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October 1, 2021

Vincent Gonzalez
Director of Planning and Community Preservation Department
City of Sierra Madre
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Subject: Comments on the Draft Environmental Impact Report for The Meadows at Bailey Canyon Specific Plan, SCH #2020060534, Los Angeles County

Dear Mr. Gonzalez:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) for The Meadows at Bailey Canyon Specific Plan (Project) from the City of Sierra Madre (City; Lead Agency). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

Project Description and Summary

Objective: The proposed Project would establish zoning and development standards to guide future development of single-family residential uses on approximately 9.19 acres of the 17.30-acre Project site. The Project also includes 3.39 acres of open space (including a 3.04-acre neighborhood public park). A 1.04-acre grading and landscape buffer would be located within the northern portion of the Project site. In addition, the proposed Project includes dedication to the City of a 35-acre open space area. This open space area is located on the hillside to the north of the Project and the existing Mater Dolorosa Retreat Center.

The Project also includes a proposed General Plan amendment to change the land use designation and zoning for the Project site from Institutional to Specific Plan.

Location: The Project site is located at 700 N. Sunnyside Avenue, Sierra Madre, CA 91024. The site is along the northern urban fringe of the City of Sierra Madre. It is surrounded to the west, south, and southeast by residential development. Immediately east is the Bailey Canyon Wilderness Park. To the north is located the Mater Dolorosa Community.

Comments and Recommendations

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

Issue: The Project proposes to create a public park along the southern boundary of the site that also includes a pedestrian path in the southeast corner. This path is expected to improve pedestrian access to the Bailey Canyon Wilderness Park and trail located just east of the Project site.

Specific Impacts: Project activities, such as park and path installation are likely to accommodate (and subsequently lead to) increased recreational frequency and duration in the Bailey Canyon Wilderness Park. Elevated pedestrian usage is likely to create direct and indirect impacts to local wildlife species through the loss of potential habitat.

Why impacts would occur: The area of influence that the trail has upon the surrounding habitat is being increased. An increase in the number of hikers has potential to impact sensitive wildlife species and their habitat through a variety of ways:

- increased numbers of people and dogs using the trail system
- loss of habitat due to erosion from footpaths
- increased noise levels

- increased trash or pet waste
- introduction of unnatural food sources via trash and trash receptacles
- introduction of invasive species from other sites

Evidence impacts would be significant: Outdoor recreation has the potential to disturb wildlife, resulting in energetic costs, impacts to animals' behavior and fitness, and avoidance of otherwise suitable habitat. Studies have shown that outdoor recreation is the second leading cause of the decline of federally threatened and endangered species on public lands (Losos et al. 1995) and fourth leading cause on all lands (Czech et al. 2000). As a result, natural resource managers are becoming increasingly concerned about impacts of recreation on wildlife (Knight and Gutzwiller 1995).

Recreational trails can fragment the habitat that they pass through. These negative impacts generally result from the expansion of the area of influence that a trail has on its surrounding open space. Trails can create artificial boundaries or areas of avoidance for wildlife as they bring outsiders into areas that would otherwise be unvisited. Along with these perceived outsiders, in this case hikers, comes a new set of perceived threats to local wildlife in the form of visual, auditory, and olfactory cues that remain along the trail well after recreational usage.

If habitat is available, wildlife may move to areas farther from trails, beyond the areas of influence, to avoid recreation-related disturbance (Reed et al. 2019). However, the greater the proportion of a protected area occupied by trails, the fewer options there are for wildlife to move outside of those areas of influence. There are simply fewer opportunities for wildlife to retreat from nearby recreational users in an already shrinking habitat.

The higher the level of recreation in protected areas, the greater the potential there is for the effects of trails and their use to extend beyond habitat loss and individual-level effects (behavioral and physiological) on wildlife. This may transition into population- and community-level effects, including depletion of floral and faunal populations, alteration of the trophic community structures, and reduction of biodiversity (CDFW 2015).

With increased recreational usage of trails through open spaces, comes increased exposure of wildlife to humans. Habituated urban wildlife is less likely to avoid contact with humans, which may increase the probability of human-wildlife conflicts and of attraction to anthropogenic food sources; both are considered problematic in many urban areas (Whittaker and Knight 1998; George and Crooks 2006). Wildlife habituation to humans may also increase wildlife aggression toward humans, or render wildlife more vulnerable to predators, poaching, or roadkill (Whitaker and Knight 1998; George and Crooks 2006; Marzano and Dandy 2012). Furthermore, habituation of wildlife may impact their reproductive success. Habituation of adult individuals may also be associated with negative consequences for their offspring as habituation of adults does not necessarily lead to immediate habituation of juveniles (Reilly et al. 2017).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Educational materials and signage should be made available to trail users to keep aware of the impacts that human disturbance brings to open spaces. Hikers should be made aware of the impacts that they have on surrounding habitat (such as noise or smells), particularly during breeding seasons.

People are often not aware of how their activities affect wildlife, even if they see animals respond to their actions (Stalmaster and Kaiser 1998). By emphasizing how human activities affect wildlife, people can associate their actions with either benefitting or harming animal populations and begin to develop a conservation ethic (Miller et al. 2001). With improved educational materials and outreach efforts, recreational users are more likely to support restrictions if they understand how wildlife will benefit.

Mitigation Measure #2: CDFW recommends the City install appropriate public information signage at trailheads to: 1) educate and inform the public about wildlife 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; 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 City should provide a long-term maintenance plan to repair and replace the signs.

Mitigation Measure #3: Restrictions on types of activities allowed in some areas, such as prohibiting dogs or restricting use to trails near active breeding habitat, will aid in minimizing disturbance. Pets should be kept on leash and on trails at all times. Hikers should be encouraged to clean up after their dogs and discourage animal waste as it tends to lead to wildlife avoidance.

Mitigation Measure #4: Trash receptacles should be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.

Recommendation #1: Understanding wildlife responses to recreation and the area of influence of human activities may help managers judge whether wildlife populations are experiencing stress due to interactions with humans and may aid in tailoring recreation plans to minimize long-term effects to wildlife from disturbance. CDFW recommends including an analysis of recreational usage of Bailey Canyon Wilderness Park in which current levels of traffic (hiker, biker, and dog) is compared to the expected increase in traffic as a result of new path installation in the final environmental document.

Comment #2: Mountain Lion (*Puma concolor*)

Issue: The Project site occurs within the range of mountain lion habitat.

Specific impacts: The Project as proposed may impact the southern California mountain lion population by temporarily and permanently increasing human presence, traffic, and noise.

Why impacts would occur: Mountain lions may occur within the Project footprint or in the immediate proximity to the Project. The Project may increase human presence (e.g., new development, public trail access), traffic, and noise as well as potential artificial lighting 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 (Yap et al. 2019). 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 trials by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. As human population density increases, the probability of persistence of mountain lions decreases (Woodroffe 2000).

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 (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. The Project may have significant impacts because no mitigation has been proposed for any unavoidable direct and indirect, permanent or temporal losses, of habitat for mountain lion.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Due to potential habitat in the Project vicinity, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens within a half mile of the Project area. 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). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. The survey report should include a map of potential denning sites. The survey report should include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.

Mitigation Measure #2: If potential habitat for natal dens are identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, 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 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 #3: If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the City should consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 *et seq*.).

Recommendation: CDFW recommends the City evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the change (i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the City recirculate the document with these analyses included.

Comment #3: Impacts to Bat Species

Issue: The Project includes activities such as grading and tree removal that may result in the removal of foraging and disturbance of roosting habitat for bats.

Specific impacts: The DEIR states, “One bat species, pallid bat (*Antrozous pallidus*), has low potential to occur because it roosts in trees; however, wintering and maternity roosts are not expected and individuals would be expected to leave if tree is disturbed.” The pallid bat is designated California Species of Special Concern (SSC). Project activities include tree removal that may disturb or remove areas that provide foraging or 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, mobilizing, and grading), and vibrations caused by heavy equipment.

Why impacts would occur: The removal of vegetation may potentially result in the loss or disturbance of foraging and roosting habitat for bats. Construction activities will temporarily increase the disturbance levels as well as human activity in the Project area. Moreover, the Project will permanently remove potential foraging habitat for bats. In addition, the new park and path installation will create a permanent increase in human presence in the Project vicinity. Lastly, because the general biological reconnaissance surveys were conducted during daytime hours, there is potential bats present on site would go undetected. This may cause the Project to impact individuals not previously known to reside in or around the Project area. Bats would require more species-specific and specific time-of-day surveys.

Evidence impacts would be significant: Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). There are many bat species that can be found year-round in urban areas throughout the south coast region of California (Miner & Stokes, 2005). Several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of California Species of Special Concern could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Prior to construction activities, CDFW recommends a qualified bat specialist conduct bat surveys within Project are (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of

survey results, including negative findings should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

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

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

Comment #4: Impacts to Oak Trees and Tree Replacement

Issue: The Project proposes to remove 101 trees, including 10 coast live oak (*Quercus agrifolia*) trees. The Project's proposed mitigation MM-BIO-3 for impacts to oak trees may be insufficient to mitigate for impacts to oak trees. In addition, no mitigation is proposed for the removal of the other 91 trees.

Specific impact: The Project will directly remove individual oak trees. Project activities that result in the removal of trees may cause temporary or permanent impacts to wildlife that utilize the tree as habitat. In addition, Project activities that involve removal of trees have the potential to 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 trees in California which may support a high biological diversity including special status species.

Why impacts would occur: MM-BIO-3 states, "The City's Tree Preservation and Protection Ordinance (Chapter 12.20) identifies tree replacement requirements for tree removal associated with a development project. In total, ten protected trees may be removed. As such, they shall be replaced at a minimum with a 24-inch box tree, on a 1:1 basis with a like species." MM-BIO-3 would provide minimal mitigation for oak trees but the measures, as currently proposed, may be insufficient for mitigating impacts to protected trees and provides no mitigation for other trees removed on site. The proposed mitigation measures in the DEIR would result in an ultimate total net loss for of oak trees associated with the Project activities. A 1:1 mitigation ratio would not make up for the temporal loss of oak trees as well as the potential failure of the replacement oaks that will be planted. Moreover, all trees on site may provide habitat for wildlife within the Project vicinity and the mitigation leads to a total net loss of trees. These trees may provide adequate habitat for nesting birds and small mammals. Removal of trees on site may temporarily or permanently impact available habitat for wildlife in the area. The loss of all trees should be included in the mitigation efforts.

Lastly, there is no proposed investigation and plan for managing tree pests or pathogens at the time of removal. This may result in the introduction of pests, pathogens, or diseases to areas where they previously have not been found.

Evidence impacts would be significant: Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. The Los Angeles County Oak Tree Ordinance was established to recognize oak trees as significant historical, aesthetic, and ecological resources. CDFW considers oak woodlands a sensitive vegetation community.

Lastly, without a proper investigation and management plan, the Project may also result in an adverse effect, either directly or through habitat modifications, by exposing other habitats to insect and/or disease pathogens. Exposure to insect and/or disease pathogens may have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: An infectious tree disease management plan should be developed and implemented prior to initiating Project activities. All trees scheduled for removal should be identified and counted to provide total numbers and species type. In addition, trees scheduled for removal resulting from the Project should be inspected for contagious tree diseases including but not limited to: thousand canker fungus (*Geosmithia morbida*), Polyphagous Shot Hole Borer (*Euwallacea spp.*), and goldspotted oak borer (*Agrilus auroguttatus*) (TCD 2020; UCANR 2020; UCIPM 2013). 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.

Mitigation Measure #2: Replacement oaks should be of the same species and come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they were planted.

Mitigation Measure #3: Given that the DEIR does not provide justification for how a mitigation ratio of 1:1 would adequately reduce impacts to below a level of significance while considering temporal loss, special status trees, size of trees, potential mitigation failure, etc. (see Recommendation #1 below), CDFW recommends replacing native trees, including oak trees, with at least a 3:1 ratio. CDFW also recommends replacing non-native trees with at least a 1:1 ratio with native trees.

Recommendation #1: CDFW recommends the DEIR provide adequate and complete explanation why the chosen mitigation ratio is sufficient to mitigate for permanent loss of 101 trees on site. The DEIR should address the following:

1. How the chosen ratio accounts for impacts to trees on a species-specific level;
2. How oaks have been mitigated at the chosen mitigation ratio given their special status;
3. Whether other native or non-native tree species will be mitigated in the same way;
4. How the chosen mitigation ratio mitigates for the temporal loss of trees;
5. How the ratio addresses impacts to wildlife for the loss of habitat;
6. How the mitigation addresses trees of various sizes (diameter at breast height (DBH)) as well as any potential understory vegetation; and,
7. How the mitigation ratio addresses potential mitigation failures if replacement trees do not survive.

Recommendation #2: CDFW recommends that the City recirculate the DEIR for more meaningful public review and assessment of the City's mitigation ratio. Additionally, the City should recirculate the DEIR if the proposed mitigation measure (i.e., 1:1 replacement ratio of oak trees) would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15073.5(b)(2)].

Additional Comments and Recommendations

Human-Wildlife Interface. Due to the location of the Project site at the foothills of the San Gabriel mountains and at the edge of the black bear (*Ursus americanus*) and mountain lion range (*Puma concolor*), CDFW recommends the City require the use of bear-proof trash cans for this and all new developments in the foothills. Bears or mountain lions spotted in residential, suburban or urban areas should be reported to the South Coast Regional Office (858) 467-4201 or AskR5@wildlife.ca.gov during normal business hours. After-hours or weekend sightings should be reported first to local police or sheriff officers, who often can respond and secure a scene quickly and then contact CDFW as needed.

CDFW considers improper storage of human food and garbage to be the primary cause of bear conflicts with humans. This requirement is necessary for the local waste management agency to provide each house these special cans. These trash cans require the use of special trucks and must be specifically contracted. The City should require this development, and all individual houses, use bear-proof trash cans.

Human interactions are one of the main drivers of mortality and increasing development and human presence in this area could increase the need for public safety removal and/or vehicle strikes of mountain lions. Therefore, any new development project should analyze the potential for mountain lion that are known to occur in the San Gabriel Mountains and their foothills and may be impacted by development and human activity in the Project area (see Comment #2).

Lake and Streambed Alteration (LSA) Agreement. The Proposed Project would involve the creation of two storm drain systems. Two on site catch basins are proposed within the southern end of North Sunnyside Avenue to capture runoff generated from the Project site. Two additional catch basins would be located northeast of the Project site, within Carter Avenue to capture off-site flows before runoff enters the project site via the North Sunnyside Avenue extension. Streets A, B, and C would include two catch basins each, and would each capture and convey surface runoff to the east. A total of 14 catch basins will be located on the Project site. Lastly, a 63,500-cubic foot retention storage gallery, will be located within the public park.

Although no watercourses or wetlands were found on site, CDFW is concerned regarding the maintenance of these stormwater facilities. It is unclear the size of these basins and if these basins will be above or below ground. Open air catch basins may create a water resource for wildlife so maintenance activities may adversely impact biological resources that utilize the runoff and catch basins within the Project area. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed, this includes maintenance activities within a watercourse. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq*.

CDFW's issuance of a 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 environmental document of the local jurisdiction (Lead Agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR should fully identify the potential impacts to the biological resources utilizing the watercourse and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA Notification (CDFW 2021a) for a Routine Maintenance Agreement. Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR and notification.

Nesting Birds. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying MM-BIO-1 by expanding the time period for bird and raptor nesting from February 1 through August 31 to January 1 through September 15. If the Project occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted as stated in MM-BIO-1, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site.

It should be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting CNDDB Field Survey Forms (CDFW 2021b). This includes all documented occurrences of mountain lion, San Diego desert woodrat, and potential occurrences of Crotch's bumble bee, and other special status species. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Filing Fees

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

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Sierra Madre 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 Sierra Madre 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 Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1-Trail Installation	Educational materials and signage shall be made available to trail users to keep aware of the impacts that human disturbance brings to open spaces. Hikers shall be made aware of the impacts that they have on surrounding habitat (such as noise or smells), particularly during breeding seasons.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-2-Trail Installation	The City shall install appropriate public information signage at trailheads to: 1) educate and inform the public about wildlife 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; 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 City shall provide a long-term maintenance plan to repair and replace the signs.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-3-Trail Installation	Restrictions on types of activities allowed in some areas, such as prohibiting dogs or restricting use to trails near active breeding habitat, will aid in minimizing disturbance. Pets shall be kept on leash and on trails at all times. Hikers shall be encouraged to clean up after their dogs and discourage animal waste as it tends to lead to wildlife avoidance.	Prior to Project construction and activities	City/Project Applicant

MM-BIO-4-Trail Installation	Trash receptacles shall be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.	Prior to Project construction and activities	City/Project Applicant
REC-1-Trail Installation	Understanding wildlife responses to recreation and the area of influence of human activities may help managers judge whether wildlife populations are experiencing stress due to interactions with humans, and may aid in tailoring recreation plans to minimize long-term effects to wildlife from disturbance. In an environmental document, CDFW recommends including an analysis of recreational usage of San Rafael Hills in which current levels of traffic (hiker, biker, and dog) is compared to the expected increase in traffic as a result of trail improvements.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-5-Impacts to Mountain lion - surveys	Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology shall survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. 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 shall be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings shall be submitted to CDFW prior to initiation of Project activities. The survey report shall include a map of potential denning sites. The survey report shall include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary	Prior to Project construction and activities	City/Project Applicant
MM-BIO-6-Impacts to Mountain lion –	If potential habitat for natal dens are identified impacts to mountain lions shall be fully avoided, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved	Prior to Project construction and activities	City/Project Applicant

avoiding natal dens	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.		
MM-BIO-7- Impacts to Mountain lion take permit	If "take" or adverse impacts to mountain lion cannot be avoided either during Project construction or over the life of the Project, the City will consult CDFW to determine if a CESA ITP is required.	Prior to Project construction and activities	City/Project Applicant
REC-2- Impacts to Mountain lion surveys	The City should evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the change (i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the City recirculate the document with these analyses included.	Prior to Project construction and activities	City/Project Applicant

MM-BIO-8- Impacts to bat species	Prior to construction activities, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings shall be provided to the City. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.	Prior to Construction and/or ground disturbing activities	City/Project Applicant
MM-BIO-9- Impacts to bat species	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree trimming, trees shall be pushed using heavy machinery prior to using a chainsaw to remove branches. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape.	Prior to Construction and/or ground disturbing activities	City/Project Applicant
MM-BIO-10- Impacts to bat species	If maternity roosts are found, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).	Prior to Construction and/or ground disturbing activities	City/Project Applicant

MM-BIO-11-Impacts to Trees	An infectious tree disease management plan shall be developed and implemented prior to initiating Project activities. All trees scheduled for removal shall be identified and counted to provide total numbers and species type. In addition, trees scheduled for removal resulting from the Project shall be inspected for contagious tree diseases including but not limited to: thousand canker fungus (*Geosmithia morbida*), Polyphagous Shot Hole Borer (*Euwallacea spp.*), and goldspotted oak borer (*Agrilus auroguttatus*) (TCD 2020; UCANR 2020; UCIPM 2013). 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.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-12-Impacts to Oak Trees and Tree Replacement	Replacement oaks shall be of the same species and come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they were planted.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-13-Oak Tree Replacement	Given that the DEIR does not provide justification for how a mitigation ratio of 1:1 would adequately reduce impacts to below a level of significance while considering temporal loss, special status trees, size of trees, potential mitigation failure, etc. (see Recommendation #1 below), CDFW recommends replacing native trees, including oak trees, with at least a 3:1 ratio. CDFW also recommends replacing non-native trees with at least a 1:1 ratio with native trees.	Prior to Project construction and activities	City/Project Applicant
REC-3-Ratio Justification	CDFW recommends the DEIR provide adequate and complete explanation why the chosen mitigation ratio is sufficient to mitigate for permanent loss of 101 trees on site. The DEIR should address the following: 1. How the chosen ratio accounts for impacts to trees on a species-specific level; 2. How oaks have been mitigated at the chosen mitigation ratio given their special status;	Prior to Project construction and activities	City/Project Applicant

	3. Whether other native or non-native tree species will be mitigated in the same way; 4. How the chosen mitigation ratio mitigates for the temporal loss of trees; 5. How the ratio addresses impacts to wildlife for the loss of habitat; 6. How the mitigation addresses trees of various sizes (diameter at breast height (DBH)) as well as any potential understory vegetation; and, 7. How the mitigation ratio addresses potential mitigation failures if replacement trees do not survive.		
REC-4-Recirculation	CDFW recommends that the City recirculate the DEIR for more meaningful public review and assessment of the City's mitigation ratio. Additionally, the City should recirculate the DEIR if the proposed mitigation measure (i.e., 1:1 replacement ratio of oak trees) would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15073.5(b)(2)].	Prior to Project construction and activities	City/Project Applicant
REC-5-Human Wildlife Interface	CDFW recommends the City require the use of bear-proof trash cans for this and all new developments in the foothills. There have been sightings of black bear in the Project vicinity. Bears or mountain lions spotted in residential, suburban or urban areas should be reported to the South Coast Regional Office (858) 467-4201 or AskR5@wildlife.ca.gov during normal business hours. After-hours or weekend sightings should be reported first to local police or sheriff officers, who often can respond and secure a scene quickly and then contact CDFW as needed. CDFW considers improper storage of human food and garbage to be the primary cause of bear conflicts with humans. This requirement is necessary for the local waste management agency to provide each house these special cans. These trash cans require the use of special trucks and must be specifically	Prior to Project construction and activities	City/Project Applicant

	contracted. The City should require this development, and all individual houses, use bear-proof trash cans. Human interactions are one of the main drivers of mortality and increasing development and human presence in this area could increase the need for public safety removal and/or vehicle strikes of mountain lions. Therefore, any new development project should analyze the potential for mountain lion that are known to occur in the San Gabriel Mountains and their foothills and may be impacted by development and human activity in the Project area (see Comment #2).		
REC-6-LSAA	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 County for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document shall 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 wetlands or 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.	Prior to Project construction and activities	City/Project Applicant
REC-7-Nesting Birds	CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying BIO-1 by expanding the time period for bird and raptor nesting from February 1 through August 31 to January 1 through	Prior to Project construction and activities	City/Project Applicant

	September 15. If the Project occurs between January 1 through September 15, a nesting bird and raptor survey shall be conducted as stated in BIO-1, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site. It shall be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.		
REC-8-Data	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. The City shall ensure that all data concerning special status species within the Project site be submitted to the CNDDB by completing and submitting CNDDB Field Survey Forms. This includes all documented occurrences of Catalina mariposa lily, American badger, and Yerba mansa Herbaceous Alliance, and potential occurrences of Crotch's bumble bee, California red-legged frog, and other SSC. The City shall ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry shall also list pending development as a threat and then update this occurrence after impacts have occurred. The City shall provide CDFW with confirmation of data submittal.	Prior to Project construction and activities	City/Project Applicant

REC-9-Mitigation and Monitoring Plan	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.	Prior to approval of CEQA document	City/Project Applicant