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January 22, 2021

Jan 22 2021

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STATE CLEARINGHOUSE

Subject: Pacific Rock Quarry Expansion Project, Draft Environmental Impact Report, SCH #2017081052, Ventura County

Dear Mr. Bertoline:

The California Department of Fish and Wildlife (CDFW) has reviewed Ventura County's (County; Lead Agency) Draft Environmental Impact Report (DEIR) for the Pacific Rock Quarry Expansion Project (Project). Review of the DEIR included the following documents: [Draft Environmental Impact Report](#), [Appendix A – EIR Scoping Records Appendices](#) (Appendix A), and [Appendix C – Biological Resource Appendices](#) (Appendix C).

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, we appreciate 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'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 & Game 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 is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). 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 & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation 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 & Game Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish

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& Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The County and Pacific Rock, Inc. (Applicant) are proposing the Project. The Applicant is requesting the approval of a Conditional Use Permit (CUP) modification to extend the life of the existing permitted operations for an additional 30 years, significant expansion of the mining area, extend the operational days from six to seven days per week (adding Sunday for material load out) with additional material load out hours and limited extended 24-hour operations (60 days maximum per year), allow construction and mobile mining equipment in outdoor storage areas, operate a concrete and asphalt recycling plant, allow for imported material to be used in reclamation fill, and replace an existing mobile home to be used as a 24-hour security trailer.

The Applicant is requesting that the County approve a CUP modification to extend the life of the permit and continue to operate on property zoned Open Space (OS-160) and Agricultural Exclusive (AE-40). Both parcels occur within a Habitat Connectivity and Wildlife Corridor overlay zone, pursuant to [Ventura County's Zoning Ordinance](#).

The existing facility is an active quarry that supplies large rock for the production of riprap and various sizes of crushed rock and aggregate materials to public works and private projects in Ventura County. The request includes expansion of the mining area to the east and onto recently acquired adjacent land. The CUP area would increase from 111.5 acres to 204.4 acres, an increase of 93 acres. The mining and facilities area would increase from 62.5 acres to 172.8 acres, an increase of 110.3 acres. The maximum depth of mining activities is 180 feet. Expected impacts to vegetation communities are detailed in Table 1 below.

Table 1. A summary of anticipated impacts to plant communities, as depicted in Appendix C.

Plant Community	Acres within Study Area	Acres Impacted by Project	Percent Impacted of Total within Study Area
Laurel Sumac Scrub	120.52	71.02	59%
California Sagebrush Scrub	0.14	0.14	100%
Deerweed Scrub	1.30	0	0
Giant Wild Rye Grasslands	2.04	1.50	74%
Cattail Marsh	0.32	0.19	59%
Red Willow Thicket	2.01	0	0
Mountain Mahogany Scrub	0.23	0.23	100%
Disturbed Chamise/Ceanothus Chaparral	1.43	1.34	94%
Coast Live Oak Woodland	1.52	0	0
Russian Thistle Fields	2.93	1.52	52%
Non-Native Annual Grassland	16.38	11.50	70%
Agriculture	19	10.21	54%
Ornamental	4.25	0.01	0.2%
Developed	1.70	0.29	17%
Previously Cleared Land	79.90	69.03	86%
Detention Pond	3.73	0	0
Total	257.4	166.98	

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The proposed Project is expected to impact 23 unnamed drainage features and may impact one detention pond. The detention pond is approximately 3.75 acres in size and contains habitat for multiple Endangered Species Act- (ESA) and CESA-listed species as well as California Species of Special Concern (SSC) including, but not limited to, least Bell's vireo (*Vireo bellii pusillus*), yellow warbler (*Setophaga petechia*), and western pond turtle (*Actinemys marmorata*). The feature is situated immediately adjacent to existing mining operations and captures all runoff from the facility. Many of the 23 unnamed drainage features are hydrologically connected to Conejo Creek and emergent wetlands downstream. In total, there is approximately 20,000 linear feet of ephemeral streams within the Project footprint. The acreage of impacts to streams and corresponding habitat was not provided.

Existing mining methods including rock blasting, sorting, processing/crushing, and stockpiling would occur throughout the enlarged area. The Applicant is also requesting approval of an amendment to the existing Reclamation Plan to account for the proposed expanded mine area and to amend specifications for reclaimed conditions at the site. The proposed Reclamation Plan amendment specifies end land uses as "open space" on the benched portions, and "agriculture" on the remaining areas, where grasses would be planted for cattle grazing. The proposed reclamation would also involve import and placement of fill material at the site.

Location: The Project is located within the westernmost portion of the Santa Monica Mountains and within the Santa Monica–Sierra Madre Connection (Connection), one of the few coastal-to-inland connections remaining in the South Coast Ecoregion. The Connection stretches from the rugged Santa Monica Mountains at the coast inward to the jagged peaks of the Santa Susana Mountains and the Sierra Madre Ranges of the Los Padres National Forest. The Connection is characterized as a corridor connecting the Santa Monica Mountains to Conejo Mountain. More specifically, the Project is located approximately 1.5 miles east of Lewis Road and approximately two miles south of State Highway 101 off a private road (Howard Road) in unincorporated Ventura County. The physical address for the site is 1000 South Howard Road, Camarillo, California 93012. The existing quarry is located within Assessor's Parcel Number (APN) 234-0-060-220. Proposed expansion areas are within additional portions of APN 234-0-060-220 and a portion of APN 234-0-060-190. Both parcels are located in Section 8, Township 1 North, Range 20 West, San Bernardino Baseline and Meridian.

Comments and Recommendations

CDFW previously commented on the proposed Project on October 2, 2017, because many of those comments have yet to be fully addressed those comments are attached as Attachment B to this letter. CDFW offers the comments and recommendations below to reassert its concerns and to assist the County in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097) (see Attachment A).

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Specific Comments

Comment #1: Mountain Lion (*Puma concolor*)

Issue: The County/Applicant stated, “The expansion of the quarry will narrow the corridor connecting the Santa Monica Mountains to Conejo Mountain but may not be determined to be significant being that the wildlife movement through the area will not be impeded.” CDFW disagrees with this statement and is concerned that the Project may impact mountain lion (*Puma concolor*) because the Project occurs within the range of mountain lion habitat.

Specific impacts: The Project as proposed may impact the southern California mountain lion population by increasing human presence, traffic, noise, air pollutants and dust, artificial lighting, and will significantly and permanently reduce the width of the existing wildlife corridor.

Why impacts would occur: Mountain lions may occur within the Project footprint or in areas immediate adjacent to the Project. The Project may increase human presence (e.g., new development, public trail access), traffic, noise, and artificial lighting during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trails by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. Mountain lions avoid areas with low woody vegetation cover and artificial outdoor lighting (Beier 1995). As human population density increases, the probability of mountain lion persistence decreases (Woodroffe 2000).

The Project as proposed would also impair a wildlife corridor. The Project would permanently impact the County’s Wildlife Linkage and [habitat] Corridor. Loss of wildlife connectivity is another primary driver for the potential demise of the southern California mountain lion population (Yap et al. 2019). Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap et al. 2019). Conserving and restoring habitat connectivity and corridors is essential for mitigating impacts to mountain lions. This is especially critical in the face of climate change-driven habitat loss and increased frequency of fires (Yap et al. 2019). Under a high emissions and warm and wet climate scenario, much of the chaparral habitat in southern California that provide habitat for mountain lions would be climactically highly stressed by the year 2070 (Thorne et al. 2016).

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and Game Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA-candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. Moreover, the Project may not fully mitigate for impacts to the vegetation where mountain lions may occur, which comprises the majority of the 110.3 acre increase of proposed mining activities. This is a substantial and significant impact to mountain

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lion habitat. The Project would continue to have significant impacts because mitigation as proposed would not result in adequate and successful mitigation for the unavoidable direct and indirect, permanent, or temporal losses, of habitat for mountain lion.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends setting aside a minimum of 110.3 acres of replacement habitat. CDFW recommends the replacement habitat be located adjacent to the County's Wildlife Linkage and Corridor in order to widen the corridor at locations where the corridor is less than one mile. There should be no net loss of suitable habitat for mountain lions. The County should consult and collaborate with CDFW to conserve areas beneficial to the southern California mountain lion population that may improve chances of survival and reproduction of mountain lions in the face of climate change. The mitigation lands should be protected 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 should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Mitigation Measure #2: Due to potential habitat within the Project footprint, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion natal dens. This should be performed within one year of Project implementation, including site preparation, equipment staging, and mobilization. Caves and other natural cavities and thickets of brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Survey results, including negative findings, should be submitted to CDFW prior to Project implementation. The survey report should include a map of potential denning sites. The survey report should also include measures to avoid impacts to dens and cubs if necessary.

Mitigation Measure #3: If potential habitat for natal dens is identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

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Mitigation Measure #4: If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the County must consult with CDFW to determine if a CESA ITP is required (pursuant to Fish & Game Code, § 2080 *et seq.*).

Mitigation Measure #5: CDFW highly discourages the use of rodenticides and second-generation anticoagulant rodenticides due to their harmful effects on the ecosystem and wildlife. CDFW recommends the County include a mitigation measure prohibiting the use of such harmful materials.

Comment #2: Impacts to Rare Plants

Issue #1: Page three of the Pacific Rock Quarry Expansion Project: June 18 Rare Plant Survey [...] (2018 Plant Survey) states “[f]ive [...] special-status [plant] species were observed during the surveys: Catalina mariposa lily (*Calochortus catalinae*), club haired mariposa lily (*Calochortus clavatus* var. *clavatus*), Blochman’s dudleya (*Blochman's dudleya*), Conejo buckwheat (*Eriogonum crocatum*), and southern California black walnut (*Juglans californica*).” CDFW is concerned that the mitigation proposed in the DEIR, at a 1:1 ratio, is insufficient.

Issue #2: CDFW expressed concerns regarding impacts to Conejo buckwheat, an endemic species to Ventura County and designated CESA-listed rare plant pursuant to the NPPA in the October 2, 2017 NOP comment letter. As previously stated in 2017, the NPPA prohibits the take and/or possession of State listed rare plants unless authorized by CDFW or in certain limited circumstances. **Take of Conejo buckwheat or other CESA-listed rare plants may only be permitted through an incidental take permit (ITP)** or other authorization issued by the Department pursuant to California Code of Regulations, Title 14, section, 786.9 subdivision (b). CDFW is concerned the loss of CESA-listed rare plants will occur if appropriate avoidance, minimization, and/or mitigation for these species is not adopted, including an ITP.

Issue #3: The observed and potentially occurring Special-Status Species table on pages 29-31 of Appendix C indicate that Several ESA- and CESA-listed plant species including Catalina mariposa lily, Verity’s dudleya (*Dudleya verity*), and Conejo dudleya (*Dudleya parva*) were observed within study area in 2010, but not during 2016 surveys. However, in the 2018 Plant Survey, Mariposa lily and Conejo buckwheat were observed within the study area. Collectively, the survey results are inconsistent and suggest there is a high likelihood of each of the species to occur within the footprint of the proposed Project. CDFW suggests the County propose mitigation measures for plants observed during all three surveys (2010, 2016, 2018) to sufficiently mitigate impacts to rare plants that have been documented to occur within the Project footprint. CDFW is aware of the 2013 fire that took place within the vicinity of the Project. However, burned habitat is habitat reset to an early seral stage. Burned habitat does not decline in value or importance by default of being burned. Given time, burned habitat is expected to successional progress back to the pre-burn vegetation community. The burned habitat still contains all of the vegetation species that occurred pre-fire, in the form of 1) embryos (seed bank) or 2) basal burls or roots that allow for resprouting of vegetation. Either way, the site is still considered to currently support, even after a burn, the same vegetation (Coop et al. 2020).

Specific Impacts: Direct impacts to rare plants that occur on site or within the immediate vicinity of the Project are likely to occur. This may result in mortality, reduced reproductive capacity, population declines, or local extirpation of a sensitive or special status plant.

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Why impacts would occur: Wildfires are significant drivers of landscape change and can act as a catalyst for promoting biological diversity. Many California endemic and rare plants occur in fire dependent ecosystems or are fire adapted which means seeds or bulbs generally germinate with fire-related cues (e.g., heat, smoke) (USFWS 1999). For plants with underground bulbs (i.e., geophytes), the absence of visible above-ground plants may not necessarily be indicative of actual population absence or size. A population may still exist via underground bulbs even when no above-ground individuals are observed (Miller et al. 2004). Many *Calochortus* species are gap specialists and depend on disturbances such as fire to open the habitat, to provide nutrients, and to allow for a successful reproduction year.

Rare plants may have established in the Project site post-fire and have since been undetected. As stated above, burned habitat does not decline in value or importance by default of being burned. Given time, burned habitat is expected to successional progress back to the pre-burn vegetation community. The burned habitat still contains all of the vegetation species that occurred pre-fire, in the form of 1) embryos (seed bank) or 2) basal burls or roots that allow for resprouting of vegetation. Project construction and activities such as vegetation clearing, operating large equipment (e.g., loaders, dozers, drilling rigs, and cranes), and ground disturbance (e.g., staging, access, grading, excavating, drilling) may have direct impacts on sensitive or special status plant species and indirect impacts by modifying or removing habitat (Coop et al. 2020).

Evidence impacts would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant 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, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS). Additionally, plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS [Rare Plant Ranks](#) page for additional rank definitions.

Recommended Potentially Feasible Mitigation Measure(s): The following mitigation measures should be performed.

Mitigation Measure #1: The EIR should provide species-specific measures to fully avoid impacts to all ESA- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.

Mitigation Measure #2: CDFW recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat.

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- a) The EIR should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).
- b) CDFW recommends the EIR be conditioned to provide a minimum mitigation ratio above 1:1 for sensitive plant species. CDFW recommends a replacement ratio of 3:1 to 10:1 depending on the population and occurrence status of the species (1.e., generally 5:1 for CRPR 3 and 4 species; 7:1 for CRPR 2; and 10:1 for CRPR 1). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat.
- c) The EIR should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.

Recommendation #1: Given the mixed conclusions of species presence over the past few years, CDFW recommends the County update and consolidate all plant survey results (2010, 2016, and 2018) and propose mitigation for all species impacted. If new, significant effects to rare plants are identified and mitigation measures or project revisions must be added to the EIR, CDFW recommends recirculating the environmental document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

Comment #3: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Issue: In Appendix C, the County/Applicant indicates that the Project may impact 23 ephemeral streams, one ponded detention basin, and associated habitats that are subject to Fish and Game Code, section 1600 *et seq.* Within the same appendix, the following statement is made, “a wetland delineation was conducted as part of original ISBA submission by Impact Sciences, Inc., in 2010; however, this delineation did not include the additional impact areas that were added to the revised Construction Footprint. Therefore, an updated formal wetland delineation should be conducted for the revised Project.” The document also stated that an updated wetland delineation was performed in 2017. The updated information, including the

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Jurisdictional Wetland Delineation Report, were not clearly apparent. As such, CDFW is only able to comment on the information provided. Please provide CDFW with the updated information, including any information regarding the delineations of basins or streams subject to Fish and Game code section 1602, for review. Upon review, CDFW may provide additional comments, as necessary.

Specific Impact: The Project proposes to modify 23 unnamed ephemeral streams and may impact one ponded detention basin. Collectively, 20,000 linear feet of ephemeral streams may be directly impacted as a result of the Project. The detention basin is approximately 3.75 acres. Modification of these features may result in the loss of streams and associated watershed function and biological diversity. Frequent mining activities on or near streams is likely to diminish on site and downstream water quality. Altering these drainage features will also alter the hydrologic and geomorphic processes and may impact Conejo Creek and emergent fish and wildlife downstream. Project activities may also impact tributaries that occur upstream, outside of the Project boundary, where hydrologic connectivity occurs.

Why Impact Would Occur: The Project will directly impact 23 ephemeral streams and potentially one detention basin. Collectively, this would result in the potential loss of several acres of natural drainage patterns, soils, and associated vegetation. These actions may also result in changes to the streams, altering hydrologic and geomorphic processes that may impact plant and wildlife species.

Evidence Impact Would Be Significant: The Project may substantially adversely affect the existing stream patterns of the Project site through the alteration or diversion of streams, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project. Debris, soil, silt, sawdust, rubbish, raw cement/concrete, or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous or deleterious to aquatic life, wildlife, or riparian habitat resulting from Project related activities may enter the stream.

Recommended potentially feasible mitigation measure(s)

Mitigation Measure #1: The Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at <https://www.wildlife.ca.gov/conservation/lsa>.

CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

Mitigation Measure #2: Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as

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additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.

Mitigation Measure #3: CDFW recommends fully avoiding impacts to waters and riparian/wetland vegetation communities. If feasible, CDFW recommends redesigning the Project to avoid impacts to the existing drainage features that support sensitive vegetation communities. CDFW also recommends the County consider Project alternatives that could incorporate the unnamed streams into the planned development. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible. CDFW recommends taking an inter-disciplinary approach to involve landscape architects, engineers, and wildlife biologists, and hydrologists to develop design alternatives that could fully avoid or lessen impacts to waters and riparian/wetland vegetation communities.

Mitigation Measure #4: If impacts to streams is unavoidable, CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Mitigation Measure #5: If credits at a CDFW-approved mitigation bank are not available, CDFW recommends setting aside replacement habitat to be protected 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. Mitigation lands should be in the same watershed as the Project site and support in-kind vegetation. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the County's issuance of grading permits.

Mitigation Measure #6: If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.

Mitigation Measure #7: CDFW recommends that all on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities be protected in perpetuity from public encroachment and structural intrusion. This should include all water features on site, including ephemeral and perennial bodies.

CDFW recommends the County fund a minimum of 10 years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creeks, surrounding natural areas) should be protected 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. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

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Recommendation #1: As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Comment #4: Crotch's Bumble Bee

Issue #1: The DEIR concluded that Project impacts to California sage brush is limited to 0.14 acre. Therefore, potential impacts to Crotch's bumble bee (an invertebrate of conservation and an SSC), habitat is limited to 0.14 acres and is not significant. CDFW disagrees with this statement because Crotch's bumble bees are generalist foragers and have been reported visiting a wide variety of flowering plants (Biesmeijer et al. 2006; Xerces 2018). They are known to occur in laurel sumac scrub, grassland, meadows, and coastal sage scrub, among other vegetation communities.

Issue #2: The DEIR and Appendix C do not provide information as to what criteria would be used to conclude that the species is not present. CDFW is concerned that crotch's bumble bee surveys will not be performed in all habitat areas where they may occur and cannot discern whether the surveys will be adequately performed based on the information provided.

Specific impacts: The Project as proposed would increase mining activities by 110.3 acres, the majority of which is comprised of native vegetation including, but not limited to, laurel sumac scrub, grasslands, and ceanothus scrub. Native vegetation communities and grasslands could provide Crotch's bumble bee habitat. The Project as proposed would grade and/or develop habitat that could support Crotch's bumble bee. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground-disturbing activities and vegetation removal may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.

Why impacts would occur: Crotch's bumble bees may occur in a variety of habitats expected to be impacted by the Project and are not limited to the 0.14 acres of coastal sage scrub described in the DEIR. Suitable Crotch's bumble bee habitat includes areas of grasslands and scrub that contain requisite habitat elements, such as small mammal burrows. Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows, but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Project activities may result in temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

Evidence impact would be significant: Crotch's bumble bee is listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017). 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

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range and steep population declines make the species vulnerable to extirpation from the State (CDFW 2017). 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 the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Crotch's bumble bee surveys should be expanded to native vegetation communities and grasslands beyond coastal sage scrub. Survey's should be performed by a qualified entomologist familiar with the species behavior and life history to determine the presence/absence of Crotch's bumble bee and within one year prior to vegetation removal and/or grading. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report should provide the following:

- a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.
- b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.
- c) Map(s) showing the location of nests/colonies.
- d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

Mitigation Measure #2: If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the County must consult CDFW to determine appropriate avoidance and/or minimization measures for the species.

Comment #5: Impacts to Oak Trees and Oak Woodland

Issue: According to page 3.5-50 of Appendix C, several coast live oak trees (*Quercus agrifolia*), including heritage oaks, will be removed as a result of the Project. Coast live oak has a CNPS rarity ranking of S4. CDFW is concerned that the proposed mitigation for impacts to oak trees may be insufficient for impacts to oak trees and oak woodlands. In addition, Table 3.5-7 of Appendix C states that zero of the 1.52 acres of coast live oak woodlands would be impacted as a result of the Project. CDFW believes this should be revisited considering the Project includes oak tree removal (as referenced above).

Specific impact: CDFW is concerned with proposed mitigation because:

- a) BIO-5 may defer payment of an in-lieu fee to the County's oak tree mitigation fund and/or relocation of oak trees as mitigation, instead of restoration/replanting as the primary mitigation;

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- b) BIO-5 may not address a significant portion of coast live oak woodland canopy within the Project site. The acreage of impact was not discussed in the DIER; and,
- c) BIO-5 does not include an attempt to replant oak trees within the vicinity of the Project. As a result, trees may be planted in areas that have not historically supported oak woodlands or would not provide appropriate hydrological conditions.

As a result, the Project may continue to have temporal or permanent impacts to oak trees and oak woodlands.

Why impacts would occur: The Project would remove and impact oak woodlands that include oak trees and understory associated vegetation. Mitigation Measure BIO-5, as it is currently proposed, may be insufficient for mitigating impacts to oak trees and oak woodlands. First, BIO-5 focuses primarily on individual oak tree replacement instead of applying an ecosystem-based approach to restore the oak woodland. Second, BIO-5 may defer to or include in-lieu fees and as means of mitigation for individual oak trees. It is unclear how in-lieu fees will be used for mitigation such that there is no net loss of oak trees. Lastly, BIO-5 may defer to or include relocation/translocation of individual oak trees. CDFW views relocation/translocation as experimental in nature (Fiedler 1991; CNPS 1998; Fahselt 2007; Godefroid 2010). A study conducted in Calabasas on the survivorship of 25 transplanted oak trees yielded a low 8 percent establishment and no more than 40 percent change of long-term survival, perhaps considerably less, of the oak trees that established (Dagit and Downer 1997).

Evidence impacts would be significant: Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. CDFW considers oak woodlands a sensitive vegetation community.

The current mitigation as proposed would not result in adequate successful mitigation for the unavoidable direct and indirect, permanent, or temporal losses, of oak woodlands. First, the acreage of oak woodland habitat should be disclosed in the DEIR. Second, the Mitigation Measure BIO-5 should clearly include the commensurate acreage of mitigation for impacts to oak woodlands. Absent appropriate mitigation for impacts for the unknown acres of oak woodland, the Project would continue to have significant impacts. Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant 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, 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: In order to ensure no net loss of oak trees/oak woodlands, CDFW recommends the following replacement ratios: (1) trees less than 5 inches diameter at breast

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height (DBH) should be replaced at 2:1; (2) trees between 5 and 12 inches DBH should be replaced at 3:1; (3) trees between 12 and 24 inches DBH should be replaced at 5:1; (4) trees greater than 24 inches DBH should be replaced at 10:1. Oak trees should be used to recreate functioning oak woodland of similar composition, density, structure, and function to the selected oak woodland that was impacted.

Mitigation Measure #2: Mitigation should restore a minimum of the currently unknown acres of oak woodlands on site in approximately the same footprint as Project impacts. The mitigation site should mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species should be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost.

Mitigation Measure #3: Prior to any Project ground-disturbing activities, the County should develop and implement an Oak Woodland Mitigation Program with the following components:

- 1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH;
- 2) Acres of oak woodlands impacted, and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine);
- 3) Mitigation ratios applied and total number and/or area of replacement trees and vegetation;
- 4) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion);
- 5) The location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of oak woodland impacted;
- 6) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration;
- 7) Location(s) of propagule source. Propagules should be collected or grown from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted;
- 8) Species-specific planting methods (i.e., container or bulbs);
- 9) Planting schedule;
- 10) Measures to control exotic vegetation and protection from herbivory;
- 11) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based on present site/habitat conditions and/or functional local native oak woodlands as reference sites;
- 12) Contingency measures should the success criteria not be met;
- 13) Long-term monitoring for at least 10 years;
- 14) Adaptive management techniques, including replacement plants if necessary; and,
- 15) Annual reporting criteria and requirements.

Mitigation Measure #4: CDFW recommends that a sufficient depth and composition of soils be replaced on the remediated landslide suitable to support all dominant co-dominate plants found in coast live oak woodlands. Use of engineered fill should be kept minimal to the extent feasible.

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Planting on graded slopes for the purposes of mitigation should be kept minimal to the extent feasible.

Mitigation Measure #5: If on-site oak woodland mitigation is not feasible, CDFW recommends the County set aside replacement habitat to be protected 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. Mitigation lands should be in the same watershed as the Project site and replace at minimum the acreage of oak woodlands of similar composition as the oak woodlands impacted. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Comment #6: Impacts to Locally Important Upland Plant Communities

Issue: CDFW is concerned that the County has not proposed mitigation for locally important upland plant communities, including vegetation alliances that fall within the coastal sage scrub vegetation community.

Specific impact: The Project proposes to impact a substantial amount of native Upland Scrub and Grassland habitat, see Table 1 above for acreage impacts per plant community. The absence of mitigation for Upland Scrub and Grassland habitats is insufficient and will result in permanent loss of habitat for plants and wildlife. Appendix C states 11.50 non-native annual grasslands and 1.34 acres of disturbed chamise/ceanothus chaparral will be impacted as a result of the Project. Despite their status as a "semi-natural" or "introduced" plant communities, these habitats still support and provide habitat for plants and wildlife.

Why impacts would occur: approximately 85 acres of Upland Scrub and Grassland habitat that support rare plants, birds, and wildlife will be impacted as a result of Project activities. Laurel sumac scrub (*Malosma laurina* Alliance) and deerweed Scrub (*Acmispon glaber* Alliance) are part of the coastal sage scrub vegetation community (Westman 1981) and will be significantly impacted by the project. In addition, giant wild rye grasslands (*Elymus condensatus* Alliance), mountain mahogany scrub (*Cercocarpus montanus* Alliance), and chamise/ceanothus chaparral (*Adenostoma fasciculatum* Alliance) are also sensitive upland plant communities that support wildlife. Collectively, the aforementioned vegetation communities are referred to as Upland Scrub and Grassland.

Evidence impacts would be significant: California coastal sage scrub covers approximately 7,501 square kilometers of the State. By the end of the century, up to 3,000 square kilometers of lands will not be suitable to support California coastal sage scrub under projected climate change scenarios (Thorne et al 2016). In southern California, human activities have eliminated coastal sage scrub from 70 to 90 percent of the original land area occupied by this habitat and contributed to significant fragmentation and degradation of existing habitat (EcoAdapt 2017). Southern California's sage scrub habitats are sensitive to impacts resulting from climate change such as increase frequency and intensity of wildfires and extreme high and low temperature events (EcoAdapt 2017). Additionally, land-use conversion is a significant barrier to sage scrub habitat continuity and dispersal in the face of climate change. In light of climate change and developmental pressures on the State's shrublands, one of the goals of the [2030 Natural and](#)

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[Working Lands Climate Change Implementation Plan](#) is to conserve shrublands and protect land from conversion to more intensified uses (CalEPA et al. 2019).

Pursuant under CEQA Guidelines, section 15125(c), CDFW considers southern California coastal sage scrub habitats as locally significant. The absence of mitigation for many of the habitats listed above will result in significant loss of viable and valuable habitat. As a result, the Project may continue to have a significant change on the environment absent appropriate mitigation for the unavoidable direct and indirect, permanent, or temporal losses, of native and undisturbed vegetation and habitat (CEQA Guidelines, § 15382). Collectively, Upland Scrub and Grassland habitats currently support or provide suitable habitat for plants and wildlife, including a rare plant and wildlife, including SSC. Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant and wildlife species and sensitive vegetation communities 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, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and USFWS.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends the County prepare an Upland Restoration Plan inclusive of Upland Scrub and Grasslands listed above. CDFW recommends taking an interdisciplinary approach, inclusive of wildlife biologists and restoration professionals, to restore scrub and grassland habitats. The County should replace acreage of Upland Scrub and Grasslands at no less than the total acres impacted and use only native grasses or forbs indigenous to grasslands in region/watershed. Restoration should consider habitat requirements (e.g., refugia, structure, variation in plant density and cover) of wildlife that could occur in these two vegetation communities. CDFW recommends that the location of the mitigation site avoid the conversion of other habitats (e.g., scrubland to grassland). Scrub and grassland restoration should occur in areas appropriate abiotic and biotic conditions to support each habitat type.

Comment #7: Impacts to Bats

Issue: The Project site contains potential habitat for bats to forage and roost. CDFW is concerned that impacts to bats was not addressed in any of the documents reviewed. Without a comprehensive bat analysis, bats, including CESA-listed species, may be adversely impacted by Project activities.

Specific impacts: The Project proposes to remove several trees. Direct impacts include removal of trees, vegetation, and/or structures that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats potentially using man-made structures or surrounding trees as roost sites.

Why impacts would occur: Bats use trees and man-made structures for daytime and nighttime roosts, and forage in sources of open water such as ponds and lakes (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and

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survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends a qualified bat specialist conduct bat surveys to determine baseline conditions within the Project site and within a 500-foot buffer to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites. CDFW recommends using acoustic recognition technology to maximize detection of bats. Night roosts are typically utilized from the approach of sunset until sunrise. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).

Mitigation Measure #2: Survey methodology and results, including negative findings, should be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

Mitigation Measure #3: If maternity roosts are found, CDFW recommends, the following three mitigation measures.

- a) If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30).
- b) If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology will be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.

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- c) If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees will be pushed down using heavy machinery rather than felling it with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

Comment #8: Impacts to Least Bell's Vireo and Coastal California Gnatcatcher

Issue: CDFW is concerned that protocol surveys performed for ESA- and CESA-listed least Bell's vireo and ESA-listed coastal California gnatcatcher (*Polioptila californica californica*) in 2010 are outdated and inadequate.

Specific impacts: Least Bell's vireo and coastal California gnatcatchers may occur on the Project's site or within the vicinity of the Project. Without recent protocol surveys (i.e., 1- to 2-years old), these species may be directly or indirectly impacted. The Project, as proposed, will remove several acres of suitable habitat for least Bell's vireo and coastal California gnatcatcher. The Project's site contains elements of coastal sage scrub (see Comment #6) and riparian habitats which are suitable habitat for the two species. Indirect effects such as noise, dust, and artificial lighting may also adversely impact the two species as well as other nesting birds.

Why impacts would occur: Least Bell's vireo are expanding into their historical range, as well as, dispersing into new locations with suitable habitat. In addition, coastal California gnatcatchers affected by local fires (e.g., the Hills and Woolsey fires) may have moved into new locations. Least Bell's vireo and coastal California gnatcatcher have a high potential to occur within the Project site. Absent current protocol surveys, direct and indirect impacts to both/either species may occur since Individuals may have migrated into the Project area/vicinity over the last decade. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival. Direct impacts to both species could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat including coastal sage scrub (see Comment #6) and an undisclosed acreage of riparian habitat. Additional impacts could result from increased noise disturbances, dust, and vibrations caused by heavy equipment.

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or species of special concern. The loss of occupied and suitable habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code,

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sections 3503 and 3503.5. Noise from increased road use, generators, and other equipment may disrupt mating calls which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the following measure.

Mitigation Measure #1: CDFW recommends the County/Applicant perform appropriate protocol survey for least Bell's vireo and coastal California gnatcatcher prior to Project construction. The survey(s) should be performed based on the species found, or likely to occur, on the Project's site. Survey results including negative findings should be submitted to CDFW and UWFSW prior to implementing Project related ground disturbing activities.

Mitigation Measure #2: If necessary, the survey report should provide a mitigation plan. The objective of which should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. The plan should provide measures to fully avoid and/or mitigate for permanent impacts.

Mitigation Measure #3: CDFW recommends fully avoiding impacts to least Bell's vireo and coastal California gnatcatcher. CDFW recommends that the County submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be fully developed prior to implementing Project related ground disturbing activities.

Mitigation Measure #4: If the Project will have permanent impacts to least Bell's vireo or coastal California gnatcatcher habitat, either during Project activities or over the life of the Project, CDFW recommends participation in a mitigation bank. CDFW recommends that mitigation occur at a state-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project related ground disturbing activities.

Mitigation Measure #5: If credits at a state-approved mitigation bank are not available for mitigating impacts to least Bell's vireo and coastal California gnatcatcher and their habitat, CDFW recommends setting aside replacement habitat to be protected 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), 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. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A burrowing owl mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities.

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Mitigation Measure #6: If “take” or adverse impacts to least Bell’s vireo and/or coastal California gnatcatcher cannot be avoided either during Project activities or over the life of the Project, the County must consult CDFW to determine if a CESA ITP is required (pursuant to Fish & Game Code, § 2080 et seq.) and with UFWFS to determine if an ESA ITP is required, prior to construction.

Comment #9: Impacts to Non-Game Mammals and Wildlife

Issue: Wildlife may still move through the Project site during the daytime or nighttime. CDFW is concerned that any wildlife potentially moving through or seeking temporary refuge on the Project site may be directly impacted during Project activities and construction. Any final fence, or other design features, design should allow for wildlife movement.

Specific impacts: Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. This could result in wildlife and bird mortality. Furthermore, depending on the final fencing design, the Project may cumulatively restrict wildlife movement opportunity.

Why impacts would occur: Direct impacts to wildlife may occur from: ground disturbing activities (e.g., staging, access, excavation, grading); wildlife being trapped or entangled in construction materials and erection of restrictive fencing; and wildlife could be trampled by heavy equipment operating in the Project site.

Evidence impact would be significant: Mammals occurring naturally in California are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1).

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the following four mitigation measures to avoid and minimize direct impacts to wildlife during Project construction and activities.

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas.

Mitigation Measure #2: To avoid direct mortality, a qualified biological monitor shall be on site prior to and during ground and habitat disturbing activities to move out of harm’s way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm’s way.

It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

Mitigation Measure #3: Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

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Comment #10: Impacts to Fish and Fish Passage

Issue: CDFW is concerned that impacts to native fish and fish passage was not adequately assessed. CDFW is concerned that indirect, and potentially direct, affects to native fish, including ESA-listed southern California steelhead (*Oncorhynchus mykiss*) (SCS) and arroyo chub (*Gila orcuttii*) (SSC), may be substantially impacted by Project activities.

Specific Impact: The Project is expected to impact several 23 ephemeral streams and one detention basin, some of these features have hydrologic connectivity with Conejo Creek. Direct and indirect impacts to these streams (see Comment #3) may substantially adversely affect native fish, including SCS and arroyo chub, and fish passage. Potential impacts include, but are not limited to, harmful quantities of pollutants (including high levels of dust) that would adversely affect fish and the habitat which they depend upon.

Evidence impact would be significant: Conejo Creek supports native fish species SCS and arroyo chub. In 2013 CDFW scientists observed an adult SCS upstream of the Project (approximately 100 meters downstream of the State Highway 101 overpass).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: An Aquatic Resource Study would be performed prior to project construction. The study is to include an analysis of fish passage. If it is determined that native fish or fish passage will be directly or indirectly impacted by the Project, the County will consult with CDFW to determine additional, appropriate avoidance, minimization, and mitigation measures.

Mitigation Measure #2: If necessary, the survey report should provide a mitigation plan. The objective of which should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. The plan should provide measures to fully avoid and/or mitigate for permanent impacts.

Mitigation Measure #3: CDFW recommends fully avoiding impacts to sensitive aquatic resources, including arroyo chub and SCS. CDFW recommends that the County submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be fully developed prior to implementing Project related ground disturbing activities.

Mitigation Measure #4: If “take” or adverse impacts to ESA- or CESA-listed species cannot be avoided either during Project activities or over the life of the Project, the County must consult CDFW and/or USFWS (as appropriate) to determine if an ITP is required. This consultation must occur to prior to Project construction.

Additional Recommendations

Alternatives. CDFW recommends the County consider Alternative that would fully avoid or minimize impacts to streams, sensitive plants and wildlife, oak woodlands, and large swaths of undisturbed, native plant communities. CDFW recommends the County recirculate the environmental document after including alternative locations in order to foster meaningful public participation and informed decision making [CEQA Guidelines, §§ 15088.5, 15126.6(f)]. If the County concludes that no feasible alternative locations exist, or the use of alternative locations

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as a mitigation measures is infeasible, the County must disclose the reasons in the final environmental document and recirculate [CEQA Guidelines, §§ 15088.5(a)(3), 15126.6(f)(2)].

Seed Collection. CDFW recommends that some sensitive plant propagules collected from the Project site be deposited as a Documented Conservation Seed Collection at either Santa Barbara Botanic Garden or the California Botanic Garden (formerly known as Rancho Santa Ana Botanic Garden). A Documented Conservation Seed Collection is when propagules from a California Native Plant Society-ranked and/or CESA-listed plant species is collected and stored as part of a permanent genetic collection in a protected location. Documented conservation collections are important for conserving rare plant genetic material in order to provide a source material for future restoration and recovery and protect against possible species extinction. The County should provide evidence of Documented Conservation Seed Collection and funding to CDFW prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Fuel Modification. If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the County 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). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Filing Fees

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

We appreciate the opportunity to comment on the Project to assist the County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at Baron.Barrera@wildlife.ca.gov.

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Sincerely,

DocuSigned by:
Erinn Wilson-Olgin

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ec: CDFW

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CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project’s final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Impacts to Mountain Lion – Replacement Habitat	CDFW recommends setting aside a minimum of 110.3 acres of replacement habitat. CDFW recommends the replacement habitat be located adjacent to the County’s Wildlife Linkage and Corridor in order to widen the corridor at locations where the corridor is less than one mile. There should be no net loss of suitable habitat for mountain lions. The County should consult and collaborate with CDFW to conserve areas beneficial to the southern California mountain lion population that may improve chances of survival and reproduction of mountain lions in the face of climate change. The mitigation lands should be protected 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 should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established,	Prior to Project construction and activities	Ventura County/ Applicant

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	transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.		
MM-BIO-2- Impacts to Mountain Lion – Surveys	Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Survey results, including negative findings, should be submitted to CDFW prior to Project implementation. The survey report should include a map of potential denning sites. The survey report should include measures to avoid impacts dens and cubs if necessary.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-3- Impacts to Mountain Lion – Avoiding Natal Dens	If potential habitat for natal dense are identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback	Prior to Project construction and activities	Ventura County/ Applicant

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	until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.		
MM-BIO-4- Impacts to Mountain Lion – Take Permit	If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction or over the life of the Project, the County will consult CDFW to determine if a CESA ITP is required.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-5- Impacts to Mountain Lion – Rodenticides	The use of rodenticides and second-generation anticoagulant rodenticides are prohibited from use, due to their harmful effects on the ecosystem and wildlife.	After Project construction and activities	Ventura County/ Applicant
MM-BIO-6- Impacts to Rare Plants – Work Restrictions	The EIR should provide species-specific measures to fully avoid impacts to all ESA- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-7- Impacts to Rare Plants – Species Specific Mitigation	<p>CDFW recommends the EIR provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat.</p> <p>d) The EIR should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).</p> <p>e) CDFW recommends the EIR be conditioned to provide a minimum mitigation ratio of 5:1 for CRPR 3 and 4 species;</p>	Prior to Project construction and activities	Ventura County/ Applicant

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	<p>7:1 for CRPR 2; and 10:1 for CRPR 1. This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat.</p> <p>f) The EIR should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.</p> <p>Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.</p>		
<p>MM-BIO-8- Impacts to Rare Plants –</p>	<p>Given the mixed conclusions of species presence over the past few years, CDFW recommends the County update and consolidate all plant survey results (2010, 2016, and 2018) and proposing mitigation for all species impacted. If new significant effects to rare</p>	<p>Prior to Project construction and activities</p>	<p>Ventura County/ Applicant</p>

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Consolidate Plant Studies	plants are identified and mitigation measures or project revisions must be added to the EIR, CDFW recommends recirculating the environmental document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).		
MM-BIO-9- Impacts to Aquatic and Riparian Resources – Lake and Streambed Alteration Agreement	<p>The Project applicant (or “entity”) must provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW’s web site at https://www.wildlife.ca.gov/conservation/lisa.</p> <p>CDFW’s issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 <i>et seq.</i> and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p>	Prior to/During Project construction and activities	Ventura County/ Applicant
MM-BIO-10- Impacts to Aquatic and Riparian Resources – Replacement Habitat	Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.	Prior to/After Project construction and activities	Ventura County/ Applicant
MM-BIO-11- Impacts to Aquatic and	CDFW recommends fully avoiding impacts to waters and riparian/wetland vegetation communities. If feasible, CDFW recommends redesigning the Project to avoid impacts to the existing drainage features that support sensitive vegetation	Prior to/After Project	Ventura County/ Applicant

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Riparian Resources – Interdisciplinary Approach	communities. CDFW also recommends the County consider Project alternatives that could incorporate the unnamed streams into the planned development. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible. CDFW recommends taking an inter-disciplinary approach to involve landscape architects, engineers, and wildlife biologists, and hydrologists to develop design alternatives that could fully avoid or lessen impacts to waters and riparian/wetland vegetation communities.	construction and activities	
MM-BIO-12- Impacts to Aquatic and Riparian Resources – Replacement Habitat	If impacts to streams is unavoidable, CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the County’s issuance of grading permits.	Prior to/After Project construction and activities	Ventura County/ Applicant
MM-BIO-13- Impacts to Aquatic and Riparian Resources – Replacement Habitat	If credits at a CDFW-approved mitigation bank are not available, CDFW recommends setting aside replacement habitat to be protected 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. Mitigation lands should be in the same watershed as the Project site and support in-kind vegetation. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the County’s issuance of grading permits.	After Project construction and activities	Ventura County/ Applicant
MM-BIO-14- Impacts to Aquatic and Riparian	If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan	Prior to/After Project construction and activities	Ventura County/ Applicant

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Resources – Replacement Habitat	(HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures. -term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County’s issuance of grading permits.		
MM-BIO-15- Impacts to Aquatic and Riparian Resources – Replacement Habitat	<p>CDFW recommends that all on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities be protected in perpetuity from public encroachment and structural intrusion. This should include all water features on site, including ephemeral and perennial bodies.</p> <p>CDFW recommends the County fund a minimum of 10 years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creeks, surrounding natural areas) should be protected 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. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County’s issuance of grading permits.</p>	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-16- Aquatic and Riparian Resources – Replacement Habitat	As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW’s broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to Project construction and activities	Ventura County/ Applicant

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<p>MM-BIO-17- Impacts to Crotch's Bumble Bee – Surveys</p>	<p>Due to suitable habitat within the Project site, Crotch's bumble bee surveys should be expanded to native vegetated communities beyond coastal sage scrub. Surveys should be performed by a qualified entomologist familiar with the species behavior and life history to determine the presence/absence of Crotch's bumble bee and within one year prior to vegetation removal and/or grading. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report should provide the following:</p> <ul style="list-style-type: none"> e) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys. f) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched. g) Map(s) showing the location of nests/colonies. <p>A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).</p>	<p>Prior to/During Project construction and activities</p>	<p>Ventura County/ Applicant</p>
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MM-BIO-18- Impacts to Crotch's Bumble Bee – Incidental Take Permit	<p>If “take” or adverse impacts to Crotch’s bumble bee cannot be avoided either during Project activities or over the life of the Project, the County must consult CDFW to determine if a CESA Incidental Take Permit is required (pursuant to Fish & Game Code, § 2080 <i>et seq.</i>).</p>	<p>Prior to Project construction and activities</p>	<p>Ventura County/ Applicant</p>
MM-BIO-19- Impacts to Oak Woodlands – Habitat Replacement	<p>In order to ensure no net loss of oak trees/oak woodlands, CDFW recommends the following replacement ratios: (1) trees less than 5 inches diameter at breast height (DBH) should be replaced at 2:1; (2) trees between 5 and 12 inches DBH should be replaced at 3:1; (3) trees between 12 and 24 inches DBH should be replaced at 5:1; (4) trees greater than 24 inches DBH should be replaced at 10:1. Oak trees should be used to recreate functioning oak woodland of similar composition, density, structure, and function to the selected oak woodland that was impacted.</p>	<p>Prior to/During Project construction and activities</p>	<p>Ventura County/ Applicant</p>
MM-BIO-20- Impacts to Oak Woodlands – Habitat Replacement	<p>Mitigation should restore a minimum of the currently unknown acres of oak woodlands on site in approximately the same footprint as Project impacts. The mitigation site should mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species should be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost.</p>	<p>Prior to Project construction and activities</p>	<p>Ventura County/ Applicant</p>

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<p>MM-BIO-21- Impacts to Oak Woodlands – Oak Woodland Habitat Mitigation Program</p>	<p>Prior to any Project ground-disturbing activities, the County should develop and implement an Oak Woodland Mitigation Program with the following components:</p> <ul style="list-style-type: none"> 16) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH; 17) Acres of oak woodlands impacted, and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); 18) Mitigation ratios applied and total number and/or area of replacement trees and vegetation; 19) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion); 20) The location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of oak woodland impacted; 21) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; 22) Location(s) of propagule source. Propagules should be collected or grown from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted; 23) Species-specific planting methods (i.e., container or bulbs); 24) Planting schedule; 25) Measures to control exotic vegetation and protection from herbivory; 26) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based on 	<p>Prior to Project construction and activities</p>	<p>Ventura County/ Applicant</p>
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	<p>present site/habitat conditions and/or functional local native oak woodlands as reference sites;</p> <p>27) Contingency measures should the success criteria not be met;</p> <p>28) Long-term monitoring for at least 10 years;</p> <p>29) Adaptive management techniques, including replacement plants if necessary; and,</p> <p>30) Annual reporting criteria and requirements.</p>		
MM-BIO-22- Impacts to Oak Woodlands – Soils	CDFW recommends that a sufficient depth and composition of soils be replaced on the remediated landslide suitable to support all dominant co-dominate plants found in coast live oak woodlands. Use of engineered fill should be kept minimal to the extent feasible.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-23- Impacts to Oak Woodlands – Long Term Conservation	If on-site oak woodland mitigation is not feasible, CDFW recommends the County set aside replacement habitat to be protected 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. Mitigation lands should be in the same watershed as the Project site and replace at minimum the acreage of oak woodlands of similar composition as the oak woodlands impacted. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.	Prior to/During Project construction and activities	Ventura County/ Applicant
MM-BIO-24- Impacts to Upland Habitat Alliances	CDFW recommends the County prepare an Upland Restoration Plan inclusive of Upland Scrub and Grasslands listed above. CDFW recommends taking an inter-disciplinary approach, inclusive of wildlife biologists and restoration professionals, to restore scrub and grassland habitats. The County should replace	Prior to/During Project	Ventura County/ Applicant

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	<p>acreage of Upland Scrub and Grasslands at no less than the total acres impacted and use only native grasses or forbs indigenous to grasslands in region/watershed. Restoration should consider habitat requirements (e.g., refugia, structure, variation in plant density and cover) of wildlife that could occur in these two vegetation communities. CDFW recommends that the location of the mitigation site avoid the conversion of other habitats (e.g., scrubland to grassland). Scrub and grassland restoration should occur in areas appropriate abiotic and biotic conditions to support each habitat type.</p>	<p>construction and activities</p>	
<p>MM-BIO-25- Impacts to Bats – Surveys</p>	<p>CDFW recommends a qualified bat specialist conduct bat surveys to determine baseline conditions within the Project site and within a 500-foot buffer to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites. CDFW recommends using acoustic recognition technology to maximize detection of bats. Night roosts are typically utilized from the approach of sunset until sunrise. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).</p>	<p>Prior to/During Project construction and activities</p>	<p>Ventura County/ Applicant</p>
<p>MM-BIO-26- Impacts to Bats – Reporting Methods</p>	<p>Survey methodology and results, including negative findings, should be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).</p>	<p>During Project construction and activities</p>	<p>Ventura County/ Applicant</p>
<p>MM-BIO-27- Impacts to Bats – Mitigation</p>	<p>If maternity roosts are found, CDFW recommends, the following three mitigation measures.</p> <p>d) If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost</p>	<p>Prior to Project construction and activities</p>	<p>Ventura County/ Applicant</p>

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	<p>(March 1 to September 30).</p> <p>e) If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology will be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.</p> <p>f) If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees will be pushed down using heavy machinery rather than felling it with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall be</p>		
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	allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.		
MM-BIO-28- Impacts to Non-Game Mammals and Wildlife	If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-29- Impacts to Non-Game Mammals and Wildlife	To avoid direct mortality, a qualified biological monitor shall be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-30- Impacts to Non-Game Mammals and Wildlife	Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-31- Impacts to Least Bell's Vireo and Coastal	CDFW recommends the County/Applicant perform appropriate survey protocols for least Bell's vireo and coastal California gnatcatcher prior to Project construction. The survey(s) should be performed based on the species found, or likely to occur, on the Project's site, the mitigative response to which will vary. If the newly performed surveys indicate there is a potential impact to	Prior to Project construction and activities	Ventura County/ Applicant

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California Gnatcatcher	either species, the County will coordinate with CDFW and/or UFWFS, as necessary, prior to Project construction.		
MM-BIO-32- Impacts to Least Bell's Vireo and Coastal California Gnatcatcher	If necessary, the survey report should provide a mitigation plan. The objective of which should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. The plan should provide measures to fully avoid and/or mitigate for permanent impacts.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-33- Impacts to Least Bell's Vireo and Coastal California Gnatcatcher	CDFW recommends fully avoiding impacts to least Bell's vireo and coastal California gnatcatcher. CDFW recommends that the County submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be fully developed prior to implementing Project related ground disturbing activities.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-34- Impacts to Least Bell's Vireo and Coastal California Gnatcatcher	If the Project will have permanent impacts to least Bell's vireo or coastal California gnatcatcher habitat, either during Project activities or over the life of the Project, CDFW recommends participation in a mitigation bank. CDFW recommends that mitigation occur at a state-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project related ground disturbing activities.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-35- Impacts to Least Bell's Vireo and Coastal California Gnatcatcher	If credits at a state-approved mitigation bank are not available for mitigating impacts to least Bell's vireo and coastal California gnatcatcher and their habitat, CDFW recommends setting aside replacement habitat to be protected 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), 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	Prior to Project construction and activities	Ventura County/ Applicant

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	effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A burrowing owl mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities		
MM-BIO-36- Impacts to Fish and Fish Passage	An Aquatic Resource Study would be performed prior to project construction. The study is to include an analysis of fish passage. If it is determined that native fish or fish passage will be directly or indirectly impacted by the Project, the County will consult with CDFW to determine additional, appropriate avoidance, minimization, and mitigation measures.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-37- Impacts to Fish and Fish Passage	If necessary, the survey report should provide a mitigation plan. The objective of which should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. The plan should provide measures to fully avoid and/or mitigate for permanent impacts.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-38- Impacts to Fish and Fish Passage	CDFW recommends fully avoiding impacts to sensitive aquatic resources, including SCS. CDFW recommends that the County submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be fully developed prior to implementing Project related ground disturbing activities.	Prior to Project construction and activities	Ventura County/ Applicant
MM-BIO-39- Impacts to Fish and Fish Passage	If "take" or adverse impacts to ESA- or CESA-listed species cannot be avoided either during Project activities or over the life of the Project, the County must consult CDFW and/or USFWS (as appropriate) to determine if an ITP is required. This consultation	Prior to Project construction and activities	Ventura County/ Applicant

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	must occur to prior to Project construction.		
REC-1-Seed Collection	The County should deposit some sensitive plant species propagules collected from the Project site as a Documented Conservation Seed Collection at either Santa Barbara Botanic Garden or the California Botanic Garden (formerly known as Rancho Santa Ana Botanic Garden). The County should provide evidence of Documented Conservation Seed Collection and funding to CDFW prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.	Prior to Project construction and activities	Ventura County/ Applicant
REC-2-Fuel Modification	If the Project includes fuel modification, the County should provide avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. The County should also ensure that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.	Prior to Project construction and activities	Ventura County/ Applicant

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Attachment B: Previous CDFW Project Comments (2017)