

**FINAL PROGRAM
ENVIRONMENTAL IMPACT REPORT**

Lancaster East Side Project

SCH NO. 2022100641

Lead Agency:



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June 2023

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1.0 Introduction



1.0 INTRODUCTION

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Lancaster, as the lead agency, has evaluated the comments received on the *Lancaster East Side Project Public Review Draft Program Environmental Impact Report* (Draft PEIR) (State Clearinghouse No. 2022100641).

The Draft PEIR for the proposed Lancaster East Side Project (project) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft PEIR was made available for public review and comment for a period of 45 days. The public review period for the Draft PEIR established by the CEQA Guidelines commenced on April 27, 2023 and ended June 12, 2023.

The Final EIR consists of the following components:

- Section 1.0 – Introduction;
- Section 2.0 – Responses to Comments;
- Section 3.0 – Errata; and
- Section 4.0 – Mitigation Monitoring and Reporting Program.

Due to its length, the text of the Draft PEIR is not included with this document; however, it is included by reference in this Final PEIR. None of the corrections or clarifications to the Draft PEIR identified in this document constitutes “significant new information” pursuant to CEQA Guidelines Section 15088.5. As a result, recirculation of the Draft PEIR is not required.



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2.0 Responses to Comments



2.0 RESPONSES TO COMMENTS

In accordance with CEQA Guidelines Section 15088, the City of Lancaster, as the lead agency, evaluated the written comments received on the Draft PEIR for the Lancaster East Side Project (project) and has prepared the following responses to the comments received. This Responses to Comments document is part of the Final PEIR for the project in accordance with CEQA Guidelines Section 15132.

A list of commenters on the Draft PEIR is presented in Table 2-1, *List of Commenters on the Draft PEIR*. Each comment has been assigned a letter number. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Table 2-1
List of Commenters on the Draft PEIR

Comment Letter No.	Commenter	Letter Dated
1	Barbara Lods, Operations Manager Antelope Valley Air Quality Management District	May 10, 2023
2	Kathleen Y. Sumida	May 15, 2023
3	Erinn Wilson-Olgin, Environmental Program Manager California Department of Fish and Wildlife	June 7, 2023



Antelope Valley Air Quality Management District
2551 W. Avenue H
Lancaster, CA 93536

661.723.8070

In reply, please refer to AV0523/095

May 10, 2023

Cynthia Campana
City of Lancaster
44933 Fern Avenue
Lancaster, CA 93534

RE: Notice of Availability of a Draft Environmental Impact Report (EIR) for the Eastside Overlay Zone

Dear Ms. Campana,

The Antelope Valley Air Quality Management District (District) has received the request to review the Notice of Availability of a Draft Environmental Impact Report (EIR) for the Eastside Overlay Zone requesting to establish an East Side Overlay Zone in the eastern portion of Lancaster. An overlay zone is a zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. This project site encompasses an approximately 5,841-acre area identified as the East Side Overlay Zone. The proposed overlay zone is generally bounded by Avenue J to the north, 110 Street East to the east, Avenue L to the south, and 40th Street East to the west.

We have reviewed the documents and based on the information available to us at this time, we have no comment.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (661) 723-8070 x23.

Sincerely,

Barbara Lods

Barbara Lods
Operations Manager

BJL/SS

Sent via Email



RESPONSE TO COMMENT LETTER NO. 1

Barbara Lods, Operations Manager
Antelope Valley Air Quality Management District
May 10, 2023

- 1-1 The commenter states that the Antelope Valley Air Quality Management District has reviewed the Draft PEIR and has no comments. This comment is acknowledged, and no additional response is required.

From: Kathleen Sumida <ksumida01@hawaii.rr.com>
Sent: Monday, May 15, 2023 8:24 PM
To: Campana, Cynthia <ccampana@cityoflancafterca.gov>
Subject: DEIR

[You don't often get email from ksumida01@hawaii.rr.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

May 15, 2023

I have received your April 17, 2023 notice recently regarding “A Draft Environmental Impact Report for the Eastside Overlay Zone”. DEIR

I am a resident residing in Honolulu, Hawaii and property owner of approximately 2 1/2 acres of land acquired in 1978 in California (Antelope Valley.) Property ownership: Richard M. Sumida (deceased 2008) and Kathleen Y. Sumida
3247 Pinaoula Street
Honolulu, Hawaii 96822

Property Identification

Assessor's ID No.: 3378 027 024 18 000

Property location and/or property description:

VAC/AVE. L/VIC 85 STE. ROOSEVELT

*That portion of Lot 1 in NE 1/4 of NE 1/4 of NE 1/4 of NW 1/4 of SEC 31. T. 7N. R. 10W

Since the overlay map (yellow) in the letter does not really indicate where my property is located, is it possible to have a map that shows exactly where my property is located?

I am not opposed to the proposed project (DEIR) since your letter indicated it will not result in any significant and unavoidable impact on any environmental resource area.
The growth of new businesses will be beneficial to the city and community.

Is the City of Lancaster planning to purchase properties within the overlay zone to achieve its goal?

Are owners of property within the overlay zone required to improve their piece of property prior to the city's acquisition ?

Am I able to sell my property to any California Realty Company/ realtors?
If so, is there a time line?

Is it possible to speak to someone in person? I find it is easier to get an answer quickly than emailing which I find time consuming.

Your response to my questions, updates on your project and any communication to me are greatly appreciated. My email address :

ksumida01@hawai.rr.com

Thank you.

Sincerely,

Kathleen Y. Sumida

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cont'd



RESPONSE TO COMMENT LETTER NO. 2

Kathleen Y. Sumida

May 15, 2023

2-1 The commenter requests clarifications on whether the project site encompasses their property (Assessor's Parcel Number [APN] 3378-027-024-18-000) and lists a number of questions regarding the project's potential impacts on the property. Based on the APN provided, the property is located outside of the proposed overlay zone and outside of the City of Lancaster. The property is located in unincorporated Los Angeles County. Thus, the commenter's property would not be impacted by the project.

To provide additional clarification to the commenter's questions, the City is not acquiring any land within the overlay zone as part of the project and no land improvements are required of existing property owners.



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newson, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
3883 Ruffin Road | San Diego, CA 92123
wildlife.ca.gov

June 7, 2023

Cynthia Campaña
City of Lancaster
44933 Fern Ave
Lancaster, CA 93534
ccampana@cityoflancasterca.gov

**Subject: Draft Environmental Impact Report for Eastside Overlay Zone (Project),
SCH #2022100641, City of Lancaster, Los Angeles County**

Dear Ms. Campaña:

The California Department of Fish and Wildlife (CDFW) has reviewed the Eastside Overlay Zone (Project) proposed by the City of Lancaster (City). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

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

Project Description and Summary

Objective: The City is proposing to establish an East Side Overlay Zone in the eastern portion of Lancaster. In addition to the permitted uses under the existing RR-2.5 (Rural Residential, 1 du/ac) and R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) zones, the overlay zone would allow for additional uses. Generally, the proposed overlay zone would permit new light industrial uses such as alcohol production, contractor storage yards, and research and development. Other new uses subject to conditional use permits include alternative energy uses; automobile repair; building trades and related uses; distribution; food manufacturing, processing, wholesale sales, and storage; light manufacturing; and warehousing. The proposed overlay zone also provides development standards related to parking, height, noise, and other additional standards for light industrial uses.

Location: The Project site encompasses an approximately 5,841-acre area identified as the East Side Overlay Zone in the City of Lancaster, which is located in the Antelope Valley in northern Los Angeles County. The proposed overlay zone is generally bound by Avenue J to the north, 110th Street East to the east, Avenue L to the south, and 40th Street East to the west.

Comments and Recommendations

CDFW offers comments and recommendations below to assist the City in adequately identifying the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the City consider our comments and recommendations when preparing an environmental document that may provide adequate and complete disclosure of the Project’s potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

Specific Comments

Comment #1: Impacts to Swainson’s Hawk (*Buteo swainsoni*)

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Issue: The Project may impact habitat for Swainson's hawk.

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

Why impact would occur: The DEIR states that Swainson's hawk were "observed during a field survey conducted in 2022 by Michael Baker within a portion of the project site." Despite the observation within the Project area, the DEIR does not provide avoidance measures to minimize the impacts to Swainson's hawk. Aside from no avoidance measures in the DEIR, no protocol-level focused survey was conducted or recommended for Swainson's hawk presence. If a protocol-level Swainson's hawk survey was conducted, there is potential that further species presence may be observed. Project activities without surveys could result in injury or mortality of unidentified Swainson's hawk. Lastly, Project construction activities will result in loss of habitat if Swainson's hawk are present.

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of the Swainson's hawk as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, Bloom (1980) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016). CDFW considers a Swainson's hawk nest site to be active if it was used at least once within the past five years and impacts to suitable habitat or individual birds within a five-mile radius of an active nest as significant. Based on the foregoing, Project impacts may potentially reduce the number and/or restrict the range of Swainson's hawk or contribute to the abandonment of an active nest and/or the loss of significant foraging habitat for a given nest territory and thus result in "take" as defined under CESA.

Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects:

Mitigation Measure #1: CDFW released guidance for this species entitled [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles](#)

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cont'd

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[and Kern Counties, California](#) (2010). CDFW recommends the City require future project applicants to conduct focused surveys for Swainson's hawk following the 2010 guidance and disclose the results in the project's environmental documentation. If "take" of Swainson's hawk would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP))] would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.

Mitigation Measure #2: Permanent impacts to habitat for Swainson's hawk should be offset by setting aside replacement acreage to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate conservation methods. For proposed preservation and/or restoration, the final environmental document should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be provided for the long-term monitoring and management of mitigation lands. CDFW recommends that mitigation occur at a CDFW-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended [Government Code sections 65965-65968](#). Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

3-2
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Comment #2: Impacts on Species of Special Concern

Issue: The Project may impact designated California Species of Special Concern (SSC), including American badger (*Taxidea taxus*).

Specific impacts: Future project construction and activities, directly or through habitat modification, may result in direct injury or mortality (trampling, crushing), reduced reproductive capacity, population declines, or local extirpation of SSC.

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Also, loss of foraging, breeding, or nursery habitat for SSC may occur.

Why impacts would occur: The DEIR states that signs of American badger “have been previously observed on-site.” However, there were no avoidance, minimization, or mitigation measures provided in the DEIR. As such, there is potential for the Project to impact SSC. Without appropriate avoidance or minimization measures, impacts to an SSC could result from ground-disturbing activities and vegetation removal. Wildlife may be trapped or crushed under structures. Large equipment, equipment and material staging, and vehicle and foot traffic could trample or bury wildlife. SSC could be injured or killed. Impacts on these SSC are more likely to occur because these are cryptic species that may seek refuge under structures.

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

- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFWa 2023).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380).

Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The DEIR does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate,

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sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s) for Future Projects:

Mitigation Measure #3: Biological Monitor - To avoid direct injury and mortality of any SSC, CDFW recommends the City require future project applicants to have a qualified biologist on site to move out of harm's way wildlife of low mobility that would otherwise be injured or killed. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where any SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist should advise workers to proceed with caution near flagged areas. A qualified biologist should be on site daily during initial ground and habitat disturbing activities and vegetation removal. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the project until the cessation of all ground disturbing activities to ensure that no wildlife of any kind is harmed.

Mitigation Measure #4: Scientific Collecting Permit – CDFW recommends the City require future project applicants retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFWb 2023). Pursuant to the [California Code of Regulations, title 14, section 650](#), the Project Applicant/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

Mitigation Measure #5: Wildlife Relocation Plan - Prior to initial ground and habitat disturbing activities and vegetation removal, CDFW recommends the Project Applicant retain a qualified biologist to prepare a Wildlife Relocation Plan. The Wildlife Relocation Plan should describe all wildlife species that could

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cont'd

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occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan should include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. The Project Applicant should submit a copy of a Wildlife Relocation Plan to the City prior to initial ground and habitat disturbing activities and vegetation removal. No wildlife nests, eggs, or nestlings may be removed or relocated at any time.

Mitigation Measure #6: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

3-3
cont'd

Comment #3: Impacts to Nesting Birds

Issue: Project activities may impact special status nesting birds, including western snowy plover (*Charadrius alexandrinus nivosus*), California horned lark (*Eremophila alpestris actia*), loggerhead shrike (*Lanius ludovicianus*), and yellow-headed blackbird (*Xanthocephalus xanthocephalus*).

Specific impacts: Construction during the breeding season of special status nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in habitat adjacent to a Project site.

Why impact would occur: A review of California Natural Diversity Database (CNDDDB) indicates occurrences of western snowy plover (ESA-listed, California Species of Special Concern) within and adjacent to the Project area. In addition, the DEIR states the California horned lark, loggerhead shrike, and yellow-headed blackbird were “observed during a field survey conducted in 2022 by Michael Baker within a portion of the project site.” The DEIR does not provide any specific avoidance or minimization measures for nesting birds. Without any protective measures, impacts to nesting birds could result from ground disturbing activities. Furthermore, impacts could result from noise disturbances, increased human activity, increased lighting, fugitive dust, other ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of

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suitable foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

3-4
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Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects:

Mitigation Measure #7: To protect nesting birds that may occur within the Project boundary, CDFW recommends that no vegetation removal or ground-disturbing activities occur from February 1 through September 15, as early as January 1 for some raptors.

Comment #4: Inadequate Disclosure of Adequacy of Biological Impact Fee

Issue: The DEIR does not provide sufficient information for CDFW to evaluate the adequacy of the Biological Impact Fee to offset the cumulative loss of biological resources in the Antelope Valley.

Specific Impacts: The Project area encompasses 5,841 acres of land, much of which is open space. Development across this area may result in permanent loss of habitat that may support rare plants and/or SSCs.

Why impacts would occur: According to page 5.4-13 in the DEIR, the Project's cumulative impacts on biological resources in the Antelope Valley would be mitigated through payment of a \$770/acre Biological Impact Fee. The Biological Impact Fee would "mitigate long-term incremental impacts of new development on biological resources on a regional basis." The DEIR does not explain or make a connection as to why payment of the Biological Impact Fee is adequate to offset Project impacts so that the Project would not have a cumulative impact on biological resources in the Antelope Valley. The DEIR does not discuss or provide the following information:

3-5

- 1) Whether the Biological Impact Fee is going towards an established program;

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- 2) How that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the Biological Impact Fee would acquire. It is unclear if the Biological Impact Fee would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the Biological Impact Fee would be used to purchase credits at a mitigation bank, or none of the above;
- 4) What biological resources would the Biological Impact Fee protect/conserve;
- 5) Why the Biological Impact Fee is appropriate for mitigating cumulative loss of biological resources in the Antelope Valley;
- 6) How \$770/acre is sufficient to purchase land or credits at a mitigation bank;
- 7) Where the City may acquire land or purchase credits at a mitigation bank so that the Biological Impact Fee would offset Project impacts on biological resources in the Antelope Valley;
- 8) When the City would use the Biological Impact Fee. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the City fails to implement its proposed mitigation;
- 9) How the City would commit the Project to paying the Biological Impact Fee. For example, when would the City require payment, how long would the Project Applicant have to pay the fee, and what mechanisms would the City implement to ensure the fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4).
- 10) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 11) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and
- 12) How the Biological Impact Fee would be adequate such that the Project would not have a cumulative impact on biological resources in the Antelope Valley.

Evidence impacts would be significant: The basic purpose of an environmental document is to provide public agencies and the public in general with detailed information about the effect a proposed project is likely to have on the environment, and ways and manners in which the significant effects of such a project might be minimized (Pub. Resources Code, §§ 21002.1, 21061). The DEIR is insufficient as an informational document because it fails to discuss the ways and manners in which the Biological Impact Fee would mitigate for the Project's cumulative impacts on biological resources in the Antelope Valley. Mitigation

3-5
cont'd

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measures should be adequately discussed and the basis for setting a particular measure should be identified [CEQA Guidelines, § 15126.4(a)(1)(B)]. The DEIR does not provide enough information to facilitate meaningful public review and comment on the appropriateness of the Biological Impact Fee at mitigating for impacts on biological resources. This Project may have a significant effect on the environment because the Project may reduce habitat for rare plants or wildlife; cause rare plants or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; and substantially reduce the number or restrict the range of an endangered, rare, or threatened species [CEQA Guidelines, § 15065(a)(1)]. Furthermore, the Project may contribute to the ongoing loss of sensitive, special status, threatened, and/or endangered plants, wildlife, and natural communities in the Antelope Valley. The Project may have possible environmental effects that are cumulatively considerable [CEQA Guidelines, § 15065(a)(3)]. The City is acknowledging that the Project would contribute to the cumulative loss of biological resource in the Antelope Valley because the City is proposing a Biological Impact Fee as compensatory mitigation. The Biological Impact Fee may be inadequate mitigation absent commitment, specific performance standards, and actions to achieve performance standards. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CDFW or USFWS.

3-5
cont'd**Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects:**

Recommendation #1: CDFW recommends the City revise the DEIR to provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:

- 1) Whether the Biological Impact Fee is going towards an established program;
- 2) How the Biological Impact Fee/program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the Biological Impact Fee would acquire;
- 4) What biological resources would the Biological Impact Fee protect/conserve;
- 5) Why the Biological Impact Fee is appropriate for mitigating the cumulative loss of biological resources in the Antelope Valley;
- 6) Why the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank;

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- 7) Where land would be acquired or where the mitigation bank is located;
- 8) When the Biological Impact Fee would be used; and,
- 9) How the Biological Impact Fee would be adequate such that the Project would not have a cumulative impact on biological resources in the Antelope Valley. The MND should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147).

Recommendation #2: The DEIR should include a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the DEIR should provide specifics as to when the City would pay the Biological Impact Fee; what mechanisms the City would implement to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to offset the Project's impacts. Also, the DEIR should provide specific performance standards as well as actions to achieve those performance standards.

3-5
cont'd

Additional Recommendations

Recommendation #3: CDFW recommends modifying BIO-1 to include underlined language and remove language with strikethrough:

"Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife

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(CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site shall also be addressed. A nine-quadrangle search of CDFW's [California Natural Diversity Database](#) (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDF's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas shall be included where project construction and activities could lead to direct or indirect impacts off site;
3. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The [Manual of California Vegetation](#) (MCV), second edition, shall be used to inform this mapping and assessment;
4. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) [Online Inventory of Rare and Endangered Plants of California](#) (CNPS 2022) as well as the Calflora's [Information on Wild California Plants](#) database (Calflora 2022);

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5. A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and
6. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.

Recommendation #4: CDFW recommends modifying BIO-2 to include underlined language and remove language with strikethrough:

“Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster Community Development Department. An Incidental Take Permit shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. In the event an Incidental Take Permit (ITP) is required, the City shall require future project applicants to submit an ITP Application to CDFW that provides the following information (at a minimum):

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the Project site and within 300 feet of the Project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the Project site and within 300 feet of the Project site provided according to alliance and/or association-based natural communities found in the [Manual of California Vegetation \(MCV\)](#), second edition (Sawyer et al. 2009);
3. A map of the Project’s site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the Project site.

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The future project applicant shall provide compensatory mitigation for any future project's impact on western Joshua trees at no less than 2:1, or as required in an ITP for western Joshua trees issued by CDFW. Mitigation shall be higher if the project will impact a western Joshua tree population that is increasing through seedling recruitment. Mitigation lands provided by the City shall (at a minimum):

1. Support western Joshua trees of similar density, abundance, and age structure;
2. Support natural communities of similar native plant species composition, density, structure, and function to habitat that was impacted;
3. Support nursery plants for western Joshua tree recruits; and
4. Not be exposed or have the potential to be exposed to disturbances such as OHV activity, illegal access, and encroachment from pending or future development.

The City shall require the project applicants to protect mitigation lands 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 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that shall be addressed include but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and, increased human intrusion. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to impacts on western Joshua trees.

Future applicants shall disclose the Project's impacts in subsequent CEQA documents on western Joshua tree by providing the following information:

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1. The Project's potential impact on western Joshua tree seedbank within the Project site;
2. The Project's potential impact on western Joshua trees and seedbank adjacent to the Project site;
3. The Project's potential impact on each unique native and non-native natural community supporting western Joshua trees within and adjacent to the Project site;
4. The Project's construction, operation, and maintenance activities that could impact western Joshua trees and seedbank within and adjacent to the Project site; and
5. The Project's cumulative impact on western Joshua tree.

Recommendation #5: CDFW recommends modifying BIO-3 to include underlined language and remove language with strikethrough:

~~"If suitable habitat for burrowing owl is observed during A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1., two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in CDFW's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012) to determine no owls have moved on site. The habitat assessment will determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).~~

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require 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. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the Project would impact burrowing owls, thus requiring mitigation. The Project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat.

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~~The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the *Staff Report on Burrowing Owl Mitigation* (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department 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 California Department of Fish and Wildlife (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 and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.”~~

Recommendation #6: CDFW recommends modifying BIO-3 to include underlined language and remove language with strikethrough:

“Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife).

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For any impacts to streams, the project applicant will notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFWd 2023).

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities will impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMPs) infrastructure that are installed will be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread."

Recommendation #7: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFWe 2023). Information on special status native plant populations and sensitive natural

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communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFWf 2023).

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Recommendation #8: Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.

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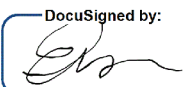
Recommendation #9: CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

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Conclusion

CDFW appreciates the opportunity to provide comments and recommendations regarding the Project to assist the City of Lancaster in adequately analyzing and minimizing/mitigating impacts to biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

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Felicia Silva

Environmental Program Manager I

- EC: CDFW
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- Ruby Kwan-Davis – Seal Beach – Ruby.Kwan-Davis@wildlife.ca.gov
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- Bloom, P. H. 1980. The status of the Swainson's hawk in California, 1979. Bureau of Land Management, Sacramento, CA, USA.
- Calflora. 2022. Information on Wild California Plants. Available from:
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- California Department of Fish and Wildlife [CDFW]. June 2, 2010. Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (2010). (see
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>).
- [CDFW] California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation. Available from:
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- California Department of Fish and Wildlife [CDFW]. 2016. Status review: Swainson's hawk (*Buteo swainsoni*) in California. Report to the California Fish and Game Commission, Sacramento, CA, USA.
- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available from:
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

Biological Resources (BIO)			
	Mitigation Measure (MM) or Recommendation (REC)	Timing	Responsible Party
MM-BIO-1-Swainson's Hawk	CDFW released guidance for this species entitled Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (2010). Focused surveys shall be conducted for Swainson's hawk following the 2010 guidance and disclosing the results in the Project's environmental documentation. If "take" of Swainson's hawk would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP))] would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.	Prior to issuance of development permit	City of Lancaster (City)/Project Applicant
MM-BIO-2-Swainson's Hawk	Permanent impacts to foraging habitat for Swainson's hawk shall be offset by setting aside replacement acreage to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate conservation methods. For proposed preservation and/or	Prior to issuance of development permit	City/Project Applicant



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	<p>restoration, the final environmental document shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective shall be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that shall be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment shall be provided for the long-term monitoring and management of mitigation lands. Mitigation shall occur at a CDFW-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.</p>		
<p>MM-BIO-3- Biological Monitor</p>	<p>To avoid direct injury and mortality of SSC, the City shall require the Project Applicant to have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground and</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



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	<p>habitat disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every two weeks) for the remainder of Project until the cessation of all ground disturbing activities to ensure that no wildlife is harmed.</p>		
<p>MM-BIO-4-Scientific Collecting Permit</p>	<p>The City shall require the Project Applicant retain a qualified biologist with appropriate handling permits, or shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collecting Permits webpage for information (CDFW 2022d). Pursuant to the California Code of Regulations, title 14, section 650, the Project Applicant/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>
<p>MM-BIO-5-Wildlife Relocation Plan</p>	<p>Prior to initial ground and habitat disturbing activities and vegetation removal, the Project Applicant shall retain a qualified biologist to prepare a Wildlife Relocation Plan. The</p>	<p>Prior to Project ground</p>	<p>City/Project Applicant</p>



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	<p>Wildlife Relocation Plan shall describe all wildlife species that could occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan shall include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. The Project Applicant shall submit a copy of a Wildlife Relocation Plan to the City prior to initial ground and habitat disturbing activities and vegetation removal. No bird nests, eggs, or nestlings may be removed or relocated at any time.</p> <p>If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>	<p>disturbing activities</p>	
<p>MM-BIO-6- Injured or Dead Wildlife</p>		<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>
<p>MM-BIO-7- Nesting Birds</p>	<p>To protect nesting birds that may occur within to the Project boundary, CDFW recommends that no construction occur from February 1 through September 15, as early as January 1 for some raptors.</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>
<p>REC-1- Biological Impact Fee</p>	<p>CDFW recommends the City revise the DEIR to provide adequate, complete, and good-faith disclosure of</p>	<p>Prior to finalizing</p>	<p>City/Project Applicant</p>



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	<p>information that would address the following in relation to the Project:</p> <ol style="list-style-type: none"> 1) Whether the Biological Impact Fee is going towards an established program; 2) How the Biological Impact Fee/program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; 3) What the Biological Impact Fee would acquire; 4) What biological resources would the Biological Impact Fee protect/conserve; 5) Why the Biological Impact Fee is appropriate for mitigating the cumulative loss of biological resources in the Antelope Valley; 6) Why the Biological Impact Fee is sufficient to purchase land or credits at a mitigation bank; 7) Where land would be acquired or where the mitigation bank is located; 8) When the Biological Impact Fee would be used; and, How the Biological Impact Fee would be adequate such that the Project would not have a cumulative impact on biological resources in the Antelope Valley. The MND should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147). 	CEQA document	
<p>REC-2- Biological Impact Fee</p>	<p>The DEIR should include a discussion describing commitment to mitigation via the Biological Impact Fee. For example, the DEIR should provide specifics as to when the City would pay the Biological Impact Fee; what mechanisms the City would implement to ensure the Biological Impact Fee is paid; and when and where the Biological Impact Fee would be used to</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



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<p>REC-3-Nesting Birds</p>	<p>offset the Project's impacts. Also, the DEIR should provide specific performance standards as well as actions to achieve those performance standards. CDFW recommends modifying BIO-1 to include <u>underlined</u> language and remove language with strikethrough:</p> <p>“Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW)</p>		
		<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



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	<p>and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. <u>Biological Resources Assessments shall provide and include the following:</u></p> <p>7. <u>A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site shall also be addressed. A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);</u></p> <p>8. <u>A thorough, recent, floristic-based assessment of special status plants and natural communities</u></p>		
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	<p>following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Adjoining habitat areas shall be included where project construction and activities could lead to direct or indirect impacts off site;</p> <p>9. <u>Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The Manual of California Vegetation (MCV), second edition, shall be used to inform this mapping and assessment;</u></p> <p>10. <u>A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the California's Information on Wild California Plants database (Calflora 2022);</u></p> <p>11. <u>A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and</u></p> <p>12. <u>Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.</u></p>		
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	<p>REC-4-Joshua Tree</p> <p>CDFW recommends modifying BIO-2 to include <u>underlined</u> language and remove language with strikethrough:</p> <p>“Should a future project require the removal of western Joshua trees (<i>Yucca brevifolia brevifolia</i>; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster Community Development Department. An Incidental Take Permit shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. In the event an Incidental Take Permit (ITP) is required, <u>the City shall require future project applicants to submit an ITP Application to CDFW that provides the following information (at a minimum):</u></p> <ol style="list-style-type: none"> 5. An analysis of individual western Joshua trees (<u>clonal and non-clonal</u>) and western Joshua tree seedbank that would be impacted both within the <u>Project site and within 300 feet of the Project site;</u>
	<p>Prior to Project ground disturbing activities</p>
	<p>City/Project Applicant</p>



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	<p>6. <u>An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the Project site and within 300 feet of the Project site provided according to alliance and/or association-based natural communities found in the Manual of California Vegetation (MCV), second edition (Sawyer et al. 2009);</u></p> <p>7. <u>A map of the Project's site plan overlaid on location of western Joshua trees and natural communities; and</u></p> <p>8. <u>A discussion of whether development could impact any in-situ western Joshua trees adjacent to the Project site.</u></p> <p><u>The City shall provide compensatory mitigation for any future project's impact on western Joshua trees at no less than 2:1, or as required in an ITP for western Joshua trees issued by CDFW. Mitigation shall be higher if the project will impact a western Joshua tree population that is increasing through seedling recruitment. Mitigation lands provided by the City shall (at a minimum):</u></p> <p>5. <u>Support western Joshua trees of similar density, abundance, and age structure;</u></p> <p>6. <u>Support natural communities of similar native plant species composition, density, structure, and function to habitat that was impacted;</u></p> <p>7. <u>Support nursery plants for western Joshua tree recruits; and</u></p>		
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	<p>8. <u>Not be exposed or have the potential to be exposed to disturbances such as OHV activity, illegal access, and encroachment from pending or future development.</u></p> <p><u>The City shall require the project applicants to protect mitigation lands 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 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that shall be addressed include but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and, increased human intrusion. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to impacts on western Joshua trees.</u></p>		
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	<p>The City shall revise the DEIR to require future applicants to disclose the Project's impacts in subsequent CEQA documents on western Joshua tree by providing the following information:</p> <ol style="list-style-type: none"> 6. <u>The Project's potential impact on western Joshua tree seedbank within the Project site;</u> 7. <u>The Project's potential impact on western Joshua trees and seedbank adjacent to the Project site;</u> 8. <u>The Project's potential impact on each unique native and non-native natural community supporting western Joshua trees within and adjacent to the Project site;</u> 9. <u>The Project's construction, operation, and maintenance activities that could impact western Joshua trees and seedbank within and adjacent to the Project site; and</u> 10. <u>The Project's cumulative impact on western Joshua tree.</u> 		
<p>REC-5- Burrowing Owl</p>	<p>CDFW recommends modifying BIO-3 to include <u>underlined</u> language and remove language with strike through:</p> <p><u>"If suitable habitat for burrowing owl is observed during A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1, two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other</u></p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



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	<p><u>survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation (CDFW 2012) to determine no owls have moved on site. The habitat assessment will determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).</u></p> <p><u>All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require 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. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the Project would impact burrowing owls, thus requiring mitigation. The Project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat.</u></p> <p><u>The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation</u></p>		
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	<p>of surveys and findings shall be submitted to the City of Lancaster Community Development Department 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 California Department of Fish and Wildlife (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 and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.”</p>		
<p>REC-6-LSA Permit</p>	<p>CDFW recommends modifying BIO-4 to include <u>underlined</u> language and remove language with strikethrough:</p> <p>“Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



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	<p>delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife).</p> <p><u>For any impacts determined on jurisdictional areas, the project applicant will notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFWd 2023).</u></p>		
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	<p><u>The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities will impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.</u></p> <p><u>Any Best Management Practice (BMPs) infrastructure that are installed will be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by</u></p>		
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<p>REC-7-CNNDDB</p>	<p><u>allowing animals to push through the weave, which expands when spread."</u> CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms (CDFWe 2023). Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFWf 2023).</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>
<p>REC-8-Rodenticide</p>	<p>Rodenticides and second-generation anticoagulant rodenticides should be prohibited both during and over the life of the Project.</p>	<p>Prior to Project ground disturbing activities</p>	<p>City/Project Applicant</p>



RESPONSE TO COMMENT LETTER NO. 3

Erinn Wilson-Olgin, Environmental Program Manager
California Department of Fish and Wildlife
June 7, 2023

- 3-1 This introductory comment introduces the California Department of Fish and Wildlife’s (CDFW) role as a Trustee Agency for fish and wildlife resources and a Responsible Agency under CEQA. The commenter also provides a summary of the proposed project and location. The commenter also notes that CDFW oversees and regulates the “take” of species protected under the California Endangered Species Act (CESA) and Native Plant Protection Act. This comment is acknowledged, and no further response is required.
- 3-2 The commenter states that the project may impact habitat for Swainson’s hawk, a CESA-listed raptor species, provides evidence on why impacts would be significant, and recommends potentially feasible mitigation measures for future projects. As described in the Draft PEIR, the project proposes an overlay zone which would allow future development of light industrial uses within the overlay zone; however, no construction activities or development projects are currently proposed as part of the project. Nonetheless, future development in accordance with the overlay zone could impact special-status species, including Swainson’s hawk. As such, the Draft PEIR includes Mitigation Measure BIO-1, which would require a project-level Biological Resources Assessment be conducted to evaluate potential impacts to on-site biological resources, including sensitive or special-status species. Mitigation Measure BIO-1 has also been updated to integrate modifications recommended by CDFW as detailed in response to Comment 3-6, which further outlines required components of the Biological Resources Assessment for future projects. Should results of the Biological Resources Assessment identify that a future project within the overlay zone has the potential to impact Swainson’s hawk, protocol-level focused surveys may be required (Recommended Mitigation Measure #1) and replacement acreage may also be required if permanent impacts to Swainson’s hawk habitat occurs (Recommended Mitigation Measure #2). This would occur at the project level and not at a programmatic level under the Draft PEIR. Additionally, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified and may include the CDFW Recommended Mitigation Measures #1 and #2. The recommended mitigation measures are acknowledged and will be provided for City decisionmakers to consider.
- 3-3 The commenter states that the project may impact designated California Species of Special Concern (SSC), including American badger, provides evidence on why impacts would be significant, and recommends potentially feasible mitigation measures for future projects. As stated, the proposed project would allow light industrial development within the proposed overlay zone but no construction activities or development projects are proposed as part of the project. Future projects in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts. Mitigation Measure BIO-1, as revised in response to Comment 3-6, would require future projects to prepare a Biological Resources Assessment that would evaluate site-specific and project-level impacts to biological resources, including special status species. Additional mitigation



measures, including those recommended by the CDFW (i.e., biological monitor, scientific collecting permit, wildlife relocation plan, and notification procedures for found injured or dead wildlife), may be required depending on the results of the Biological Resources Assessment. The recommended mitigation measures are acknowledged and will be provided for City decisionmakers to consider.

- 3-4 The commenter provides an additional recommended mitigation measure to consider for future projects with regards to the protection of nesting birds during the breeding season. As stated, no construction activities or development projects are proposed as part of the project. Future projects in accordance with the overlay zone would be required to prepare a Biological Resources Assessment per Mitigation Measure BIO-1 and would evaluate a future project's potential to impact nesting birds and provide additional mitigation measures. Overall, future light industrial projects proposed in accordance with the overlay zone would require separate environmental review under CEQA to evaluate project- and site-specific impacts and additional mitigation measures would be identified, as needed. The recommended mitigation measure is acknowledged and will be provided for City decisionmakers to consider.
- 3-5 The commenter states that the Draft PEIR does not provide sufficient information for CDFW to evaluate the adequacy of the Biological Impact Fee to offset the cumulative loss of biological resources in the Antelope Valley as result of the proposed project. As stated, the overlay zone does not propose any construction activities or development projects that could impact biological resources. Future projects in accordance with the overlay zone would be required to undergo separate environmental review under CEQA and may be required to prepare a Biological Resources Assessment per Mitigation Measure BIO-1, which would evaluate project-level and site-specific impacts on biological resources, including cumulative impacts. Thus, the proposed overlay zone itself would not result in cumulatively considerable impacts.

Municipal Code Chapter 15.66, *Biological Impact Fee*, provides details with regards to the purpose and implementation of the Biological Impact Fee. Specifically, the City acknowledges that new development of land within Lancaster results in an incremental effect on biological resources, including loss of habitat and reduction in total numbers of flora and fauna on a regional basis. Therefore, Chapter 15.66 establishes the adoption, collection, administration, and use of a Biological Impact Fee to mitigate the long-term incremental impact of adding new development. As detailed in Municipal Code Section 15.66.070, *Administration of fee and allowable uses*, all Biological Impact Fees are required to be held in a separate account only be expended upon an affirmative vote of a majority of the City Council specifying the amount and use of such fees. Such fees can only be expended for the following purposes:

- Acquisition of Mitigation Land. Fees may be expended for the purpose of acquiring or paying a third party for the acquisition of, land for the permanent conservation of habitat or species. Such acquisition may include land outside of the City; however, it is the intent of this chapter that any such lands contain habitat or species that will compensate for the incremental loss of same within the City limits. In identifying such acquisition sites, the City may consult with the U.S. Fish and Wildlife Service or CDFW for assistance.



- Restoration of Habitat. Fees may be expended for the purpose of restoring habitat within identified permanent conservation areas.
- Environmental Education. Fees may be expended for the purpose of funding environmental education, provided that the City Council finds that such efforts will contribute to a long-term improvement in the regional environment by increasing public awareness of the biological resources of the region.
- Other Uses. Fees may be expended for other uses provided that the City Council finds that such use will meet the intent of Municipal Code Chapter 15.66. The City Council expressly finds that assignment of such fees to a group with the authority to administer a regional conservation plan, such as the proposed West Mojave Coordinated Management Plan, is within the intent of Chapter 15.66.

The Biological Impact Fee applies to all new development on vacant land which has not been previously developed. This includes land subdivisions; new development that requires the approval of a conditional use permit, site plan review, or a director’s review; and request for approval extensions for subdivisions and development projects that were approved prior to the adoption of the Biological Impact Fee. Thus, the fee acts as a development impact fee and not a “mitigation” fee for the purposes of reducing potentially significant impacts under CEQA.

3-6 The commenter recommends modifications to Mitigation Measures BIO-1 through BIO-4 to provide additional clarity and details. Some of the recommended modifications are shown below and included in Section 3.0, *Errata*, of this Final PEIR.

BIO-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are
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documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);
2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or



association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);

3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.

BIO-3 ~~If suitable habitat for burrowing owl is observed during~~ A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1, two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require 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. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department 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 California Department of Fish and Wildlife (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 and cannot be



avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

BIO-4

Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).

For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion



control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

These changes provide a minor update, correction, or clarification and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

- 3-7 The commenter requests that any special-status species detected on-site be properly submitted to the California Natural Diversity Database (CNDDDB) and any special-status native plant populations and sensitive natural communities be submitted to CDFW’s Vegetation Classification and Mapping Program. This comment is acknowledged and no additional response to required.
- 3-8 The commenter provides an additional recommended mitigation measure that prohibits the use of rodenticides and second-generation anticoagulant rodenticides during and over the life of the project. The project does not propose any construction activities or development projects. The recommended mitigation measure is acknowledged and will be provided for City decisionmakers to consider.
- 3-9 The commenter recommends the City update the project’s biological resources mitigation measures and condition the Draft PEIR to include the additional mitigation measures recommended in the letter. The commenter also provides a summary of the suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (Attachment A). Refer to Response to Comments 3-1 through 3-8.



3.0 Errata



3.0 ERRATA

Changes to the Draft PEIR are noted below. A double underline indicates additions to the text; ~~strike through~~ indicates deletions to the text. The following modifications are made to the Draft PEIR text for consistency and clarifications. The changes to the Draft PEIR do not affect the overall conclusions of the environmental document and would not result in any new or substantially greater significant impacts as compared to those identified in the Draft PEIR. Changes are listed by section and page.

Any changes referenced to mitigation measures contained in the Draft PEIR text also apply to Section 1.0, *Executive Summary*, and Section 5.0, *Environmental Analysis*, of the Draft PEIR. All mitigation measure modifications have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of this Final PEIR.

Section 5.4, *Biological Resources*, Page 5.4-16

BIO-1 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines



Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);

2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and
3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022).

BIO-2 Should a future project require the removal of western Joshua trees (*Yucca brevifolia brevifolia*; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:

1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site;
2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or association-based natural communities found in the *Manual of California Vegetation* (MCV), second edition (Sawyer et al. 2009);
3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and
4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site.

BIO-3 ~~If suitable habitat for burrowing owl is observed during~~ A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1, two separate pre-construction burrowing owl clearance surveys shall be conducted prior to any vegetation removal or ground disturbing activities. One survey shall be conducted no less than 14 days prior to disturbance and the other survey within 24 hours prior to ground disturbance. The habitat assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level



surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).

All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require 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. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. The survey shall be conducted by a qualified biologist and in accordance with the methods outlined in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012). Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department 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 California Department of Fish and Wildlife (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 and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.

Section 5.4, *Biological Resources*, Page 5.4-19

BIO-4 Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).

For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from



CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.

Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.



4.0 Mitigation Monitoring and Reporting Program



4.0 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Program*, has been prepared for the Lancaster East Side Project (project). This Mitigation Monitoring and Reporting Program is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Lancaster East Side Project files.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Program (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Draft and Final PEIR, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.



- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.

The following subsections of the Draft PEIR contain a detailed environmental analysis of the existing conditions, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures, and significant unavoidable impacts, if any.

No significant impacts would occur in regard to the following environmental issue areas, which are addressed in Draft PEIR Section 8.0, *Effects Found Not To Be Significant*:

- Mineral Resources; and
- Wildfire.

In accordance with Appendix G of the CEQA Guidelines, the environmental issue areas listed below were determined in the Draft PEIR to have a potentially significant impact, and have been included within Draft PEIR Section 5.0, *Environmental Analysis*, for further analysis:

- Land Use and Planning;
- Aesthetics/Light and Glare;
- Agriculture and Forestry Resources;
- Biological Resources;
- Tribal and Cultural Resources;
- Geology and Soils;
- Hydrology and Water Quality;
- Hazards and Hazardous Materials;
- Population and Housing;
- Public Services and Recreation;
- Utilities and Service Systems;
- Transportation;
- Air Quality;
- Greenhouse Gas Emissions;
- Energy; and
- Noise.

For the purposes of the environmental analysis in the Draft PEIR, impacts were analyzed in each environmental issue area for the proposed project. If necessary, mitigation measures were incorporated to reduce any potentially significant impacts. Specifically, mitigation measures were included for:

- Aesthetics/Light and Glare;
- Agriculture and Forestry Resources;
- Biological Resources;
- Tribal and Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Air Quality; and
- Noise.



Table 1
Mitigation Monitoring and Reporting Checklist

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
AESTHETICS/LIGHT AND GLARE								
AES-1	<p>Prior to development of structures within the visual buffer area of Little Rock Wash, as illustrated on General Plan Master Environmental Assessment Figure 12-1, <i>Scenic Resources</i>, a site-specific visual impact assessment shall be prepared to determine specific design features to implement to maintain the visual integrity of Little Rock Wash. Specific design features can include, but are not limited to:</p> <ul style="list-style-type: none"> • Designing structures to blend in with the natural palette of Little Rock Wash; • Placing structures furthest away from Little Rock Wash or locating new not interfere with existing views of Little Rock Wash; and/or • Including visual buffers such as landscaping between structures and Little Rock Wash. <p>The City of Lancaster Community Development Department shall ensure that design features and recommendations provided in the visual impact assessment shall be incorporated into the plans and specifications for future</p>	Project Applicant	Prior to Issuance of Grading or Building Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	development within the Little Rock Wash visual buffer area.							
AGRICULTURE AND FORESTRY RESOURCES								
AG-1	<p>Development of a future light industrial use in accordance with the East Side Overlay Zone that converts land mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use(s), shall mitigate such impacts through the permanent preservation of off-site agricultural land within the County of Los Angeles of equal or better agricultural quality, at a ratio of 1:1 for net acreage before conversion, through one of the following methods:</p> <ul style="list-style-type: none"> • Funding and purchase of agricultural conservation easements (to be managed and maintained by an appropriate entity); • Purchase of credits from an established agricultural farmland mitigation bank; • Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland; • Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above; or 	Project Applicant	Prior to Issuance of Grading or Building Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> Evidence that all of the foregoing measures are infeasible. <p>Prior to issuance of a grading or building permit, the project Applicant shall provide to the City of Lancaster Community Development Department written evidence of the completion of the implemented off-site permanent preservation method(s) or that such preservation is infeasible.</p>							
BIOLOGICAL RESOURCES								
BIO-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Biological Resources Assessment is required. Screening shall consider the type of project and project site conditions. If the site is fully developed with no existing vegetation, then a Biological Resources Assessment shall not be required. If the site has existing vegetation on-site and/or is undeveloped and vacant, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Biological Resources Assessment be prepared by a qualified biologist for review and approval by the City of Lancaster Community Development Department. The assessment shall include biological field survey(s) of the	Project Applicant; Qualified Biologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>project site to characterize the extent and quality of habitat that would be impacted by development. The potential presence of special-status species on-site may support conducting focused plant or wildlife species surveys. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) survey protocols for target species. If no special status/sensitive species, sensitive habitats/natural communities, or federally protected wetlands are observed during the field survey, then no further mitigation will be required. If biological resources are documented on the project site, the project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process. Biological Resources Assessments shall provide and include the following:</p> <ol style="list-style-type: none"> 1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish and Game Code, Sections 3511, 4700, 5050, and 5515). Species to be addressed 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines Section 15380). A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c);</p> <ol style="list-style-type: none"> 2. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect; and 3. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022). 							
BIO-2	Should a future project require the removal of western Joshua trees (<i>Yucca brevifolia brevifolia</i> ; a State Candidate species for listing), an accurate census of the number of trees to be impacted shall be conducted by a qualified biologist in accordance with California Department of Fish and Wildlife (CDFW) protocols. The census report shall be submitted for review and approval by the City of Lancaster (City) Community Development Department. An Incidental Take Permit (ITP) shall also be	Project Applicant; Qualified Biologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>obtained from the CDFW prior to any ground disturbing activities that may adversely affect the western Joshua tree. Early consultation with CDFW is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. In the event an ITP is required, the project applicant shall submit an ITP Application to CDFW that provides the following information:</p> <ol style="list-style-type: none"> 1. An analysis of individual western Joshua trees (clonal and non-clonal) and western Joshua tree seedbank that would be impacted both within the project site and within 300 feet of the project site; 2. An analysis of the acres of natural communities supporting western Joshua trees that would be impacted both within the project site and within 300 feet of the project site provided according to alliance and/or association-based natural communities found in the Manual of California Vegetation (MCV), second edition (Sawyer et al. 2009); 3. A map of the project's site plan overlaid on location of western Joshua trees and natural communities; and 4. A discussion of whether development could impact any in-situ western Joshua trees adjacent to the project site. 							
BIO-3	A habitat assessment shall be conducted as a part of the biological field survey conducted as part of Mitigation Measure BIO-1. The habitat	Project Applicant; Qualified Biologist	Prior to Any Vegetation Removal or	City of Lancaster Community	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>assessment shall adhere to survey methods described in California Department of Fish and Wildlife (CDFW) March 7, 2012, <i>Staff Report on Burrowing Owl Mitigation</i> (Staff Report; CDFW 2012) to determine no owls have moved on site. The habitat assessment shall determine whether or not protocol-level surveys are needed for burrowing owls. It is advisable to conduct preconstruction surveys with protocol level surveys in mind since they have specific number and timing requirements, according to the Staff Report (see below).</p> <p>All survey efforts shall be conducted by a qualified biologist. If protocol-level surveys are necessary, survey protocol for breeding season owl surveys require 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. Full disclosure of the presence/absence of burrowing owls is necessary to help the City's determination of whether the project would impact burrowing owls, thus requiring mitigation. The project and environmental document shall be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat. Documentation of surveys and findings shall be submitted to the City of Lancaster Community Development Department for review and file. If no burrowing owls or occupied burrows are</p>		Ground Disturbing Activities	Development Department				



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	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 and cannot be avoided, a burrowing owl exclusion and mitigation plan shall be prepared and submitted to CDFW for approval prior to initiating project activities.							
BIO-4	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a formal jurisdictional delineation is required. Screening shall consider the type of project and project site conditions. If there is no presence for any potential jurisdictional resource(s), then a formal jurisdictional delineation shall not be required. If the site has the potential for jurisdictional resources to occur on-site, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a	Project Applicant; Qualified Biologist	Prior to Issuance of Any Permits Required to Conduct Ground Disturbing Activities	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>formal jurisdiction delineation to be conducted by a qualified biologist to confirm the presence or absence of any identified aquatic features, including features not visible via aerial imagery. The jurisdictional delineation shall determine the extent of State and Federal jurisdictional areas. The formal jurisdictional delineation shall be submitted for review, approval, and final determination of jurisdictional limits by the City of Lancaster Development Services Department, Community Development Division and applicable regulatory agency(ies) (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife [CDFW]).</p> <p>For any impacts to streams, the project applicant shall notify CDFW pursuant to Fish and Game Code 1602 and obtain a Lake or Streambed Alteration (LSA) Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.</p> <p>The LSA Notification shall include a hydrology report to evaluate whether altering upslope vegetation within the project site may impact hydrologic activity downslope and downstream</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>of the project site. The hydrology report shall also include an analysis to determine if project activities would impact the current hydrologic regime or change the velocity of flows entering the streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the project activities may change the hydrology on site.</p> <p>Any Best Management Practice (BMP) infrastructure that are installed shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.</p>							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
TRIBAL AND CULTURAL RESOURCES								
CUL-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Phase I Cultural Resources Study is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground disturbance, then a Phase I Cultural Resources Study shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Phase I Cultural Resources Study be prepared by a qualified archaeologist and/or architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, architectural history, and/or history. The study shall include an identification effort including, at minimum, a South Central Coastal Information Center records search, literature review, field survey, interested parties consultation, and buried site sensitivity analysis. Any cultural resource greater than 45 years of age that may be impacted by the project shall be evaluated for their eligibility for inclusion in the	Project Applicant; Qualified Archaeologist and/or Architectural Historian	Prior to Issuance of Any Permits Required to Conduct Ground Disturbing Activities	City of Lancaster Community Development Department	During Project Plan Review			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	California Register of Historical Resources and/or National Register of Historic Places. Additional mitigation measures may be developed depending on the results of the study.							
TCR-1	In the event that cultural resources are discovered during future light industrial developments in accordance with the East Side Overlay Zone, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project site outside of the buffered area may continue during this assessment period. Additionally, tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed within Mitigation Measure TCR-4, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide tribal input with regards to significance and treatment.	Project Applicant; Construction Contractor; Qualified Archaeologist; Applicable Native American Tribes	During Construction Activities	City of Lancaster Community Development Department	During Construction Activities			
TCR-2	If significant pre-contact and/or historic-era cultural resources, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), are discovered during implementation of future light industrial developments in accordance with the East Side Overlay Zone and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of	Project Applicant; Construction Contractor; Qualified Archaeologist	In the Event Significant Cultural Resources are Discovered and Avoidance Cannot be Ensured	City of Lancaster Community Development Department	In the Event Significant Cultural Resources are Discovered and Avoidance Cannot be Ensured			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	which shall be provided to tribes in which the project site is within their ancestral region of occupation for review and comment, as detailed within Mitigation Measure TCR-4. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.							
TCR-3	If human remains or funerary objects are encountered during any activities associated with future light industrial projects associated with the East Side Overlay Zone, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code enforced for the duration of the project.	Project Applicant; Construction Contractor; County Coroner	During Construction Activities	City of Lancaster Community Development Department	During Construction Activities			
TCR-4	Tribes in which the project site is within their ancestral region of occupation shall be contacted, as detailed in Mitigation Measure TCR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), a cultural resources Monitoring and Treatment Plan (Plan) shall be created by the archaeologist, in coordination with tribes in which the project site is within their ancestral region of occupation, and all subsequent finds shall be subject to this Plan. This Plan shall allow	Project Applicant; Qualified Archaeologist; Applicable Native American Tribes	In the Event of Any Cultural Resources Discovery	City of Lancaster Community Development Department	In the Event of Any Cultural Resources Discovery			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	for monitor(s) to be present that represent tribes in which the project site is within their ancestral region of occupation for the remainder of the project, should such tribes elect to place monitor(s) on-site.							
TCR-5	Any and all archaeological/cultural documents created as a part of the future development projects in accordance with the East Side Overlay Zone (e.g., isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to tribes in which the project site is within their ancestral region of occupation. The City of Lancaster Community Development Department shall, in good faith, consult with such tribes throughout the life of the project.	Project Applicant; City of Lancaster Community Development Department; Applicable Native American Tribes	During Project Lifetime	City of Lancaster Community Development Department	During Project Lifetime			
GEOLOGY AND SOILS								
GEO-1	To ensure identification and preservation of paleontological resources within a project site, each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether a Paleontological Resources Assessment is required. Screening shall consider the type of project and whether ground disturbances are proposed. Ground disturbances include activities such as grading, excavation, trenching, boring, or demolition that extend below the current grade. If there will be no ground	Project Applicant; Qualified Paleontologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



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	disturbance, then a Paleontological Resources Assessment shall not be required. If there will be ground disturbance, prior to issuance of any permits required to conduct ground disturbing activities, the City may require a Paleontological Resources Assessment be prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist. The Paleontological Resources Assessment shall include and take into account project-specific and local geologic mapping, geotechnical data, and paleontological records search. The Paleontological Resources Assessment shall adhere to and incorporate the performance standards and practices from the current SVP Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources. The qualified paleontologist shall submit the Paleontological Resources Assessment to the City of Lancaster Community Development Department for review and approval before issuance of a grading permit.							
GEO-2	For projects with ground-disturbing activities at depths greater than four feet, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to provide or supervise a paleontological sensitivity training to all personnel planned to be involved with earth-moving activities, prior to the	Project Applicant; Qualified Paleontologist	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



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	beginning of ground-disturbing activities. The training session shall focus on how to identify paleontological localities such as fossils that may be encountered and the procedures to follow if identified.							
GEO-3	Prior to grading or excavation in sedimentary rock material other than topsoil, the Applicant shall retain a Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist to monitor these activities at depths of four feet below present grade or greater. In the event that fossils are discovered during grading at any depth, the on-site construction supervisor shall be notified and shall redirect work away from the location of the discovery. The recommendations of the paleontologist shall be implemented with respect to the evaluation and recovery of fossils, after which the on-site construction supervisor shall be notified and shall direct work to continue in the location of the fossil discovery.	Project Applicant; Qualified Paleontologist; Construction Supervisor	Prior to Issuance of Grading Permit; In the Event Fossils are Discovered During Construction Activities	City of Lancaster Community Development Department	During Project Plan Review; During Construction Activities			
GEO-4	If discovered fossils are determined to be significant, the Society of Society of Vertebrate Paleontology (SVP) qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures: <ul style="list-style-type: none"> The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research 	Project Applicant; Qualified Paleontologist	In the Event Fossils are Discovered and Determined to be Significant	City of Lancaster Community Development Department	In the Event Fossils are Discovered and Determined to be Significant			



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	<p>interest in the materials (which may include the Natural History Museum of Los Angeles County);</p> <ul style="list-style-type: none"> The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and The paleontologist shall ensure that curation of fossils is completed in consultation with the City of Lancaster Community Development Department. A letter of acceptance from the curation institution shall be submitted to the City of Lancaster Community Development Department. 							
GEO-5	<p>If any paleontological resources are encountered during construction or the course of any ground-disturbance activities, all such activities shall halt immediately. At this time, the Applicant shall notify the City of Lancaster Community Development Department and consult with a qualified paleontologist to assess the significance of the find. The assessment shall follow Society of Society of Vertebrate Paleontology (SVP) standards as delineated in the <i>Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources</i> (2010). If any find is determined to be significant, appropriate avoidance measures recommended by the paleontologist and approved by City staff must</p>	Project Applicant; Qualified Paleontologist	In the Event Paleontological Resources are Encountered During Construction Activities	City of Lancaster Community Development Department	In the Event Paleontological Resources are Encountered During Construction Activities			



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	be followed unless avoidance is determined to be infeasible by the City of Lancaster Community Development Department. If avoidance is infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.							
HAZARDS AND HAZARDOUS MATERIALS								
HAZ-1	Each future development within the overlay zone subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall be screened by the City of Lancaster Community Development Department to determine whether surveys of asbestos-containing materials (ACM), lead-based paint (LBP), and/or universal waste is required. Screening shall consider whether demolition or disturbance of existing structures constructed between the 1940s and 1970s is required. If no existing structures constructed between the 1940s and 1970s are proposed for demolition or disturbance, then surveys shall not be required. If such structures exist on-site and are proposed for demolition or disturbance, prior to issuance of any demolition permits, the City may require future project Applicants to retain a qualified specialist or contractor to conduct surveys of ACM, LBP, and universal waste and submit the surveys to the Los Angeles County Fire Department Health Hazardous Materials Division (HHMD) for review and comment, and to the City of Lancaster Community	Project Applicant; Qualified ACM/LBP Specialist	Prior to Issuance of Demolition Permit	City of Lancaster Community Development Department; Los Angeles County Fire Department Health Hazardous Materials Division	During Project Plan Review			



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	Development Director for approval. If ACMs are located, asbestos abatement shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State-certified asbestos containment contractor in accordance with the Antelope Valley Air Quality Management District's (AVAQMD) Rule 1403. If LBPs are found, abatement shall be completed by a qualified lead specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the HHMD and Community Development Director. The project Applicant shall inform the Community Development Director, via monthly compliance reports, of the date when all ACMs, LBPs, and/or universal waste are removed from the project site.							
HAZ-2	If unknown wastes or suspect materials are discovered during construction activities associated with future development that are believed to involve hazardous waste or materials, the construction contractor shall implement the following:	Project Applicant; Construction Contractor	During Construction Activities	City of Lancaster Community Development Department	During Construction Activities			



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	<ul style="list-style-type: none"> Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; Notify the City of Lancaster Community Development Director; Secure the area as directed by the City of Lancaster Community Development Director; and Notify the implementing agency's Hazardous Waste/Materials Coordinator (e.g., Los Angeles County Fire Department, Lahontan Regional Water Quality Control Board, and/or Department of Toxic Substances Control, as applicable). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required. 							
AIR QUALITY								
AQ-1	Prior to issuance of any grading permit for future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA), the City of Lancaster Community Development Department shall confirm that the Grading Plan, Building Plans, and specifications require that ozone precursor emissions from construction equipment vehicles shall be controlled by	Project Applicant	Prior to Issuance of Grading Permit	City of Lancaster Community Development Department	During Project Plan Review			



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	maintaining equipment engines in good condition and in proper tune per manufacturer's specifications.							
AQ-2	Future light industrial projects developed in accordance with the East Side Overlay Zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt under CEQA) shall submit a Construction Management Plan to the City of Lancaster Public Works Director prior to the issuance of a grading permit. To reduce traffic congestion during temporary construction activities, a Traffic Control Plan shall include, as deemed necessary by the Public Works Director, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow. Traffic control devices included in the Traffic Control Plan shall be developed in compliance with the requirements of the most current standards. The Construction Management Plan shall also include construction phasing, personnel parking,	Project Applicant	Prior to Issuance of Grading Permit	City of Lancaster Public Works Department	During Project Plan Review			



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	and material storage areas that will all contribute to reducing traffic congestion.							
AQ-3	<p>Prior to any ground disturbance activities associated with construction of future light industrial projects developed in accordance with the East Side Overlay Zone, the project operator shall provide evidence to the Director of Community Development that the project operator and/or construction manager has developed a "Valley Fever Training Handout" training and schedule of sessions for education to be provided to all construction personnel. All evidence of the training session materials, handout(s), and schedule shall be submitted to the Director of Community Development within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Director of Community Development regarding the "Valley Fever Training Handout" and session(s) shall include the following:</p> <ul style="list-style-type: none"> • A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session. • Distribution of a written flier or brochure that includes educational information regarding the health 	Project Applicant; Construction Contractor	Prior to Ground Disturbing Activities; Within 24 Hours of First Training Session	City of Lancaster Community Development Department; Los Angeles County Public Health	During Project Plan Review; Prior to Ground Disturbing Activities			



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	<p>effects of exposure to criteria pollutant emissions and Valley Fever.</p> <ul style="list-style-type: none"> • Training on methods that may help prevent Valley Fever infection. • A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Where respirators are required, the equipment shall be readily available and shall be provided to employees for use during work. Proof that the demonstration is included in the training shall be submitted to the Director of Community Development. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs. <p>The project operator also shall consult with the Los Angeles County Public Health to develop a Valley Fever Dust Management Plan (Plan) that addresses the potential presence of the Coccidioides spore and mitigates for the potential for Coccidioidomycosis (Valley Fever). Prior to issuance of permits, the project operator shall submit the Plan to the Los Angeles County Public Health for review and approval. The Plan shall include a program to evaluate the potential</p>							



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	<p>for exposure to Valley Fever from construction activities and to identify appropriate safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Coccidioides spores. Measures in the Plan shall include the following:</p> <ul style="list-style-type: none"> • Provide High Efficiency Particulate (HEP)-filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs (e.g., turning on the air conditioning prior to using the equipment). • Provide communication methods, such as two-way radios, for use in enclosed cabs. • Require National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with minimum N-95 protection factor for use during worker collocation with surface disturbance activities, as required per the hazard assessment process. • Require employees to be medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory 							



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	<p>protection program in accordance with the applicable Cal/OSHA Respiratory Protection Standard (8 CCR 5144).</p> <ul style="list-style-type: none"> • Provide separate, clean eating areas with hand-washing facilities. • Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off-site. • Train workers to recognize the symptoms of Valley Fever, and to promptly report suspected symptoms of work-related Valley Fever to a supervisor. • Work with a medical professional to develop a protocol to medically evaluate employees who develop symptoms of Valley Fever. • Work with a medical professional, in consultation with the Los Angeles County Public Health, to develop an educational handout for on-site workers and surrounding residents within three miles of the project site and include the following information on Valley Fever: what are the potential sources/causes, what are the common symptoms, what are the options or remedies available should 							



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	<p>someone be experiencing these symptoms, and where testing for exposure is available. Prior to construction permit issuance, this handout shall have been created by the project operator and reviewed by the project operator and reviewed by the Director of Community Development. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within three miles of the project boundaries.</p> <ul style="list-style-type: none"> • When possible, position workers upwind or crosswind when digging a trench or performing other soil-disturbing tasks. • Prohibit smoking at the worksite outside of designated smoking areas; designated smoking areas shall be equipped with handwashing facilities. • Post warnings on-site and consider limiting access to visitors, especially those without adequate training and respiratory protection. • Audit and enforce compliance with relevant Cal/OSHA health and safety standards on the job site. 							



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NOISE								
NOI-1	<p>Future light industrial projects developed in accordance with the overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) shall ensure, through contract specifications, that construction best management practices (BMPs) are implemented by construction contractors to reduce construction noise levels for construction activities that are capable of generating substantial construction noise to nearby sensitive receptors. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Community Development Director prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Ensure that construction equipment is properly muffled according to industry standards and is in good working condition. • Place noise-generating construction equipment and construction staging areas away from sensitive uses. • Construction activities shall occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, pursuant to Section 8.24.040, Loud, 	Project Applicant; Construction Contractor	Prior to Issuance of Grading or Building Permits	City of Lancaster Community Development Department	During Project Plan Review			



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	<p>unnecessary and unusual noises prohibited - Construction and building, of the <i>Lancaster Municipal Code</i>.</p> <ul style="list-style-type: none"> • Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. • Use electric air compressors and similar power tools rather than diesel equipment, where feasible. • Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. • The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday). The haul route exhibit shall design delivery routes to minimize the exposure of sensitive land uses or residential dwellings to delivery truck-related noise. • Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and 							



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	residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party and the Community Development Director.							
NOI-2	Prior to issuance of a grading permit, each new development project associated with the proposed overlay zone and subject to California Environmental Quality Act (CEQA) review (meaning, subject to discretionary action and non-exempt from CEQA) with construction activities requiring operation of groundborne vibration generating equipment (i.e., vibratory compactor/roller, large bulldozer, caisson drilling, loaded trucks, and jackhammer) within 25 feet of an existing structure shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City of Lancaster Public Works Director.	Project Applicant	Prior to Issuance of Grading Permit	City of Lancaster Public Works Department	During Project Plan Review			



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