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

re: <u>CUP No. 12-11, 1.5 MW photovoltaic solar electric generating facility located at the</u> northwest corner of 80th Street West and Avenue H-12 in the RR-2.5 Zone

Dear Ms. Cox,

Thank you for this opportunity to comment on the proposed Conditional Use Permit (CUP) 12-11, above referenced. Antelope Valley Conservancy respectfully requests the City to ensure that impacts of this CUP are mitigated for loss of burrowing owl habitat and associated biotic community, as the subject area of the project 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 Lancaster's Sphere of Influence. Unmitigated destruction of burrowing owl burrows and habitat have occurred in the recent past in the vicinity of the subject project site (e.g., 80th Street West/Avenue H-14, 80th/90th/Avenue H-8, 40th Street West/Avenue K, etc.). Therefore, the loss of burrowing owl habitat on the site, and impacts of the facility on breeding, hunting, and foraging on contiguous parcels, whether or not currently occupied, should be appropriately mitigated.

Please note again that the California Department of Fish and Game (DFG) concluded that Habitat Mitigation Fees as charged and implemented by the City are inadequate to implement mitigation that meets basic standards of practice. That appears to be confirmed 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, or use of a DFG-Authorized entity to hold mitigation lands. Assessor's records indicate that transfer to a conservation organization of the majority of acreage was not implemented.

Please ensure that impacts of the CUP are mitigated for loss of burrowing owl habitat and associated biotic community.

Respectfully Submitted,

Gary Moll President