



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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August 02 2021

August 2, 2021

STATE CLEARINGHOUSE

Ms. Anita Juhola-Garcia
City of Long Beach
411 W. Ocean Boulevard
Long Beach, CA 90802
anita.juhola-garcia@longbeach.gov

Subject: Century Villages at Cabrillo Specific Plan, Draft Environmental Impact Report, SCH # 2020010387, City of Long Beach, Los Angeles County

Dear Ms. Juhola-Garcia:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Long Beach (City; Lead Agency) for the Century Villages at Cabrillo Specific Plan (Project). The Project is proposed by Century Housing Corporation (Project Applicant). 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 Project proposes to redevelop portions of a former 27-acre U.S. Naval housing facility over 10 years beginning in 2023. The Project site has undergone redevelopment since 2011, which included creation of new housing, streets, and parking. The Project would transition the collection of antiquated structures and underutilized areas to modern affordable housing and service facilities along with key site improvements. The Project would demolish 235 dwelling units; 10,030 square feet of amenities; 10,200 square feet of educational uses; 7,250 square feet of administrative and support services; and removal of 153 parking spaces. New development under the Project will include 750 dwelling units; 77,000 square feet of amenities; 15,000 square feet of educational uses; 17,000 square feet of commercial/retail uses; 48,000 square feet of administrative and supportive services; and 518 parking spaces.

Location: The Project is located on the western edge of the City of Long Beach at 2001 River Avenue. The majority of the buildings that would be demolished and the majority of new development would occur along Williams Street and toward the north end of San Gabriel Avenue.

Comments and Recommendations

CDFW visited the Project site with the Project Applicant on July 22, 2021. Based on the documents for review and the site visit, 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. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Potential Impacts on Monarch Butterflies

Issue: The Project may impact monarch butterfly (*Danaus plexippus* population 1 – California overwintering population) and monarch butterfly overwintering habitat.

Specific impacts: The Project could remove and impact potential overwintering habitat for monarch butterflies. Vegetation removal and tree trimming could have a negative effect on monarch butterflies by causing injury or mortality; reducing health and vigor; and reducing reproductive success. Permanent or temporary impacts on overwintering habitat could result in local population decline or local extirpation of monarch butterflies.

Why impacts would occur: In western North America, monarch overwintering sites are distributed along the California coast from Mendocino County to the Mexican border, and south into Baja California, Mexico (Xerces Society 2017). Monarch butterflies cluster in large groups in forested groves along the California coast. The Project site could provide an overwintering grove for monarch butterflies because of its location relative to the coast, proximity to known overwintering sites, and support of forested groves.

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The Project site is located within 2.5 miles from the coast and two miles east of Banning Park and Museum. Banning Park is an overwintering site for monarchs (Western Monarch Count 2021). According to iNaturalist, monarch butterflies were observed on tropical milkweed (*Asclepias curassavica*) in the community garden located at the intersection of San Gabriel Avenue and West Willard Street in the northwest part of the Project site (iNaturalist 2020). During the site visit, monarch butterflies were observed in the community garden, as well as two additional areas: a second community garden located in the southeast corner of the Project site and in urban forest parallel to San Gabriel Avenue on the west side of the Project site. Forested groves occur throughout the Project site consisting of mature eucalyptus (*Eucalyptus* genus) and pine (*Pinus* genus) trees. These and other species of trees within the Project site could provide overwintering habitat.

The Project may require trees to be removed or trimmed in order to facilitate building demolition and construction. Removing trees during the overwintering period could have direct impacts on monarch butterflies, potentially resulting in injury or mortality; reduced health and vigor; and reduced success during spring and summer migration to breeding sites. Furthermore, removing trees could reduce or eliminate overwintering habitat, potentially leading to local population decline or local extirpation of monarch butterflies.

Evidence impact would be significant: The DEIR does not provide any information as to the Project's potential impacts on monarch butterflies and overwintering habitat. CDFW is unable to determine if and comment on whether the Project would impact monarch butterflies and overwintering habitat, where impacts would occur, where impacts would occur, and if impacts would be significant.

Monarch numbers have dropped by 99 percent from an estimated 4 million butterflies just twenty years ago (CDFW 2021a). Given the precipitous decline of monarch butterflies, the monarch butterfly is currently slated to be listed in 2024 under the Endangered Species Act (CDFW 2021a). The monarch butterfly is included on CDFW's [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) list and identified as a Species of Greatest Conservation Need in California's [State Wildlife Action Plan](#) (CDFW 2017; CDFW 2015). Additionally, Fish and Game Code section 1002 prohibits the take or possession of wildlife for scientific research, education, or propagation purposes without a valid Scientific Collection Permit issued by CDFW. This applies to handling monarchs, removing them from the wild, or otherwise taking them for scientific or propagation purposes, including captive rearing. Fish and Game Code section 1021 directs CDFW to take feasible actions to conserve monarch butterflies and the habitats they depend upon for successful migration. Lastly, Fish and Game Code section 1374 directs the Monarch Butterfly and Pollinator Rescue Program, administered by the Wildlife Conservation Board, to recover and sustain populations of monarch butterflies.

The monarch butterfly meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on the monarch butterfly may require a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant or animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065). The reduction in the number of monarch butterflies, either directly or indirectly through habitat loss, would constitute a significant impact absent appropriate mitigation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a

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candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and/or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: If the Project site supports an overwintering grove/population of monarchs, CDFW recommends the City require the Project Applicant to protect, manage, enhance, and restore potential overwintering habitat on the Project site. The City should require the Project Applicant to prepare a long-term Monarch Butterfly Overwintering Habitat Management Plan in consultation with a qualified biologist. A Monarch Butterfly Overwintering Habitat Management Plan should be submitted to the City before the City adopts the Century Villages at Cabrillo Specific Plan and a Long Beach Zoning Ordinance and Zoning Map Amendment. The Monarch Butterfly Overwintering Habitat Management Plan should provide actions to protect, manage, enhance, and restore overwintering habitat. At a minimum, these actions should include:

- *Protect:* Trees should not be removed in overwintering groves unless a tree poses a safety risk. The critical root zone (CRZ) of trees that are not targeted for removal should be protected. Impacts to a tree's CRZ could result in injury or mortality of the tree causing additional loss of trees and canopy. Shrubs should not be removed in overwintering groves. Shrubs should be maintained to provide a buffer to preserve the microclimate conditions of the overwinter habitat.
- *Manage:* Management activities, such as tree trimming and mowing, should be conducted in groves from March 15 through September 15 outside of the estimated timeframe when monarchs are likely present in the southern California coast.
- *Enhance:* Enhance native, insecticide-free nectar sources by planting fall/winter blooming forbs or shrubs within overwintering groves.
- *Restore:* Any trees removed as part of the Project should be replaced with trees at no less than 2:1. Native insecticide-free trees should be planted such as Monterey pine (*Pinus radiata*), Monterey cypress (*Cupressus macrocarpa*), Coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), Douglas fir (*Pseudotsuga menziesii*), Torrey pine (*Pinus torreyana*), western sycamore (*Platanus racemosa*), bishop pine (*Pinus radiata*) and others, as appropriate for location.
- *Pesticides:* Use of pesticides should be avoided, particularly when monarchs may be present. If pesticides are used, applications should be conducted from March 15 through September 15, when possible. Herbicide should not be applied on blooming flowers. Herbicide should be applied during young plant phases, when plants are more responsive to treatment, and when monarchs and other pollinators are less likely to be nectaring on the plants. Whenever possible, targeted application herbicide methods should be used, large-scale broadcast applications should be avoided, and precautions shall be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, should not be used any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants should not be used. Non-chemical weed control techniques should be used when possible.
- *Tropical milkweed and pathogens:* Non-native tropical milkweed should not be planted in order to minimize the spread of the pathogen *Ophryocystis elektroscirrha* (OE), and to encourage natural monarch migration. OE can build up on tropical milkweed because these plants are evergreen, and they do not die back in the winter. OE can be debilitating and/or lethal to monarchs. If possible, tropical milkweed should be removed

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and replaced with native, insecticide-free nectar plants suitable for the location.

Mitigation Measure #2: If the Project site does not support overwintering habitat, CDFW recommends the City require the Project Applicant to avoid and minimize impacts on monarch butterflies by enhancing native, insecticide-free nectar sources; avoid planting any additional tropical milkweeds; and avoid using pesticides, insecticides, and soil fumigants.

Recommendation #1: CDFW recommends the following resources for information on managing monarch overwintering habitat:

- [Western Monarch Butterfly Conservation Plan](#) (WAFWA 2019);
- [Overwintering Site Management and Protection](#) (Western Monarch Count 2021);
- [Protecting California's Butterfly Groves](#) (Xerces Society 2017);
- [Managing Monarch Habitat in the West](#) (Xerces Society 2021);
- [Monarch Butterfly Nectar Plant Lists for Conservation Plantings](#) (Xerces Society 2018);
- [Tropical Milkweed](#) (Wheeler 2018); and,
- CDFW's [Monarch Butterfly](#) webpage page (CDFW 2021a).

Recommendation #2: CDFW recommends the City require the Project Applicant to retain a qualified biologist to conduct an overwintering grove habitat and impact assessment for the Project site. The qualified biologist should conduct season appropriate surveys to determine if the Project site supports overwintering groves/monarch population. The assessment should provide information on where overwintering habitat is located; what Project activities would impact overwintering habitat; what are the impacts (e.g., number and species of trees removed); where impacts would occur; and measures to avoid, minimize, or mitigate for those potential impacts. CDFW recommends the City require an assessment to be performed prior to finalizing the Project's environmental document.

Recommendation #3: CDFW recommends the City recirculate the Project's environmental document after the habitat assessment to disclose information on monarch butterflies and potential overwintering habitat in the Project site; potential impacts on those biological resources; and measures to avoid, minimize, or mitigate for Project impacts. Per CEQA Guidelines section 15088.5, "a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification."

Comment #2: Impacts on Nesting Birds

Issue: The Project's environmental document has not provided any measures to minimize or mitigate for potential impacts on nesting birds and raptors.

Specific impacts: Project construction and activities could result in nest abandonment or decreased feeding frequency. This could result in increased nestling mortality thus significant impacts on nesting birds.

Why impacts would occur: The Project site is less than one mile west of the lower Los Angeles River. The Audubon Society has identified the lower Los Angeles River as a [California Important Bird Area](#) (Audubon Society 2021). According to eBird, two bird hotspots are located less than one mile from the Project site (eBird 2021). These hotspots are the *Los Angeles River-*

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south of Willow St. to PCH and Avila Park. Furthermore, the Project site supports mature trees and provides canopy cover such as eucalyptus, pines, palms, and sycamores (*Platanus* genus). In the greater Los Angeles, urban forests and street trees, both native and some non-native species, provide habitat for a high diversity of birds (Wood and Esaian 2020). Some species of raptors have adapted to and exploited urban areas for breeding and nesting (Cooper et al. 2020). For example, raptors such as red-tailed hawks (*Buteo jamaicensis*) and Cooper's hawks (*Accipiter cooperii*) can nest successfully in urban sites.

Birds and raptors nesting within the Project site could be impacted by the Project. The Project would include building demolition, grading, trenching, and paving. These activities create elevated levels of noise, human activity, dust, ground vibrations, vegetation disturbance, and potentially ambient nighttime lighting. These activities occurring near potential nests could cause birds to abandon their nests, resulting in the loss of fertile eggs or nestlings.

Evidence impact would be significant: Nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Fish and Game Code section 3503 states, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird." Fish and Game code section 3503.5 prohibits the take, possession, or destruction of birds-of-prey and their nests or eggs. Also, take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 is prohibited under Fish and Game Code section 3513. As such, impacts on nesting birds and raptors, either directly or indirectly through nest abandonment, reproductive suppression, or loss of occupied nesting habitat, would be a significant impact absent appropriate mitigation. Inadequate avoidance, minimization, and mitigation measures for impacts on nesting birds and raptors will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status by CDFW or USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To protect nesting birds and raptors that may occur on site or adjacent to the Project site, CDFW recommends that no construction should occur from February 15 (January 1 for raptors) through August 31.

Mitigation Measure #2: If avoidance is not feasible, a qualified biologist should complete a survey for nesting bird activity within a 500-foot radius of a construction site. Nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential nesting, roosting, and perch sites. Surveys should be conducted no more than 7 days prior to the beginning of any Project-related activity likely to impact nesting birds and raptors. If Project activities are delayed or suspended for more than 7 days during the breeding season, surveys should be repeated before activities can begin or restart.

Mitigation Measure #3: If nesting birds and/or raptors are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests, and 0.5 mile around active CESA or Endangered Species Act-listed bird nests. These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers should be increased, if necessary, to protect the nesting birds.

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Mitigation Measure #4: The temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project would result in loss of nesting or breeding habitat for birds and raptors, CDFW recommends the City require the Project Applicant to compensate for the removal of any nesting habitat within the Project site. This should include trees and the appropriate understory plantings. The City should require the Project Applicant provide at least 2 trees for each one removed or impacted. The number of replacement trees should be higher for impacts on native trees, substantially large trees (e.g., heritage-sized trees), and trees with a dense canopy. The number of replacement trees should be higher if the trees removed/impacted supports a California Species of Special Concern. The number should increase even more with the occurrence of a CESA-listed species. The City should require the Project Applicant to consult with CDFW to determine proper mitigation for impacts to habitat supporting sensitive or special-status bird species.

Comment #3: Impacts on Bats

Issue: The Project includes activities that may remove or disturb roosting habitat for bats.

Specific impacts: Project activities may include removal or disturbance of trees and structures that could provide roosting habitat for bats. Accordingly, the Project has the potential to injure, cause mortality, trap, and displace bats.

Why impacts would occur: Many bat species can be found year-round in urban areas throughout the south coast region of California. In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts. Trees and crevices in buildings in the Project site could provide roosting habitat for bats. Many of the buildings in the Project site have barrel tiled roofs. Barrel tiled roofs may provide roosting 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.

The Project may result in direct impacts on bats (injury and mortality) by removing trees and demolishing structures that may provide roosting habitat. Indirect impacts on 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. 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. 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). Human disturbance can 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). A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or

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- breeding role;
- is listed as FESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2021b).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A survey report, including negative findings should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and provide species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

Mitigation Measure #2: If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should 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 should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

Mitigation Measure #3: If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).

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Mitigation Measure #4: If maternity roosts are found and the City determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before sunset and 30 minutes after sunrise.

Additional Recommendations

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2021b). The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should require the Project Applicant to provide CDFW with confirmation of data submittal prior to adopting the Century Villages at Cabrillo Specific Plan.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided 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).

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 Long Beach 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 Long Beach 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 Long Beach has to our

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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 (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562) 619-2230.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

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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) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Impacts on Monarch Butterflies- Management Plan	<p>If the Project site supports an overwintering grove/population of monarchs, the Project Applicant shall prepare a long-term Monarch Butterfly Overwintering Habitat Management to provide actions to protect, manage, enhance, and restore overwintering habitat. These actions shall include, at a minimum:</p> <ul style="list-style-type: none"> • <i>Protect</i>: Trees shall not be removed in overwintering groves unless a tree poses a safety risk. The critical root zone (CRZ) of trees that are not targeted for removal shall be protected. Shrubs shall not be removed in overwintering groves. Shrubs shall be maintained to provide a buffer to preserve the microclimate conditions of the overwinter habitat. • <i>Manage</i>: Management activities shall be conducted in groves from March 15 through September 15, such as tree trimming and mowing, in monarch overwintering habitat outside of the estimated timeframe when monarchs are likely present in the southern California coast. • <i>Enhance</i>: Enhance native, insecticide-free nectar sources by planting fall/winter blooming forbs or shrubs within overwintering groves. • <i>Restoration</i>: Any trees removed as part of the Project shall be replaced with trees at no less than 2:1. Native insecticide-free trees shall be planted such as Monterey pine (<i>Pinus radiata</i>), Monterey cypress (<i>Cupressus macrocarpa</i>), Coast redwood (<i>Sequoia sempervirens</i>), coast live oak (<i>Quercus agrifolia</i>), Douglas fir (<i>Pseudotsuga menzesii</i>), Torrey pine (<i>Pinus torreyana</i>), western 	<p>Before the City adopts the Century Villages at Cabrillo Specific Plan and a Long Beach Zoning Ordinance and Zoning Map Amendment</p>	<p>City of Long Beach (City)/Project Applicant</p>

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	<p>sycamore (<i>Platanus racemosa</i>), bishop pine (<i>Pinus radiata</i>) and others, as appropriate for location. Replacement trees may include eucalyptus trees.</p> <ul style="list-style-type: none"> • <i>Pesticides</i>: Use of pesticides shall be avoided, particularly when monarchs may be present. If pesticides are used, applications shall be conducted from March 15 through September 15, when possible. Herbicide shall not be applied on blooming flowers. Herbicide shall be applied during young plant phases, when plants are more responsive to treatment, and when monarchs and other pollinators are less likely to be nectaring on the plants. Whenever possible, targeted application herbicide methods shall be used, large-scale broadcast applications shall be avoided, and precautions shall be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, shall not be used any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants shall not be used. Non-chemical weed control techniques shall be used when possible. • <i>Tropical milkweed and pathogens</i>: Non-native tropical milkweed shall not be planted in order to minimize the spread of the pathogen <i>Ophryocystis elektroscirrha</i> (OE), and to encourage natural monarch migration. If possible, tropical milkweed shall be removed and replaced with native, insecticide-free nectar plants suitable for the location. 		
<p>MM-BIO-2- Impacts on Monarch Butterflies</p>	<p>Even if the Project site does not support overwintering habitat, the Project Applicant shall avoid and minimize impacts on monarch butterflies by enhancing native, insecticide-free nectar sources; avoid planting any additional tropical milkweeds; and avoid using pesticides, insecticides, and soil fumigants.</p>	<p>During Project construction/ Over the Project's lifetime</p>	<p>City/Project Applicant</p>

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MM-BIO-3- Impacts on Nesting Birds- Avoidance	To protect nesting birds and raptors that may occur on site or adjacent to the Project site, no construction should occur from February 15 (January 1 for raptors) through August 31.	Prior to Project construction	City/Project Applicant
MM-BIO-4- Impacts on Nesting Birds- Pre- Construction Surveys	If avoidance is not feasible, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of a construction site. Nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential nesting, roosting, and perch sites. Surveys shall be conducted no more than 7 days prior to the beginning of any activity likely to impact nesting birds and raptors. If Project activities are delayed or suspended for more than 7 days during the breeding season, surveys shall be repeated before activities can begin or restart.	Prior to/During Project construction	City/Project Applicant
MM-BIO-5- Impacts on Nesting Birds- Buffers	If nesting birds and/or raptors are identified, the following minimum no-disturbance buffers shall be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests, and 0.5 mile around active CESA or Endangered Species Act-listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased, if necessary, to protect the nesting birds.	Prior to/During Project construction	City/Project Applicant
MM-BIO-6- Impacts on Nesting Birds- Tree replacement	The Project Applicant shall compensate for the removal of any nesting habitat within the Project site. This shall include trees and the appropriate understory plantings. The Project Applicant shall provide at least 2 trees for each one removed or impacted. The number of replacement trees shall be higher for impacts on native trees, substantially large trees (e.g., heritage-sized trees), and trees with a dense canopy. The number of replacement trees shall be higher if the trees removed/impacted supports a California Species of Special Concern. The number shall increase even more with the occurrence of a CESA-listed species. The Project Applicant shall consult with CDFW to determine proper mitigation	Prior to/During Project construction	City/Project Applicant

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	for impacts to habitat supporting sensitive or special-status bird species.		
MM-BIO-7- Impacts on Bats- Survey	Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be used to maximize detection of bats. A survey report, including negative findings shall be provided to the City. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and provide species specific mitigation measures to reduce impacts to below a level of significance. Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.	Prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats	City/Project Applicant
MM-BIO-8- Impacts on Bats- Tree removal	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or 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 preferable 48 hours, shall elapse prior to such operations to allow bats to escape.	During tree removal	City/Project Applicant
MM-BIO-9- Impacts on	If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the	Prior to Project construction	City/Project Applicant

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Bats- Maternity Roosts	maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).	if maternity roosts are found	
MM-BIO-10- Impacts on Bats- Maternity Roosts	If maternity roosts are found and impacts are unavoidable, a qualified bat specialist shall conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology shall be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work shall also not occur between 30 minutes before sunset and 30 minutes after sunrise.	Prior to/During removal of trees or structures supporting maternity roosts	City/Project Applicant
REC-1- Additional Information and Resources	<p>The City and Project Applicant should refer to the following resources for information on managing monarch overwintering habitat:</p> <ul style="list-style-type: none"> • Western Monarch Butterfly Conservation Plan • Overwintering Site Management and Protection • Protecting California's Butterfly Groves • Managing Monarch Habitat in the West • Monarch Butterfly Nectar Plant Lists for Conservation Plantings • Tropical Milkweed • CDFW's Monarch Butterfly webpage page 	Prior to finalizing the CEQA document/ During Project construction/ Over the Project's lifetime	City/Project Applicant
REC-2-Impact Assessment (Monarchs)	The City should require the Project Applicant to retain a qualified biologist to conduct an overwintering grove habitat and impact assessment for the Project site. The qualified biologist should conduct season appropriate surveys to determine if the Project site supports overwintering groves/monarch population. The assessment should provide information on where overwintering	Prior to finalizing the CEQA document	City/Project Applicant

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	habitat is located; what Project activities would impact overwintering habitat; what are the impacts (e.g., number and species of trees removed); where impacts would occur; and measures to avoid, minimize, or mitigate for those potential impacts.		
REC-3- Recirculate EIR	The City should recirculate the Project's environmental document after the habitat assessment to disclose information on monarch butterflies and potential overwintering habitat in the Project site; potential impacts on those biological resources; and measures to avoid, minimize, or mitigate for Project impacts.	Prior to finalizing the CEQA document	City
REC-4-Data	The City should ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. The City should require the Project Applicant to provide CDFW with a confirmation of data submittal.	Prior to adopting the Century Villages at Cabrillo Specific Plan.	City/Project Applicant
REC-5- Mitigation and Monitoring Reporting Plan	The City should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter.	Prior to finalizing CEQA document	City