide avoidance and minimization measures for the species. If impacts to Mohave ground squirrel cannot be avoided the District shall consult with CDFW about an ITP.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/ Qualified Biologist</p>
<p><b>Recommendation #8: BIO-4 Nesting Bird Pre-Construction Survey and Impact Avoidance</b></p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/ Qualified Biologist</p>

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<p>CDFW recommends the District revise Mitigation Measure BIO – 4 to incorporate the underlined language and remove the language in strikethrough:</p> <p><del>Removal of vegetation will be prioritized occur the breeding season for migratory birds outside of the nesting bird season. Breeding generally lasts from February to July February 1 through September 15, and as early as January 1 for some raptors, but may extend beyond this time frame. If vegetation removal will occurs during or close to the nesting season, a qualified biologist will survey all potential nesting areas to be disturbed as close as possible but no more than one week prior to removal. If Project activities occur between January 1 and September 15, a pre-construction nesting bird survey shall be conducted by a qualified biologist no more than 5 days prior to initiation of ground disturbance and vegetation removal. The survey area shall include the Project footprint and a 300-foot buffer for passerine species and a 500 foot buffer for raptor species. If active bird nests are found, impacts to nests will be avoided by either delaying work or establishing initial buffer areas of a minimum of 500 feet (152 m) around active raptor nests or 50 feet (15 m) around smaller active migratory bird species nests. The Project biologist will determine if the buffer areas should be increased or decreased based on the nesting bird response to disturbances. The qualified biologist may request the reduction of buffers with consultation with CDFW and/or USFWS. If construction lapses for five days or longer, the qualified biologist shall conduct another focused survey before Project activities are reinitiated.</del></p>		

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<p><b>Recommendation #9: BIO-Measures for Special Status Herpetofauna</b></p> <p>The MND does not provide any BIO-Measures specifically to avoid and minimize impacts to special status herpetofauna which may be present in or around the Project area. CDFW recommends additional BIO-Measures are added and included to minimize potential impacts. These measures may include focused surveys for species likely to occur within the Project site(s). Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for each species. Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/                      Qualified Biologist</p>
<p><b>Recommendation #10: LSA</b></p> <p>If any construction, vegetation removal, or fuel modification may impact the bed, bank, channel, or associated vegetation of the drainage, CDFW recommends submitting a Lake and Streambed Alteration Notification.</p> <p>CDFW exercises its regulatory authority (Fish and Game Code, section 1600 <i>et seq.</i>) to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code, section 1602 requires any person, state or local governmental agency, or</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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<p>public utility to notify CDFW prior to beginning any activity that may do one or more of the following:</p> <ul style="list-style-type: none"> <li>• Divert or obstruct the natural flow of any river, stream, or lake;</li> <li>• Change the bed, channel, or bank of any river, stream, or lake;</li> <li>• Use material from any river, stream, or lake; or</li> <li>• Deposit or dispose of material into any river, stream, or lake.</li> </ul>		
<p><b>Recommendation #11: Lighting</b></p> <p>Artificial night lighting can affect plants and wildlife through attraction and disorientation, loss of connectivity, interference with pollination and foraging, and disruption of circadian rhythms and lunar and seasonal cycles. CDFW recommends the District incorporates a lighting plan in the MND that discusses the criteria used in selecting the types of light fixtures, a schedule detailing the hours various lights will be on, and steps taken to minimize adverse effects on wildlife species. Methods for minimizing adverse effects of artificial night lighting include lighting only where light is necessary, turning lights off when they are not in use (e.g., motion detector), only using as much light as is needed, directing the light only where it is needed, and using the lowest possible correlated color temperature for the goal of the lighting.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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<p><b>Recommendation #12: Fuel Modification</b></p> <p>If the Project includes fuel modification, CDFW recommends that the final environmental documents include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area(s). A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p><b>Recommendation #13: Weed Management Plan</b></p> <p>Weed management plans should be developed for all Project areas and implemented both during, and for at least 3 years post-Project. Non-native weeds including noxious weeds (as listed by the <a href="#">California Invasive Plant Council</a>) (CALIPC 2026) should be prevented from becoming established to control the local spread of invasive plants, both during and after construction. Site visits should be conducted monthly and weekly during the rainy season. The Project areas should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>
<p><b>Recommendation #14: Native Landscaping</b></p> <p>CDFW recommends the District provides a planting palette to CDFW, specifying the vegetation that will be used as landscaping for this Project. The Project proponent should use only native species found in naturally occurring</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>

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<p>vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce nonnative, invasive plant species to areas that are adjacent to and/or near native habitat areas. CDFW recommends the Project proponent restrict use of any species, particularly ‘moderate’ or ‘high’ listed by the <a href="#">California Invasive Plant Council</a>. These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.</p>		
<p><b>Recommendation #15: Invasive Pests and Diseases</b></p> <p>If the Project activities require remove of vegetation that could host pest species, the District should work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: <a href="#">thousand canker disease</a> (USDA 2025), <a href="#">polyphagous shot hole borer</a> (UCANR 2025), and <a href="#">goldspotted oak borer</a> (UCIPM 2021). If invasive pests and/or diseases are detected, the District should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site(s) without first being treated using best available management practices relevant for each tree disease observed.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>

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<p><b>Recommendation #16: Mitigation and Monitoring Reporting Plan</b></p> <p>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.</p>	<p>Prior to Project Initiation/During Project Construction</p>	<p>Lead Agency</p>