



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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February 14, 2025

Jodie Sackett
Los Angeles Department of Regional Planning
320 West Temple Street, Floor 1362
Los Angeles, CA 90012-3208

Subject: Draft Supplemental Environmental Impact Report for the Entrada South and Valencia Commerce Center Project, SCH No. 2000011025, Los Angeles, CA

Dear Jodie Sackett:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Supplemental Environmental Impact Report (SEIR) from the Los Angeles County Department of Regional Planning (LADRP) for the Entrada South and Valencia Commerce Center Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Los Angeles County Department of Regional Planning (LADRP)

Objective: The Project is a large-scale mixed-use development within unincorporated Los Angeles County. The Project Site is located within the planning boundary of the Newhall Ranch Resource Management and Development Plan/Spineflower Conservation Plan approved by CDFW, the subject of an EIR and Additional Environmental Analysis certified by CDFW in 2017 (CDFW 2017a). The Project spans approximately 382.3 acres in the Entrada South Planning Area and 328.5 acres in the Valencia Commerce Center (VCC) Planning Area, totaling 710.8 acres of development area. Within the Entrada South Planning Area, the Project includes 1,574 residential units consisting of single-family detached condominiums, townhomes, and multi-family units, including affordable housing. Additionally, 730,000 square feet of non-residential commercial and office space will be developed to support economic growth. The plan also includes 140.4 acres of open space, a 27.2-acre Spineflower Preserve, a 5.4-acre neighborhood park, a potential school site, and recreational centers totaling approximately 8,430 square feet. The VCC Planning Area would allow for 3.4 million square feet of industrial, business park, and office space development. The plan also includes 195.9 acres of open space, with significant portions dedicated to natural habitat conservation along Hasley Creek and Castaic Creek.

Location: The Project site is located within the northwest portion of Los Angeles County, west of Interstate 5 and the City of Santa Clarita. The Project site is located in an unincorporated area of Los Angeles County, within the Santa Clarita Valley Planning Area. The Project site is generally surrounded by the Santa Clara River, Los Padres and Angeles National Forests to the north, the Santa Susana Mountains to the south, Agua Dulce and the Angeles Nation Forest to the east, and the County of Ventura to the west.

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

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Biological Setting: The biological significance of the Project site and adjacent areas stems from its diverse ecological features, including jurisdictional waters, riparian habitats, and habitat for several special-status species. The Entrada South and VCC Planning Areas support a range of sensitive biological resources, including jurisdictional streambeds such as Hasley Creek, Castaic Creek, and the unnamed drainages in Entrada South, which provide riparian corridors. Among the notable plant species present are the San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*), slender mariposa lily (*Calochortus clavatus* var. *gracilis*), white rabbit-tobacco (*Pseudognaphalium leucocephalum*), Peirson's morning-glory (*Calystegia peirsonii*), mainland cherry (*Prunus ilicifolia* ssp. *ilicifolia*), and Southern California black walnut (*Juglans californica*), along with various oak species (*Quercus* spp.). These plant species contribute to the biodiversity of the area, supporting critical habitats for wildlife. The Project site also provides habitat for numerous special-status wildlife species, including the California condor (*Gymnogyps californianus*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and coastal California gnatcatcher (*Polioptila californica californica*), all of which are listed as endangered or threatened. Additionally, the area supports the tricolored blackbird (*Agelaius tricolor*), western pond turtle (*Actinemys marmorata*), and San Emigdio blue butterfly (*Plebejus emigdionis*), as well as several bat species, including the western mastiff bat (*Eumops perotis californicus*), western red bat (*Lasiurus blossevillii*), Yuma myotis (*Myotis yumanensis*), and pocketed free-tailed bat (*Nyctinomops femorosaccus*). Other notable species include the Crotch's bumble bee (*Bombus crotchii*), burrowing owl (*Athene cunicularia*), California glossy snake (*Arizona elegans occidentalis*), and the mountain lion (*Puma concolor*). Given the presence of these species, the Project incorporates mitigation measures aimed at minimizing ecological impacts, such as habitat conservation, restoration, and enhancement efforts.

In the Entrada South Planning Area, the Project will affect three unnamed drainages, with 1.12 acres of impacts in Unnamed Drainage 1, 8.78 acres in Unnamed Drainage 2, and 1.56 acres in Unnamed Drainage 3. This results in total impact of 11.66 acres of CDFW-jurisdictional streambed, an increase of 4.77 acres compared to the previous delineation from the 2017 EIR. In the VCC Planning Area, the Project will affect several key waterways. Castaic Creek will experience 7.08 acres of permanent impacts, slightly increasing from 6.90 acres in the 2017 Project. Hasley Creek will have a significant reduction in permanent impacts, down to 4.46 acres from the previously estimated 17.09 acres, though temporary impacts will increase to 7.86 acres due to channel stabilization and restoration efforts. The Project will also introduce 0.32 acres of permanent and 0.20 acres of temporary impacts to jurisdictional streambeds in the Live Oak Road Detention Basin. Additionally, the Old Road Agricultural Ditch, which was not previously classified as jurisdictional, will now experience 0.38 acres of permanent impacts.

Overall, the total streambed impact subject to Fish and Game Code 1600 *et seq.* in the VCC Planning Area amounts to 113.22 acres, temporary and permanent, reflecting an increase of 5.06 acres compared to prior assessments. While some areas will

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experience reduced permanent impacts, temporary impacts have increased due to the need to stabilize streambeds. To mitigate the effect of the Project, the Project incorporates revegetation efforts, stream channel stabilization measures, and conservation easements aimed at preserving long-term ecological functionality

Project History: The 2010 EIR (CDFW 2010) was originally certified by CDFW and made up of a Draft EIR circulated for public review in 2009, the Final EIR in June 2010, and an “Addendum/Additional Information” published in 2010, as well as all supporting documents. There was a legal challenge to the 2010 certification and in response, CDFW published a Draft Additional Environmental Analysis in November 2016. In 2017, CDFW found that the 2010 Final EIR and the 2017 AEA (CDFW 2017a) were in compliance with CEQA. CDFW has coordinated closely with Project proponent throughout the EIR and SEIR review process and will continue to coordinate with permitting needs.

COMMENTS AND RECOMMENDATIONS

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

COMMENT # 1: Impacts to Western Burrowing Owls (*Athene cunicularia*)

Issue: The measures may not provide enough specificity to avoid or minimize direct and indirect impacts to a level of less than significant to western burrowing owl.

Specific impact: Potential western burrowing owl presence indicate that Project activities may result in direct and/or indirect western burrowing owl mortality or injury. Direct impacts to western burrowing owl could result from Project construction and activities such as equipment staging, mobilization, grading, ground disturbance; vegetation clearing, and trampling or crushing from construction equipment and foot traffic. In addition, without specific avoidance and minimization measures, Project impacts may contribute to statewide population declines for burrowing owl.

Why impact would occur: The current measures in the SEIR provide that “construction work can proceed after any owls have been evacuated from the site using CDFW-approved burrow closure procedures and after alternative nests have been provided in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (10-17-95).” Because the western burrowing owl is a candidate species for listing, the measures should be updated to prevent significant impacts to the species. As described in CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012), excluding and/or evicting burrowing owls from their burrows is considered a potentially significant impact under CEQA.

Ground disturbance associated with Project implementation could cause direct and indirect consequences to burrowing owl. Without adequate and updated species-

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specific avoidance measures and survey protocols, detection and protection of western burrowing owl may be ineffective. If effective protection measures aren't implemented, Project activities may trap wildlife hiding under refugia or burrows, or flush wintering burrowing owls, subjecting them to predation or other harm.

On October 15, 2024, the Fish and Game Commission published a Notice of Findings that designates western burrowing owl as a CESA candidate species. Without updated focused surveys, this CESA candidate species may go undetected. Unintentional flushing of western burrowing owl distresses the owl and may lead to potential take of individual western burrowing owls. To avoid unauthorized take, LADRP should incorporate mitigation measures that prescribe focused surveys and protection measures. If take cannot be avoided, coordination with CDFW is recommended and obtaining appropriate take authorization should be considered.

Evidence impact may be significant: Western burrowing owl is a species designated as candidate for listing as threatened or endangered pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, take of individual western burrowing owl and their nests is defined by Fish and Game Code section 86 and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends LADRP replace mitigation measure RMDP/SCP-BIO-57 with the following measure:

Prior to Project activities, and within 120 days of Project commencement, focused surveys by a CDFW-approved qualified biologist, shall be conducted to determine presence of western burrowing owl. Surveys shall include four site visits conducted from as many fixed points as necessary to provide visual coverage of the site using spotting scopes or binoculars. Disturbance shall be minimized around potential occupied burrows during all seasons. Site visits shall be repeated on four separate days. Visits shall be conducted two hours before to one hour after sunset, or from one hour before to two hours after sunrise. Surveys shall be conducted during weather that is conducive to observing owls outside their burrows. Surveys shall be avoided during heavy rain, high winds (> 20 mph), or dense fog.

Results of all surveys shall be provided to CDFW after surveys are complete, 30 days prior to Project commencement. If a burrowing owl is observed during the focused

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surveys, the qualified biologist shall notify CDFW immediately and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval 30 days prior to commencing Project activities. The Burrowing Owl Plan shall describe survey results, proposed avoidance measures, and monitoring plan.

Recommendation #1: Incidental Take Permit – If there is a potential for take as defined by Fish and Game Code section 86, Permittee should consult with CDFW and consider obtaining an Incidental Take Permit to comply with the California Endangered Species Act (Fish & Game Code, § 2080 et seq).

COMMENT # 2: Impacts to Crotch's bumble bee (*Bombus crotchii*)

Issue: The avoidance and minimization measures may not provide enough specificity to avoid or minimize direct and indirect impacts to a level of less than significant Crotch's bumble bee.

Specific impact: Crotch's bumble bee presence indicate that Project activities may result in direct and/or indirect Crotch's bumble bee mortality or injury. Direct impacts to Crotch's bumble bee could result from Project construction and activities including, but not limited to, ground disturbance, vegetation clearing, and trampling or crushing from construction equipment, vehicles, and foot traffic. Although measures to avoid impacts to Crotch's bumble bee were included in the SEIR, the measures do not offer enough protections to provide less than significant impacts.

Why impact would occur: According to the SEIR, 14 Crotch's bumble bee were present at Entrada South and 2 Crotch's bumble bee at Valencia Commerce Center (with one additional incidental sighting during unrelated surveys), therefore both Project areas are have presence of Crotch' bumble bee. During the surveys completed in 2024, no nests were found. Bumble bees move nests sites each year; therefore, surveys should be conducted each year that project activities will occur. Even if surveys from a particular project site failed to detect bumble bees one year, project proponents should perform a full round of surveys each year that project activities will occur or assume presence (CDFW 2023). Although there is little data describing the nesting of candidate bumble bee species, they may utilize similar nesting habitats as other *Bombus* species (Williams et al. 2014). Bumble bee queens from the *Bombus* subgenus do not dig or make their own nests, rather they search for suitable nest sites by flying low to the ground investigating cavities in a variety of different substrates including thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs (Sladen 1912, Free and Colin Gasking Butler 1959, Alford 1975, Fussell and Corbet 1992, Lye et al. 2012, Williams et al. 2014). As bumble bee may nest in thatched grasses, brush piles or fallen rocks, Project activities that may remove vegetation are considered Project activities that could significantly impact bumble bees and related measures should provide adequate protection.

Without appropriate avoidance and minimization measures for Crotch's bumble bee and their habitat, Project-related activities involving ground and vegetation disturbance could

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result in potential significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality. The Project activities, if not addressed, may cause death or injury of adults, eggs, and larva as well as cause burrow collapse, entombment, nest abandonment, and reduced nest success. Project impacts may contribute to statewide population declines for Crotch's bumble bee.

Evidence impact would be significant: A petition to list the Crotch's bumble bee, an endangered species under CESA, is currently pending before the California Fish and Game Commission (Commission) (Cal. Reg. Notice Register 2018, No. 45-Z, pp. 1986–1987 [November 9, 2018]). The Commission designated the Crotch's bumble bee as a candidate species under CESA in June 2019 (Cal. Reg. Notice Register 2019, No. 26-Z, pp. 954–955 [June 28, 2019]). The Commission's decision to designate the Crotch's bumble bee as a candidate species is the subject of a pending legal challenge (Almond Alliance of California v. Fish and Game Commission [2022] 79 Cal. App. 5th 337, pet. for review pending, S275412). On September 30th, 2022, candidacy was reinstated for the four bumble bee species petitioned for listing: Franklin's, Crotch's, western, and suckley cuckoo.

Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017b). Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Also, Crotch's bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State (CDFW 2017b). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by LACPW (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #2: CDFW recommends LADRP revise the following mitigation measure, ES/VCC-MM-BIO-2, by removing the language in strikethrough and adding the underlined language:

~~Should Project ground-disturbing activities be scheduled to occur during the Crotch bumble bee colony active period, a qualified biologist shall conduct a habitat assessment to identify areas containing suitable habitat for Crotch bumble bee. The qualified biologist shall conduct pre-construction surveys for Crotch bumble bee in the areas identified, using a methodology (including number and timing of surveys) accepted by the California Department of Fish and Wildlife (CDFW).~~

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~~If Crotch bumble bee are not detected, no further measures are required. A qualified biologist shall be present during ground-disturbing Project activities that occur during the Crotch bumble bee colony active period.~~

~~If Crotch bumble bee are detected:~~

Prior to the start of Project activities, during the Queen Flight and Colony Active Periods (February 1 through October 31), a qualified biologist shall conduct a habitat assessment to identify suitable habitat for Crotch's bumble bee within Project activity areas, and then survey prior to construction for Crotch's bumble bee and nests in those areas. Qualified biologist(s) shall be approved by CDFW 14 days prior to survey commencement. Survey protocols shall adhere to CDFW's [Survey Considerations for CESA Candidate Bumble Bee Species](#) (CDFW 2023) or another methodology approved by CDFW. Survey results, including negative findings or a map of nest location(s), shall be submitted to CDFW for review 14 days prior to starting Project activities. If Crotch's bumble bee nests are found during pre-construction surveys or detected during Project activities, Project activities shall be suspended until the CDFW-approved qualified biologist, with expertise in bumble bees, receives approval from CDFW for a Bumble Bee Avoidance Plan to avoid impacts to the nest(s). If Crotch's bumble bee nests are not found during the surveys (negative finding) then no further measures are required. A qualified biologist shall be present during initial ground disturbing Project activities (clearing and grubbing) in areas where suitable habitat was identified.

The plan shall include:

1. On-site daily monitoring by CDFW-approved biologist during Project activities, such as ground or vegetation disturbance.
2. No impact buffers. Ground-disturbing activities shall be prohibited within 100 feet of any known occupied Crotch's bumble bee nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take. The prohibition will continue for the duration of the Crotch's bumble bee colony active period, unless the nest is determined to be inactive by a qualified biologist or is relocated or removed with CDFW authorization.
3. If a nest is found, Project proponent will provide a survey report to CDFW with a summary of the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found, within a 10-foot radius. This shall include native plant composition (e.g., density, cover, and abundance) within affected habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

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~~The Project proponent shall prepare a Crotch Bumble Bee Avoidance and Minimization Plan for review and approval by CDFW, which shall include additional, site-specific measures to avoid take of Crotch bumble bee during Project ground-disturbing activities during the colony active period.~~

4. If the Crotch's bumble bee remains a candidate for listing, or has been listed, as endangered or threatened under the California Endangered Species Act ("CESA"), and Project activities will cause "take" of Crotch's bumble bee, as that term is defined by ~~for purposes of the CESA~~ Fish and Game Code section 86, the Project proponent shall obtain authorization for such take pursuant to Fish and Game Code Section 2081 or any other applicable provision of law providing such authorization.

Additional Recommendations

Recommendation #2: WEAP Training Additions- CDFW recommends additional protections for wildlife be included in the Worker Environmental Awareness Program for both Entrada South and Valencia Commerce Center Project areas. Open pipes and similar construction materials present a significant entrapment hazard for wildlife. Wildlife seeking refuge may enter construction related materials and become trapped, leading to injury or death. CDFW requests the Project proponent revise measure RMDP/SCP-BIO-52 by adding the underlined language:

Prior to grading and construction activities, a qualified biologist shall be retained to conduct a Worker Environmental Awareness Program (WEAP) for all construction/contractor personnel. A list of construction personnel who have completed training prior to the start of construction shall be maintained on-site, and this list shall be updated as required when new personnel start work. No construction worker may work in the field for more than five days without participating in the WEAP. Night work and use of lights on equipment shall not be allowed unless CDFW approves of the night work and use of lights. Lighting shall not be used where threatened or endangered species occur. Lights shall be directed from natural areas and remain 200 feet away from natural areas unless otherwise approved by CDFW.

The qualified biologist shall provide ongoing guidance to construction personnel and contractors to ensure compliance with environmental/permit regulations and mitigation measures. The qualified biologist shall perform the following:

- Provide training materials and briefings to all personnel working on-site. The material shall include but not be limited to the identification and status of plant and wildlife species, significant natural plant community habitats (e.g., riparian), fire protection measures, and review of mitigation requirements.

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- A discussion of the federal and state Endangered Species Acts, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, other state or federal permit requirements, and the legal consequences of non-compliance with these acts.
- Attend the pre-construction meeting to ensure that timing/location of construction activities do not conflict with other mitigation requirements (e.g., seasonal surveys for nesting birds, pre-construction surveys, or relocation efforts).
- Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas. Maps showing the location of special-status wildlife or populations of rare plants, exclusion areas, or other construction limitations (e.g., limitations on nighttime work) will be provided to the environmental monitors and construction crews prior to ground disturbance.
- Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction and provide a contact person in the event of the discovery of dead or injured wildlife.
- Ensure that all pipes, tubing, or similar items staged or stored at the Project site for one or more overnight periods shall be capped, screened, covered, or filled with material All pipes, tubing, or similar items shall be thoroughly inspected for wildlife by the qualified biologist or biological monitor, prior to capping or use in Project activities.
- Review/designate the construction area in the field with the contractor in accordance with the final grading plan.
- Ensure that haul roads, access roads, and on-site staging and storage areas are sited within grading areas to minimize degradation of vegetation communities adjacent to these areas (if activities outside these limits are necessary, they shall be evaluated by the biologist to ensure that no special-status species habitats will be affected).
- Conduct a field review of the staking (to be set by the surveyor) designating the limits of all construction activity.
- Flag or temporarily fence any construction activity areas immediately adjacent to riparian areas.
- Ensure and document that required pre-construction surveys and/or relocation efforts have been implemented prior to Project activities.

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Recommendation #3: Mitigation Ledger Verification. To properly document 316.4 acres of permanent impacts associated with at Entrada South and 189.8 acres of permanent impacts at Valencia Commerce Center, CDFW requests the Project proponent provide a ledger or some appropriate accounting measure documenting the mitigation acreage debit from High Country, Salt Creek, and River Corridor conservation areas prior to Project activities.

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

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](https://wildlife.ca.gov/Data/CNDDDB)³ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit)⁴.

LADRP should ensure data collected for the preparation of the Draft SIER is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is

³ <https://wildlife.ca.gov/Data/CNDDDB>

⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the SEIR to assist LADRP in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that LADRP has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to [Kendall Hines](#)⁵, Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:

DF423498814B441...
Heather A. Pert
Environmental Program Manager
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ec: California Department of Fish and Wildlife
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ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

REFERENCES

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⁵ Phone: (858) 833-2815; Email: Kendall.Hines@wildlife.ca.gov

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

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

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #1: Impacts to Western Burrowing Owl (<i>Athene cunicularia</i>)</p> <p>Prior to Project activities, and within 120 days of Project commencement, focused surveys by a CDFW-approved qualified biologist, shall be conducted to determine presence of western burrowing owl. Surveys shall include four site visits conducted from as many fixed points as necessary to provide visual coverage of the site using spotting scopes or binoculars. Disturbance shall be minimized around potential occupied burrows during all seasons. Site visits shall be repeated on four separate days. Visits shall be conducted two hours before to one hour after sunset, or from one hour before to two hours after sunrise. Surveys shall be conducted during weather that is conducive to observing owls outside their burrows. Surveys shall be avoided during heavy rain, high winds (> 20 mph), or dense fog.</p> <p>Results of all surveys shall be provided to CDFW after surveys are complete, 30 days prior to Project commencement. If a burrowing owl is observed during the focused surveys, the qualified biologist shall notify CDFW immediately and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval 30 days prior to commencing Project activities. The Burrowing Owl Plan shall describe survey results, proposed avoidance measures, and monitoring plan.</p>	<p>Prior to Project ground disturbing activities</p>	<p>Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #2: Impacts to Crotch’s Bumble Bee (<i>Bombus crotchii</i>)</p> <p>Prior to the start of Project activities, during the Queen Flight and Colony Active Periods (February 1 through October 31), a qualified biologist shall conduct a habitat assessment to identify suitable habitat for Crotch’s bumble bee within Project activity areas, and then survey prior to construction for Crotch's bumble bee and nests in those areas. Qualified biologist(s) shall be approved by CDFW 14 days prior to survey commencement. Survey protocols shall adhere to CDFW's Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023) or another methodology approved by CDFW. Survey results, including negative findings or a map of nest location(s), shall be submitted to CDFW for review 14 days prior to starting Project activities. If Crotch's bumble bee nests are found during pre-construction surveys or detected during Project activities, Project activities shall be suspended until the CDFW-approved qualified biologist, with expertise in bumble bees, receives approval from CDFW for a Bumble Bee Avoidance Plan to avoid impacts to the nest(s). If Crotch’s bumble bee nests are not found during the surveys (negative finding) then no further measures are required. A qualified biologist shall be present during initial ground disturbing Project activities (clearing and grubbing) in areas where suitable habitat was identified. The plan shall include:</p> <ol style="list-style-type: none"> 1. On-site daily monitoring by CDFW-approved biologist during Project activities, such as ground or vegetation disturbance 2. No impact buffers. Ground-disturbing activities shall be prohibited within 100 feet of any known, occupied Crotch’s bumble bee nest, or 	<p>Prior to Project ground disturbing activities or vegetation removal</p>	<p>Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take. The prohibition will continue for the duration of the Crotch’s bumble bee colony active period, unless the nest is determined to be inactive by a qualified biologist.</p> <p>3. If a nest is found, Project proponent will provide a survey report to CDFW with a summary of the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found, within a 10-foot radius. This shall include native plant composition (e.g., density, cover, and abundance) within affected habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).</p> <p>4. If the Crotch’s bumble bee remains a candidate for listing, or has been listed, as endangered or threatened under the California Endangered Species Act (“CESA”), and Project activities will cause “take” of Crotch’s bumble bee, as that term is defined by Fish and Game Code section 86, the Project proponent shall obtain authorization for such take pursuant to Fish and Game Code Section 2081 or any other applicable provision of law providing such authorization.</p>		

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Mitigation Measure	Timing	Responsible Party
<p>Recommendation #1: Incidental Take Permit</p> <p>If there is a potential for take as defined by Fish and Game Code section 86, Permittee should consult with CDFW and consider obtaining an Incidental Take Permit to comply with the California Endangered Species Act (Fish & Game Code, § 2080 et seq).</p>	<p>Prior to Project ground disturbing activities or vegetation removal</p>	<p>Project Proponent</p>
<p>Recommendation #2: WEAP Training Additions</p> <p>Prior to grading and construction activities, a qualified biologist shall be retained to conduct a Worker Environmental Awareness Program (WEAP) for all construction/contractor personnel. A list of construction personnel who have completed training prior to the start of construction shall be maintained on-site, and this list shall be updated as required when new personnel start work. No construction worker may work in the field for more than five days without participating in the WEAP. Night work and use of lights on equipment shall not be allowed unless CDFW approves of the night work and use of lights. Lighting shall not be used where threatened or endangered species occur. Lights shall be directed from natural areas and remain 200 feet away from natural areas unless otherwise approved by CDFW.</p> <p>The qualified biologist shall provide ongoing guidance to construction personnel and contractors to ensure compliance with environmental/permit regulations and mitigation measures. The qualified biologist shall perform the following:</p> <ul style="list-style-type: none"> • Provide training materials and briefings to all personnel working on-site. The material shall include but not be limited to the identification 	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>and status of plant and wildlife species, significant natural plant community habitats (e.g., riparian), fire protection measures, and review of mitigation requirements.</p> <ul style="list-style-type: none"> • A discussion of the federal and state Endangered Species Acts, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, other state or federal permit requirements, and the legal consequences of non-compliance with these acts. • Attend the pre-construction meeting to ensure that timing/location of construction activities do not conflict with other mitigation requirements (e.g., seasonal surveys for nesting birds, pre-construction surveys, or relocation efforts). • Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas. Maps showing the location of special-status wildlife or populations of rare plants, exclusion areas, or other construction limitations (e.g., limitations on nighttime work) will be provided to the environmental monitors and construction crews prior to ground disturbance. • Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction and provide a contact person in the event of the discovery of dead or injured wildlife. 		

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Mitigation Measure	Timing	Responsible Party
<ul style="list-style-type: none"> • Ensure that all pipes, tubing, or similar items staged or stored at the Project site for one or more overnight periods shall be capped, screened, covered, or filled with material All pipes, tubing, or similar items shall be thoroughly inspected for wildlife by the qualified biologist or biological monitor, prior to capping or use in Project activities. • Review/designate the construction area in the field with the contractor in accordance with the final grading plan. • Ensure that haul roads, access roads, and on-site staging and storage areas are sited within grading areas to minimize degradation of vegetation communities adjacent to these areas (if activities outside these limits are necessary, they shall be evaluated by the biologist to ensure that no special-status species habitats will be affected). • Conduct a field review of the staking (to be set by the surveyor) designating the limits of all construction activity. • Flag or temporarily fence any construction activity areas immediately adjacent to riparian areas. • Ensure and document that required pre-construction surveys and/or relocation efforts have been implemented prior to Project activities. 		

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Mitigation Measure	Timing	Responsible Party
<p>Recommendation #3: Mitigation Ledger Verification</p> <p>To properly document 316.4 acres of permanent impacts associated with at Entrada South and 189.8 acres of permanent impacts at Valencia Commerce Center, CDFW requests the Project proponent provide a ledger or some appropriate accounting measure documenting the mitigation acreage debit from High Country, Salt Creek, and River Corridor conservation areas prior to Project activities.</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>