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October 13, 2010

Beverly J. Cox, Planning Technician  
City of Lancaster Planning Department  
44933 Fern Avenue  
Lancaster, CA 93534

re: CUP No. 10-22 / General Plan Amendment No. 10-01 / Zone Change No. 10-02

Dear Ms. Cox,

Thank you for this opportunity to comment on the proposed Conditional Use Permit, Amendment to the General Plan of the City of Lancaster, and Zone Change, above referenced, for the Del Sur Solar facility.

Your mailing included only the Site Plan for the facility, with no environmental review or information regarding proposed mitigation for the proposed actions. Nor were project documents found through the City's internet postings or California State Clearinghouse.

The subject area, bounded by 80<sup>th</sup> Street West, Avenue H, 90<sup>th</sup> Street West, and Avenue H-8, is an historic and active burrowing owl forage and nesting habitat. Although Antelope Valley is the last stronghold of burrowing owl in Los Angeles County (Garrett, 2006), populations of burrowing owl have been rapidly extirpated in the City's Sphere of Influence. Unmitigated destruction of burrowing owl have occurred in the past four years in the vicinity of the subject project site (e.g., 80<sup>th</sup> Street West/Avenue H-14, 40<sup>th</sup> Street West/Avenue K. Therefore, the loss of burrowing owl habitat on the site, and impacts of the facility on hunting and foraging on contiguous parcels, whether or not currently occupied, should be appropriately mitigated.

Additionally, the opinion of the California Department of Fish and Game (DFG) was that Habitat Mitigation Fees, as charged and implemented by the City, would be inadequate to implement mitigation that meets basic standards of practice. That has been evidenced, for example, in the City's recent purchase of lands with Habitat Mitigation Fee funds, which lacked conservation deed restrictions, biological review, financing for in-perpetuity management, use of a DFG-authorized entity to hold mitigation lands, or other mitigation basics.

We respectfully request the City to ensure that impacts of the CUP and General Plan/Zoning changes are mitigated for loss of burrowing owl habitat and associated biotic community.

Antelope Valley Conservancy

by Jennifer Matos, Ph.D.  
Chairperson of the Board