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Jul 16 2020

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STATE CLEARINGHOUSE

Subject: Diamond Bar Golf Course Renovation Project, Mitigated Negative Declaration, SCH # 2020069028, San Gabriel Valley Council of Governments, Los Angeles County

Dear Mr. Christoffels:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the Diamond Bar Golf Course Renovation Project (Project). The MND's supporting documentation includes *Mitigation Monitoring and Reporting Program (Appendix A)*, *Biological Survey Report (Appendix B)*, and *Conceptual Design (Appendix I)*.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

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

Project Description and Summary

History/Background: Planned freeway improvements to the State Route (SR) 57/SR-60 confluence at the Grand Avenue interchange was approved by Caltrans (SCH # 2009081062). Freeway improvements would permanently incorporate 9.4 acres (ac) of the Diamond Bar Golf Course (Golf Course), reducing the Golf Course from 171.3 ac to 161.9 ac, and require the relocation of an existing maintenance facility. The Final Environmental Impact Report/Finding of No Significant Impact for the SR-57/SR-60 confluence at Grand Avenue project included mitigation measures to reconfigure the Golf Course so that it continues to function as an 18-hole golf course and the user experience is not diminished.

Objective: The San Gabriel Valley Council of Governments (COG) propose to renovate the Golf Course. Grand Avenue divides the Golf Course into two parts. There are currently six holes on the western part of the course and 12 holes on the eastern part of the course. A golf cart tunnel beneath Grand Avenue connects the two courses. The proposed Project would realign and reconfigure all six holes in the western course and three holes in the eastern course. This would include reconstructing bunkers and tee and green complexes for all holes. The holes in the western course would be reconstructed in their entirety with new fairways, bunkers, and tee and green complexes. The proposed Project would also include changes to the existing drainage system on the Golf Course, reconfiguration of the existing concrete cart paths, replacement of an existing maintenance facility, and relocation of protective netting and practice range.

Location: The Golf Course is located on 22751 East Golden Springs Drive, Diamond Bar, Los Angeles County. Grand Avenue divides the Golf Course into two parts. The Golf Course is bordered by SR-57/SR-60, Golden Springs Drive, Golden Prados Drive, and South Prospectors Road.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the COG in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Res. Code, § 21081.6 and CEQA Guidelines, § 15097).

Comment #1: Impacts to Aquatic and Riparian Resources

Issue #1: CDFW agrees that Project location supports streams subject to notification under Fish and Game Code section 1600 *et seq.* The most recent information should be used to determine location of streams. The 1994 *Field Guide to Lake and Streambed Alteration Agreements Sections 1600-1607* is no longer a current reference for determining jurisdiction. Jurisdiction should evaluate all rivers, streams, and lake including culverts, ditches, storm channels that may transport water, sediment, and pollutants and discharge into rivers, streams, and lakes.

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Issue #2: CDFW disagrees with the determinations shown on Map 1, 2, 3 and 6. Map 1 (Figure 5b, page 41) in the Biological Survey Report (BSR) does not show concrete lined channels that may transport water, sediment, pesticides, and other pollutants into Diamond Bar Creek. Maps 1 and 6 show CDFW jurisdiction along SR-57/SR-60 at the west (approximately 1,440 feet) and east (approximately 380 feet) ends of the Golf Course. Jurisdiction may include additional areas in between where there is willow (*Salix* sp.) and mulefat (*Baccharis salicifolia*), which may offer evidence of water. Maps 2 and 3 may need to include the open water pond where the Lead Agency is potentially proposing to establish Hole 3 per Conceptual Design maps. Modifications to the pond could impact Diamond Bar Creek and riparian vegetation adjacent to the pond.

Issue #3: Conceptual Design maps show Engineered Storm Drainages. If these drainages reflect where there is currently water flow, the footprint of these proposed drainages should be included in streams subject to notification under Fish and Game Code 1600 *et seq.*

Issue #4: While the Golf Course is primarily landscaped, page 23 in the BSR states, “mixed riparian woodland exists within portions of the Diamond Bar Creek where it crosses the golf course, but these areas also include ornamental/landscape trees.” Riparian woodlands and other vegetation communities, including ornamental/landscaped areas, were not mapped using the current alliance and association-based classification of unique vegetation stands. To determine the rarity ranking of vegetation communities in the Project site, the Manual of California Vegetation (MCV) alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system. Afterwards, CDFW may provide appropriate comments on avoidance, minimization, and mitigation measures.

Issue #5: Riparian and wetland resources are extremely finite. Page 38 in the BSR states, “implementation of Golf Course Renovation Project would result in the permanent loss of approximately 0.8 ac of waters of the State, including 0.4 ac of United States, of which 0.2 ac are wetlands.” CDFW is concerned that the Lead Agency did not consider designing the Golf Course around wetland resources as a possible alternative to direct impacts. Furthermore, it is unclear what specific riparian plant species or vegetation communities would be impacted in these 0.2 acres.

Issue #6: CDFW is concerned that the Lead Agency did not evaluate potential Project-related impacts to areas adjacent to the Project site where there is hydrologic connectivity. Impacts to Diamond Bar Creek within the Golf Course could adversely impact riparian vegetation along the creek where it flows through Sycamore Canyon Park (upstream) and 0.75-mile riparian area/Conservation Easement (CE) owned by the City of Industry (downstream). Project construction and activities and new drainages may increase sedimentation downstream, reduce the amount of water availability downstream, result in or increase creek bank erosion, and spread non-native invasive plants. CDFW is unable to evaluate whether these potential outcomes may impact sensitive vegetation communities [e.g., California black walnut (*Juglans californica*) in Sycamore Canyon] because vegetation communities were not mapped.

Issue #7: Page 39 in the BSR states, “because impacts to jurisdictional waters within the BSA [Biological Study Area] will be offset by the expansion of contiguous waters and wetlands at a 2:1 ratio immediately adjacent to the BSA along Diamond Bar Creek within the same watershed, the project is not expected to contribute to cumulative effects to waters and wetlands in the region.”

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The Project will have impacts to rivers, wetlands, and waterways. Given these impacts and the vulnerability of finite wetland resources in the State, CDFW disagrees with a mitigation ratio of 2:1, especially if Project-related direct or indirect modifications to the flow and alignment of Diamond Bar Creek within the Golf Course would impact sensitive riparian vegetation communities outside of the Project site where there is hydrologic connectivity.

Additionally, if the Project may impact biological resources downstream within the CE, replacement mitigation for impacts to areas where mitigation has already occurred in association with other CEQA actions should be considered separate from and in addition to compensation for impacts resulting from this Project.

Finally, the term “expansion of contiguous waters” is extremely vague. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the stream to alter its course of flow. CDFW is concerned the Lead Agency did not evaluate its proposed mitigation plan’s potential impact on other areas where there is hydrologic connectivity.

Issue #8: The MND does not provide adequate description or a map showing where the mitigation area “adjacent to the BSA along Diamond Bar Creek” is precisely located, nor does the MND provide a science-based discussion that would suggest the Lead Agency evaluated whether the area is appropriate for mitigating impacts to contiguous waters and wetlands.

If “adjacent to the BSA along Diamond Bar Creek” is the 0.75-mile riparian woodland CE, the CE may not be appropriate to mitigate for Project related impacts. CDFW understands that the CE was used to mitigate impacts associated with other CEQA actions. The Lead Agency may need to pursue alternatives for on or off-site mitigation.

Specific Impacts: The Project would result in permanent loss of riparian vegetation within the Project site. Concrete lined channels would be removed via excavation of a depth up to 3 feet and reconfigured. New drainage features and realignment of golf course holes on both sides of the course would impact the flow and alignment of Diamond Bar Creek. Project activities may increase sediment input into drainage areas. The Project may also spread invasive plants to natural areas outside of the Project site.

Why impacts would occur: Project implementation includes grading, excavating, material staging, grubbing, and vegetation clearing that may result in direct mortality and loss of sensitive vegetation communities, including riparian woodlands, in the Project site. Installation of new drainages (e.g., green, sand bunker, and tee) and gravel paths, as well as reconfiguration of concrete lined channels, may alter and divert water flow and reduce groundwater infiltration and water availability to riparian vegetation along Diamond Bar Creek. Increased sediment deposition can bury seedlings and saplings of riparian trees, resulting in increased mortality of new recruits (Kui and Stella 2016). Construction equipment, vehicles, import of fill material, disposal piles, and staging areas can introduce and spread non-native, invasive plants. Invasive plant seeds, rhizomes, or stolons can be transported along Diamond Bar Creek and spread upstream and downstream.

Evidence impacts would be significant: Riparian habitats provide important food, nesting habitat, cover, and migration corridors for wildlife. Only 5 to 10% of California's original riparian habitat exists today and much of the remaining habitat is in a degraded condition. The Project

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may adversely affect riparian habitat by altering or diverting Diamond Bar Creek within Project site, which absent specific mitigation, could result in substantial impacts within or outside of the Project site.

The Project may adversely affect sensitive vegetation communities (e.g., riparian woodlands, California walnut groves) within and adjacent to the Project site, by removing riparian vegetation, increasing sediment input into the Diamond Bar Creek and spreading invasive plants. Increased sediment deposition can bury seedlings and saplings of riparian trees. Invasive plant species can spread quickly and create monocultures, displacing native plants and reducing native plant species diversity. CDFW tracks rare natural communities using the MCV alliance/association classification system and considers vegetation communities, alliances, and associations ranked S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). Riparian woodlands, California walnut groves, and potentially additional vegetation communities in and adjacent to the Project site may be considered sensitive. Impacts to sensitive vegetation 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 sensitive plant communities will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species or vegetation community identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW concurs with the Lead Agency's statement to notify CDFW pursuant to Fish and Game Code section 1600 *et seq.* The Lead Agency should notify prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. Please visit the [Lake and Streambed Alteration Program](#) webpage to obtain a notification package for a LSA.

CDFW's issuance of an LSA 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 COG for the Project. However, the MND does not meet CDFW's standards for the habitat mitigation measures and monitoring needed to meet the no net loss of aquatic habitats. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.

Any LSA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project site. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Mitigation Measure #2: Jurisdiction should evaluate all rivers, streams, and lake including culverts, ditches, storm channels that may transport water, sediment, and pollutants and

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discharge into rivers, streams, and lakes. CDFW recommends LSA Notification following modifications to: 1) include concrete lined channels on the west and east sides of the Golf Course, 2) reevaluate the delineation in the vegetated strip between SR-57/SR-60 and the Golf Course and include all areas where there willow and mulefat may indicate water, and 3) include the length/footprint of proposed Engineer Storm Drainages if they reflect where there is currently water flow through the Golf Course.

Mitigation Measure #3: CDFW recommends mapping vegetation communities. Surveys should be conducted by a qualified botanist with appropriate experience and knowledge of southern California flora. Surveys should follow CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities](#). The Manual of California Vegetation should be used to inform survey and mapping of natural vegetation communities which would allow CDFW to appropriately comment on potential impacts to sensitive plants and vegetation communities. CDFW recommends mapping vegetation communities such as riparian woodlands, oak woodlands (*Quercus* sp.), and California walnut groves within the Project site (i.e. Biological Study Area) and adjacent areas where Project activities could have direct or indirect impacts on biological resources.

CDFW recommends a mapping area that extends to South Diamond Bar Boulevard to include Sycamore Canyon, 0.75-mile riparian area/CE downstream of the Golf Course, and the open space near the intersection of Copley Drive and Golden Springs Drive.

Mitigation Measure #4: CDFW recommends the Lead Agency evaluate potential impacts on any additional biological resources (e.g., rare plants, wildlife) in areas adjacent to the Project site where there is hydrologic connectivity. Areas should include Sycamore Canyon and the 0.75-mile riparian area/CE.

CDFW recommends the Lead Agency disclose methodology and findings in environmental documents, including negative findings (e.g. absence of rare plants), with a discussion of potential impacts and if necessary, avoidance, minimization, and mitigation measures. If there are potentially significant impacts and a revision of the MND is needed, CDFW recommends recirculating the MND and environmental documents so CDFW may provide more appropriate comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

Mitigation Measure #5: Replacement mitigation for impacts to areas (i.e. CE) where mitigation has already occurred in association with other CEQA actions should be considered separate from and in addition to compensation for other biological resources impacts (i.e. in addition to 3:1 for trees and 5:1 for waters and wetlands). In such cases, CDFW recommends appropriate and in-kind mitigation, which may include no less than a 10:1 should be provided. See additional comments under *Additional Comments – Compensatory Mitigation*.

Mitigation Measure #6: CDFW recommends the Lead Agency find an alternative location/plan to mitigate for Project-related impacts. The existing CE may not be appropriate to mitigate for Project-related impacts. Should the Lead Agency pursue mitigation in the CE, and it leads to impacts, an additional mitigation of no less than 10:1 may apply.

Mitigation Measure #7: Mitigation should not substitute for implementation of an alternative that would completely avoid impacts to aquatic and riparian resources. Completely avoiding impacts to aquatic and riparian resources would significantly reduce adverse impacts of the

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Project on these sensitive habitats. CDFW recommends the Lead Agency consider on-site mitigation for Project-related impacts by redesigning the Golf Course around existing riparian woodlands and Diamond Bar Creek such that there is no net loss of riparian woodlands and Diamond Bar Creek is not altered, impeded, or channelized from existing conditions within and outside of the Golf Course.

Mitigation Measure #8: CDFW concurs with the Lead Agency's statement to prepare a Habitat Mitigation Monitoring Plan (HMMP) for on and/or off-site mitigation and recommends the Lead Agency submit the HMMP to CDFW for review. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. The following information, methods, and goals shall be included and adopted in a HMMP.

- a) Provide the total acreage of unique sensitive vegetation alliances impacted, and number of plants impacted by species, broken down by vegetation class (i.e., ground cover, forbs, subshrub, shrub, tree).
- b) Provide the specific location of on- and/or off-site mitigation area(s) and a science-based discussion as to why the mitigation area(s) is appropriate for mitigating Project-related impacts. Describe the area(s) environmental features (i.e., soils, slope, existing vegetation, hydrology) that would suggest the mitigation area(s) can support the vegetation and wildlife impacted by Project activities.
- c) Apply an ecosystem-based restoration approach rather than considering a single species (Fish & G. Code, § 43). A plant palette shall consist of species that are diverse with respect to growing duration (annual, perennial), life form (grasses, shrubs, trees, vines), and structure (ground cover, shrubs, tree canopy) that form the vegetation alliance that is being mitigated.
- d) Submit a current vegetation survey conducted at a reference site containing the vegetation alliance(s) being mitigated, with as good or better quality habitat, to document the density, abundance, diversity, and percent cover for each species by vegetation class.
- e) Submit a plan that includes, at a minimum: a) the specific location of restoration sites and assessment of reference sites; b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; c) a schematic depicting the mitigation area; d) a local seed and cuttings and planting schedule; e) a description of the irrigation methodology; f) measures to control exotic vegetation on site; g) specific success criteria; h) a detailed monitoring program; i) contingency measures should the success criteria and providing for conservation of the mitigation on site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.
- f) Apply a minimum revegetation success criterion of 80% survival by vegetation alliance and by species the first year, and 100% survival thereafter. Proposed plantings shall replace these species at the existing densities with no more than a 10% cover, diversity, abundance, or density deviation. Prior to the revegetation areas being determined successful, they shall be entirely without supplemental irrigation, weeding, or plant

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replacement, for a minimum of 3 years (as weeding and plant replacement are considered site establishment). Herbaceous invasive species shall not exceed 5% cover (zero % cover for any species listed on the [California Invasive Plant Council's](#) invasive plant list, including the watch list). If the survival, density, and cover requirements have not been met, the Lead Agency will be responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for 7 years after planting, with 3 additional years of no irrigation, weeding, or further replacement planting.

- g) Provide a pest management plan, that reduces or eliminates the use of chemicals. Pesticide, fungicide, and rodenticide use can lead to a reduction of predator bird populations, contamination of drinking, ground and surface water, elevation of non-pest species to pest status and the evolution of resistant insect strains. Potential effects from the use of fertilizers include eutrophication of surface waters which can result in algae blooms and fish kills, changes in ecosystem productivity, contamination of ground water with nitrates, and depletion of stratospheric ozone by nitrous oxides.

A pest management plan shall avoid use of pesticides for invasive plant control in riparian woodlands and near flowing or standing water. When manual and mechanical removal methods are not effective, pesticides could be used in conjunction with physical removal methods for species that are known to be difficult to control. Apply herbicide using a localized spot-treatment method and in a manner that would eliminate or reduce drift onto native plants. Herbicides would be applied to cut stumps for larger plants or large clumps of herbaceous non-native species that cannot effectively be removed. In all such cases, herbicides would be used only to the extent necessary to support native plant establishment and limit adverse impacts to sensitive species and habitats. For sites within 100 feet of flowing or standing water or wetland vegetation, herbicides approved by the United States Environmental Protection Agency for use near wetlands and streams shall be used.

- h) Provide special habitat elements where feasible to benefit key wildlife species. These physical and biological features can include (for example) retention of woody material, logs, snags, rocks, and brush piles.

Recommendation #1: The Lead Agency should consider restoring and enhancing riparian woodland habitat in the Golf Course and restoring the natural alignment/sinuosity of Diamond Bar Creek and daylighting Diamond Bar Creek where it has been diverted below ground. In a naturalistic golf course, native plants and habitats, either restored, enhanced, or preserved, can enhance flora and fauna biodiversity, and reduce water runoff, irrigation, and chemical inputs (Cristol and Rodewald 2005; Merola-Zwartjes and DeLong 2005; Nooten et al. 2018; Terman 1997). Naturalistic golf courses may also promote critical ecosystem services (e.g., seed dispersal, pest regulation, pollination) and form habitat linkages between different habitats (Petrosillo et al. 2019).

A *Certified Audubon Cooperative Sanctuary* designation is awarded by the Audubon Society to golf courses that meet environmental management standards in six environmental components that include wildlife and habitat management, chemical use reduction and safety, and water conservation. To be a certified golf course, personnel must develop and implement an

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environmental management plan and document the results. A HMMP prepared for CEQA/LSA could be used to pursue certification if the Lead Agency decides to design a naturalistic golf course to mitigate for Project impacts. In California, 78 golf courses are certified members. In southern California, certified golf courses include the Alta Vista Country Club (Placentia), Anaheim Hills Golf Course (Anaheim), Aliso Viejo Country Club (Aliso Viejo), and Birch Hills Golf Course (Brea). For more information please visit the [Audubon Cooperative Sanctuary Program for Golf](#) webpage.

Comment #2: Impacts to Least Bell's Vireo

Issue: A search of California Natural Diversity Database (CNDDDB) found least Bell's vireo (*Vireo bellii pusillus*; vireo) occurring in the mixed riparian woodland downstream of the Golf Course in the CE. The BSR acknowledges that vireo is present in the CE. CDFW is concerned that the Lead Agency did not evaluate potential Project-related impacts to riparian woodlands, thus vireo, located downstream.

Specific Impacts: Concrete lined channels would be removed via excavation of a depth up to 3 feet and reconfigured. New drainage features and realignment of golf course holes on both sides of the course would impact the flow and alignment of Diamond Bar Creek. Project activities may increase sediment input into drainage areas. The Project may also spread non-native invasive plants to natural areas outside of the Project site.

Why impacts would occur: The primary cause of decline in vireo abundance and distribution has been the loss and alteration of riparian woodland habitats, therefore, protecting riparian habitat is essential to protecting vireo (USFWS 2006). Impacts to vireo could result from habitat loss as a result of diminished water levels. Riparian vegetation, such as willow riparian scrub, are reliant upon nearby water levels. If the shoreline recedes or less water is allowed to flow downstream, sensitive species such as vireo, may experience a loss of habitat. Increased sediment deposition can bury riparian tree seedlings and saplings, resulting in increased mortality of new recruits (Kui and Stella 2016). Habitat loss may also result from spreading non-native vegetation downstream. The Golf Course is primarily of ornamental and ruderal vegetation that may include invasive grasses such as kikuyu grass (*Pennisetum clandestinum*) and panic veldtgrass (*Ehrharta erecta*). These grasses and other non-native vegetation could reduce structural diversity of riparian woodlands.

Evidence impacts would be significant: Consistent with CEQA Guidelines section 15380, the status of the vireo as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA. Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a 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):

Mitigation Measure #1: CDFW recommends the Lead Agency thoroughly evaluate potential Project-related impacts to vireo and riparian woodland within the CE.

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CDFW recommends the Lead Agency disclose methodology and findings in environmental documents, including negative findings (i.e. no potential impacts to vireo and habitat), with a discussion of potential impacts and if necessary, avoidance, minimization, and mitigation measures. If there are potentially significant impacts and a revision of the MND is needed, CDFW recommends recirculating the MND and environmental documents so CDFW may provide more appropriate comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

CDFW would like to emphasize that the existing CE may not be appropriate to mitigate for Project-related impacts. Because vireo is present within the CE, the timing and type of work shall avoid potential impacts to vireo and vireo habitat.

Mitigation Measure #2: Should there be direct or indirect impacts via habitat modification to vireo, the Project would require preparation of a draft Environmental Impact Report (EIR) (CEQA Guidelines, § 15073.5) and an Incidental Take Permit (ITP). See *Additional Comments – California Endangered Species Act* for more information.

Comment #3: Impacts to Nesting Birds

Issue: Page 47 of the BSR lists 41 species of birds (two raptor species) observed in the Project site. Native and non-native trees and shrubs within the Project site may provide suitable nesting sites and habitat for a variety of birds and raptors. CDFW is concerned that mitigation measures proposed for impacts to nesting birds are inadequate.

Specific impacts: Construction during the breeding season for nesting birds could result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment.

Why impacts would occur: Impacts could result from noise disturbances, increased human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Such disturbances could result in increased nestling mortality due to nest abandonment or decreased feeding frequency.

Evidence impact would be significant: Nests of all native bird species are protected under State laws and regulations, including Fish and Game Code sections 3503 and 3503.5. Noise from increased road use, generators, and other equipment may disrupt willow flycatcher (*Empidonax traillii*) mating calls which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends replacing Avoidance, Minimization, or Mitigation Measure BIO-1 with the following four measures.

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

Mitigation Measure #2: *“If construction during this period must occur, a qualified biologist shall complete a survey for nesting bird activity within the Project site and a 500-foot buffer. Surveys shall include vegetation in Caltrans Right of Way. Surveys will begin no more than 14 days prior*

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to the start of Project activities and will be repeated for the duration of Project activities that occur during the bird nesting season. Nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.”

Mitigation Measure #3: *“If an active nest is found within 500 feet of Project activities and in areas with increased impacts resulting from noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment, a qualified biologist shall determine the nesting status and set up a species-appropriate no-work buffer that should be no less than 300 feet initially. Buffers shall be marked around the active nest site as directed by the qualified biologist.”*

“No Project activities shall be allowed inside these buffers until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased if needed to protect the nesting birds.”

Mitigation Measure #4: *“Vegetation clearing and grubbing activities when birds are likely to be nesting shall be monitored by a qualified biologist and shall only occur when a qualified biologist is present to ensure that these activities remain within the Project footprint (i.e. outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to Project activities.”*

Comment #4: Impacts to Bird Habitat

Issue #1: The Project proposes to remove between 150 to 200 trees, 29 of them native trees. The Lead Agency proposes to mitigate native trees at a ratio of 3:1. Given this statement in the BSR, “mature native trees would be replaced at a 3:1 ratio within the Diamond Bar Golf Course and immediately surrounding areas consistent with the SR-57/SR-60 Confluence at Grand Avenue Project mitigation requirements”, it is unclear how many trees out of a minimum of 87 trees would be replanted in the Golf Course. Additionally, a 3:1 mitigation for 29 native trees will not have a net benefit for birds because significantly more trees will be removed in the Golf Course than are being replanted. Non-native trees still provide habitat for birds and should be replaced with native trees.

Issue #2: Conceptual Design maps show the Project will remove both trees and shrubs. However, the MND does not provide mitigation for shrubs. CDFW is concerned the Project is not mitigating for impacts to shrubs. Both native and ornamental (i.e. non-native) shrub species provide foraging, perching, and potential nesting structures for birds. Birds depend on vegetation of varying structure and species diversity, not solely on tree cover or a single tree species. Shrubs also provide habitat for insects and small mammals which then benefits passerine birds and raptors.

Specific impacts: The Project proposes to remove between 150 to 200 trees and an undisclosed number of shrubs, reducing the footprint of available habitat in the Golf Course for birds and potentially insects and small mammals.

Why impacts would occur: The Project would reduce the footprint of available tree and shrub habitat for birds in the short-term and potentially long-term if the Project is inadequate to mitigate impacts to trees and shrubs. Additionally, if the Project proposes to replant most of the

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trees near the freeway, birds may avoid those trees due to noise and light. Accordingly, the Project is reducing the available habitat for nesting birds.

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

Mitigation Measure #1: CDFW recommends the Lead Agency continue working with a certified arborist, as described on page 36 of the BSR, to determine the extent of impacts to native trees and avoid impacts to native trees and shrubs to the greatest extent possible. Various species and heights of native trees and shrubs should be preserved. Final environmental documents should disclose the number of trees and shrubs impacted.

Mitigation Measure #2: The Lead Agency should replace the same number or higher of native and non-native trees and shrubs as the number removed (i.e. no less than 1:1). The Lead Agency should provide final location(s) for replacement trees and shrubs in environmental documents and be clear how many trees and shrubs will be planted in the Golf Course and how many in the “immediately surrounding areas”.

Mitigation Measure #3: The Lead Agency should adopt an ecosystem-based management approach to restoring structurally and species diverse vegetation habitat for birds in the Golf Course. A vegetation community consisting of trees and shrubs should be incorporated into a naturalistic redesign of Golf Course if applicable. Please see *Recommendation #1* on page 8.

The Lead Agency should use only native tree and shrub species for on or off-site mitigation. Impacts to non-native species will be replaced with native species. Information on alternatives for invasive, non-native, or landscaping plants may be found on the [California Invasive Plant Council's, Don't Plant a Pest](#) webpage. The Lead Agency should not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas.

Mitigation Measure #4: CDFW recommends a more detailed measure to avoid impacts to trees marked as “*Save Individual Tree*” in Conceptual Design maps, including trees in adjacent areas. The placement of fill dirt and ingress and egress routes of heavy construction vehicles can continually compact the root zone and roots may not be able to acquire nutrients, water, and oxygen, causing the tree to die (Hostetler and Drake 2009). Designated zones for disposal of debris and chemicals should be away from any trees meant to be preserved. Debris can be toxic or can change soil pH due to leeching of chemicals into the ground which could affect trees (Hostetler and Drake 2009).

CDFW recommends adding the following underlined text to MM-BIO-4: “*To ensure the construction footprint within the Biological Study Area is minimized to the extent practicable adjacent to areas containing native trees, a qualified biological monitoring will flag and stake the construction limits in the field in coordination with the contractor. The biological monitor will be on site during construction to ensure the protection of the drip line area of adjacent native trees and that construction limits are enforced. Project activities, including construction traffic, staging areas, and debris piles will not occur within 5 feet of all trees and 15 feet from the trunks of a tree where feasible. The biological monitor will have the authority to halt construction if required to ensure compliance. If substantial impacts to roots and canopy of trees on adjacent property*”

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occur, trees will be replanted at a minimum ratio of 3:1 for all native and non-native trees impacted. Non-native trees will be replaced with native species.

This mitigation measure will also apply to protecting trees in the Biological Study Area that are marked for preservation.

Comment #5: Spreading Invasive Pests and Diseases

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

Specific impacts: The Project proposes to remove between 150 to 200 trees and an undisclosed number of shrubs. The Project may result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks and other trees in California which support a high biological diversity including special status species.

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

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

Mitigation Measure #1: CDFW recommends the COG work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: [thousand canker fungus](#), [Polyphagous shot hole borer](#), and [goldspotted oak borer](#). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease.

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

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Comment #6: Impacts to Bats

Issue: Bat surveys were not conducted. The Golf Course contains potential open water foraging habitat and is adjacent to natural habitats where bats may forage and roost. The BSR stated that big free-tailed bats (*Nyctinomops macrotia*) have a moderate potential to occur in the Project site. Also, western yellow bats (*Lasiurus xanthinus*) can be found year-round in urban areas throughout the south coast region (Miner and Stokes 2005).

Specific impacts: The Project proposes to remove between 150 to 200 native and non-native trees and demolish a maintenance facility that is surrounded by trees. Direct impacts include removal of trees, vegetation, and/or structures that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats potentially using man-made structures or surrounding trees as roost sites.

Why impacts would occur: In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts, and forage in sources of open water such as ponds and lakes (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Forested patches on golf courses provide good habitat for foraging and commuting bats, and golf courses may provide an important refuge for bats in highly urbanized landscapes (Sewell 2019). Mexican fan palm trees (*Washingtonia robusta*) and crevices in buildings, facilities, and tunnels in the Project site could provide roosting habitat for bats. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

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

Recommended Potentially Feasible Mitigation Measure(s):

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

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

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

- a) *“If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30).”*
- b) *“If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology will be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.”*
- c) *“If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees will be pushed down using heavy machinery rather than felling it with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.”*

“The bat specialist shall document all demolition monitoring activities and prepare a summary report to the San Gabriel Valley Council of Governments upon completion of tree disturbance and/or building demolition activities.”

Comment #7: Impacts to Non-Game Mammals and Wildlife

Issue: According to CNDDB’s *Natural Areas Small – California Essential Habitat Connectivity* dataset, the Golf Course is essential for ecological connectivity between large natural habitats surrounding the Golf Course which include Puente Hills, Chino Hills, and San Jose Hills. While the Golf Course’s existing chain link fence may make it more difficult for wildlife movement

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

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

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

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

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

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

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

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

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

Mitigation Measure #4: *“Before starting or moving construction vehicles, especially after a few days of nonoperation, operators shall inspect under all vehicles to avoid impacts to any wildlife that may have sought refuge under equipment.”*

Mitigation Measure #5: *“All hollow posts and pipes will be capped, and metal fence stakes will be plugged with bolts or other plugging materials to prevent wildlife entrapment and mortality.”*

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The Project may result in the use of open pipes as fence posts, property line stakes, signs, etc. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality.

Recommendation #1: CDFW recommends the Lead Agency consider permeable fencing as part of its mitigation for Project-related impacts which may include a naturalistic golf course design. The existing chain link fence can create hazards and barriers for wildlife movement, seasonal migrations, and access to food and water. Wildlife impermeable fencing is fencing that prevents or creates a barrier for the passage of wildlife from one side to the other. Los Angeles County's Significant Ecological Areas Ordinance [Implementation Guide](#) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards. CDFW should review plans for permeable fencing around the Golf Course if this is a feature the Lead Agency would incorporate in its Golf Course redesign.

Additional Comments

Compensatory Mitigation: Mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, 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. Mitigation banking inquiries may be directed to the CDFW's South Coast Region Banking Coordinator, Lisa Gymer, at (858) 627-3997 or via email at Lisa.Gymer@wildlife.ca.gov.

California Endangered Species Act (CESA): CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed rare plant species that results from the Program is prohibited, except as authorized by state law (Fish and G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if Project-related construction or activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Lead Agency seek appropriate take authorization under CESA prior to implementing the Program. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA

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ITP.

Per CEQA Guidelines Section 21081.6(a)(1), CDFW has provided the Council of Governments with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Council of Governments and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

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

Sincerely,

DocuSigned by:
Steve Gibson
614D9A782D93439...

Steve Gibson
Senior Environmental Scientist (Supervisory)

for

Erinn Wilson
Environmental Program Manager I

ec: CDFW

Victoria Tang – Los Alamitos
Karen Drewe – Los Alamitos
Frederic Rieman – Los Alamitos
Lisa Gymer – San Diego
Susan Howell – San Diego
CEQA Program Coordinator – Sacramento

State Clearinghouse

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CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

| Biological Resources (BIO) | | | |
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| Mitigation Measure (MM) | | Timing | Responsible Party |
| MM-BIO-1- Impacts to Aquatic and Riparian Resources | The Lead Agency shall notify CDFW prior to any Project construction or activities pursuant to Fish and Game Code section 1600 <i>et seq.</i> Please visit the Lake and Streambed Alteration Program webpage to obtain a notification package for a LSA. | Prior to Project construction and activities | San Gabriel Valley Council of Governments (COG) |
| MM-BIO-2- Impacts to Aquatic and Riparian Resources | The Lead Agency shall prepare LSA Notification following modifications to: 1) include concrete lined channels on the west side of the Golf Course, 2) reevaluate the delineation in the vegetated strip between SR-57/SR-60 and the Golf Course and include all areas where there is coverage by water-loving plants such as willow and mulefat, and 3) include the length/footprint of proposed Engineer Storm Drainages if they reflect where there is currently water flow through the Golf Course. | Prior to Project construction and activities | COG |

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| <p>MM-BIO-3- Impacts to Aquatic and Riparian Resources</p> | <p>Vegetation communities shall be mapped. Surveys shall be conducted by a qualified botanist with appropriate experience and knowledge of southern California flora. Surveys shall follow CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The Manual of California Vegetation shall be used to inform survey and mapping of natural vegetation communities.</p> <p>Mapping shall be conducted within the Project site (i.e. Biological Study Area) and adjacent areas where Project activities could have direct or indirect impacts on biological resources. The mapping area shall extend to South Diamond Bar Boulevard to include Sycamore Canyon, 0.75-mile riparian area/Conservation Easement downstream of the Golf Course owned by the City of Industry, and the open space near the intersection of Copley Drive and Golden Springs Drive.</p> | <p>Prior to Project construction and activities</p> | <p>COG</p> |
| <p>MM-BIO-4- Impacts to Aquatic and Riparian Resources</p> | <p>The Lead Agency shall evaluate potential impacts on any additional biological resources (e.g., rare plants, wildlife) in areas adjacent to the Project site where there is hydrologic connectivity. Areas shall include Sycamore Canyon and the 0.75-mile riparian area/Conservation Easement.</p> <p>The Lead Agency shall disclose findings in environmental documents, including negative findings (e.g. absence of rare plants), with a discussion of potential impacts and if necessary, avoidance, minimization, and mitigation measures. If there are potentially significant impacts and a revision of the MND is needed, the Lead Agency shall recirculate the MND and environmental documents so CDFW may provide more appropriate comments on avoidance, minimization, and mitigation measures.</p> | <p>Prior to Project construction and activities</p> | <p>COG</p> |

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| MM-BIO-5- Impacts to Aquatic and Riparian Resources | If the Lead Agency finds the Project will impact biological resources in the Conservation Easement, the Lead Agency shall provide an in-kind mitigation at no less than a 10:1 mitigation ratio for impacts to areas where mitigation has already occurred in association with other CEQA actions. | Prior to Project construction and activities | COG |
| MM-BIO-6- Impacts to Aquatic and Riparian Resources | The Lead Agency shall find an alternative location/plan to mitigate for Project-related impacts. The existing Conservation Easement may not be appropriate to mitigate for Project-related impacts. | Prior to Project construction and activities | COG |
| MM-BIO-7- Impacts to Aquatic and Riparian Resources | The Lead Agency shall consider on-site mitigation for Project-related impacts by redesigning the Golf Course around existing riparian woodlands and Diamond Bar Creek such that there is no net loss of riparian woodlands and the creek is not altered, impeded, or channelized from existing conditions within and outside of the Golf Course. The Lead Agency shall also consider restoring and enhancing riparian woodland habitat in the Golf Course and restoring the natural alignment/sinuosity of the creek and daylighting the creek where it has been diverted below ground. See Recommendation #1 on page 8 for more information. | Prior to Project construction and activities | COG |
| MM-BIO-8- Impacts to Aquatic and Riparian Resources | The Lead Agency shall prepare a Habitat Mitigation Monitoring Plan (HMMP) and include, at a minimum, the information presented under Mitigation Measure #8 on page 7. | Prior to Project construction and activities | COG |

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| MM-BIO-9- Impacts to Least Bell's Vireo | <p>Potential impacts to least Bell's vireo and riparian habitat downstream of the Golf Course shall be evaluated.</p> <p>The Lead Agency shall disclose findings in environmental documents, including negative findings (i.e. no potential impacts to vireo and habitat), with a discussion of potential impacts and if necessary, avoidance, minimization, and mitigation measures. If there are potentially significant impacts and a revision of the MND is needed, the Lead Agency shall recirculate the MND and environmental documents so CDFW may provide more appropriate comments on avoidance, minimization, and mitigation measures.</p> | Prior to Project construction and activities | COG |
| MM-BIO-10- Impacts to Least Bell's Vireo | Should there be direct or indirect impacts via habitat modification to least Bell's vireo, the Lead Agency shall prepare a draft Environmental Impact Report (EIR) (CEQA Guidelines, § 15073.5) and an Incidental Take Permit (ITP). | Prior to Project construction and activities | COG |
| MM-BIO-11- Impacts to Nesting Birds | To protect nesting birds that may occur on site, no construction shall occur from February 15 through August 31, and as early as January 1 for raptors. | During Project construction and activities | COG |
| MM-BIO-12- Impacts to Nesting Birds | If construction during this period must occur, a qualified biologist shall complete a survey for nesting bird activity within the Project site and a 500-foot buffer. Surveys shall include vegetation in Caltrans Right of Way. Surveys will begin no more than 14 days prior to the start of Project activities and will be repeated for the duration of Project activities that occur during the bird nesting season. Nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites." | During Project construction and activities | COG |
| MM-BIO-13- Impacts to Nesting Birds | If an active nest is found within 500 feet of Project activities and in areas with increased impacts resulting from noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment, a qualified biologist shall determine the nesting status and set up a species-appropriate no- | During Project construction and activities | COG |

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| | <p>work buffer that should be no less than 300 feet initially. Buffers shall be marked around the active nest site as directed by the qualified biologist.</p> <p>No Project activities shall be allowed inside these buffers until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased if needed to protect the nesting birds.</p> | | |
| MM-BIO-14- Impacts to Nesting Birds | Vegetation clearing and grubbing activities when birds are likely to be nesting shall be monitored by a qualified biologist and shall only occur when a qualified biologist is present to ensure that these activities remain within the Project footprint (i.e. outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to Project activities. | During Project construction and activities | COG |
| MM-BIO-15- Impacts to Bird Habitat | <p>The Lead Agency shall continue working with a certified arborist, as described on page 36 of the Biological Study Report, to determine the extent of impacts to native trees and avoid impacts to native trees and shrubs to the greatest extent possible. Various species and heights of native trees and shrubs shall be preserved.</p> <p>Final environmental documents shall disclose the number of trees and shrubs impacted.</p> | Prior to Project construction and activities | COG |
| MM-BIO-16- Impacts to Bird Habitat | The Lead Agency shall replace the same number or higher of native and non-native trees and shrubs as the number removed (i.e. no less than 1:1). The Lead Agency shall provide final location(s) for replacement trees and shrubs in environmental documents and be clear how many trees and shrubs will be planted in the Golf Course and how many in the “immediately surrounding areas”. | During/after Project construction/ activities | COG |

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| <p>MM-BIO-17- Impacts to Bird Habitat</p> | <p>The Lead Agency shall adopt an ecosystem-based management approach to restoring structurally and species diverse vegetation habitat for birds in the Golf Course. A vegetation community consisting of trees and shrubs shall be incorporated into a naturalistic redesign of Golf Course if applicable. See Recommendation #1 on page 8 for additional information.</p> <p>The Lead Agency shall use only native tree and shrub species for on or off-site mitigation. Impacts to non-native species will be replaced with native species. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage.</p> <p>The Lead Agency shall not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas.</p> | <p>Prior to Project construction and activities</p> | <p>COG</p> |
| <p>MM-BIO-18- Impacts to Bird Habitat</p> | <p>The Lead Agency shall have a more detailed measure to avoid impacts to trees marked as "Save Individual Tree" in Conceptual Design maps, including trees in adjacent areas. The Lead Agency shall add the following <u>underlined</u> text to MM-BIO-4: <i>"To ensure the construction footprint within the Biological Study Area is minimized to the extent practicable adjacent to areas containing native trees, a qualified biological monitoring will flag and stake the construction limits in the field in coordination with the contractor. The biological monitor will be on site during construction to ensure the protection of the drip line area of adjacent native trees and that construction limits are enforced. <u>Project activities, including construction traffic, staging areas, and debris piles will not occur within 5 feet of all trees and 15 feet from the trunks of a tree where feasible.</u> The biological monitor will have the authority to halt construction if required to ensure compliance. <u>If substantial impacts to roots and canopy of trees on adjacent property occur, trees will be replanted at a minimum ratio of 3:1 for all native and non-native trees impacted. Non-native trees will be replaced with native species.</u>"</i></p> | <p>During Project construction and activities</p> | <p>COG</p> |

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| | <u><i>This mitigation measure will also apply to protecting trees in the Biological Study Area that are marked for preservation.</i></u> | | |
| MM-BIO-19- Spreading Invasive Pests and Diseases | <p>The Lead Agency shall work with its certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (<i>Geosmithia morbida</i>), Polyphagous shot hole borer (<i>Euwallacea</i> sp.), and goldspotted oak borer (<i>Agrilus auroguttatus</i>).</p> <p>A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, shall be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report shall also include photographic documentation of entry/exit holes and evidence of pests/disease.</p> | Prior to Project construction and activities | COG |
| MM-BIO-20- Spreading Invasive Pests and Diseases | <p>If invasive pests and/or diseases are detected, the Lead agency shall provide and an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees shall not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.</p> <p>A management plan shall be submitted to CDFW for review and included as an appendix in the final environmental document.</p> | Prior to Project construction and activities | COG |
| MM-BIO-21- Impacts to Bats | A qualified bat specialist shall conducted bat surveys to determine baseline conditions within the Project site and within a 500-foot buffer to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites. Acoustic recognition technology shall be used to maximize detection of bats. | Prior to Project construction and activities | COG |

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| MM-BIO-22- Impacts to Bats | The Lead Agency shall include survey methodology and results, including negative findings, in final environmental documents. Depending on survey results, the Lead Agency shall provide a discussion of potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance. | Prior to Project construction and activities | COG |
| MM-BIO-23- Impacts to Bats | If maternity roosts are found, the Lead Agency shall schedule work, to the extent feasible, to occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30). | During Project activities | COG |
| MM-BIO-24- Impacts to Bats | If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology will be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise. | During Project activities | COG |

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| <p>MM-BIO-25- Impacts to Bats</p> | <p>If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees will be pushed down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.</p> <p>The bat specialist shall document all demolition monitoring activities and prepare a summary report to the San Gabriel Valley Council of Governments upon completion of tree disturbance and/or building demolition activities.</p> | <p>During Project activities</p> | <p>COG</p> |
| <p>MM-BIO-26- Impacts to Non-game Mammals and Wildlife</p> | <p>If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas.</p> | <p>During Project construction and activities</p> | <p>COG</p> |
| <p>MM-BIO-27- Impacts to Non-game Mammals and Wildlife</p> | <p>To avoid direct mortality, a qualified biological monitor shall be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e. species appropriate) habitat out of harm's way.</p> | <p>During Project construction and activities</p> | <p>COG</p> |

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| MM-BIO-28- Impacts to Non- game Mammals and Wildlife | Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape. | During Project construction and activities | COG |
| MM-BIO-29- Impacts to Non- game Mammals and Wildlife | Before starting or moving construction vehicles, especially after a few days of nonoperation, operators shall inspect under all vehicles to avoid impacts to any wildlife that may have sought refuge under equipment. | During Project construction and activities | COG |
| MM-BIO-30- Impacts to Non- game Mammals and Wildlife | All hollow posts and pipes will be capped, and metal fence stakes will be plugged with bolts or other plugging materials to prevent wildlife entrapment and mortality. | During Project construction and activities | COG |