



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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October 13, 2026

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**Subject: Mitigated Negative Declaration for the Tentative Tract Map No. 22-005 (TTM 62349)
Project, SCH No. 2026090582, 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 No. 22-005 (TTM 62349) Project (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

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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species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for 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 78-lot single-family residential subdivision of approximately 19.4 gross acres. The lots would range in size from 7,000 square feet to 15,006 square feet. Access into the subdivision would be provided from 20th Street East. All of the streets within the development would be private. A six-foot-tall block wall would be constructed around the subdivision with a four-foot landscape maintenance district and meandering sidewalk along 20th Street East. Primary Project activities include vegetation clearing, excavation, grading, and construction.

Location: The Project is located on approximately 19.4 gross acres on the east side of 20th Street East, north of Avenue I, Los Angeles County Assessor's Parcel Number 3154-002-095. The site is vacant and the properties to the north and west are vacant. The adjacent properties to the south and east are occupied by existing single-family residences.

Biological Setting: The Project site is undeveloped and exhibits signs of disturbance including numerous tire tracks and trash piles. A general biological field survey was conducted on January 4, 2005, and the findings were compiled in a Biological Resources Report (BRR). An

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

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additional field survey was conducted on January 2, 2022, and the findings were compiled in an updated BRR.

A total of 13 plant species and 5 wildlife species were observed during the 2005 survey, including saltbrush (*Atriplex* sp.), lycium (*Lycium andersonii*), ephedra (*Ephedra nevadensis*), rabbitbrush (*Chrysothamnus depressus*), fiddleneck (*Amsinckia tessellata*), Russian thistle (*Salsola tragus*), mustard (*Descurania pinnata*), sagebrush (*Artemisia tridentata*), ricegrass (*Oryzopsis hymenoides*), spiny hop-sage (*Grayia spinosa*), bunchgrass (*Phleum* sp.), western Joshua tree (*Yucca brevifolia*), erodium (*Erodium* sp.), jackrabbit (*Lepus californicus*), sage sparrow (*Amphispiza belli*), song sparrow (*Melospiza melodia*), mourning dove (*Zenaida macroura*), and common raven (*Corvus corax*). The original 2005 report noted the area was dominated by disturbed saltbush and mixed shrub plant community. The 2022 survey supported the findings of the 2005 survey and additionally noted the presence of clay pan topography and potential alkali mariposa lily (*Calochortus striatus*; California Rare Plant Rank (CRPR) 1B.2) habitat on the Project site.

Special-status species that have the potential to occur on site, and may be impacted by the Project, include, but are not limited to: western burrowing owl (*Athene cunicularia*; California Endangered Species Act (CESA) Candidate Endangered), Swainson's hawk (*Buteo swainsoni*; CESA Threatened), Mohave ground squirrel (*Xerospermophilus mohavensis*; CESA Threatened), alkali mariposa-lily, and white pygmy-poppy (*Canbya candida*; CRPR 4.2).

The 2005 BRR noted that no Mohave ground squirrels were observed during the 2005 field survey. The BRR concluded that Mohave ground squirrels were not present and not a concern based on lack of suitable plant species and lack of presence in the surrounding area. No mitigation measures were recommended for the species. The 2022 updated BRR also noted that the Project site does not appear to provide good foraging habitat for Swainson's hawk. The MND requires that a nesting bird and raptor survey shall be conducted by a qualified biologist within seven days prior to the start of construction/ground disturbing activities.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City 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 are also included to improve the document.

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COMMENT # 1: Biological Baseline Assessment

Issue: The Project MND may not accurately reflect the Project site's current biological conditions and resources and subsequent impacts.

Specific impact: The MND relies on a BRR of the Project site conducted in January 2005 and a 2022 updated BRR to determine the site's current biological conditions and resources. However, this analysis may not properly represent current conditions, which may lead to incorrect assumptions about the impacts of the Project.

Why impact would occur: The MND relies on information from biological surveys conducted in 2005 and 2022. These surveys may not accurately represent current biological conditions on the Project site. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to two years. Without current survey data, the analysis may not be accurate, and species may be impacted at a higher level than expected.

Evidence impact would be significant: As a Trustee and Responsible Agency (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)), CDFW should be provided with current and accurate information on the Project site to protect biological resources. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)).

Recommended Potentially Feasible Mitigation Measure(s)

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

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 surveys should be disclosed in the CEQA document for public review.

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COMMENT # 2: 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 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.

On October 15, 2024, the California Fish and Game Commission designated the burrowing owl as a candidate species under CESA. The 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. 2, which allows exclusion, eviction or relocation, may result in unauthorized take. The CDFW's [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012)³ 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 may 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

³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

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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: Burrowing Owl Focused Surveys. CDFW recommends the City revise Biological Resources (Section IV) Mitigation Measure 2 by removing the existing language and incorporating the following language.

Biological Resources (Section IV) Mitigation Measure No. 2.

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). 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.

Mitigation Measure #2: Burrowing Owl Incidental Take Permit. 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

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copy of a fully executed take authorization prior to implementing Project activities with potential to impact burrowing owl.

COMMENT # 3: 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: The MND does not base its conclusions on rare plant surveys conducted at the correct time of year. The 2022 updated BRR states that line transect surveys were conducted within the Project site on January 2, 2022, which is outside of the normal blooming period for rare plants. According to a review of the California Natural Diversity Database (CNDDDB), rare plant species have been observed within two miles of the Project site. In addition, the updated BRR identifies potential habitat for alkali mariposa lily within the Project site. Without rare plant surveys conducted at the correct time of year, identifications may be missed, and Project activities may impact 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.

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:

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Mitigation Measure #3: Sensitive Species Surveys – The Project Proponent shall conduct protocol surveys for any rare, threatened, or endangered plant species with any potential to occur on the Project site prior to Project activities. Surveys shall follow CDFW's protocol when assessing the Project site for rare, threatened, and endangered botanical resources. Survey results shall be provided to CDFW within two weeks of survey completion.

Recommendation #2: 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.

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 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).

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 Council⁴(Cal-IPC 2024). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

⁴ <https://www.cal-ipc.org/plants/inventory/>

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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 CNDDDB. The [CNDDDB website](https://wildlife.ca.gov/Data/CNDDDB)⁵ 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](https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit)⁶.

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 notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

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

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

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Questions regarding this letter or further coordination should be directed to Lyle Enriquez⁷, Environmental Scientist.

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

cc: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Erika Cleugh, Senior Environmental Scientist (Supervisor)
Lyle Enriquez, Environmental Scientist
Cindy Hailey, Staff Services Analyst

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

REFERENCES

[CDFW] California Department of Fish and Wildlife. 2012. *Staff Report on Burrowing Owl Mitigation*. Available from:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

⁷ Phone: 562-619-2230; Email: Lyle.Enriquez@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.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Burrowing Owl Focused Surveys 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 <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW, March 7, 2012). 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.	Prior to Project Initiation	Project Proponent
Mitigation Measure #2: Burrowing Owl Incidental Take Permit 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.	Prior to Project Initiation	Project Proponent

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Mitigation Measure	Timing	Responsible Party
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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 surveys should be disclosed in the CEQA document for public review.	Prior to Project Initiation	Project Proponent
Recommendation #2: 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.	Prior to Project Initiation	Project Proponent