



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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South Coast Region
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April 17, 2026

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**Subject: Mitigated Negative Declaration for the Tentative Tract Map No. 22-003 (61573)
Project, SCH No. 2026030918, Los Angeles County, CA**

Dear Mitzi Alvarado:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from the City of Lancaster (City; Lead Agency) for the Tentative Tract Map 22-003 (61573) (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding Project activities that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to comment on 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

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

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efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Lancaster

Objective: The objective of the Project is to construct a 77-lot single-family residential subdivision on approximately 20 gross acres. The lots would range in size from 7,083 square feet to 13,709 square feet. Access into the subdivision would be provided from Avenue H-8. All of the streets within the development would be private. A meandering sidewalk would be provided along Avenue H-8 and 20th Street East. Primary Project activities include vegetation clearing, excavation, grading, and construction.

Location: The Project is located on 20 gross acres on the southwest corner of Avenue H-8 and 20th Street East, Los Angeles County Assessor's Parcel Number (APN) 3154-002-094. The proposed Project site is vacant and the property to the west (APN 3176-021-019), south (APN 3154-002-095), and north (APN 3154-001-051) is vacant. The property to the east (APN 3154-002-086) is occupied by existing single-family residences.

Biological Setting: The Project site is undeveloped and exhibits signs of disturbance. A general biological field survey was conducted over a two-day period in July 2025, and the findings were compiled in a Biological Resource Assessment (BRA). Dirt roads, signs of off-road vehicle use, and piles of trash were observed within the area as well. Clay pan substrate and evidence of an ephemeral stream were visible within the study site.

Protected, rare, threatened, and endangered species of plants and wildlife that would be expected to use the existing habitat include the desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (*Xerospermophilus mohavensis*), desert kit fox (*Vulpes macrotis*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), Crotch's bumblebee (*Bombus crotchii*), Western Joshua Tree (*Yucca brevifolia*), alkali mariposa lily (*Calochortus striatus*),

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desert cymopterus (*Cymopterus deserticola*), and Barstow woolly sunflower (*Eriophyllum mohanense*).

A total of 29 plant species were observed during the line transect surveys. Vegetation on site consists of a highly disturbed saltbush (*Atriplex* sp.) plant community. Non-native grasses were the dominant annual species observed. A total of 27 western Joshua trees (*Yucca brevifolia*) were observed within the study area as well as potential alkali mariposa lily (*Calochortus striatus*) habitat. No other special status plant species or related suitable habitat were observed within the study area.

A total of 19 wildlife species, or their sign were observed during the BRA line transect surveys. No desert tortoise or their sign were observed during the field survey. No burrowing owl or their sign were observed within the study site during the field survey. California ground squirrel (*Otospermophilus beecheyi*) and their burrows were observed within the study site but no suitable Mohave ground squirrel habitat was present within the study area. No bird nests were observed but the vegetation within the study site does provides suitable migratory bird nesting habitat. No suitable nesting or foraging habitat for Swainson's hawk was present on the site. No desert kit foxes, dens, or tracks were observed within the study area. A hive of European honeybees (Order Hymenoptera) was observed at one of the sewer main manholes within the study area. No special status wildlife species or related suitable habitat were observed within the study area.

COMMENTS AND RECOMMENDATIONS

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

COMMENT # 1: Impacts to Burrowing Owl

Issue: The Project may impact burrowing owl through ground disturbing Project activities.

Specific impact: Impacts in the form of habitat loss and degradation could occur as a result of Project activities. Mitigation Measures currently allow for eviction, burrow collapse, or relocation of owls if found. Evicted burrowing owls may suffer from reduced reproductive success or direct mortality through prolonged exposure to harsh environmental conditions, such as extreme cold or heat, without adequate shelter or protection or predation.

Why impact would occur: The Subsequent MND acknowledges that burrowing owl may be directly impacted by ground-disturbing activities but does not adequately address the species' current regulatory status or the potential for take.

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On October 15, 2024, the California Fish and Game Commission designated the burrowing owl as a candidate species under CESA. The Subsequent MND does not acknowledge this designation. As a candidate species, burrowing owl receives full protection from take, and activities such as eviction, relocation, burrow collapse, or habitat disturbance may constitute take requiring CDFW authorization.

Biological Resources (Section IV) Mitigation Measure No. 3, which allows exclusion, eviction or relocation, may result in unauthorized take. The 2012 Staff Report clarifies that exclusion, eviction, and translocation are not avoidance or mitigation and may constitute significant impacts under CEQA. Exclusion and/or eviction can result in "take" (as defined by Fish and Game Code section 86) and translocation of owls is take of the species through capture. As a result, Mitigation Measures may not properly protect burrowing owl and result in unauthorized impacts to burrowing owl.

Evidence impact would be significant: Burrowing owl is a species designated as candidate for listing as threatened or endangered pursuant to CESA (Fish & G. Code, § 2050 et seq.). Burrowing Owl meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, take of individual western burrowing owl and their nests is defined by Fish and Game Code section 86 and prohibited by sections 3503, 3503.5, and 3513.

Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

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

Mitigation Measure # 1: CDFW recommends the City revise Biological Resources (Section IV) Mitigation Measure 3 by removing the existing language and incorporating the following language.

Biological Resources (Section IV) Mitigation Measure, No. 3.

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Beginning no more than 30 days prior to start of ground disturbing activities, a qualified biologist shall conduct a pre-construction survey for burrowing owls, a CESA Candidate Endangered species, consisting of four (4) survey visits spaced approximately one (1) week apart with the last survey within five (5) days of the start of Project activities. The preconstruction survey shall follow the habitat assessment and survey methodology outlined in *Staff Report on Burrowing Owl Mitigation* (CDFW, March 7, 2012) supplemented at the discretion of the surveying biologist with the survey guidance outlined in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium, April 1993). Prior to the start of project activities, the biologist shall submit a report to CDFW discussing the pre-project survey methods and results, as well as any measures to be implemented to avoid harm or disturbance to burrowing owl.

If an occupied burrow or burrowing owl is found within the Project site, the Project proponent shall coordinate with CDFW and attain appropriate take authorization from CDFW (pursuant to Fish and 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 prior to implementing Project activities with potential to impact burrowing owl.

Impacts to Crotch's Bumble Bee

Issue: The MND does not analyze potential impacts to Crotch's bumble bee, a candidate species under CESA since 2022.

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

Why impact would occur: According to a review of CNDDDB, Crotch's bumble bee has been observed within two miles of the Project site. However, the MND does not provide analysis of potential impacts to Crotch's bumble bee or measure to avoid or mitigate for said impacts. Impacts to Crotch's bumble bee may occur, even if a preconstruction survey returns negative findings, which could lead to unauthorized take under CESA. Focused surveys would assist in analyzing potential impacts to Crotch's bumble bee.

Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but 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

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(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 under leaf litter or other debris (Williams et al. 2014). Ground disturbance and vegetation removal associated with 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 Project site. Without sufficient avoidance, minimization, or mitigation measures, Project activities may result in undisclosed and unmitigated temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project area. In addition, Crotch's bumble bee has a State Ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority² (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)

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

Recommendation #1: Crotch's Bumble Bee Discussion – The MND should provide a thorough discussion on the Project potential direct and indirect impact on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the MND should incorporate measures to mitigate

² <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

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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 ITP can be issued based on the analysis provided in the MND.

Mitigation Measure #2: Crotch's Bumble Bee Surveys -- The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys for Crotch's Bumble Bee. Focused surveys shall follow CDFW's Survey Conditions for California Endangered Species Act (CESA) Candidate Bumble Bee Species³ (CDFW 2023). 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 prior to implementing Project ground-disturbing activities.

Recommendation #2: Incidental take permit for Crotch's bumble bee – If survey information indicates the Project may result in take of 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 City prior to implementing Project ground-disturbing activities and vegetation removal.

COMMENT # 2: Impacts to Rare Plants

Issue: The proposed Project may impact rare plant species.

Specific impact: Project activities may directly or indirectly impact rare plants through loss of suitable habitat, habitat modification, and increased dust.

Why impact would occur: According to a review of the CNDDDB, rare plant species have been observed within two miles of the project site. In addition, the BRA identifies suitable habitat for alkali mariposa lily within the project site. However, the BRA does not provide the results of a focused floral survey, and the MND does not provide analysis of potential impacts

³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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from Project activities or measures to avoid or mitigate for said impacts. Project activities could result in loss of population or direct mortality of rare plants.

Evidence impact would be significant: Plants with a CRPR of 1B and 2B meet the definition of endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380; CNPS 2022). Plants with a California Rare Plant Rank of 1B are rare throughout their range with the majority of them endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century. California Rare Plant Rank 1B plants constitute the majority of taxa in the CNPS Inventory, with more than 1,000 plants assigned to this category of rarity. Impacts on rare plants could require a mandatory finding of significance. The Project's impact on special-status plants has yet to be mitigated below a significant level. Accordingly, the Project continues to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species by CDFW or USFWS. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law under CESA (Fish and Game Code, §§ 86, 2062, 2067, 2068, 2080, 2085; California Code of Regulations, title 14, § 786.9).

All the plants constituting California Rare Plant Rank 1B meet the definitions of the California Endangered Species Act of the California Fish and Game Code and are eligible for state listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, or those considered to be functionally equivalent to CEQA, as they meet the definition of Rare or Endangered under CEQA Guidelines section 15125; (c) and/or section 15380.

Recommended Potentially Feasible Mitigation Measure(s)

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

Recommendation #3: Analysis of rare plant species impacts – The MND should include a discussion and disclosure of potential impacts to alkali mariposa lily and other rare plants that may be impacted from the development of the Project site. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species.

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Mitigation Measure #3: Sensitive Species Surveys – Prior to any staging or development activities at the site level, a qualified biologist shall conduct biological surveys of any areas where potential sensitive natural communities may occur. During the design of the project, and prior to construction, the project proponent shall employ a qualified biologist to review the proposed project. To the extent feasible, the location(s) of a proposed project shall be on previously disturbed or developed sites and shall avoid undisturbed, high-quality, natural habitat that supports special status biological resources. If a desktop review indicates that special status biological resources or natural communities may occur in the project area, the project proponent shall either assume presence and mitigate accordingly, or a qualified biologist shall conduct species-specific biological surveys or botanical field surveys to confirm the presence and extent of special status biological resources and/or sensitive natural communities prior to the start of construction. Surveys shall be conducted according to protocols currently accepted by CDFW and/or USFWS. If no accepted survey protocol exists, the project proponent shall consult CDFW for guidance. To determine presence/absence or accurately identify rare plants, a qualified botanist shall conduct multiple rare plant surveys throughout the growing season for any given year. Surveys shall occur during the time of year when rare plants are more likely to be visually detectable. Rare plant surveys proceeding after a low water year should be supplemented with one or two additional rare plant surveys over a number of years depending on the rare plant species, annual weather patterns, and whether the project area was recently disturbed (e.g., fire). If special status biological resources or their sign are observed, the project proponent shall report the observation to CDFW through an entry in the CNDDDB and develop a plan to avoid impacts that is specific to each species. If impacts cannot be avoided, the project proponent shall consult with CDFW to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.). The project proponent shall have a copy of a fully executed take authorization prior to any activity that may result in take or CESA-protected species. If the desktop review indicates that no special status biological resources or natural communities may occur in the project area, then biological surveys are not required.

COMMENT # 3: Potential Impacts to Ephemeral Stream Channel

Issue: The Project may impact the on-site ephemeral drainage within the Project site.

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Specific impact: The Project may impact the ephemeral stream channel and on-site drainage as a result of construction and ground-disturbing activities (i.e., paving and grading).

Why impact would occur: As referenced in the BRA, an unnamed ephemeral stream runs through the center of the Project site. The Project description in the MND does not reference the presence of an ephemeral stream, provide a description of the stream, or quantify the potential impacts from project activities. The MND does not provide information that demonstrates how the Project proponent intends to avoid impacts to the on-site drainage if impacts would occur. Without proper avoidance measures in place, fugitive dust and debris from construction activities may enter the drainage. Additionally, Project activities such as grading may lead to impacts on the bed, bank, or channel of the drainage. CDFW believes that impacts to the on-site drainage would be subject to a Section 1602 Lake and Streambed Alteration Agreement (LSA).

Evidence impact would be significant: CDFW exercises its regulatory authority as provided by 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:

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

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)

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

Recommendation #4: LSA Revision – The MND should be provide a discussion of how impacts to the drainage will be avoided, minimized, and/or mitigated. Best management practices to limit any fugitive dust or construction material from entering the drainage should also be included. The MND should also discuss how disturbance to the drainage will be limited during the operational phase of the Project (i.e., signage, fencing, etc.).

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Recommendation #5: LSA CEQA – CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the Project's potential impacts on stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW recommends the City consider CDFW's comments and revise the MND by incorporating the mitigation measures recommended in this letter into the Project's environmental document. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement, or restoration, and/or protection, and management of mitigation lands in perpetuity.

Recommendation #6: LSA – The Project proponent shall notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity. The hydrology report shall also include a hydrological evaluation of a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. The Project proponent shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The Project proponent shall also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's Lake and Streambed Alteration Program⁴ webpage for more information (CDFW 2024e).

ADDITIONAL COMMENTS

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

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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).

Biological Assessment Surveys – The City should retain a qualified biologist to perform biological field surveys to account for the current state of the Project site and the inventory of biological species that may be present. The survey should be conducted at the appropriate time of year and time of day when sensitive species are active, or otherwise identifiable, for both plants and wildlife. Based on the survey results, the final CEQA document should propose avoidance and specific mitigation for Project impacts to special-status species. Findings from the updated general field surveys should be disclosed in the CEQA document for public review.

Nesting Birds and Raptors. The City should add Biological Resources Mitigation Measures to incorporate underlined language:

Project activities shall occur outside of the nesting season for birds and raptors, which generally runs from February 15 through September 15, and as early January 1 for some raptors. If Project activities are scheduled to occur during the breeding season, the Project proponent shall retain a qualified biologist to perform a pre-construction nesting bird and raptor survey. If Project activities are delayed or suspended for more than 7 days during the breeding season, surveys shall be repeated before activities can restart. In the event nesting birds or raptors are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. Buffers around active passerine nests shall be a minimum of 100 feet and a minimum of 500 feet around raptor nests, unless a qualified CDFW biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest of parental care for survival. A qualified biologist shall monitor the nest(s) weekly after commencement of activities to ensure that nesting behavior is not adversely affected by such activities.

Landscaping. The MND identifies landscaping in the Project's list of activities. CDFW recommends the Project proponent 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. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the California Invasive

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Plant Council ⁵(Cal-IPC 2024). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the [Fish and Game Commission's \(Commission\) policies](#)⁶. Through its Wetlands Resources policy, the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, 2005). It is the policy of the Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the Project's environmental document and these measures should compensate for the loss of function and value.
- b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat;

⁵ [The Cal-IPC Inventory – California Invasive Plant Council](#)

⁶ <https://fgc.ca.gov/About/Policies/Miscellaneous>

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encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)⁷ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁸.

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

⁷ [California Natural Diversity Database](#)

⁸ [Natural Communities — Submitting Information](#)

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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 Jeff Humble⁹, Environmental Scientist.

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager
South Coast Region

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Steve Gibson, Senior Environmental Scientist (Supervisor)
Jeff Humble, Senior Environmental Scientist (Specialist)
Cindy Hailey, Staff Services Analyst

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

REFERENCES

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⁹ Jeffrey.Humble@wildlife.ca.gov

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ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program (MMRP)

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

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #1: Western Burrowing Owl Focused Surveys – The Project proponent 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, Staff Report on Burrowing Owl Mitigation (CDFW 2012) 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.</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Mitigation Measure #2: Western Burrowing Owl Incidental Take Permit – If an occupied burrow or western burrowing owl is found within the Project site, 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 City prior to implementing Project ground-disturbing activities.</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Mitigation Measure #3: Crotch’s Bumble Bee Surveys -- The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys for Crotch’s Bumble Bee. Focused surveys shall follow CDFW’s Survey Conditions for California Endangered Species Act</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>(CESA) Candidate Bumble Bee Species¹⁰ (CDFW 2023). 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 prior to implementing Project ground-disturbing activities.</p>		
<p>Mitigation Measure #4: Sensitive Species Surveys – Prior to any staging or development activities at the site level, a qualified biologist shall conduct biological surveys of any areas where potential sensitive natural communities may occur. During the design of the project, and prior to construction, the project proponent shall employ a qualified biologist to review the proposed project. To the extent feasible, the location(s) of a proposed project shall be on previously disturbed or developed sites and shall avoid undisturbed, high-quality, natural habitat that supports special status biological resources. If a desktop review indicates that special status biological resources or natural communities may occur in the project area, the project proponent shall either assume presence and mitigate accordingly, or a qualified biologist shall conduct species-specific biological surveys or botanical field surveys to confirm the presence and extent of special status biological resources and/or sensitive natural communities prior to the start of construction. Surveys shall be conducted according to protocols currently accepted by CDFW and/or USFWS. If no accepted survey protocol exists, the project proponent shall consult CDFW for guidance. To determine presence/absence or accurately identify rare plants, a qualified botanist shall conduct multiple rare plant surveys throughout the growing season for any given year. Surveys shall occur during the time of year when rare plants are more likely to be visually detectable. Rare plant surveys proceeding after a low water year should be supplemented with one or two additional rare plant surveys over a number of</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>

¹⁰ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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Mitigation Measure	Timing	Responsible Party
<p>years depending on the rare plant species, annual weather patterns, and whether the project area was recently disturbed (e.g., fire). If special status biological resources or their sign are observed, the project proponent shall report the observation to CDFW through an entry in the CNDDDB and develop a plan to avoid impacts that is specific to each species. If impacts cannot be avoided, the project proponent shall consult with CDFW to obtain appropriate authorization for take of species protected under CESA (pursuant to Fish & G. Code, § 2080 et seq.). The project proponent shall have a copy of a fully executed take authorization prior to any activity that may result in take of CESA-protected species. If the desktop review indicates that no special status biological resources or natural communities may occur in the project area, then biological surveys are not required.</p>		
<p>Recommendation #1: Biological Assessment Surveys – The City should retain a qualified biologist to perform biological field surveys to account for the current state of the Project site and the inventory of biological species that may be present. The survey should be conducted at the appropriate time of year and time of day when sensitive species are active, or otherwise identifiable, for both plants and wildlife. Based on the survey results, the final CEQA document should propose avoidance and specific mitigation for Project impacts to special-status species. Findings from the updated general field</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Recommendation #2: Western Burrowing Owl Discussion – The MND should provide a thorough discussion on the Project potential direct and indirect impact on western burrowing owl. If the Project may impact western burrowing owl, the MND should incorporate measures to mitigate potential impacts to western burrowing owl 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 MND.</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Recommendation #3: Crotch's Bumble Bee Discussion – The MND should provide a thorough discussion on the Project potential direct and indirect impact on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the MND</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>should incorporate measures to 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 ITP can be issued based on the analysis provided in the MND.</p>		
<p>Recommendation #4: Incidental take permit for Crotch's bumble bee – If survey information indicates the Project may result in take of 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 City prior to implementing Project ground-disturbing activities and vegetation removal.</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Recommendation #5: Analysis of rare plant species impacts – The MND should include a discussion and disclosure of potential impacts to biological resources from the development of the Project site. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species.</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Recommendation #6: LSA Revision – The MND should be revised to provide a description of the stream, and a discussion of how impacts to the ephemeral stream will be avoided, minimized, and/or mitigated. Best management practices to limit any fugitive dust or construction material from entering the drainage should also be included. The MND should also discuss how disturbance to the drainage will be limited during the operational phase of the Project (i.e., signage, fencing, etc.).</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Recommendation #7: LSA CEQA – CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>Code section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the Project's potential impacts on stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW recommends the City consider CDFW's comments and revise the MND by incorporating the mitigation measures recommended in this letter into the Project's environmental document. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement, or restoration, and/or protection, and management of mitigation lands in perpetuity.</p>		
<p>Recommendation #8: LSA – The Project proponent shall notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity. The hydrology report shall also include a hydrological evaluation of a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. The Project proponent shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The Project proponent shall also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's Lake and Streambed Alteration Program¹¹ webpage for more information (CDFW 2024e).</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>

¹¹ [Lake and Streambed Alteration Program](#)

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Mitigation Measure	Timing	Responsible Party
<p>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).</p>		
<p>Nesting Birds and Raptors. The City should add Biological Resources Mitigation Measures to incorporate <u>underlined</u> language: <u>Project activities shall occur outside of the nesting season for birds and raptors, which generally runs from February 15 through September 15, and as early January 1 for some raptors. If Project activities are scheduled to occur during the breeding season, the Project proponent shall retain a qualified biologist to perform a pre-construction nesting bird and raptor survey. If Project activities are delayed or suspended for more than 7 days during the breeding season, surveys shall be repeated before activities can restart. In the event nesting birds or raptors are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. Buffers around active passerine nests shall be a minimum of 100 feet and a minimum of 500 feet around raptor nests, unless a qualified CDFW biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest of parental care for survival. A qualified biologist shall monitor the nest(s) weekly after commencement of activities to ensure that nesting behavior is not adversely affected by such activities.</u></p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>Landscaping. The MND identifies landscaping in the Project's list of activities. CDFW recommends the Project proponent 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. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the California Invasive Plant Council ¹²(Cal-IPC 2024). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies¹³. Through its Wetlands Resources policy, the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, 2005). It is the policy of the Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."</p> <p>a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>

¹² [The Cal-IPC Inventory – California Invasive Plant Council](#)

¹³ <https://fgc.ca.gov/About/Policies/Miscellaneous>

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Mitigation Measure	Timing	Responsible Party
<p>discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a “no net loss” of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the Project’s environmental document and these measures should compensate for the loss of function and value.</p> <p>b. The Fish and Game Commission’s Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).</p>		