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Mr. Douglas Spondello
City of Moorpark
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Subject: Hitch Ranch Specific Plan Project, Draft Environmental Impact Report, SCH #2019070253 Ventura County, City of Moorpark

Dear Mr. Spondello:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Moor Park's (City) Draft Environmental Impact Report (DEIR) for the Hitch Ranch Specific Plan (Project). The City, as Lead Agency, prepared a DEIR pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife or be subject to Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for 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). CDFW is also directed to provide 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*.). To the extent implementation of the Project as proposed may result in "take" 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 & 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 City of Moorpark has proposed a Project which will develop over 270 acres of land will include 755 dwelling units, newly paved roads, multiple water detention basins, private recreation areas, greenbelts, and public multi-use trails. The surrounding land use areas include residential and open space to the north; institutional, residential, light industrial and commercial use to the south; residential and commercial to the east; and single-family residential, rural and open spaces to the west. The Project also provides three other alternatives to the proposed plan.

Location: The Project is proposed in the City of Moorpark, in southeastern Ventura County between the Simi Hills and Little Simi Valley. The site is approximately 277.30 acres and located approximately 900 feet west of State Route 23 and extends approximately 1,400 feet west of Gabbert Road. Land uses within the project footprint include grazing land (172 acres), farmland of local importance (96.4 acres), urban/built-up land (5 acres), and “other” land (4 acres).

Comments and Recommendations

CDFW commends the City in its attempt to adequately address the impacts facing biological resources within the DEIR. CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct and indirect impacts on fish and wildlife biological resources based on the planned activities of this proposed Project. CDFW recommends the measures below be included in a science-based monitoring program with adaptive management strategies as part of the Project’s CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097). Additional comments or other suggestions may also be included to improve the document.

Specific Comments

Comment #1: Impacts to Special-Status Plant Species

Issue: A nine-quad review of the California Natural Diversity Database (CNDDB) revealed several special status plants that have potential to occur in the geographical area(s). Focus surveys were conducted in 2016. Without more current surveys the Project may result in a significant impact to special-status plants.

Specific impact: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Project may have direct or indirect effects to these sensitive species.

The following special status plants were included in the nine-quad CNDDB review: Lyon's pentachaeta (*Pentachaeta lyonii*); Santa Susana tarplant (*Deinandra minthornii*); Conejo dudleya (*Dudleya parva*); marcescent dudleya (*Dudleya cymosa ssp. marcescens*); Agoura Hills dudleya (*Dudleya cymosa ssp. gourensis*); Blochman's dudleya (*Dudleya blochmaniae ssp.*

Blochmaniae); Verity's dudleya (*Dudleya verity*); Braunton's milk-vetch (*Astragalus brauntonii*); California Orcutt grass (*Orcuttia californica*); and Conejo buckwheat (*Eriogonum crocatum*).

Why impact would occur: Although multiple focus surveys have been conducted at the Project site the most recent focus surveys occurred in 2016. Thus, 2016 observations may not be representative of current conditions. Rare plants may have established in the Project site since the 2016 survey. Presence/absence determinations of rare plants in the Project area, specifically areas that would be impacted due to Project implementation (e.g., existing facilities), should be determined based on recent surveys. CDFW generally considers biological field assessments for rare plants valid for a period of up to three years.

Moreover, the DEIR focuses mainly on replacement of vegetation and does not offer any mitigation measures in the event a rare plant is discovered on-site. Disclosure, avoidance, and mitigation measures should all be provided within the DEIR. Take of CESA-listed rare plants may only be permitted through an incidental take permit (ITP) or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section, 786.9 subdivision (b). CDFW is concerned the loss of CESA-listed rare plants may occur if appropriate avoidance, minimization, and/or mitigation for these species is not adopted.

Evidence impact 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 these sensitive plant species will result in a Project(s) 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 & 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 website (https://www.cnps.org/rare-plants/cnps-rare-plant-ranks) for additional rank definitions (CNPS 2020).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends including avoidance, minimization, and/or mitigation measure language articulating the need to perform focused surveys for sensitive/rare plants on-site and disclosing the results prior to the implementation of Projects. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFWa 2018) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959), a qualified biologist should "conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting." Final CEQA documentation, for a specified Project(s), should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

Mitigation Measure #2: If rare or sensitive plants are found on or near the footprint of the Project, CDFW recommends the DEIR provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. The DEIR 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).

Mitigation Measure #3: If rare or sensitive plants are found on or near the footprint of the Project, the DEIR 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 #4: CDFW recommends the Plan be conditioned to provide mitigation ratios depending on the sensitivity of the species. 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.

Mitigation Measure #5: The Plan 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.

Recommendation #1: CDFW recommends the City perform a Regional Landscape Interconnectivity Assessment and incorporate the findings into the Plan to avoid habitat fragmentation.

Comment #2: Mitigation for Sensitive Vegetation Communities

Issue: Mitigation ratios for ranked sensitive vegetation communities provided in the DEIR are too low for the proposed Project impacts.

Specific Impacts: Replacement ratios of 1:1 and 2:1 are more appropriate for temporary project impacts, permanent impacts dictate higher mitigation ratios. The vegetation communities found within the Project footprint and the surrounding area provide important foraging and nesting areas for a variety of special status species. Development of the area and thinning of

vegetation for fuel modification will result in the loss of these resources. Rare plants within 1,000 meters from these activities are considered impacted.

Why impacts would occur: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Projects may have direct or indirect effects to these sensitive species.

The following ranked vegetation classifications are found within the project footprint: California sagebrush-deerweed scrub (*Artemisia californica-Acmispon glaber/Lotus scoparius* shrubland alliance, S5); cactus scrub (*Cylidropuntia prolifera* shrubland alliance, S3); blue elderberry stands (*Baccharis salicifolia* shrubland alliance, S4) and chaparral yucca scrub (*Hazardia squarrosa* shrubland alliance, S3). The DEIR states a combined 48.32 acres of these sensitive vegetation communities would be permanently impacted due to construction and development.

Project implementation includes grading, vegetation clearing, trail/road construction, soil compaction, utilities construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of vegetation communities. These communities offer habitat and resources to a multitude of species, including specially listed species.

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 these sensitive plant species will result in a Project(s) 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 USFWS.

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 California Species of Special Concern (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 the USFWS.

Mitigation Measure #1: CDFW commends the efforts of the City/Applicant to properly categorize vegetation, however some terminology used within the DEIR may be dated. Categorizations such as “blue elderberry stands, cactus scrub,” and so forth do not adequately describe vegetation to determine uniqueness, rareness, value in the landscape, or base

restoration planting appropriateness. These terms are used in the 2009 printed version of the *Manual of California Vegetation* (MCV), which has since been updated and reformatted. In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the MCV, found online at http://vegetation.cnps.org/. To determine the rarity ranking of vegetation communities on a specific Project site(s), the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Mitigation Measure #2: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. CDFW recommends all impacts to the S3 sensitive vegetation communities (cactus scrub, chaparral yucca scrub Association) (2.19-acres) should be mitigated at a 4:1 ratio and impacts to the S4 and S5 communities (CA sagebrush-deerweed scrub and blue elderberry stands) (46.13-acres) be mitigated at a 2:1 ratio.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

Mitigation Measure #3: Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria should include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria should be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer should be compared to the success criteria of the reference site, as well as the alliance criteria in MCV ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw 1998). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

Recommendation #1: CDFW recommends taking an inter-disciplinary approach, inclusive of wildlife biologists and restoration professionals, to restore scrub and grassland habitats. The

City should replace acreage of Mediterranean Scrub and Grassland, Warm Semi-Desert Scrub and Grassland, and Coastal Bluff Scrub 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 #3: Crotch's Bumble Bee (*Bombus crotchii*)

Issue: The Project may impact Crotch's bumble bee (*Bombus crotchii*) (an invertebrate of conservation and an SSC) through the removal of California sage brush communities. No mention of surveys or mitigation measures were included within the DEIR.

Specific impacts: 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. The Project as proposed would develop approximately 270 acres, of which 48.32 acres are comprised of ranked California native vegetation communities and grasslands including California sagebrush-deer weed scrub, cactus scrub, and chaparral yucca scrub.

Why impacts would occur: 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. 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. The 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. 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). Despite the presence of suitable Crotch's bumble bee habitat on site, the DEIR does not provide information as to what criteria would be used to conclude that the species is not present. Without adequate presence/absence surveys, 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 (CDFWb 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 range and steep population declines make the species vulnerable to extirpation from the State (CDFWb 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: CDFW recommends that measures be taken, primarily, to avoid Project impacts to Crotch's bumble bee. 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:

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 City should consult CDFW to determine appropriate avoidance and/or minimization measures for the species.

Recommendation #1: CDFW recommends the City update their CEQA document to reflect the possibility of Crotch's bumble bee within the Project site and discuss the local and regional significance of impacts to the species. Focus surveys should be conducted in order to determine presence/absence, identify potential nest sites, and to further evaluate the quality of habitat present for Crotch's bumble bee. The updated analysis should include appropriate avoidance, minimization, and compensatory mitigation measures to offset any impacts to below a level of significance.

Comment #4: Monarch Butterfly

Issue: Project(s) activities have the potential to impact overwintering monarch butterflies (*Danaus plexippus*), which is an Endangered Species Act (ESA) candidate listed species and has been documented to occur in throughout the region (CDFWc 2021).

Specific impact: Without appropriate avoidance and minimization measures for monarch butterflies, potential significant impacts associated with tree trimming, vegetation removal, and ground disturbance activities could occur. Potential impacts include roost destruction, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs and/or larvae, and direct mortality of individual monarchs.

Why impacts would occur: Project(s) activities have the potential to impact monarch butterflies, which have been documented to occur in the region. Protocol surveys are necessary to identify the presence of monarch butterflies and supporting habitat necessary for their survival. A lack of protocol surveys will likely result in avoidable, direct and/or indirect impacts to monarch butterflies. During the last decade, overwintering monarch populations have decline by nearly 90-percent (Jepsen et al 2015). Habitat loss and fragmentation is among the primary threats to the population (USFWS 2020). Ground clearing and construction activities could exacerbate this issue and lead to the direct mortality of monarch butterflies. Habitat loss could lead to a loss of foraging potential, nesting sites, or refugia and would constitute a significant impact absent appropriate mitigation.

Evidence impact would be significant: CDFW considers impacts to rare species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. Project(s) activities have the potential to significantly impact the species by reducing possible roosting habitat.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that a qualified biologist conduct a habitat assessment, within 30 days of Project(s) implementation, to determine if the Project(s) area or its immediate vicinity contain habitat suitable to support monarchs.

Mitigation Measure #2: If suitable habitat is present, CDFW recommends assessing presence of monarchs by conducting protocol surveys consistent with USFWS recommendations (see https://xerces.org/publications/planning-management/western-monarch-butterfly-conservation-recommendations).

Mitigation Measure #3: If monarch butterflies are detected within or in the vicinity of Project(s) areas, The City will consult CDFW and USFWS, prior to Project(s) implementation to discuss how to implement ground-disturbing activities and avoid take.

Comment #5: Lake and Streambed Agreement (LSA)

Issue: CDFW is concerned with impacts to streams near the Project site. CDFW is also concerned that some drainage features in the northern portion of the site may have been missed during delineation surveys in 2019 and 2021.

Specific Impact: The Project as presented has multiple jurisdictional waters along its borders. Most notably is its proximity to the Walnut Canyon channel, a concrete-lined channel that drains into Arroyo Las Posas Creek. The proposed Project may diminish on-site and downstream water quality, alter the hydrologic and geomorphic processes, and impact specially listed downstream fish.

Additionally, within the appendices of the DEIR it states, “In the northeastern portion of the site, storm water flows, partially originating from the southern terminus of Meridian Hills Drive, have eroded a gully into the slopes [an] additional soil erosion of the gully was observed from recent rainfalls [in 2018]…[h]owever, the presence of hydric soils in both, and the presence of a defined bed and bank in the eastern drainage suggest the CDFW would take jurisdiction over each.” However, within the provided DEIR the jurisdictional status was never definitively confirmed for this feature (“Erosional Feature 1”). CDFW would like confirmation that this feature does not fall within State jurisdiction.

Why impacts would occur: Run-off from the project site could introduce higher levels of pollutants to downstream water bodies and potentially result in the degradation of water quality and riparian habitat. 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. Construction activities and development may also result in changes to the streams, altering hydrologic and geomorphic processes that may impact plant and wildlife species. Project activities may also cause direct and/or indirect impacts to the bed, bank, or channel of the stream may occur. Project impacts may result in the loss of streams and associated watershed function and biological diversity.

It is also unclear if all drainage features have been appropriately defined such as “Erosional Feature 1” and other drainage features in the northern portion of the Project site. Therefore, appropriate avoidance, minimization, and mitigations have not been determined. Inadequate investigation may result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Evidence impact would be significant: Fish and Game Code section 1602 requires any person, State or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following: Divert or obstruct the natural flow of any river, stream, or lake; Change the bed, channel, or bank of any river, stream, or lake; Use material from any river, stream, or lake; or, Deposit or dispose of material into any river, stream, or lake. Additionally, CDFW considers most natural drainages to be streambeds unless it is demonstrated otherwise. The Project may substantially adversely affect existing stream patterns, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project. In addition, impacts to biological resources off site, such as Calleguas Creek and the Mugu Lagoon, may occur.

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.

If necessary, 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 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: Jurisdiction surveys should evaluate all rivers, streams, and lakes including culverts, ditches, and storm channels that may transport water, sediment, and pollutants that discharge into rivers, streams, and lakes. CDFW would like confirmation that "Erosional Feature 1" does not fall within State jurisdiction as well as the other drainage features along the northern border of the site.

Recommendation 1: CDFW recommends disclosing any vernal pools found within the project footprint and the surrounding area to assess potential impacts and recommend meaningful mitigation. Vernal pools offer habitat to several specially listed species and are afforded protections pursuant to CEQA. CDFW recommends avoidance of vernal pools, if avoidance is not possible preservation of existing vernal pool complexes should be mitigated at appropriate ratios. If not feasible, restoration and preservation of damaged pools and associated upland habitat that support vernal pools should be mitigated to an appropriate ratio. CDFW does not recommend or support the creation of vernal pools.

Comment #6: Spreading Invasive Pests and Diseases

Issue: CDFW is concerned that the DEIR does not describe procedures for disposal of removed trees which may be infested with invasive pests and disease. For example, the environmental document should address the presence or absence of goldspotted oak borer (*Agrilus auroguttatus*), Polyphagus shot-hole borer (*Euwallacea* sp.), and thousand canker fungus (*Geosmithia morbida*) in on-site trees and, if present, describe how any effected trees would be disposed of as part of the Project.

Specific impacts: Improper disposal of vegetation 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 may 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 infestation and disease.

Evidence impact 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 habitats susceptible to insect and disease pathogens.

Mitigation Measure #1: CDFW recommends the City work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (https://thousandcankers.com/), Polyphagous shot hole borer (https://ucanr.edu/sites/eskalenlab/?file=index.html), and goldspotted oak borer (http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary 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 should provide 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 submitted to CDFW for review and included as an appendix in the final environmental document.

Comment #7: 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 should 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 should 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 should 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 should 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 should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

Additional Recommendations

Alternatives. CDFW recommends the City consider an alternative that would fully avoid or minimize impacts to streams, sensitive plants and wildlife. CDFW recommends the City 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 City concludes that no feasible alternative locations exist, or the use of alternative locations as a mitigation measures is infeasible, the City must disclose the reasons in the final environmental document and recirculate [CEQA Guidelines, §§ 15088.5(a)(3), 15126.6(f)(2)].

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 City 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 should 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 City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City 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 Angela Castanon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov.

Sincerely,

DocuSigned by:
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
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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. A final MMRP should 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 Rare Plants	CDFW recommends including avoidance, minimization, and/or mitigation measure language articulating the need to perform focused surveys for sensitive/rare plants on-site and disclosing the results prior to the implementation of Projects. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFWa 2018) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959), a qualified biologist should "conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting." Final CEQA documentation, for a specified Project(s), should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-2-Impacts Rare Plants	If rare or sensitive plants are found on or near the footprint of the Project, CDFW recommends the DEIR provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. The DEIR 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	Prior to Project construction and activities	City of Moorpark/ Applicant

	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).		
MM-BIO-3-Impacts Rare Plants	If rare or sensitive plants are found on or near the footprint of the Project, the DEIR 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	City of Moorpark/ Applicant
MM-BIO-4-Impacts Rare Plants	CDFW recommends the Plan be conditioned to provide mitigation ratios depending on the sensitivity of the species. 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.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-5-Impacts Rare Plants	The Plan 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	Prior to Project construction and activities	City of Moorpark/ Applicant

	(e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.		
MM-BIO-6- Impacts to Sensitive Plant Communities	CDFW commends the efforts of the City/Applicant to properly categorize vegetation, however some terminology used within the DEIR may be dated. Categorizations such as "blue elderberry stands, cactus scrub," and so forth do not adequately describe vegetation to determine uniqueness, rareness, value in the landscape, or base restoration planting appropriateness. These terms are used in the 2009 printed version of the *Manual of California Vegetation* (MCV), which has since been updated and reformatted. In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the MCV, found online at http://vegetation.cnps.org/. To determine the rarity ranking of vegetation communities on a specific Project site(s), the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-7- Impacts to Sensitive Plant Communities	CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. CDFW recommends all impacts to the S3 sensitive vegetation communities (cactus scrub, chaparral yucca scrub Association) (2.19-acres) should be mitigated at a 4:1 ratio and impacts to the S4 and S5 communities (CA sagebrush-deerweed scrub and blue elderberry stands) (46.13-acres) be mitigated at a 2:1 ratio.	Prior to Project construction and activities	City of Moorpark/ Applicant

	All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).		
MM-BIO-8-Impacts to Sensitive Plant Communities	Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria should include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria should be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer should be compared to the success criteria of the reference site, as well as the alliance criteria in MCV2, ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements. CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw 1998). Based on the scientific literature	Prior to /During/ After Project construction and activities	City of Moorpark/ Applicant

	available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.		
MM-BIO-9-Impacts to Crotch's Bumble Bee	CDFW recommends that measures be taken, primarily, to avoid Project impacts to Crotch's bumble bee. 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: 1. 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. 2. 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. 3. Map(s) showing the location of nests/colonies. 4. 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	Prior to Project construction and activities	City of Moorpark/ Applicant

	vegetation class; density, cover, and abundance of each species).		
MM-BIO-10- Impacts to Crotch's Bumble Bee	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 City should consult CDFW to determine appropriate avoidance and/or minimization measures for the species.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-11- Impacts to Monarch Butterfly	CDFW recommends that a qualified biologist conduct a habitat assessment, within 30 days of Project(s) implementation, to determine if the Project(s) area or its immediate vicinity contain habitat suitable to support monarchs.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-12- Impacts to Monarch Butterfly	If suitable habitat is present, CDFW recommends assessing presence of monarchs by conducting protocol surveys consistent with USFWS recommendations (see https://xerces.org/publications/planning-management/western-monarch-butterfly-conservation-recommendations).	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-13- Impacts to Monarch Butterfly	If monarch butterflies are detected within or in the vicinity of Project(s) areas, The City will consult CDFW and USFWS, prior to Project(s) implementation to discuss how to implement ground-disturbing activities and avoid take.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-14- Lake and Stream Bed Alteration Agreement	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. If necessary, 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	Prior to Project construction and activities	City of Moorpark/ Applicant

	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.		
MM-BIO-15-Lake and Stream Bed Alteration Agreement	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 Project construction and activities	City of Moorpark/ Applicant
MM-BIO-16-Lake and Stream Bed Alteration Agreement	Jurisdiction surveys should evaluate all rivers, streams, and lakes including culverts, ditches, and storm channels that may transport water, sediment, and pollutants that discharge into rivers, streams, and lakes. CDFW would like confirmation that "Erosional Feature 1" does not fall within State jurisdiction as well as the other drainage features along the northern border of the site.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-17-Spread of Invasive Pests and Diseases	CDFW recommends the City work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (https://thousandcankers.com/), Polyphagous shot hole borer (https://ucanr.edu/sites/eskalenlab/?file=index.html), and goldspotted oak borer (http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease.	Prior to Project construction and activities	City of Moorpark/ Applicant

MM-BIO-18-Spread of Invasive Pests and Diseases	If invasive pests and/or diseases are detected, the City should provide 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 submitted to CDFW for review and included as an appendix in the final environmental document.	Prior to/During/ After Project construction and activities	City of Moorpark/ Applicant
MM-BIO-19-Impacts to Non-Game Mammals and Wildlife	If fencing is proposed for use during construction or during the life of the Project, fences should 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 should also be minimized so as not to restrict free wildlife movement through habitat areas.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-20-Impacts to Non-Game Mammals and Wildlife	To avoid direct mortality, a qualified biological monitor should 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 should 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	City of Moorpark/ Applicant
MM-BIO-21-Impacts to Non-Game Mammals and Wildlife	Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.	Prior to/During construction and activities	City of Moorpark/ Applicant

REC-1- Plant impacts	CDFW recommends the City perform a Regional Landscape Interconnectivity Assessment and incorporate the findings into the Plan to avoid habitat fragmentation.	Prior to Project construction and activities	City of Moorpark/ Applicant
REC-2- Vegetation Mitigation and Restoration	CDFW recommends taking an inter-disciplinary approach, inclusive of wildlife biologists and restoration professionals, to restore scrub and grassland habitats. The City should replace acreage of Mediterranean Scrub and Grassland, Warm Semi-Desert Scrub and Grassland, and Coastal Bluff Scrub 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.	During Project construction and activities	City of Moorpark/ Applicant
REC-3- Crotch's Bumble Bee	CDFW recommends the City update their CEQA document to reflect the possibility of Crotch's bumble bee within the Project site and discuss the local and regional significance of impacts to the species. Focus surveys should be conducted in order to determine presence/absence, identify potential nest sites, and to further evaluate the quality of habitat present for Crotch's bumble bee. The updated analysis should include appropriate avoidance, minimization, and compensatory mitigation measures to offset any impacts to below a level of significance.	During construction and activities	City of Moorpark/ Applicant
REC-4- Vernal Pools	CDFW recommends disclosing any vernal pools found within the project footprint and the surrounding area to assess potential impacts and recommend meaningful mitigation. Vernal pools offer habitat to several specially listed species and are afforded protections pursuant to CEQA. CDFW recommends avoidance of vernal pools, if avoidance is not possible preservation of existing vernal pool complexes should be mitigated at appropriate ratios. If	Prior to Project construction and activities	City of Moorpark/ Applicant

	not feasible, restoration and preservation of damaged pools and associated upland habitat that support vernal pools should be mitigated to an appropriate ratio. CDFW does not recommend or support the creation of vernal pools.		
REC-5- Alternatives	CDFW recommends the City consider an alternative that would fully avoid or minimize impacts to streams, sensitive plants and wildlife. CDFW recommends the City 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 City concludes that no feasible alternative locations exist, or the use of alternative locations as a mitigation measures is infeasible, the City must disclose the reasons in the final environmental document and recirculate [CEQA Guidelines, §§ 15088.5(a)(3), 15126.6(f)(2)].	Prior to/During Project construction and activities	City of Moorpark/ Applicant
REC-6- 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.	Prior to Project construction and activities	City of Moorpark/ Applicant
REC-7- Mitigation and Monitoring Reporting Plan	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City 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 should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.	Prior to construction and activities	City of Moorpark/ Applicant