



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201

www.wildlife.ca.gov

May 2, 2022

Kevin R. Kearney
City of Bradbury
600 Winston Avenue
Bradbury, CA 91008
KKearney@cityofbradbury.org

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



**Subject: Chadwick Ranch Estates Project, Draft Environmental Impact Report,
SCH #2020020548, City of Bradbury, Los Angeles County**

Dear Mr. Kearney:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR), from the City of Bradbury (City) for the Chadwick Ranch Estates Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's 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 Applicant obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The proposed Project would subdivide 111.8 acres into 14 residential lots and 15 non-residential lots. The Project would grade approximately 50.5 acres, which would be

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approximately 43 percent of the 111.8-acre Project site. The 14 residential lots would allow construction of a primary home, secondary living quarters, and other ancillary structures. The total acreage of residential uses would be 15 acres. The residential estates would be custom homes. The anticipated Project buildout is five years from the start of construction.

The remainder of the Project site would be subdivided into 15 non-residential parcels, three of which would be for conservation purposes (Lot L, M, and N); six for open space; three developed with debris basin and a water quality basin; one with a reservoir; one with a private street extending from the intersection of Bliss Canyon Road/Long Canyon Road; and one with an emergency access. The total acreage of non-residential uses would be 96.8 acres. Of those 96.8 acres, approximately 64.5 acres (Lot L, M, and N) would be dedicated area to a conservancy yet to be named.

The Project would maintain three fuel modification zones. Zones A and B would both result in complete avoidance of existing vegetation, with Zone A consisting of 20-foot setback zone from structures, and Zone B consisting of an irrigated zone extending an additional 80 feet from the limits of Zone A (total of 100 feet from structures). Zone C consists of a native brush thinning zone that extends up to 200 feet from structures.

Location: The Project is located in the northeast part of the City of Bradbury in the southern foothills of the San Gabriel Mountains. The Assessor's Parcel Numbers (APNs) for the Project site are 8527-005-001, 8527-005-004, and 8527-001-010. The three parcels total approximately 111.8 acres.

Comments and Recommendations

CDFW visited the Project site on April 13, 2022. Based on our review of the Project's CEQA document and 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. Editorial comments or other suggestions are also included to improve the Project's environmental document. 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: Impacts on Mountain Lion

Issue: The Project could impact mountain lion (*Puma concolor*) through habitat loss and increasing human presence.

Specific impacts: The Project as proposed may impact mountain lion by grading and developing at least 50.5 acres of mountain lion habitat. The Project may also impact mountain lion by increasing human presence and associated traffic, noise, and lighting.

Why impacts would occur: The Project is located within the range of the Southern California/Central Coast Evolutionary Significant Unit of mountain lion. More specifically, the

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Project is located within the range of the San Gabriel/San Bernardino Mountains (SGSB) mountain lion population. Page 54 in Appendix M Biological Technical Report states, "Mountain lion tracks and scat were detected by GLA [Glenn Lukos Associates] within the Bradbury Canyon during the biological surveys, and given the presence of movement potential movement routes (canyons and ridgelines) and a prey population (including mule deer) throughout the Study Area, the overall Specific Plan and offsite improvement area is acknowledged as part of a larger home range in the San Gabriel Mountains for mountain lions. Mountain lions are expected to use both Bradbury Canyon and Spinks Canyon as primary local movement routes, as well as the smaller ridgelines and drainage areas within the development footprint for local movement. In addition, the existing Flood Control access road is likely used periodically as a connection between Bradbury Canyon and Spinks Canyon." Furthermore, page 55 in Appendix M states, "The overall Study Area, including the onsite and offsite development areas and the proposed open space, provides both live-in habitat and movement opportunities for many mammalian species, including black bear (*Ursus americanus*), mountain lion (*Puma concolor*) [...] mountain lions have the potential to utilize the entire Specific Plan and offsite development area as part of a larger home range. Although the development footprint does not by itself constitute a 'wildlife corridor', it does support local wildlife movement."

The DEIR does not provide mitigation for habitat loss even though the Project would develop approximately 50.5 acres of habitat currently supporting mountain lion and wildlife movement. Page 3.3-41 in the DEIR states, "The proposed project will impact areas with the potential to support the local movement of mountain lions and will remove habitat that supports mountain lion prey." Even so, the DEIR goes on to state, "the loss of potential habitat supporting mountain lions would not be considered a substantial adverse effect and impacts would be less than significant without species-specific mitigation."

Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap *et al.* 2019). Loss of wildlife connectivity is another the primary driver for the potential demise of the southern California mountain lion population (Yap *et al.* 2019). The SGSB mountain lion population likely has high risk of inbreeding depression and extinction given its low genetic diversity, low effective population size, and patterns of isolation due to roads and development creating movement barriers (Center for Biological Diversity 2019). Conserving and restoring habitat connectivity and corridors is essential for mitigating impacts to mountain lion. This is especially critical in the face of climate change-driven habitat loss and increased frequency of fires (Yap *et al.* 2019).

Increased frequency of wildfires is also a threat to the survival of the Southern California/Central Coast ESU of mountain lion (Center for Biological Diversity 2019). The Project is located in a Very High Fire Hazard Severity Zone. Compared to existing conditions, development of the Project site could increase the risk of fire originating from human ignition sources such as fire pits, fireworks, improper disposal of charcoal, sparks from cars or equipment, and improperly disposed cigarette butts. A fire originating from Chadwick Ranch Estates could spread into natural areas on site and adjacent natural areas. This could result in additional habitat loss. Fire could also result in injury or mortality of mountain lions (Center for Biological Diversity 2019). For instance, after the Woolsey Fire, the body of mountain lion P-64 was found dead with severely burned paws (Center for Biological Diversity 2019).

In addition, the DEIR does not discuss the Project's impact on mountain lion from the standpoint of increased human presence. The Project may increase human presence (e.g., new

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development, open space, and trails), traffic, noise, and potential artificial lighting, both during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Center for Biological Diversity 2019). As human population density increases, the probability of persistence of mountain lion decreases (Woodroffe 2000). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trails by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. Anthropogenic lighting could alter behavior and interactions of mountain lion in both the wildland and wildland-urban interface (Ditmer *et al.* 2020). Lighting could affect how mountain lions and mule deer – their preferred prey – may move and use the Project site and surrounding natural areas.

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

As to CEQA, the status of mountain lion as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA (CEQA Guidelines, §15380). No mitigation has been proposed for impacts on mountain lion from the Project from the standpoint of habitat loss and encroachment, as well as anthropogenic impacts discussed above. Also, the DEIR does not evaluate the Project's cumulative effect on mountain lion even though the Project is adjacent to another future development (according to Figure ES-3 in the DEIR) which could cause similar impacts on mountain lion. Finally, without a more thorough evaluation of the Project's potential impact on mountain lion, the Project could have a potentially significant impact on mountain lion not previously identified.

Accordingly, the Project has 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 species by CDFW. In addition, the Project has a substantial adverse effect on the movement of resident or migratory wildlife species, resident or migratory wildlife corridors, or wildlife nursery sites.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: The City should revise the Project's CEQA document in order to provide additional analyses and information on the Project's impact and cumulative effects on mountain lion, as well as how the City determined that impacts on mountain lion would be less than significant without mitigation. The City should discuss the Project's potential impact on mountain lion from the standpoint of the following impacts:

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- 1) Introducing new/additional barriers to dispersal;
- 2) Constraining wildlife corridors and pinch points leading to severed migration;
- 3) Habitat loss, fragmentation, and encroachment;
 - a. Discuss the number or acreage of landscape linkages/landscape blocks within the Project area and adjacent areas. CDFW recommends referencing CDFW's [Natural Landscape Blocks](#) dataset (DS 621).
 - b. Discuss the acreage of mountain lion habitat suitability (a proxy for mountain lion permeability and use) within the Project area and adjacent areas. CDFW recommends referencing CDFW's [Mountain Lion Habitat Suitability](#) dataset (DS 2916) and [Mountain Lion Predicted Habitat CWHW](#) dataset (DS 2616).
 - c. Provide an analysis of current landscape intactness (current level of development) around the Project site, and how the Project may impact habitat connectivity or impede mountain lion movement across the landscape to remaining adjacent habitats.
- 4) Increased human presence, noise, and lighting, as well as introduction of any livestock or animal keeping;
- 5) Increased fire risk; and
- 6) Use of herbicides, pesticides, and rodenticides.

A cumulative impact analysis should evaluate potential impacts on mountain lion from multiple spatial scales that should include City of Bradbury, San Gabriel Mountains, range of the San Gabriel/San Bernardino Mountains mountain lion population, and the range of the Southern California/Central Coast Evolutionarily Significant Unit of mountain lion. Impacts should include introducing new/additional barriers to dispersal; constraining wildlife corridors and pinch points leading to severed migration; habitat loss, fragmentation, and encroachment; and increasing human-wildlife interactions and impacts.

Direct and indirect effects of a project "shall" be clearly identified and described, giving due consideration to both the short-term and long-term effects. "The discussion should include [...] physical changes, alteration to the ecological systems, and changes induced in population distribution, population concentration, and the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes [...]" [CEQA Guidelines, § 15126.2(a)]. Also, an EIR "shall discuss cumulative impacts of a project." "A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts" [CEQA Guidelines, §§ 15064(h)(1), 15130].

Recommendation #2: The Project's CEQA document should provide mitigation for mountain lion and justify how proposed mitigation would reduce the Project's impact on mountain lion to less than significant. CDFW recommends the City recirculate the Project's CEQA document for more meaningful public review and assessment of the City's impact analysis and mitigation measures for mountain lion.

Recommendation #3: Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an Incidental Take Permit for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an Incidental Take Permit. It is important that the take proposed to be

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authorized by CDFW's Incidental Take Permit be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an Incidental Take Permit. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an Incidental Take Permit.

Mitigation Measure #1: The Project Applicant should preserve no less than 111.8 acres for mountain lion in order for no net loss of habitat. Replacement habitat should be located as near to the Project site as possible. The Project Applicant should consult and collaborate with CDFW to conserve areas beneficial to the southern California mountain lion population that may improve chances of survival and reproduction of mountain lions in the face of climate change.

The Project Applicant should preserve 111.8 acres in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands¹. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to the City issuing the Project grading permits and related building permits.

Mitigation Measure #2: Within one year prior to Project any ground-disturbing activities, which includes grading, site preparation, equipment staging, and mobilization, the Project Applicant should retain a CDFW-approved biologist knowledgeable of mountain lion species ecology. The qualified biologist should survey areas that may provide habitat for mountain lion to determine presence and potential for natal dens within a half mile of the Project site. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003).

The qualified biologist should submit survey results, including negative findings, to the City prior to the City issuing the Project grading permits and related building permits. The survey report should include a map of potential denning sites. The survey report should include measures to avoid impacts on mountain lions that may be in the area, as well as dens and cubs, if necessary (see Mitigation Measure #3).

Mitigation Measure #3: If potential habitat for natal dens is identified or if natal dens are present, the Project Applicant should fully avoid impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during grading of the Project site, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate

¹ Pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

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course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared, the mountain lions have left the area, or as determined in consultation with CDFW.

Mitigation Measure #4: If take or adverse impacts to mountain lion cannot be avoided, the Project Applicant should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 *et seq.*). The Project Applicant should comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Applicant should provide a copy of a fully executed take authorization prior to the City issuing the Project grading permits and related building permits.

Mitigation Measure #5: The Project Applicant should prohibit use of any rodenticides and second-generation anticoagulant rodenticides on the property in perpetuity². The Project Applicant should inform homeowners that no rodenticides and second-generation anticoagulant rodenticides should be used on site at any time as a condition of home build or purchase. The Project Applicant should provide documentation and a plan that rodenticides and second-generation anticoagulant rodenticides will be prohibited in Chadwick Ranch Estates before the City approves a General Plan Amendment, specific plans, zone change, or vesting tract map.

Mitigation Measure #6: The Project Applicant should install appropriate public information signage in residential areas, public areas, and trails in order to: 1) educate and inform the public about wildlife, especially mountain lions, present in the area; 2) advise on proper avoidance measures to reduce human-wildlife conflicts; 3) advise on proper use of open space trails in a manner respectful to wildlife (e.g., dogs on leash, proper waste disposal); and 4) provide local contact information to report injured or dead wildlife. Signage should be written in the language(s) understandable to all those likely to recreate and use the trails. Signage should not be made of materials harmful to wildlife such as spikes or glass. The Project Applicant should provide a long-term maintenance plan to repair and replace the signs to be funded in perpetuity by a Homeowner's Association (HOA).

Mitigation Measure #7: To prevent human-wildlife conflicts in Chadwick Ranch Estates and to keep mountain lions wild, the Project Applicant should incorporate the following elements into the design of the entire and individual estates, as well as management and maintenance of the entire estate in perpetuity:

- Never feed deer or other wildlife; it is illegal to feed deer and other big game in California and it will attract mountain lions;
- Deer-proof landscaping by avoiding plants that deer like to eat;
- Trim brush to reduce hiding places for mountain lions;
- Install motion-sensitive lighting around the estate; and,
- Increase site permeability through permeable fence designs to limit physical obstructions to wildlife movement.

The Project Applicant should provide documentation and a plan that measures to prevent human-wildlife conflicts would be incorporated into the Project/Chadwick Ranch Estates before

² [Assembly Bill 1788](#) prohibits the use of any second-generation anticoagulant rodenticides.

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the City approves a General Plan Amendment, specific plans, zone change, or vesting tract map.

Please visit [Keep Me Wild](#) (CDFW 2022a) for additional information, as well as [Preventing Conflicts with Mountain Lions](#) (CDFW 2020b). For information wildlife friendly fences, please see [A Landowner's Guide to Wildlife Friendly Fences](#) (MFWP 2012).

Mitigation Measure #8: The Project Applicant should place all community trash receptacles in areas that would not create an unnatural food source that may attract nuisance wildlife and to minimize waste and pollution in natural areas and open space.

Comment #2: Impacts on Streams and Associated Natural Communities

Issue: The Project may impact streams and associated natural communities.

Specific impacts: The Project may impact one or more streams and associated natural communities. Impacts on these resources could occur if the Project would divert a stream from its natural course of flow, alter how water is conveyed through the Project site, remove vegetation along the stream, or degrade vegetation through habitat modification (e.g., fuel modification, loss of water source, encroachment, and edge effects leading to introduction of non-native plants). In addition, Project construction and fuel modification could impact streams by depositing, permitting to pass into, or placing where it can pass into the waterway any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. Finally, Project-related irrigation, whether for landscaping or fuel modification purposes could modify on-site drainage where this water could enter streams.

Why impacts would occur: According to page 3.3-27 in the DEIR, the Project site contains six streams that are part of two separate systems: Bradbury Canyon and Spikes Canyon. According to page 3.3-33, "the Study Area contains approximately 13.93 acres of CDFW jurisdiction, of which 13.09 acres consist of riparian vegetation."

Per Table 3.3-9 in the DEIR, the Project would impact the following: 2.6 acres of unvegetated streambed due to grading; 2.82 acres of stream vegetation due to grading; and 0.91 acres of stream vegetation due to fuel modification. The Project would impact a total of 6.33 acres of streams and its vegetation. Impacts on streams would occur both during Project construction and after the Project. During Project construction (i.e., site preparation), impacts would occur from grading and vegetation removal. Project construction occurring adjacent to a stream could impact the bed, bank, and channel. Vegetation removal could also result in impacts to the bed, bank, and channel of a stream. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. Therefore, the Project potentially impacting vegetation adjacent to the stream but not the stream itself, could still impact the stream. Removing riparian vegetation along streams may increase sediment, debris, and pollutant input into streams. After Project construction, the Project would continue to impact streams and its vegetation due to fuel modification activities. In addition, the Project would permanently alter runoff through the Project site by constructing and maintaining new roads, storm drains, desilting and retention basins, and water reservoirs. Altering water flow through the Project site could divert water away from natural plant communities, resulting in dieback, stress, or complete die off of riparian vegetation.

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To mitigate for the Project's impact on streams and riparian vegetation, the Project has proposed to "purchase mitigation credits from an approved mitigation bank to offset impacts to streams and associated natural communities at a minimum 1:1 ratio." According to Table 5.1 on page 67 of Appendix M, the Project would impact 3.3 acres of Coast Live Oak Riparian Forest (*Quercus agrifolia* Woodland Alliance) and 2.21 acres of California Sycamore/Coast Live Oak Woodland (*Platanus racemosa/Quercus agrifolia* Woodland Alliance). Providing a 1:1 replacement is insufficient for the Project's impact on plant communities that have high biological value and are considered sensitive by CDFW. In addition, 1:1 is insufficient to mitigate for the temporal loss of habitat that could result in local extirpation of wildlife.

First, riparian habitats provide important food, nesting habitat, cover, and migration corridors for wildlife. Oak woodlands have higher levels of biodiversity than any other terrestrial ecosystem in California. Over 330 species of birds, mammals, reptiles, and amphibians depend on oak woodlands in California at some stage in their life cycle (CalPIF 2002). Oak trees provide nesting and perching habitat for approximately 170 species of birds. Large oak trees in oak woodland habitats are important for cover, nesting sites for cup nesting species and cavity nesting species, as well as caching sites for birds storing acorns (CalPIF 2002). Oak woodlands also serve several important ecological functions important within an ecosystem such as protecting soils from erosion and land sliding, regulating water flow in watersheds, and maintaining water quality in streams and rivers.

Second, CDFW considers coast live oak woodlands to be a sensitive plant community, especially oak riparian forests. Page 3.3-10 in the DEIR acknowledges the sensitivity of Coast Live Oak Riparian Forest and California Sycamore/Coast Live Oak Woodland. Only 5 to 10 percent of California's original riparian habitat exists today and much of the remaining habitat is in a degraded condition (NRC 2002). Oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources. Moreover, [CDFW's Areas of Conservation Emphasis - Significant Habitats](#) dataset includes oak woodlands as a Terrestrial Significant Habitat based on its priority for conservation and acquisition planning for some counties, local jurisdictions, and the Wildlife Conservation Board (CDFW 2019).

Lastly, there is a longer establishment period for oak trees and higher risk of failure especially during periods of drought, which results in prolonged temporal loss of habitat. The Project could result in a short-term and long-term reduction in oak riparian forests available for to support biological and ecological functions. Even if replacement oak trees survive transplanting, oak tree saplings could remain small and shrubby for many years. It may take 20 to 40 years, potentially longer under drought conditions, for replacement oak trees to reach maturity and restore the habitat, structure, foliage, and canopy lost by removing oak riparian forests. As such, wildlife such as birds may be unable to nest in planted coast live oak trees until they mature. This could result in local extirpation of wildlife.

Evidence impacts would be significant: The Project may impact streams both during Project construction and for the Project's lifetime as a result of fuel modification. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 *et seq.* to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. 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

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one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake³;
- 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.

CDFW requires a LSA Agreement when a project activity may substantially adversely affect fish and wildlife resources.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #4: 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 from the lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

Mitigation Measure #9: CDFW concurs with Mitigation Measure BIO-3 proposed in the Project's CEQA document. However, CDFW recommends the City revise the measure by incorporating the underlined language and removing the language with strikethrough:

"Project development would impact potential jurisdictional waters including riparian habitat. ~~Prior to the disturbance of jurisdictional waters,~~ The Project proponent shall obtain a CWA Section 404 permit from the Corps and a Section 401 Water Quality Certification from the Regional Board, as well as a Lake and Streambed Alteration Agreement from CDFW prior to being issued a grading permit from the City. The Project proponent shall ~~purchase mitigation credits from an approved mitigation bank~~ provide replacement habitat to offset impacts to streams and associated natural communities at a minimum 4:1 3:1 ratio. The actual mitigation ratio will be determined through coordination with the Corps, Regional Board, and CDFW during the permitting process. The final replacement ratio may be offset through the preservation of existing jurisdictional waters within the Project's open space. The Project Applicant shall comply with the mitigation measures detailed in the LSA Agreement issued by CDFW."

Mitigation Measure #10: The Project Applicant's notification to CDFW should provide the following information:

³ "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

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- 1) A stream delineation in accordance with the U.S. Fish and Wildlife Service wetland definition adopted by CDFW⁴ (Cowardin *et al.* 1979);
- 2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the [Manual of California Vegetation](#), second edition (Sawyer *et al.* 2009);
- 3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and,
- 4) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.

Comment #3: Impacts on Coastal California Gnatcatcher

Issue: The Project supports vegetation consistent with habitat requirements of the California gnatcatcher (gnatcatcher; *Polioptila californica californica*), an Endangered Species Act (ESA)-listed species and California Species of Special Concern (SSC). The Project proceeding without determining whether gnatcatcher may be present could result in impacts to a sensitive and special status species.

Specific impacts: The Project could result in loss of gnatcatcher habitat and well as encroach into habitat. In addition, the Project occurring during the gnatcatcher breeding and nesting season could result in the incidental loss of fertile eggs or nestlings.

Why impacts would occur: Gnatcatchers are closely tied to coastal scrub vegetation for reproduction (USFWS 2010). Gnatcatchers may also occur in other nearby plant communities during the non-breeding season (USFWS 2010). The Project site supports habitat for gnatcatcher⁵. The 2017 Coastal California Gnatcatcher Report included in Appendix M states, “the majority of the property supports mixed chaparral with inclusions of coastal sage scrub. The dominant plant species include laurel sumac (*Malosma laurina*), scrub oak (*Quercus berberidifolia*), chamise (*Adenostoma fasciculatum*), spiny redberry (*Rhamnus crocea*), toyon (*Heteromeles arbutifolia*), coastal sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), white sage (*Salvia apiana*), and deerweed (*Acmispon glaber*). Finally, the Project site is within the gnatcatcher range.

⁴ Be advised that some wetland and riparian habitats subject to CDFW’s authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers’ Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

⁵ According to U.S. Fish and Wildlife Service Protocol, “coastal California gnatcatcher surveys shall be completed by permitted biologists if proposed projects are located within the historic range of this species and contain sage scrub plant communities including, but not limited to, Venturan coastal sage scrub, Diegan coastal sage scrub, Riversidean sage scrub, maritime succulent scrub, and/or alluvial fan sage scrub vegetation; chaparral and native/non-native grasslands when intermixed or ecotonal with sage scrub vegetation; and riparian vegetation when ecotonal to sage scrub vegetation” (USFWS 2010).

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The DEIR concludes gnatcatcher has the potential to occur however, gnatcatcher was not detected during focused surveys in 2017. CDFW typically considers wildlife surveys to be valid for a one-year period. Without more recent surveys or mitigation addressing gnatcatchers, the Project could impact gnatcatchers if gnatcatchers now use the Project site for dispersal, foraging, or nesting. The DEIR document does not provide information or discussion as to why the 2017 gnatcatcher survey is relevant information to conclude that gnatcatchers are still absent from the Project site. Moreover, the DEIR does provide a discussion of whether source populations potentially adjacent to the Project site could disperse into the Project site. For these reasons, it is reasonable to question the status of gnatcatchers in the Project site.

Project construction would create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These activities occurring near potential nests could cause birds to abandon their nests and a decrease in feeding frequency, both resulting in the loss of fertile eggs or nestlings. Accordingly, the Project would have an impact on gnatcatcher. In addition, the Project could result in permanent loss of gnatcatcher habitat. Loss of gnatcatcher habitat has been primarily driven by suburban housing developments, urban sprawl, and development in hillsides in southern California. Furthermore, the Project could degrade the habitat quality and function in areas adjacent to the Project site. The Project site is contiguous with natural areas. Habitat in adjacent areas could be impacted as a result of edge effects such as introducing new sources of night lighting, pets, and domestic animals, as well as spreading invasive, non-native plants as a result of fuel modification activities.

Evidence impact would be significant: The Project could result in impacts on gnatcatcher. As an ESA-listed species, gnatcatcher is considered an endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). 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 breeding role;
- is listed as ESA-, 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 2022b).

CEQA provides protection not only for ESA and 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). Take of gnatcatcher could require a mandatory finding of significance (CEQA Guidelines, § 15065). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

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In addition, 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 under CEQA. Finally, please be advised that CDFW does not issue permits for take of bird and raptor nests, eggs, or nestlings.

The Project's CEQA document does not provide measures to mitigate for potentially significant impacts on gnatcatcher. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative 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 and U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #11: The Project site contains vegetation consistent with habitat requirements of gnatcatcher, is contiguous with coastal scrub in adjacent areas, and is within the gnatcatcher range. Accordingly, CDFW recommends that the Project Applicant retain a qualified biologist to survey the Project site and adjacent areas for coastal California gnatcatcher. The qualified biologist should conduct surveys according to U.S. Fish and Wildlife Service's [Coastal California Gnatcatcher \(*Polioptila californica californica*\) Presence/Absence Survey Guidelines](#) (USFWS 1997). The protocol should be followed for all surveys unless otherwise authorized by the U.S. Fish and Wildlife Service in writing (USFWS 1997). A report documenting survey results, including negative findings, and an impact assessment should be prepared and provided to the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, (per protocol guidance) and to the City prior to the City issuing the Project grading permits and related building permits.

Mitigation Measure #12: If gnatcatcher is present, the Project Applicant should consult with the U.S. Fish and Wildlife Service to determine if the Project would result in take of coastal California gnatcatcher. Consultation with the U.S. Fish and Wildlife Service, in order to comply with the Endangered Species Act, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.

If a take permit from the U.S. Fish and Wildlife Service is needed, the Project Applicant should provide a copy of a fully executed take permit to the City prior the City issuing the Project grading permits and related building permits. The Project Applicant should comply with the mitigation measures detailed in a take permit issued from U.S. Fish and Wildlife Service.

If the U.S. Fish and Wildlife Service (in its sole discretion) determines that the Project would not result in take, the Project Applicant should provide documentation of U.S. Fish and Wildlife Service's determination to the City prior the City issuing the Project grading permits and related building permits.

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Mitigation Measure #13: The Project Applicant should provide replacement habitat for permanent loss of coastal California gnatcatcher habitat at no less than 2:1 for the total acreage of habitat that is impacted. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to the City issuing the Project grading permits and related building permits.

Comment #4: Impacts on Oak Shrublands and Woodlands

Issue: The Project will impact oak shrublands and woodlands.

Specific impact: The Project would impact 39.07 acres of scrub oak chaparral (*Quercus berberidifolia* Shrubland Alliance) and 1.16 acres of coast live oak woodland.

Why impacts would occur: According to Table 3.3-1 in the DEIR, the Project would impact scrub oak chaparral and coast live oak woodland. Impacts on these natural communities would occur as a result of grading and fuel modification. There is no mitigation proposed for loss of natural plant communities consisting of oaks as the dominant/co-dominant species. Page 3.3-45 in the Project's CEQA document states that these two natural communities "not considered sensitive under CEQA and would not require mitigation simply based on the vegetation type." As previously discussed under Comment #2, CDFW considers coast live oak woodlands to be a sensitive plant community. Oak woodlands provide important habitat for many species of birds and also serve several important ecological functions.

The Project has proposed Mitigation Measure BIO-4 to mitigate the removal of 403 native trees by planting 831 replacement trees (roughly 2:1). However, Mitigation Measure BIO-4 does not mitigate for the loss of oak woodlands. Mitigation Measure BIO-4 only addresses planting individual trees in accordance with the City's protected tree ordinance. Planting individual trees does not mitigate for the loss of woodlands and habitat supporting foraging, nesting, and dispersing wildlife. Planting individual trees does not mitigate for loss of viable habitat, mycorrhizal fungi, understory vegetation, and biological functions lost. Oak leaf litter contains beneficial mycorrhizae, microorganisms, and nutrients.

In addition, Mitigation Measure BIO-4 proposes to plant trees in a manner more consistent with landscaping rather than replacing the woodland. Mitigation Measure BIO-4 states, "Based on the current Landscape Plan a total of 472 trees (269 coast live oak, 197 scrub oak, and 6 sycamores) can be accommodated within the project site, and within portions of the offsite improvement areas. Most coast live oak trees would be planted along the entry road and the main road through the Specific Plan; however, a number of oak trees will be planted around some of the housing pads in HOA maintained areas, which will provide more of a clustered appearance. The scrub oak individuals will be planted in slope re-vegetation areas along the access roads but will also be planted on revegetated slopes within HOA maintained areas."

Finally, the Project could result in a short-term and long-term reduction in oak woodlands available for to support biological and ecological functions. Even if replacement oak trees survive transplanting, oak tree saplings could remain small and shrubby for many years. It may

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take 20 to 40 years, potentially longer under drought conditions, for replacement oak trees to reach maturity and restore the habitat, structure, foliage, and canopy lost by removing woodlands. As such, wildlife such as birds may be unable to nest in planted coast live oak trees until they mature. This could result in local extirpation of wildlife. Temporal loss of habitat may also occur so long as the Project Applicant delays or fails to identify off site mitigation for the remaining oak trees that cannot be accommodated within the Project site.

Evidence impacts would be significant: Impacts to sensitive natural communities 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 the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a plant community identified as sensitive by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #14: The Project Applicant should conserve a minimum of 117 acres of scrub oak chaparral and 3.5 acres of coast live oak woodland. The Project Applicant should prioritize conservation of scrub oak chaparral and coast live oak woodland within the City of Bradbury, or within the same watershed. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to the City issuing the Project a Tree Removal Permit.

Mitigation Measure #15: If the Project Applicant offsets conservation of a minimum of 117 acres of scrub oak chaparral and 3.5 acres of coast live oak woodland by restoring 7.66 acres of woodlands on site, the Project Applicant should submit an Oak Restoration Plan prior to the City issuing the Project a Tree Removal Permit. Restoration should recreate functioning shrubland and woodland of similar composition, structure, and function to natural communities that would be impacted. Mitigation should include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted natural communities. Acorns and/or seedlings should originate from plants/trees of the same species (i.e., genus, species, subspecies, and variety) as the species impacted. The Oak Restoration Plan should prescribe the following:

- 1) Species-specific planting methods (i.e., container or bulbs);
- 2) Planting schedule;
- 3) Measures to control exotic vegetation and protection from herbivory;
- 4) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based on present site/habitat conditions and/or functional local native oak woodlands as reference sites;
- 5) Contingency measures should the success criteria not be met;
- 6) Long-term monitoring for at least 10 years, with a minimum of seven years without supplemental irrigation;
- 7) Adaptive management techniques, including replacement plants if necessary; and

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8) Annual reporting criteria and requirements.

Mitigation Measure #16: The Project Applicant should remove oak tree in phases to the maximum extent feasible. A phased removal plan should be provided in the Project's Tree Preservation and Protection Plan prior to the City issuing the Project a Tree Removal Permit. Removing trees in phases would minimize impacts resulting from the temporal loss of oak trees and to provide structurally diverse oak woodland habitat while any on or off-site site mitigation for impacts to oak woodland habitat occurs.

Comment #5: Impacts on California Species of Special Concern

Issue: The Project may impact California Species of Special Concern (SSC).

Specific impacts: Project construction and activities, directly or through habitat modification, may result in direct injury or mortality (trampling, crushing), reduced reproductive capacity, population declines, or local extirpation of a SSC. Also, loss of foraging, breeding, or nursery habitat for a SSC may occur as a result of the Project.

Why impacts would occur: According to Table 3.3-4 in the DEIR, the Project site has the potential to support SSC, which includes the following species: coast range newt (*Taricha torosa*); California glossy snake (*Arizona elegans occidentalis*); coastal whiptail (*Aspidoscelis tigris stejnegeri*); coast horned lizard (*Phrynosoma blainvillii*); coast patch-nosed snake (*Salvadora hexalepis virgulata*); southern California legless lizard (*Anniella stebbinsi*); and American badger (*Taxidea taxus*).

The Project would require ground-disturbance and vegetation removal, both using heavy equipment. These activities create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. Wildlife may be trapped or crushed under structures. Large equipment, equipment and material staging, and vehicle and foot traffic could trample or bury wildlife. SSC could be injured or killed. Impacts on these reptiles and amphibians of SSC are more likely to occur because these are cryptic species that are less mobile during certain times of the day and seek refuge and hide under structures. Furthermore, build out of the Project would result permanent loss and degradation of potential breeding and foraging habitat for SSC.

Evidence impacts would be significant: 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 breeding role;
- is listed as Endangered Species Act, 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 2022b).

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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). Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated, through appropriate disclosure of the proposed mitigation measures, below a level of significance.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #4: The Project's CEQA document does not provide a discussion of potential impacts on coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), an SSC. Coastal cactus wren occurs in the foothills of the San Gabriel Mountains. If coastal cactus wren occurs in the Project site, whether as dispersing birds or residents, the species could be impacted by Project construction and activities occurring during the breeding season and potentially loss of foraging and/or breeding habitat. The City should revise the Project's CEQA document to discuss the Project's potential impact on coastal cactus wren. Mitigation measures should be provided to reduce the Project's impact to less than significant.

Mitigation Measure #17: Wildlife Relocation and Avoidance Plan – The Project Applicant should retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan should describe all SSC that could occur within the Project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan should include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the Project site. The qualified biologist should submit a copy of a Wildlife Relocation and Avoidance Plan to the City prior to the City issuing the Project grading permits and related building permits and any clearing, grading, or excavation work on the Project site.

Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to sensitive, special status, or rare species of plants and wildlife. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.

Mitigation Measure #18: Biological Monitor – To avoid direct injury and mortality of SSC, the Project Applicant should have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where a SSC is found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist should advise workers to proceed with caution. A qualified biologist should be on site daily during initial ground and habitat disturbing activities as well as vegetation removal. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.

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Mitigation Measure #19: Scientific Collecting Permit – The Project Applicant should retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW’s [Scientific Collection Permits](#) webpage for information (CDFW 2022c). Pursuant to the [California Code of Regulations, title 14, section 650](#), the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #2: Impacts on Streams and Associated Natural Communities).

Mitigation Measure #20: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Comment #6: Impacts on Crotch’s Bumble Bee

Issue: The Project may impact Crotch’s bumble bee (*Bombus crotchii*).

Specific impacts: The Project as proposed would grade and/or develop habitat that could support Crotch’s bumble bee. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat for Crotch’s bumble bee. In addition, Project ground-disturbing activities and vegetation removal may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.

Why impacts would occur: The DEIR states that Crotch’s bumble bee could occur on the Project site and the Project would remove habitat that could support Crotch’s bumble bee. Ground disturbance and vegetation removal may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.

Evidence impact would be significant: Crotch’s bumble bee is listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017). Crotch’s bumble bee has a State ranking of S1/S2. This means that the Crotch’s bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Also, Crotch’s bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State (CDFW 2017). Accordingly, Crotch’s bumble bee meets the CEQA definition of rare, threatened,

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or endangered species (CEQA Guidelines, § 15380). Therefore, impacts to Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

No mitigation has been provided to avoid impacts on Crotch's bumble bee. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as sensitive or rare by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #21: Due to suitable habitat within the Project site, within one year prior to grading and/or vegetation removal, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee. 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 the City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee. 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;
- 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; and,
- 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 #22: If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided during Project construction and activities, the qualified entomologist should coordinate with CDFW to obtain appropriate handling permits for intentional take of Crotch's bumble bee.

Comment #7: Tree Diseases, Pests, and Pathogens

Issue: The Project will remove trees and potentially spread material infected with invasive tree diseases, pests, and pathogens.

Specific impacts: The Project may spread invasive tree diseases, pests, and pathogens into areas not currently exposed to these stressors. This could result additional loss of native trees and plant communities. Loss of trees may result in loss of foraging and perching habitat for small mammals, birds, and raptors.

Why impacts would occur: The Project may remove trees that could host diseases and pests. One such pathogen is sudden oak death. Sudden oak death has become the most common cause of mortality of oak (*Quercus* genus) and other native trees (Phytosphere 2015). Mortality rates of oak trees are greater than 50 percent in some areas impacted by sudden oak death

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(Phytosphere 2012). Tree dieback can have cascading impacts on the habitat and ecosystem, particularly avian distribution and abundance (Monahan and Koenig 2006). Another pest is the polyphagous shot hole borer, which hosts on many native trees species that include box elder (*Acer negundo*), California sycamore (*Platanus racemosa*), willows (*Salix* genus), oaks, cottonwoods (*Populus* genus), and alders (*Alnus* genus) (Calinvasives 2021). Diseases such as sudden oak death can spread via equipment and transport of infected material. These fragments can be spread to new locations if equipment and tools are not disinfected or cleaned before moving to the next work location. Infected material that is transported off site for disposal may expose trees and plant communities to pest and disease. This could result in expediting the loss of oak woodlands, and other native trees and plant communities within and adjacent to a Project site.

Evidence impacts would be significant: The Project may have a substantial adverse effect on sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW. 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 that are dependent on woodlands susceptible to invasive tree diseases, pests, and pathogens.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #23: The Project's Tree Preservation and Protection Plan should include a plan to prevent and minimize the spread of invasive tree diseases, pests, and pathogens including, but not limited to [sudden oak death](#) (*Phytophthora ramorum*), [thousand canker fungus](#) (*Geosmithia morbida*), [polyphagous shot hole borer](#) (*Euwallacea* spp.), and [goldspotted oak borer](#) (*Agrilus auroguttatus*) (TCD 2021; UCANR 2021; Phytosphere Research 2012; UCIPM 2013). To avoid the spread of infectious tree pests and diseases, infected trees should not be transported from a Project site without first being treated using best available management practices described in the Tree Preservation and Protection Plan.

Comment #8: Biological Surveys

Issue: The Biological Technical Report was based on field surveys conducted in 2017, which is more than five years ago.

Specific impacts: Biological surveys from 2017 may no longer represent the current state of the Project site and inventory of biological species that may be present. This may result in injury or death to sensitive, special status, or rare species of plants or wildlife not previously known to occur on the Project site.

Why impact would occur: CDFW generally considers biological field assessments for wildlife to be valid for a one-year period and assessments for rare plants may be considered valid for a period of up to three years. Impacts to plant or wildlife species not previously known or identified to be on the Project site or within its vicinity presently have the possibility to occur due to outdated surveys. The surveys utilized for the DEIR may no longer represent the current state of plant and wildlife species on site. The Project site remained undeveloped or undisturbed by human activities since 2017. The Project site is also continuous to natural areas of the San Gabriel Mountains. Wildlife could disperse into the Project site and use Project site for dispersal, nesting, or foraging. Project construction and activities may result in direct mortality, population

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declines, or local extirpation of sensitive or special plant or wildlife species that were previously unidentified or unknown to exist on site. Project construction and activities may also degrade or fragment habitat by altering soils and spreading exotic invasive weeds.

Evidence impact would be significant: Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive, special status, or rare plant or wildlife species will result in the Project having 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.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #5: CDFW recommends that updated botanical and wildlife surveys be conducted to inform impact assessments, avoidance, minimization, and mitigation measures within the same Study Area as defined in the 2017 Biological Technical Report. The Project's CEQA document should be revised according to updated botanical and wildlife surveys. The Project's CEQA document should provide a thorough discussion on the presence of special status plants and wildlife on site and identify measures to mitigate for impacts on those species and habitat.

Recommendation #6: CDFW recommends the City recirculate the Project's CEQA document for public review when new information is added to the EIR, new significant environmental impacts resulting from the Project are identified, and/or new mitigation measures are proposed to be implemented (CEQA Guidelines, § 15088.5).

Additional Recommendations

Mitigation Measure #24: Project activities occurring during the bird and raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503, 3503.5, and 3513. CDFW does not issue permits for take of bird and raptor nests, eggs, or nestlings. The City has provided mitigation for the Project's potential impact on nesting birds. However, the mitigation measure as it is currently proposed, does not specify a minimum buffer distance sufficient to protect nesting birds from impacts such as harassment, vegetation disturbance, noise, dust, and ground vibrations. Therefore, CDFW recommends the City revise Mitigation Measure BIO-1 for nesting birds include the underlined language and remove the language with strikethrough to more effectively, yet still feasibly, avoid impacts on bats:

“Project development could impact nesting birds. As feasible, Project activities that could disturb active nests or otherwise disrupt nesting activities, including but not limited to grading of the entire Project site, the removal or trimming of vegetation, the removal of structures, and the general disturbance of the ground surface, should be conducted outside of the nesting season, which is generally identified as February 1, but as early as January 1 for some raptors, through September 15.”

If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within seven days prior to any disturbance of the site. Since some raptor species can begin nesting as early as January 1, trees with the potential to

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support raptors should be surveyed if the habitat is to be removed after January 1. The qualified biologist shall survey all potential nesting, roosting, and perching sites within a minimum 500-foot radius from the Project site. If Project activities are delayed or suspended for more than 7 days during the nesting bird season, a qualified biologist shall repeat nesting bird surveys before any activities can recommence.

If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. A no-disturbance buffer of a minimum of 300 feet should be established around active nests of passerines and a minimum of 500 feet around active nests of raptors. No-disturbance buffers should be increased, if necessary, to protect the nesting birds. The buffer size should vary as a function of the type of bird that is nesting (raptor versus non-raptor), the level of disturbance, and other factors such as the terrain and other vegetation separating the construction activity from the active nest.

Mitigation Measure #25: The Project could impact bats that may include the following species: pallid bat (*Antrozous pallidas*), western mastiff bat (*Eumops perotis californicus*), western red bat (*Lasiurus blossevillii*), and western yellow bat (*Lasiurus xanthinus*). 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). In addition, all four species of bats are considered SSC. 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. The City has provided mitigation for the Project's potential impact on bats. However, the mitigation measure as it is currently proposed, does not specify a minimum survey area (bats and roosts could be missed) nor minimum buffer distance sufficient to protect roosting bats, roosts, and maternity roosts from impacts such as harassment, vegetation disturbance, noise, dust, and ground vibrations. Also, the mitigation would still allow work to be performed during the maternity roosting season if maternity roosts are detected. Therefore, CDFW recommends the City revise Mitigation Measure BIO-2 for bats include the underlined language and remove the language with strikethrough to more effectively, yet still feasibly, avoid impacts on bats:

"Project development could impact bat roosting habitat. As feasible, the removal of potential bat roosting habitat (i.e., trees) shall be avoided during the bat maternity season (April 1 through July 31).

If avoidance of the maternity season is infeasible, a qualified bat biologist shall conduct the pre-construction bat surveys should be performed prior to the removal of any trees with the potential to support bats, as well as prior to any ground-disturbing activities. Surveys for bats and roosts shall be conducted within the project site and within 100 feet from the Project site to the extent allowable and accessible.

If individual trees are determined to be maternity roosts, then those trees shall be avoided ~~until after July 31~~ between March 1 through September 30. Project-related construction and activities shall not occur within 100 feet of or directly under or adjacent to an active maternity roost. A qualified bat biologist shall establish a no-disturbance buffer that shall be maintained throughout the duration of the Project's construction or until a qualified bat biologist determines that the roost is no longer active. Project-related

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construction and activities shall also not occur between 30 minutes before sunset and 30 minutes after sunrise.”

Recommendation #7: The Project proposes to preserve 64.5 acres in perpetuity. If the Project Applicant proposes to use all or parts of these 64.5 acres as mitigation (i.e., Lots L, M, and N), the City should revise the Project’s CEQA document to discuss how those 64.5 acres would completely or partially avoid no net loss of habitat and offset replacement habitat for mountain lion, as well as no net loss of streams/riparian plant communities and oak shrublands/woodlands, as well as potentially gnatcatcher and Crotch’s bumble bee.

If the City has determined that project plans or revisions to the project plans (i.e., preservation area) would avoid the effects or mitigate the effects on the environment to a point where clearly no significant effect on the environment would occur, the CEQA document should explain the reasons for determining that potentially significant effects would not be significant [CEQA Guidelines, §§ 15063(c)(3)(C); 15063(c)(5); 15064(f)(2)].

Recommendation #8: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2022d). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW’s Vegetation Classification and Mapping Program (CDFW 2022e).

Recommendation #9: CDFW recommends the City revise 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), enforceable through permit conditions, agreements, or other legally-binding instruments [CEQA Guidelines, § 15126.4(a)(2)], and clear 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 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).

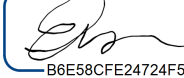
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Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Bradbury 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 Bradbury 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 Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at Felicia.Silva@wildlife.ca.gov.

Sincerely,

DocuSigned by:



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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

cc: CDFW

Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov
David Lin, Los Alamitos – David.Lin@wildlife.ca.gov
Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov
Julisa Portugal, Los Alamitos – Julisa.Portugal@wildlife.ca.gov
Frederic (Fritz) Rieman, Los Alamitos – Frederic.Rieman@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
REC-1-Mountain Lion Impact Assessment	<p>The City should revise the Project's CEQA document in order to provide additional analyses and information on the Project's impact on mountain lion and how the City determined that impacts on mountain lion would be less than significant without mitigation. The City should discuss the Project's potential impact on mountain lion from the standpoint of the following impacts:</p> <ol style="list-style-type: none"> 1) Introducing new/additional barriers to dispersal; 2) Constraining wildlife corridors and pinch points leading to severed migration; 3) Habitat loss, fragmentation, and encroachment; <ol style="list-style-type: none"> a. Discuss the number or acreage of landscape linkages/landscape blocks within the Project area and adjacent areas. CDFW recommends referencing CDFW's Natural Landscape Blocks dataset (DS 621). b. Discuss the acreage of mountain lion habitat suitability (a proxy for mountain lion permeability and use) within the Project area and adjacent areas. CDFW recommends referencing CDFW's Mountain Lion Habitat Suitability dataset (DS 2916) and Mountain Lion Predicted Habitat CWHW dataset (DS 2616). c. Provide an analysis of current landscape intactness (current level of development) around the Project 	Prior to finalizing the Project's CEQA document	City of Bradbury (City)

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	<p>site, and how the Project may impact habitat connectivity or impede mountain lion movement across the landscape to remaining adjacent habitats.</p> <ol style="list-style-type: none"> 4) Increased human presence, noise, and lighting, as well as introduction of any livestock or animal keeping; 5) Increased fire risk; and, 6) Use of herbicides, pesticides, and rodenticides. <p>A cumulative impact analysis should evaluate potential impacts on mountain lion from multiple spatial scales that should include City of Bradbury, San Gabriel Mountains, range of the San Gabriel/San Bernardino Mountains mountain lion population, and the range of the Southern California/Central Coast Evolutionarily Significant Unit of mountain lion. Impacts should include introducing new/additional barriers to dispersal; constraining wildlife corridors and pinch points leading to severed migration; habitat loss, fragmentation, and encroachment; and increasing human-wildlife interactions and impacts.</p>		
<p>REC-2-Mountain Lion Impact Assessment & Mitigation</p>	<p>The City should provide mitigation for mountain lion and justify how proposed mitigation would reduce the Project's impact on mountain lion to less than significant. The City should recirculate the Project's CEQA document for more meaningful public review and assessment of the City's impact analysis and mitigation measures for mountain lion.</p>	<p>Prior to finalizing the Project's CEQA document</p>	<p>City</p>
<p>REC-3-Issuance of an Incidental Take Permit</p>	<p>The Project's CEQA document should address all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an Incidental Take Permit. The take proposed to be authorized by CDFW's Incidental Take Permit should be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be</p>	<p>Prior to finalizing the Project's CEQA document</p>	<p>City</p>

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	of sufficient detail and resolution to satisfy the requirements for an Incidental Take Permit.		
REC-4-Project Impacts on Coastal Cactus Wren	The City should revise the Project's CEQA document to discuss the Project's potential impact on coastal cactus wren. Mitigation measures should be provided to reduce the Project's impact to less than significant.	Prior to finalizing the Project's CEQA document	City
REC-5-Updated Biological Surveys	Updated botanical and wildlife surveys should be conducted to inform impact assessments, avoidance, minimization, and mitigation measures within the same Study Area as defined in the 2017 Biological Technical Report. The Project's CEQA document should be revised according to updated botanical and wildlife surveys. The Project's CEQA document should provide a thorough discussion on the presence of special status plants and wildlife on site and identify measures to mitigate for impacts on those species and habitat.	Prior to finalizing the Project's CEQA document	City
REC-6-Recirculate CEQA document	The City should recirculate the Project's CEQA document for public review when new information is added to the EIR, new significant environmental impacts resulting from the Project are identified, and/or new mitigation measures are proposed to be implemented.	Prior to finalizing the Project's CEQA document	City
REC-7-Preservation Area	If the Project Applicant proposes to use all or parts of these 64.5 acres as mitigation (i.e., Lot L, M, and N), the City should revise the Project's CEQA document to discuss how those 64.5 acres would completely or partially avoid no net loss of habitat and offset replacement habitat for mountain lion, as well as no net loss of streams/riparian plant communities and oak shrublands/woodlands, as well as potentially gnatcatcher and Crotch's bumble bee.	Prior to finalizing the Project's CEQA document	City
REC-8-Submitting Data for Sensitive and Special Status Species	Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms . Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment	Prior to finalizing CEQA document	City

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and Natural Communities	and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.		
REC-9- Mitigation and Monitoring Reporting Plan	The City should provide Biological Resources Mitigation Measures for the Project and condition the environmental document to include mitigation measures recommended in CDFW's comment letter.	Prior to finalizing CEQA document	City
MM-BIO-1- Impacts on Mountain Lion- Habitat Replacement	<p>The Project Applicant shall preserve no less than 111.8 acres for mountain lion in order for no net loss of habitat. Replacement habitat shall be located as near to the Project site as possible. The Project Applicant shall consult and collaborate with CDFW to conserve areas beneficial to the southern California mountain lion population that may improve chances of survival and reproduction of mountain lions in the face of climate change.</p> <p>The Project Applicant shall preserve 111.8 acres in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to the City issuing the Project grading permits and related building permits.</p>	Prior to the City issuing the Project grading permits and related building permits	City Nevis Capital, LLC, C/O TRG Land Inc. (Project Applicant)
MM-BIO-2- Impacts on Mountain Lion- Natal Den Survey	<p>Within one year prior to Project any ground-disturbing activities, which includes grading, site preparation, equipment staging, and mobilization, the Project Applicant shall retain a CDFW-approved biologist knowledgeable of mountain lion species ecology. The qualified biologist shall survey areas that may provide habitat for mountain lion to determine presence and potential for natal dens within a half mile of the Project site. Surveys shall be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk.</p> <p>The qualified biologist shall submit survey results, including</p>	<p>One year prior to Project any ground-disturbing activities</p> <p>Prior to the City issuing the Project grading permits and</p>	City/Project Applicant

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	negative findings, to the City prior to the City issuing the Project grading permits and related building permits. The survey report shall include a map of potential denning sites. The survey report shall include measures to avoid impacts on mountain lions that may be in the area, as well as dens and cubs, if necessary (see Mitigation Measure #3).	related building permits	
MM-BIO-3- Impacts on Mountain Lion- Avoid Impacts to Natal Dens	If potential habitat for natal dens is identified or if natal dens are present, the Project Applicant shall fully avoid impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during grading of the Project site, a CDFW-approved biologist shall conduct a survey for mountain lion natal dens. The survey area shall include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW shall be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work shall cease. No work shall occur within a 2,000-foot buffer from a natal den. A qualified biologist shall notify CDFW to determine the appropriate course of action. CDFW shall also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion shall occur within the established setback until mountain lion cubs have been successfully reared, the mountain lions have left the area, or as determined in consultation with CDFW.	Two weeks prior to Project implementation and once a week during grading of the Project site	Project Applicant
MM-BIO-4- Impacts on Mountain Lion- Incidental Take Permit	If take or adverse impacts to mountain lion cannot be avoided, the Project Applicant shall consult with CDFW and obtain appropriate take authorization from CDFW. The Project Applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Applicant shall provide a copy of a fully executed take authorization prior to the City issuing the Project grading permits and related building permits.	Prior to the City issuing the Project grading permits and related building permits	City/Project Applicant
MM-BIO-5- Impacts on	The Project Applicant shall prohibit use of any rodenticides and second-generation anticoagulant rodenticides on the property in	Before the City approves a	City/Project Applicant

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Mountain Lion-Prohibit Use of Rodenticides	perpetuity. The Project Applicant shall inform homeowners that no rodenticides and second-generation anticoagulant rodenticides shall be used on site at any time as a condition of home build or purchase. The Project Applicant shall provide documentation and a plan that rodenticides and second-generation anticoagulant rodenticides will be prohibited in in Chadwick Ranch Estates before the City approves a General Plan Amendment, specific plans, zone change, or vesting tract map.	General Plan Amendment, specific plans, zone change, or vesting tract map	
MM-BIO-6- Impacts on Mountain Lion-Public Information and Signage	The Project Applicant shall install appropriate public information signage in residential areas, public areas, and trails in order to: 1) educate and inform the public about wildlife, especially mountain lions, present in the area; 2) advise on proper avoidance measures to reduce human-wildlife conflicts; 3) advise on proper use of open space trails in a manner respectful to wildlife (e.g., dogs on leash, proper waste disposal); and 4) provide local contact information to report injured or dead wildlife. Signage shall be written in the language(s) understandable to all those likely to recreate and use the trails. Signage shall not be made of materials harmful to wildlife such as spikes or glass. The Project Applicant shall provide a long-term maintenance plan to repair and replace the signs to be funded in perpetuity by a Homeowner's Association (HOA).		Project Applicant
MM-BIO-7- Impacts on Mountain Lion-Prevent Human-Wildlife Encounters	<p>To prevent human-wildlife conflicts in Chadwick Ranch Estates and to keep mountain lions wild, the Project Applicant shall incorporate the following elements into the design of the entire and individual estates, as well as management and maintenance of the entire estate in perpetuity:</p> <ul style="list-style-type: none"> • Never feed deer or other wildlife; it is illegal to feed deer and other big game in California and it will attract mountain lions; • Deer-proof landscaping by avoiding plants that deer like to eat; • Trim brush to reduce hiding places for mountain lions; • Install motion-sensitive lighting around the estate; and, 	Before the City approves a General Plan Amendment, specific plans, zone change, or vesting tract map	City/Project Applicant

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	<ul style="list-style-type: none"> Increase site permeability through permeable fence designs to limit physical obstructions to wildlife movement. <p>The Project Applicant shall provide documentation and a plan that measures to prevent human-wildlife conflicts will be incorporated into the Project/Chadwick Ranch Estates before the City approves a General Plan Amendment, specific plans, zone change, or vesting tract map.</p>		
MM-BIO-8- Impacts on Mountain Lion- Public Information and Signage	<p>The Project Applicant shall place all community trash receptacles in areas that will not create an unnatural food source that may attract nuisance wildlife and to minimize waste and pollution in natural areas and open space.</p>		Project Applicant
MM-BIO-9- Impacts on Streams and Riparian Vegetation – Fish and Game Code 1602	<p>Project development would impact potential jurisdictional waters including riparian habitat. The Project proponent shall obtain a CWA Section 404 permit from the Corps and a Section 401 Water Quality Certification from the Regional Board, as well as a Lake and Streambed Alteration Agreement from CDFW prior to being issued a grading permit from the City. The Project proponent shall provide replacement habitat to offset impacts to streams and associated natural communities at a minimum 3:1 ratio. The actual mitigation ratio will be determined through coordination with the Corps, Regional Board, and CDFW during the permitting process. The final replacement ratio may be offset through the preservation of existing jurisdictional waters within the Project's open space. The Project Applicant shall comply with the mitigation measures detailed in the LSA Agreement issued by CDFW.</p>	Prior to being issued a grading permit from the City	Project Applicant
MM-BIO-10- Impacts on Streams and Riparian Vegetation –	<p>The Project Applicant's notification to CDFW shall provide the following information:</p> <ol style="list-style-type: none"> 1) A stream delineation in accordance with the U.S. Fish and Wildlife Service wetland definition adopted by CDFW; 2) Linear feet and/or acreage of streams and associated 	Prior to being issued a grading permit from the City	Project Applicant

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<p>1602 Notification</p>	<p>natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names shall be provided based on vegetation association and/or alliance per the Manual of California Vegetation, second edition;</p> <p>3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation shall be discussed; and,</p> <p>4) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation shall assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.</p>		
<p>MM-BIO-11- Impacts on Coastal California Gnatcatcher – Protocol Surveys</p>	<p>The Project Applicant shall retain a qualified biologist to survey the Project site and adjacent areas for coastal California gnatcatcher. The qualified biologist shall conduct surveys according to U.S. Fish and Wildlife Service’s Coastal California Gnatcatcher (<i>Polioptila californica californica</i>) Presence/Absence Survey Guidelines. The protocol shall be followed for all surveys unless otherwise authorized by the U.S. Fish and Wildlife Service in writing. A report documenting survey results, including negative findings, and an impact assessment shall be prepared and provided to the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, (per protocol guidance) and to the City prior to the City issuing the Project grading permits and related building permits.</p>	<p>Prior to the City issuing the Project grading permits and related building permits</p>	<p>Project Applicant</p>
<p>MM-BIO-12- Impacts on Coastal</p>	<p>If gnatcatcher is present, the Project Applicant shall consult with the U.S. Fish and Wildlife Service to determine if the Project would result in take of coastal California gnatcatcher.</p>	<p>Prior to the City issuing the Project grading</p>	<p>Project Applicant</p>

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<p>California Gnatcatcher – Take Authorization from USFWS</p>	<p>If a take permit from the U.S. Fish and Wildlife Service is needed, the Project Applicant shall provide a copy of a fully executed take permit to the City prior the City issuing the Project grading permits and related building permits. The Project Applicant shall comply with the mitigation measures detailed in a take permit issued from U.S. Fish and Wildlife Service.</p> <p>If the U.S. Fish and Wildlife Service (in its sole discretion) determines that the Project would not result in take, the Project Applicant shall provide documentation of U.S. Fish and Wildlife Service’s determination to the City prior the City issuing the Project grading permits and related building permits.</p>	<p>permits and related building permits</p>	
<p>MM-BIO-13- Impacts on Coastal California Gnatcatcher – Habitat Preservation</p>	<p>The Project Applicant shall provide replacement habitat for permanent loss of coastal California gnatcatcher habitat at no less than 2:1 the total acreage of habitat that is impacted. Replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to the City issuing the Project grading permits and related building permits.</p>	<p>Prior to the City issuing the Project grading permits and related building permits</p>	<p>City/Project Applicant</p>
<p>MM-BIO-14- Impacts on Oak Shrublands and Woodlands – Habitat Preservation</p>	<p>The Project Applicant shall conserve a minimum of 117 acres of scrub oak chaparral and 3.5 acres of coast live oak woodland. The Project Applicant shall prioritize conservation of Scrub Oak Chaparral and Coast Live Oak Woodland within the City of Bradbury, or within the same watershed. Replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement</p>	<p>Prior to the City issuing the Project a Tree Removal Permit</p>	<p>City/Project Applicant</p>

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	<p>and endowment funds shall be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to the City issuing the Project a Tree Removal Permit.</p>		
<p>MM-BIO-15- Impacts on Oak Shrublands and Woodlands – Habitat Restoration</p>	<p>If the Project Applicant offsets conservation of a minimum of 117 acres of scrub oak chaparral and 3.5 acres of coast live oak woodland by restoring 7.66 acres of woodlands on site, the Project Applicant shall submit an Oak Restoration Plan prior to the City issuing the Project a Tree Removal Permit.</p> <p>Restoration shall recreate functioning shrubland and woodland of similar composition, structure, and function to natural communities that would be impacted. Mitigation shall include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted natural communities. Acorns and/or seedlings shall originate from plants/trees of the same species (i.e., genus, species, subspecies, and variety) as the species impacted. The Oak Restoration Plan shall prescribe the following:</p> <ol style="list-style-type: none"> 1) Species-specific planting methods (i.e., container or bulbs); 2) Planting schedule; 3) Measures to control exotic vegetation and protection from herbivory; 4) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria shall be based on present site/habitat conditions and/or functional local native oak woodlands as reference sites; 5) Contingency measures shall the success criteria not be met; 6) Long-term monitoring for at least 10 years, with a minimum of seven years without supplemental irrigation; 7) Adaptive management techniques, including replacement plants if necessary; and, 8) Annual reporting criteria and requirements. 	<p>Prior to the City issuing the Project a Tree Removal Permit</p>	<p>City/Project Applicant</p>

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MM-BIO-16- Impacts on Oak Shrublands and Woodlands – Phase Removal	The Project Applicant shall remove oak tree in phases to the maximum extent feasible. A phased removal plan shall be provided in the Project's Tree Preservation and Protection Plan prior to the City issuing the Project a Tree Removal Permit.	Prior to the City issuing the Project a Tree Removal Permit	City/Project Applicant
MM-BIO-17- Impacts on California Species of Special Concern – Wildlife Relocation and Avoidance Plan	The Project Applicant shall retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan shall describe all SSC that could occur within the Project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan shall include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the Project site. The qualified biologist shall submit a copy of a Wildlife Relocation and Avoidance Plan to the City prior to the City issuing the Project grading permits and related building permits and any clearing, grading, or excavation work on the Project site.	Prior to the City issuing the Project grading permits and related building permits and any clearing, grading, or excavation work on the Project site	City/Project Applicant
MM-BIO-18- Impacts on California Species of Special Concern – Biological Monitor	To avoid direct injury and mortality of SSC, the Project Applicant shall have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where a SSC is found, work will only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution. A qualified biologist shall be on site daily during initial ground and habitat disturbing activities as well as vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.	Daily/Bi-weekly until the cessation of all ground and habitat disturbing activities, as well as vegetation removal	Project Applicant
MM-BIO-19- Impacts on California	The Project Applicant shall retain a qualified biologist with appropriate handling permits, or shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to	Prior to any clearing, grading, or	Project Applicant

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Species of Special Concern – Scientific Collecting Permit	avoid harm or mortality in connection with Project construction and activities.	excavation work on the Project site	
MM-BIO-20- Impacts on California Species of Special Concern – Injured or Dead Wildlife	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project construction and activities	Project Applicant
MM-BIO-21- Impacts on Crotch's Bumble Bee – Surveys	<p>Within one year prior to grading and/or vegetation removal, a qualified entomologist familiar with Crotch's bumble bee behavior and life history shall conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys shall be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1. Survey results, including negative findings, shall be submitted to the City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee. At minimum, a survey report shall provide the following:</p> <ol style="list-style-type: none"> 1) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee; 2) Field survey conditions that shall 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; 	One year prior to grading and/or vegetation removal	Project Applicant

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	<p>3) Map(s) showing the location of nests/colonies; and, 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, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).</p> <p>If Crotch's bumble bee is detected, the summary report shall include a plan to fully avoid impacts to Crotch's bumble bee.</p>		
MM-BIO-22- Impacts on Crotch's Bumble Bee – Handling Permits	<p>If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided during Project construction and activities, the qualified entomologist shall coordinate with CDFW to obtain appropriate handling permits for intentional take of Crotch's bumble bee.</p>	<p>Prior to grading and/or vegetation removal</p>	<p>Project Applicant</p>
MM-BIO-23- Impacts on Natural Communities – Prevent Spread of Pests and Pathogens	<p>The Project's Tree Preservation and Protection Plan shall include a plan to prevent and minimize the spread of invasive tree diseases, pests, and pathogens including, but not limited to sudden oak death (<i>Phytophthora ramorum</i>), thousand canker fungus (<i>Geosmithia morbida</i>), polyphagous shot hole borer (<i>Euwallacea</i> spp.), and goldspotted oak borer (<i>Agrilus auroguttatus</i>). To avoid the spread of infectious tree pests and diseases, infected trees shall not be transported from a Project site without first being treated using best available management practices described in the Tree Preservation and Protection Plan.</p>	<p>Prior to the City issuing the Project a Tree Removal Permit</p>	<p>City/Project Applicant</p>
MM-BIO-24- Impacts on Nesting Birds	<p>Project development could impact nesting birds. As feasible, Project activities that could disturb active nests or otherwise disrupt nesting activities, including but not limited to grading of the entire Project site, the removal or trimming of vegetation, the removal of structures, and the general disturbance of the ground surface, shall be conducted outside of the nesting season, which is generally</p>	<p>Prior to/During Project construction and activities</p>	<p>Project Applicant</p>

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	<p>identified as February 1, but as early as January 1 for some raptors, through September 15.</p> <p>If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within seven days prior to any disturbance of the site. Since some raptor species can begin nesting as early as January 1, trees with the potential to support raptors shall be surveyed if the habitat is to be removed after January 1. The qualified biologist shall survey all potential nesting, roosting, and perching sites within a minimum 500-foot radius from the Project site. If Project activities are delayed or suspended for more than 7 days during the nesting bird season, a qualified biologist shall repeat nesting bird surveys before any activities can recommence.</p> <p>If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. A no-disturbance buffer of a minimum of 300 feet shall be established around active nests of passerines and a minimum of 500 feet around active nests of raptors. No-disturbance buffers shall be increased, if necessary, to protect the nesting birds.</p>		
<p>MM-BIO-25- Impacts on Bats</p>	<p>Project development could impact bat roosting habitat. As feasible, the removal of potential bat roosting habitat (i.e., trees) shall be avoided during the bat maternity season (April 1 through July 31).</p> <p>If avoidance of the maternity season is infeasible, a qualified bat biologist shall conduct pre-construction bat surveys prior to the removal of any trees with the potential to support bats, as well as prior to any ground-disturbing activities. Surveys for bats and roosts shall be conducted within the project site and within 100 feet from the Project site to the extent allowable and accessible.</p>	<p>Prior to/During Project construction and activities</p>	<p>Project Applicant</p>

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	<p>If individual trees are determined to be maternity roosts, then those trees shall be avoided between March 1 through September 30. Project-related construction and activities shall not occur within 100 feet of or directly under or adjacent to an active maternity roost. A qualified bat biologist shall establish a no-disturbance buffer that shall be maintained throughout the duration of the Project's construction or until a qualified bat biologist determines that the roost is no longer active. Project-related construction and activities shall also not occur between 30 minutes before sunset and 30 minutes after sunrise.</p>		
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