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August 10, 2020

Governor's Office of Planning & Research

Aug 11 2020

STATE CLEARINGHOUSE

Mr. John Novi
City of Camarillo
601 Carmen Drive
Camarillo, CA 93010
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Subject: Camino Ruiz Apartment Community, Draft Environmental Impact Report, SCH #2019039127, City of Camarillo, Ventura County

Dear Mr. Novi:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Camino Ruiz Apartment Community (Project). The DEIR's supporting documentation includes *Appendix D - April 2020 Monthly Report*, *Camino Ruiz Initial Study*, *IS Appendix D- Phase 1 ESA*, and *IS Appendix E – Drainage*.

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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Project Description and Summary

Objective: The proposed Project site consists of approximately 14 acres of land that had previously been developed with an office building, a light industrial building, associated surface parking lot, and ornamental landscaping. Both buildings were recently demolished under a separate approval from the City of Camarillo (City). The Project site is part of the larger 20-acre Mission Oaks Technology Center (Center) and includes two 2-story office buildings located to the immediate south. The Project applicant is requesting approval from the Lead Agency, the City, to:

- 1) Change the land use designation of the Project site from Industrial to High-Density Residential (18.1 - 30 dwelling units per acre).
- 2) Change the zoning of the Project site from L-M (Limited Manufacturing) to RPD-30U (Residential Planned Development 30 units per acre maximum).
- 3) Permit the development of the Project site with 385 apartment units in 14 buildings. The development would consist of approximately 49 studio units, 203 one-bedroom units, and 133 two-bedroom units.

Location: The Project site is located at the southeastern corner of Verdugo Way and Camino Ruiz in the Mission Oaks Business Park. The street addresses are 5151, 5153, and 5155 Camino Ruiz.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the DEIR.

Specific Comments

Comment #1: Biological Species Survey

Issue #1: Page 30 in the Initial Study (IS) concludes that the Project site, "does not include any habitat that would support sensitive plant or animal species." The Initial Study is dated December 2018. According to satellite imagery, buildings were still being demolished between November 19, 2018 and January 3, 2019. The conclusion regarding habitat suitability was potentially made while the Project site was still an active demolition site. CDFW is concerned that the conclusion was made prematurely. CDFW is also concerned that a more recent field survey was not conducted under existing Project site conditions. The Project site currently consists of a 14-acre empty lot with trees, shrubs, and a large soil pile, and has been in this condition - according to satellite imagery - for at least one year from August 9, 2019 to June 2020 (date of DEIR). There may be suitable habitat for plants and wildlife. Sensitive and special-status plants and wildlife may present.

Issue #2: A search of the California Natural Diversity Database (CNDDDB) found records of the following special-status species near Project site: American badger (*Taxidea taxus*); burrowing

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owl (*Athene cunicularia*); crotch bumble bee (*Bombus crotchii*); two-striped gartersnake (*Thamnophis hammondi*); western pond turtle (*Emys marmorata*); and Conejo buckwheat (*Eriogonum crocatum*). CDFW is unable to determine if the City conducted a CNDDDB search for special-status plants and wildlife species, then performed a field survey to evaluate if suitable habitat is present and the potential for special-status plants and wildlife to occur in the Project site. Additionally, presence of raptors should have been evaluated within a 5-mile radius of the Project site. The Project site may be disturbed; however, the City should still exercise due diligence to conduct a field survey under existing conditions to adequately conclude that the Project site does not support suitable habitat nor special-status plants and wildlife.

Issue #3: CDFW is concerned that conclusions regarding absence of rare plants may be based on an IS prepared during the winter season and during demolition. If a botanical survey was conducted on site, a winter survey may have had a potential for missed detections. Botanical surveys conducted during the fall and winter, or ongoing drought conditions during the summer do not maximize detection of flowering plants if any are present. The Project site may be disturbed; however, the City should still exercise due diligence to conduct a season-appropriate a field survey for rare plants and suitable habitat under existing conditions to adequately conclude that the Project site does not support suitable habitat nor sensitive or special-status plants.

Issue #4: A DEIR should be prepared with a sufficient degree of analysis to provide CDFW with information that enables CDFW to make a decision as to the Project's environmental consequences (CEQA Guidelines, § 15151). The IS/DEIR does not provide evidence that it searched the CNDDDB, Calflora, or additional databases for sensitive plants and wildlife species that could occur in the Project site and adjacent areas. Furthermore, the IS may have been prepared while the Project site was being demolished, without a field reconnaissance survey, and during winter when there is a higher potential of missing flowering plants. As such CDFW is unable to make a decision as to the Project's impact on biological resources.

Specific Impacts: The Project may have direct impacts to wildlife and may result in injury or death. The Project may also result in native plant population declines or local extirpation of special status plant species. The effects of these impacts would be permanent or occur over several years.

Why impacts would occur: Project implementation includes grading, vegetation clearing, tree removal, building construction, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plants and wildlife. Impacts to species not previously known or identified to be on the Project site or within its vicinity have the possibility to occur.

Evidence impacts would be significant: Impacts to special status plants and wildlife 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 and wildlife 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 United States Fish and Wildlife Service (USFWS).

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Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the City retain a qualified biologist to search the CNDDDB for records of sensitive plants and wildlife in nine quadrangles containing and surrounding the Project site: Camarillo; Newbury Park; Triunfo Pass; Point Mugu; Oxnard; Saticoy; Santa Paula; and Moorpark. The City should also search California Native Plant Society (CNPS) and Calflora databases for special status and rare plants that may occur in or adjacent to the Project site. Afterwards, a qualified biologist should conduct a Biological Reconnaissance Survey (i.e., field survey) in the spring, or peak flowering and nesting bird season, to maximize detection of any rare plants and nesting birds. The qualified biologist should assess the habitat suitability for each sensitive plant and wildlife species. For wildlife, wintering, roosting, nesting, and foraging habitat should be evaluated.

Mitigation Measure #2: CDFW recommends the City provide a report with sufficient detail and resolution that documents the methods and results of a Biological Reconnaissance Survey. The report should include the following information at a minimum:

- a) A list of data sources accessed that should include at a minimum:
 - [California Natural Diversity Database \(CNDDDB\)](#) provided by the CDFW.
 - [Information on Wild California Plants](#) database provided by Calflora.
 - [Inventory of Rare and Endangered Plants of California](#) database provided by the California Native Plant Society.
- b) A description (e.g., streets, limits) and map of the Project site, survey area (i.e., Biological Survey Area; BSA), and immediate surroundings. The BSA should include the 14-ac Project site, entire 20-ac Center, areas within a 50-foot buffer around the Center, and all areas where the Project will potentially increase noise levels and vehicle and foot traffic, and be used for staging equipment, vehicles, plants, and soil or fill material.
- c) A description of field survey conditions that should include name(s) of qualified biologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; and survey goals.
- d) A description of current Project site biological and physical conditions. This should include soil composition; a list of native, non-native/invasive, and ornamental grasses, forbs, shrubs, vines, ferns, and trees; presence/absence of small mammal burrows; topography; and presence/absence of culverts, pipelines, drainages, creeks, or streams.
- e) A description of survey methods.
- f) A list of any wildlife, birds, raptors, and nesting birds and raptors observed. Provide the species scientific name (i.e., Latin), Genus and species, subspecies if applicable, and species common name.
- g) If the City finds that the BSA does not have suitable habitat (i.e., wintering, roosting, nesting, foraging) for sensitive plants and wildlife, please offer a detailed discussion to

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support this determination was made. A one-sentence determination without scientific evidence to justify the conclusion will be insufficient.

- h) A list of sensitive plants and wildlife species evaluated. The list should include all species returned for the nine quadrangles queried in the CNDDDB and any plants returned from the CNPS and Calflora databases. A list should be provided in a table format providing the species scientific (i.e., Latin) name, Genus and species, subspecies if applicable; species common name; CESA and Federal Endangered Species Act listing status; and a brief evaluation of the potential for that species to occur on the Project site.

Recommendation #1: CDFW recommends the City provide the report as an appendix to the DEIR. If there are potentially significant impacts and a revision of the DEIR is needed, CDFW recommends recirculating the environmental document so CDFW may provide more meaningful comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

Comment #2: Impacts to Reptiles

Issue: A search of the CNDDDB found records of two-striped gartersnake and western pond turtle occurring near the Project site. The DEIR does not provide any evidence that it evaluated the Project site for suitable habitat, conducted species-specific surveys, nor considered any Project related direct or indirect impacts on these two species.

Specific Impacts: Project construction and activities may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of CESA-listed species.

Why impacts would occur: Potential occurrences of two-striped gartersnake and western pond turtle within the Project area is supported by CNDDDB observations of these species in the vicinity of the Project site. Surveys should be conducted to determine presence or absence so the DEIR can analyze the Project's impact to any species present and provide specific avoidance and mitigation measures.

Two-striped garter snake: The preferred nocturnal retreats of this active diurnal snake are thought to be holes, especially mammal burrows, crevices, and surface objects. Two-striped gartersnakes are cryptic species that often evade threats from predators by remaining still and blending into the surrounding landscape. Therefore, untrained workers may not recognize the presence of this species. Direct impacts to western pond turtles could occur from habitat loss, ground clearing, and ground disturbance activities that include grading, demolition, and excavation.

Western pond turtle: The Project site is approximately 700 meters from Conejo Creek, potentially providing adjacent land habitat for western pond turtles. Southern western pond turtles spend a majority of their time on land adjacent to water features, often underground in burrows up to 500 meters from an aquatic site. Southern western pond turtles are found in permanent and intermittent waters of rivers and creeks and can spend upwards to 200 days out of water. Males may be found on land for up to ten months annually, while females can be found on land during all months of the year due to nesting and overwintering. Direct impacts to western pond turtles could occur from habitat loss, ground clearing, and ground disturbance activities that include grading, demolition, and excavation.

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Evidence impacts would be significant: Two-striped gartersnake and western pond turtle are considered California Species of Special Concern (SSC) and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). CDFW considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

CEQA Guidelines, sections 15070 and 15071 require the DEIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including protocol survey results for CEQA-rare (including SSC) or CESA-listed species that occur in the Project footprint need to be disclosed. This disclosure is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that a qualified biologist familiar with two-striped gartersnakes conduct focused surveys for two-striped gartersnakes. Surveys should typically be scheduled when this animal is most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects space approximately 20 feet apart covering the Project site.

Mitigation Measure #2: CDFW recommends that a qualified biologist familiar with western pond turtles survey for western pond turtles and potential habitat using the United States Geological Survey's 2006 [Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion](#). Surveys should be conducted within the Project site and an adjacent 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines, § 15125).

Recommendation #1: CDFW recommends the City provide survey results (i.e., reports) for two-striped gartersnake and western pond turtle as appendices to the DEIR. Survey reports should include the survey area; name(s) of qualified biologist(s); survey methodology; presence/absence of suitable wetland, upland, and foraging habitat and refugia; results (including negative findings); and as needed, an assessment of specific impacts with avoidance, minimization, and mitigation measures containing specific performance criteria. For the western pond turtle, any proposed mitigation area should include a discussion on the territory size, breeding locations, invasive aquatic species present, food availability, and how all life cycle functions will be mitigated.

If there are potentially significant impacts and a revision of the DEIR is needed, CDFW recommends recirculating the environmental document so CDFW may provide more meaningful comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

Recommendation #2: For unavoidable Project impacts, CDFW recommends the City coordinate with CDFW to develop a mitigation plan for two-striped gartersnake and/or western pond turtle prior to commencement of Project construction and activities.

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Comment #3: Impacts to Nesting Birds

Issue: CDFW is concerned that mitigation measure BR-1 (page 17 of the DEIR) proposed for impacts to nesting birds is inadequate. The term “or” could suggest that Project may not consider fully avoiding impacts to nesting birds first but rather default to mitigating for impacts.

Specific Impacts: Increased nesting mortality due to nest abandonment or decreased feeding frequency as a result of Project construction and activities. Impacts to sensitive or special status birds or raptors not previously known or identified to be on the Project site or within its vicinity could possibly occur.

Why impacts would occur: Construction during the breeding season for nesting birds could result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Impacts could result from noise disturbances, increased human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment.

Evidence impacts would be significant: Nests of all native bird species are protected under State laws and regulations, including Fish and Game Code sections 3503 and 3503.5. Furthermore, reductions in the number of special status bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends separating BR-1 into five mitigation measures. Language retained from BR-1 is underlined. CDFW recommends removing language with strikethrough.

Mitigation Measure #1: To protect nesting birds that may occur on site, no Project construction or activities shall occur from February 15 through August 31, and as early as January 1 for raptors.

Mitigation Measure #2: If construction during this period must occur, a qualified biologist shall complete a survey for nesting bird activity within the Project site and a 500-foot buffer (as access to adjacent areas allows), including areas with increased impacts resulting from noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.

Mitigation Measure #3: A qualified biologist shall conduct bird surveys no more than 14 days prior to tree removal to provide confirmation on the presence or absence of active nests in affected trees. Surveys shall be conducted for the duration of Project activities that occur during the bird nesting season. Results of all surveys shall be provided to the Department of Community Development.

Mitigation Measure #4: If an active nest is found, a qualified biologist shall determine the nesting status and set up a species-appropriate no-work buffer that should be no less than 300

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feet initially (500 feet for raptor nests) or as determined by a qualified biologist depending on the avian species and location. Buffers shall be marked around the active nest site as directed by the qualified biologist and maintained during Project construction and activities. Buffers shall be increased if needed to protect the nesting birds. Removal of the affected trees shall be deferred, no additional Project activities shall be allowed inside buffers, and construction personnel shall be restricted from the area until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Construction personnel shall be instructed on the sensitivity of buffered areas.

Mitigation Measure #5: A copy of the ~~buffer plan~~ nesting bird management plan shall be provided to the Department of Community Development prior to fencing. The perimeter of the nest setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals. A survey report by the qualified biologist documenting and verifying compliance with the mitigation and with applicable state and federal regulations protecting birds shall be submitted to the Department of Community Development prior to the issuance of a grading permit.

The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.

Mitigation Measure #6: Buffer fencing shall be constructed with materials that are not harmful to wildlife. Prohibited materials shall include, but are not limited to, spikes, glass, razor, or barbed wire.

Mitigation Measure #7: Vegetation clearing and grubbing activities when birds are likely to be nesting shall be monitored by a qualified biologist. Such activities shall only occur when a qualified biologist is present to ensure that these activities remain within the Project footprint (i.e., outside the demarcated buffer), that flagging/stakes/fencing are being maintained, and to minimize the likelihood that active nests are abandoned or fail due to Project activities.

Comment #4: Nesting and Perching Habitat for Birds

Issue #1: CDFW is concerned that the Project will remove more trees than will be replaced. Since the DEIR proposes a measure to mitigate for impacts to nesting birds, this suggests that the trees in the Project site provide bird nesting habitat. Removing more trees than will be replaced may reduce available nesting and perching habitat and structure for birds.

Issue #2: CDFW is concerned that the Project may remove native and ornamental (i.e., non-native) shrub species and there is no mitigation measure to replace shrubs.

Issue #3: CDFW is concerned that the Project does not have a mitigation measure to protect trees that are not targeted for removal or a measure to replace trees that are indirectly impacted by Project construction and activities.

Issue #4: CDFW is concerned that native oak (*Quercus* spp.) and sycamore (*Platanus racemosa*) trees, even if they were planted, may be removed, and not replaced or replaced with a different species of tree.

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Specific Impacts: A short-term and long-term reduction in available nesting and perching habitat and structure for birds.

Why impacts would occur: The Project may reduce the footprint of available nesting and perching habitat and structure for birds in the short-term and potentially long-term if the Project is inadequate in mitigating for impacts to both trees and shrubs. Trees will be removed in the center and around the perimeter of the Project site, reducing habitat for the duration of the Project. Tree saplings can take many years to mature. For example, oak trees remain small and shrubby for many years and may take 20 to 40 years to reach maturity, potentially longer under drought conditions. As such, birds will be unable to nest in planted trees, such as oak, until the oak trees mature. Shrubs may be removed as well. Both native and ornamental (i.e., non-native) shrub species, provide foraging, perching, and potential nesting structures for birds. Birds depend on vegetation of varying structure and species diversity, not solely on tree cover or a single tree species. Shrubs also provide habitat for insects and small mammals which then benefits birds and raptors.

Trees not targeted for removal may be impacted by heavy vehicles and equipment and other Project activities. The placement of fill dirt and ingress and egress routes of heavy construction vehicles can continually compact the root zone and roots may not be able to acquire nutrients, water, and oxygen, causing the tree to die (Hostetler and Drake 2009). Designated zones for disposal of debris and chemicals should be away from any trees meant to be preserved. Debris can be toxic or can change soil pH due to leeching of chemicals into the ground which could affect trees (Hostetler and Drake 2009).

Evidence impacts would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends replacing the same number or higher of native and non-native trees and shrubs as the number removed (i.e., no less than 1:1). Only native tree and shrub species should be used. Impacts to non-native species shall be replaced with native species. Information on alternatives for invasive, non-native, or landscaping plants may be found on the [California Invasive Plant Council's, Don't Plant a Pest](#) webpage.

Mitigation Measure #2: To protect trees not targeted for removal, CDFW recommends the following mitigation measure, "Project activities, including (but not limited to) construction traffic, staging areas, trenching, soil compaction, and debris piles shall not occur within a tree's drip line and within a tree's Critical Root Zone (CRZ), CRZ measured based on leading forestry practices/standards or local tree protection ordinances, whichever is more protective. If substantial impacts to roots and canopy of trees occur, trees shall be replaced at a minimum ratio of 1:1 for all native and non-native trees impacted. Non-native trees shall be replaced with native species."

Mitigation Measure #3: CDFW recommends avoiding impacts to any native oak and sycamore trees. Oak and sycamore trees take upwards of 20 to 40 years to reach reproductive maturity; therefore, may require long-term maintenance (e.g., protective caging, shading) and irrigation to ensure replacement oak and sycamore trees survive. Replacement oak and sycamore trees

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should be the same species (i.e., Genus species variety) as the trees impacted. CDFW also recommends the City refer to County of Ventura (County) Resources Management Agency's [Tree Protection Ordinance](#) if native oak and sycamore trees will be impacted, and pursue guidance from the County's Planning Division before removing, trimming, or grading/trenching around a protected tree.

Recommendation #1: CDFW recommends a plan to create structurally and species diverse tree and shrub habitat for birds in the Project site. A design plan should consist of different native species of ground cover, subshrubs, shrubs, and trees. The [Audubon Society's Native Plants Database](#) is a resource to identify native plants and trees that will attract and benefit birds.

Comment #5: Spreading Invasive Pests and Diseases

Issue: Page 40 in the DEIR states, "the mature trees along Verdugo Way and Camino Ruiz will remain with only a few trees removed for health reasons..." CDFW is concerned that the DEIR does not describe procedures for disposal of removed trees which may be infested with invasive pests and disease. The DEIR (or Biological Reconnaissance Survey report) should address the presence or absence of thousand canker fungus (*Geosmithia morbida*), goldspotted oak borer (*Agrilus auroguttatus*), and Polyphagus shot-hole borer (*Euwallacea* sp.) in on-site trees and, if present, describe how any effected trees would be disposed of as part of the Project.

Specific Impacts: The Project may result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks and other trees in California which support a high biological diversity including special status species.

Why impacts would occur: The Project would remove tree species that could host insect pests and diseases. Trees will be removed and presumably hauled to off-site locations for disposal thereby potentially exposing off-site oak and other tree species to pests and disease.

Evidence impacts would be significant: The Project may have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. The Project may result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS that are dependent on oak woodlands and other woodland habitats susceptible to insect and disease pathogens.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the City retain a qualified arborist to perform a tree inventory and identify all trees that will be removed from the Project site and inspect those trees for contagious tree diseases including but not limited to: [thousand canker fungus](#), [Polyphagous shot hole borer](#), and [goldspotted oak borer](#). A summary report documenting inspection methods; number of trees inspected; scientific and common name of each tree inspected; results (i.e., a comment on the health and vigor of each tree); and conclusions, including negative findings, should be included as an appendix in the DEIR. A tree inventory

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report should also include photographic documentation of entry/exit holes and evidence of pests/disease.

Mitigation Measure #2: If invasive pests and/or diseases are detected, the City shall prepare an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management plan should be provided to CDFW and included as an appendix in the final environmental document.

Comment #6: Impacts to Bats

Issue: Bat surveys were not conducted. The two 2-story buildings remaining in the Mission Oaks Technology Center could provide potential roosting habitat because of the roof structure (e.g., possible barrel tiles). In urban areas, bats may also roost in trees.

Specific Impacts: 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: In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Trees and crevices in buildings in and adjacent to the Project site could provide roosting habitat for bats. Barrel tiled roofs may provide habitat. Roof tiles need not be damaged for bats to use them. Bats can fit into very small seams, as small as a ¼ inch. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and 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 impacts would be significant: Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered California Species of Special Concern (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 Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends a qualified bat specialist conduct bat surveys within the Project site and within a 500-foot buffer (as access to adjacent areas allows) to identify potential roosting habitat, including (but not limited to) tree cavities and crevices in buildings, that could provide daytime and/or nighttime roost sites. CDFW recommends using

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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 provided as an appendix to the DEIR. 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 City condition the DEIR to include 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 shall 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.
- c) If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees shall 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.

The bat specialist shall document all demolition monitoring activities and prepare a summary report to the City of Camarillo upon completion of tree disturbance and/or building demolition activities.

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Additional Comments

Landscaping: Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. The City should not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas that are adjacent and/or near native habitat areas (e.g., Conejo Creek). CDFW strongly recommends restricting species with a “High” rating from landscaping plans. CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. Information on alternatives for invasive, non-native, or landscaping plants may be found on the [California Invasive Plant Council's, Don't Plant a Pest](#) webpage. The [Audubon Society's Native Plants Database](#) is a resource to identify native plants and trees that will attract and benefit birds. Birds may help to control and reduce insects, reducing the need for pesticides. The [California Native Plant Society's Gardening](#) and [Xerces Society's Pollinator-Friendly Native Plant Lists](#) webpage has information on native plant species that invite insects and pollinators. Pollinators are critical components of our environment and essential to our food security. Insects – and primarily bees – provide the indispensable service of pollination to more than 85% of flowering plants (Ollerton et al. 2011).

Environmental data: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#).

Per CEQA Guidelines Section 21081.6(a)(1), CDFW has provided the City of Camarillo 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).

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 City of Camarillo 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 City of Camarillo in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Camarillo 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 Ruby Kwan-Davis, Senior Environmental Scientist, at Ruby.Kwan-Davis@wildlife.ca.gov.

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Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

B6E58CFE24724F5...

Erinn Wilson
Environmental Program Manager I

cc: CDFW

Steve Gibson – Los Alamitos
Barron Barrera – Los Alamitos
Susan Howell – San Diego
CEQA Program Coordinator - Sacramento

State Clearinghouse

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GAVIN NEWSOM, Governor
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.

Biological Resources (BIO)			
	Mitigation Measure (MM)	Timing	Responsible Party
MM-BIO-1- Impacts to Sensitive and Special Status Species	<p>The City shall retain a qualified biologist to search the California Natural Diversity Database (CNDDB) for records of special-status plants and wildlife in nine quadrangles containing and surrounding the Project site: Camarillo; Newbury Park; Triunfo Pass; Point Mugu; Oxnard; Saticoy; Santa Paula; and Moorpark. The qualified biologist shall also search California Native Plant Society's Inventory of Rare and Endangered Plants of California and Calflora's Information on Wild California Plants databases for special-status and rare plants that may occur in or adjacent to the Project site.</p> <p>Afterwards, the qualified biologist shall conduct a Biological Reconnaissance Survey (i.e., field survey) in the spring to maximize detection of any rare plants and nesting birds. The qualified biologist shall assess the habitat suitability for each sensitive plant and wildlife species. For wildlife, wintering, roosting, nesting, and foraging habitat shall be evaluated.</p>	Prior to Project construction and activities	City of Camarillo (City)/Project applicant
MM-BIO-2- Sensitive and Special Status Species	The City shall provide a report with sufficient detail and resolution to document the methods and results of a Biological Reconnaissance Survey. See Mitigation Measure #2 on page 4 for what information the report shall contain.	Prior to Project construction and activities	City of Camarillo (City)/Project applicant

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MM-BIO-3- Impacts to Reptiles	A qualified biologist familiar with two-striped gartersnakes shall conduct focused surveys for two-striped gartersnakes. Surveys shall be scheduled when this animal is most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, surveys shall be conducted with parallel transects space approximately 20 feet apart covering the Project site.	Prior to Project construction/ activities	City of Camarillo (City)/Project applicant
MM-BIO-4- Impacts to Reptiles	A qualified biologist familiar with western pond turtles shall survey for western pond turtles and potential habitat using the United States Geological Survey's 2006 Western Pond Turtle Visual Survey Protocol for the Southcoast Ecoregion . Surveys shall be conducted within the Project site and an adjacent 500-foot buffer and analyze the potential significant effects of the proposed Project on the species.	Prior to Project construction/ activities	City of Camarillo (City)/Project applicant
MM-BIO-5- Impacts to Nesting Birds	To protect nesting birds that may occur on site, no Project construction or activities shall occur from February 15 through August 31, and as early as January 1 for raptors.	Prior to Project construction/ activities	City of Camarillo (City)/Project applicant
MM-BIO-6- Impacts to Nesting Birds	If construction during this period must occur, a qualified biologist shall complete a survey for nesting bird activity within the Project site and a 500-foot buffer (as access to adjacent areas allows), including areas with increased impacts resulting from noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.	Prior to Project construction/ activities	City of Camarillo (City)/Project applicant
MM-BIO-7- Impacts to Nesting Birds	A qualified biologist shall conduct bird surveys no more than 14 days prior to tree removal to provide confirmation on the presence or absence of active nests in affected trees. Surveys shall be conducted for the duration of Project activities that occur during the bird nesting season. Results of all surveys shall be provided to the Department of Community Development.	Prior to Project construction/ activities	City of Camarillo (City)/Project applicant

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MM-BIO-8- Impacts to Nesting Birds	If an active nest is found, a qualified biologist shall determine the nesting status and set up a species-appropriate no-work buffer that should be no less than 300 feet initially (500 feet for raptor nests) or as determined by a qualified biologist depending on the avian species and location. Buffers shall be marked around the active nest site as directed by the qualified biologist and maintained during Project construction and activities. Buffers shall be increased if needed to protect the nesting birds. Removal of the affected trees shall be deferred, no additional Project activities shall be allowed inside buffers, and construction personnel shall be restricted from the area until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Construction personnel shall be instructed on the sensitivity of buffered areas.	Prior to/During Project construction/ activities	City of Camarillo (City)/Project applicant
MM-BIO-9- Impacts to Nesting Birds	A copy of the nesting bird management plan shall be provided to the Department of Community Development prior to fencing. The perimeter of the nest setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals. A survey report by the qualified biologist documenting and verifying compliance with the mitigation and with applicable state and federal regulations protecting birds shall be submitted to the Department of Community Development prior to the issuance of a grading permit. The qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas to ensure that no inadvertent impacts on these nests would occur.	Prior to/During Project construction/ activities	City of Camarillo (City)/Project applicant
MM-BIO-10- Impacts to Nesting Birds	Buffer fencing shall be constructed with materials that are not harmful to wildlife. Prohibited materials shall include, but are not limited to, spikes, glass, razor, or barbed wire.	Prior to Project construction/ activities	City of Camarillo (City)/Project applicant

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MM-BIO-11- Impacts to Nesting Birds	Vegetation clearing and grubbing activities when birds are likely to be nesting shall be monitored by a qualified biologist. Such activities shall only occur when a qualified biologist is present to ensure that these activities remain within the Project footprint (i.e., outside the demarcated buffer), that flagging/stakes/fencing are being maintained, and to minimize the likelihood that active nests are abandoned or fail due to Project activities.	Prior to/During Project construction/activities	City of Camarillo (City)/Project applicant
MM-BIO-12- Impacts to Nesting and Perching Habitat for Birds	CDFW recommends replacing the same number or higher of native and non-native trees and shrubs as the number removed (i.e., no less than 1:1). Only native tree and shrub species should be used. Impacts to non-native species shall be replaced with native species.	After Project construction/activities	City of Camarillo (City)/Project applicant
MM-BIO-13- Impacts to Nesting and Perching Habitat for Birds	Project activities, including (but not limited to) construction traffic, staging areas, trenching, soil compaction, and debris piles shall not occur within a tree's drip line and within a tree's Critical Root Zone (CRZ), CRZ measured based on leading forestry practices/standards or local tree protection ordinances, whichever is more protective. If substantial impacts to roots and canopy of trees occur, trees shall be replaced at a minimum ratio of 1:1 for all native and non-native trees impacted. Non-native trees shall be replaced with native species.	During/After Project construction/activities	City of Camarillo (City)/Project applicant
MM-BIO-14- Impacts to Nesting and Perching Habitat for Birds	The City shall avoid impacts to native oak (<i>Quercus</i> spp.) and sycamore (<i>Platanus racemosa</i>) trees. If impacts occur, the City shall replace trees of the same species and variety. The City shall refer to the County of Ventura (County) Resources Management Agency's Tree Protection Ordinance if native oak and sycamore trees will be impacted, and shall pursue guidance from the County's Planning Division before removing, trimming, or grading/trenching around a protected tree.	During/After Project construction/activities	City of Camarillo (City)/Project applicant
MM-BIO-15- Invasive Pests and Diseases	The City shall work with a qualified arborist to perform a tree inventory and identify all trees that will be removed from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (<i>Geosmithia</i>	Prior to Project construction/activities	City of Camarillo (City)

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	<p><i>morbida</i>), goldspotted oak borer (<i>Agrilus auroguttatus</i>), and Polyphagus shot-hole borer (<i>Euwallacea</i> sp.).</p> <p>A summary report documenting inspection methods; number of trees inspected; scientific and common name of each tree inspected; a comment of the health and vigor of each inspected tree; and conclusions, including negative findings, should be included as an appendix in the DEIR. A tree inventory report shall also include photographic documentation of entry/exit holes and evidence of pests/disease.</p>		
MM-BIO-16- Invasive Pests and Disease	<p>If invasive pests and/or diseases are detected, the City shall prepare an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.</p> <p>A management plan shall be provided to CDFW and included as an appendix in the final environmental document.</p>	Prior to Project construction/ activities	City of Camarillo (City)
MM-BIO-17- Impacts to Bats	<p>A qualified bat specialist shall conduct bat surveys within the Project site and within a 500-foot buffer (as access to adjacent areas allows) to identify potential roosting habitat, including (but not limited to) tree cavities and crevices in buildings, that could provide daytime and/or nighttime roost sites. Surveys shall use acoustic recognition technology to maximize detection of bats.</p>	Prior to Project construction/ activities	City of Camarillo (City)
MM-BIO-18- Impacts to Bats	<p>Survey methodology and results, including negative findings, shall be provide as an appendix to the DEIR. Depending on survey results, the City shall provide a discussion on potentially significant effects of the proposed Project on the bats and shall include species specific mitigation measures to reduce impacts to below a level of significance.</p>	Prior to Project construction/ activities	City of Camarillo (City)

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<p>MM-BIO-19- Impacts to Bats</p>	<p>If maternity roosts are found during surveys, 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).</p>	<p>Prior to/During Project construction/activities</p>	<p>City of Camarillo (City)/Project applicant</p>
<p>MM-BIO-20- Impacts to Bats</p>	<p>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 shall 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>Prior to/During Project construction/activities</p>	<p>City of Camarillo (City)/Project applicant</p>
<p>MM-BIO-21- Impacts to Bats</p>	<p>If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees shall 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</p>	<p>During Project construction/activities</p>	<p>City of Camarillo (City)/Project applicant</p>

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	<p>placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.</p> <p>The bat specialist shall document all demolition monitoring activities and prepare a summary report to the City of Camarillo upon completion of tree disturbance and/or building demolition activities.</p>		
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