



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 25, 2022

Governor's Office of Planning & Research

Feb 28 2022

STATE CLEARINGHOUSE

Mr. Jay Dobrowalski
City of Oxnard
214 S. C Street
Oxnard, CA 93030
Jay.dobrowalski@oxnard.org

Subject: Temporary Outdoor Vehicle Storage Facility Project, Draft Environmental Impact Report, SCH # 2020069039 Ventura County, City of Oxnard

Dear Mr. Dobrowalski:

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

CDFW's Role

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

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

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 2 of 22

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

Project Description and Summary

Objective: The City is proposing a plan to use a 34-acre parcel of land located in the City of Port Hueneme as a temporary storage location for vehicles. This Project will operate under a special use permit that will be in place for five years, after five years portions of the construction will be removed. The surrounding area is largely comprised of agricultural, industrial and residential lots, although a sensitive native sand dune community lies downstream of the project site. The property will be bordered by a 6-foot fence with portions of barbed wire at the top. Landscaping will abut the fencing on the outside perimeter and will consist of native plants. Irrigation and drainage will be put in place for the landscaped areas. Nineteen low intensity light-emitting diode (LED) light fixtures will also be placed along the perimeter. These fixtures are mobile and will stand twenty feet high and be shielded to direct light only into the project site. Gravel will be laid after grading and a stormwater capture basin will be installed. A security trailer and portable restroom will be placed within the project site. The lot would accommodate up to 4,944 vehicles. Following the expiration of the five-year special permit, the lighting fixtures, security trailer, and portable toilet will all be removed. The City of Port Hueneme aims to retain commercial vehicle businesses through the storage of vehicles near the naval base.

Location: City of Port Hueneme, Ventura County, at the Southeast corner of Hueneme Road and Perkins Road.

Assessor's Parcel Numbers (APN) 231-0-092-105 and 231-0-092-245. APN 231-0-092-105 encompasses approximately 29.66 acres and APN 231-0-092-245 accompanies 4.04 acres.

Comments and Recommendations

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

Specific Comments

Comment #1: Inadequate Surveys for Special-Status Plant Species

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 3 of 22

Issue #1: The information provided in the DEIR on page 223 indicates that reconnaissance level field surveys were conducted on April 16, 2018, and October 29, 2020. These surveys were conducted at 10:00 – 11:00 a.m. and 9:30 – 10:30 a.m. on the 34-acre parcel. These surveys were to include observations not only of plant species but also wildlife, potential jurisdictional waters/wetlands, and presence of special species status habitats. Two total hours of survey on a parcel of this size does not appear to provide adequate time to capture the range of biological resources on the property. Additionally, no considerations to local bloom times or seasons were taken into account for these surveys; October would not be considered within the appropriate time of year to detect plant resources in this geographical area. CDFW is concerned the surveys conducted in 2018 and 2020 are not sufficient to document the potential for impacts to rare plant species considering the time of year surveys were conducted and the time spent on a parcel of this size.

Issue #2: The vegetation maps within DEIR Appendix E and F titled “Project Footprint and Study Area” do not categorize vegetation communities consistent with the *California Vegetation Manual*. Plant communities present should be mapped and described based on their alliances and association as described in the *National Vegetation Classification Standard* (NVCS) in order to accurately identify the biological resources onsite and potential impacts from the Project. The DEIR does acknowledge that part of the project site has ripgut grass alliance, but the survey methodology used to make these determinations are not clear. Thus, we recommend that additional surveys and vegetation mapping be conducted in accordance with standardized surveying methodology outlined in the NVCS to accurately document and analyze potential impacts to biological resources. The result of these additional surveys should be included in the final environmental document.

Issue #3: A five-mile review of the California Natural Diversity Database (CNDDDB) is identified in the DEIR on page 232 as the basis for determining presence or absence of specially listed plant species. A nine-quadrant search of the Project vicinity and the surrounding area is recommended to gather an accurate representation of likely and/or potential plant life that may be impacted by the Project. Moreover, the five-mile radius review of the CNDDDB around the Project site revealed observations of endangered plants; (Ventura marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*); salt marsh bird’s-beak (*Chloropyron maritimum* spp.); Coulter’s goldfields (*Lasthenia glabrata* spp. *Coulteri*); and, the Mexican malacothrix (*Malacothrix similis*). Ventura marsh milk-vetch and Coulter’s goldfields are ranked by California Native Plant Society (CNPS) as 1B.1 (Seriously threatened and State listed in California), the DEIR does not provide mitigation plan if these (or other) rare plant species are found onsite. Please note that relying only on CNDDDB and/or 7.5-minute quadrangle maps alone to determine CEQA significance is not a substitute for conducting site-specific botanical surveys as recommended in Issue #1.

Specific Impacts: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 4 of 22

regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Project may have direct or indirect effects not limited to the following: Ventura marsh milk-vetch, salt marsh bird's-beak, Coulter's goldfields, and the Mexican malacothrix.

Why impacts would occur: The implementation of Project activities may include grading, vegetation clearing, construction, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species and habitat fragmentation. Specially listed plant species may occur within the Project footprint or in areas immediate adjacent to the Project and current surveys are not adequate to accurately capture biological resources and potential impacts. Protocol surveys are recommended to identify sensitive plant species, including endangered plants:

- Ventura marsh milk-vetch is CNPS ranked 1B.1 (State listed in California), statewide ranking S1 (less than 6 occurrences of this community in existence in California).
- Coulter's goldfields is CNPS ranked 1B.1 (Seriously threatened in California), statewide ranking S2 (6-20 occurrences of this community in existence in California).
- Salt marsh bird's-beak is CNPS ranked 1B.2 (State listed in California), statewide ranking S2 (6-20 occurrences of this community in existence in California).
- Mexican malacothrix is CNPS ranked 2A (presumed extirpated in California, but more common elsewhere in their range).

Evidence impacts would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS). There are two state-listed plants that have the potential to occur onsite. Additionally, plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of the California Endangered Species Act (CESA) and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS [Rare Plant Ranks](#) page for additional rank definitions.

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 5 of 22

Recommended Potentially Feasible Mitigation Measure(s): The following mitigation measures should be performed.

Mitigation Measure #1: Focus surveys for Ventura marsh milk-vetch and salt marsh bird's-beak, should be conducted following systematic field techniques outlined by CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. The amount of time and level of effort for a given should be determined based on the vegetation and its overall diversity and structural complexity (CDFW 2018). For example, one person-hour per eight acres per survey date is needed for a comprehensive field survey in grassland with medium diversity and moderate terrain, with additional time allocated for species identification (CDFW 2018). Additionally, considerations should be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants and natural communities present in a project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities and will guide the development of minimization and mitigation measures (CDFW 2018).

The NPPA prohibits the take and/or possession of State listed rare plants unless authorized by CDFW or in certain limited circumstances. Take of Ventura marsh milk-vetch, salt marsh bird's-beak, or other CESA-listed rare plants that could occur as a result of the Project **may only be permitted through an incidental take permit (ITP)** or other authorization issued by the Department pursuant to California Code of Regulations, Title 14, section, 786.9 subdivision (b). CDFW is concerned that loss of CESA-listed rare plants will occur if appropriate avoidance, minimization, and/or mitigation for these species is not adopted, including an ITP.

Mitigation Measure #2: Vegetation maps should properly classify plant communities according to the NVCS. Mapping should include the project site and areas that will be directly or indirectly impacted.

Mitigation Measure #3: A nine-quad CNDDDB review should be performed. Pre-project surveys restricted to known CNDDDB rare plant locations may not identify all special status plants and communities present and do not provide a sufficient level of information to determine potential impacts (CDFW 2018).

Mitigation Measure #4: The EIR should provide species-specific measures to fully avoid impacts to all Endangered Species Act (ESA)- and CESA-listed plants, specifically the Ventura marsh milk-vetch and salt marsh bird's-beak. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 6 of 22

application method within 100 feet of sensitive plants; and worker education and training.

Mitigation Measure #5: CDFW recommends the environmental document identify and analyze potential impacts to all CESA-listed plants and habitat.

1. The EIR should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).
2. The EIR should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of onsite mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); 8) long-term monitoring; and, 9) adaptive management techniques.

Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.

Recommendation #1: Given the limited conclusions of species presence over the past few years, CDFW recommends the City performs additional vegetation surveys following systematic field techniques outlined by CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. These protocols may include multiple on-site surveys based on blooming seasons to accurately record plant species presence. The findings of these surveys should be used to create an updated vegetation map in respect to the *National Vegetation Classification Standard (NVCS)* to propose mitigation for all species impacted. If new, significant effects to rare plants are identified and mitigation measures or project revisions must be added to the EIR, CDFW recommends recirculating the environmental document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

Comment #2: Impacts to Burrowing Owls (*Athene cunicularia*)

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 7 of 22

Issue #1: Surveys for burrowing owls did not follow CDFW's 2012 standardized protocols which are CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation. Nesting surveys are not adequate for determining the presence of burrowing owls, additional surveys should be conducted in accordance with the 2012 protocols to make adequate determinations on burrowing owl presence.

Specific Impacts: The Project as proposed may impact specially listed burrowing owls by increasing human presence, traffic, noise, air pollutants and dust, artificial lighting, and will further reduce available habitat.

Why impact would occur: Burrowing owls have been known to use highly degraded and marginal habitat where existing burrows or stem pipes are available. Impacts to burrowing owl could result from vegetation clearing and other ground disturbing activities. Project disturbance activities may result in crushing or filling of active owl burrows, causing the death or injury of adults, eggs, and young. The Project will remove burrowing owl foraging habitat by eliminating native vegetation that supports essential rodent, insect, and reptile that are prey for burrowing owl. Rodent control activities could result in direct and secondary poisoning of burrowing owl ingesting treated rodents.

Evidence impact would be significant: Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86 and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Without appropriate take avoidance surveys prior to project operations including, but not limited to, ground and vegetation disturbing activities and rodent control activities, adverse impacts to burrowing owl may occur because species presence/absence has not been verified. In addition, burrowing owl qualifies for enhanced consideration afforded to species under CEQA, which can be shown to meet the criteria for listing as endangered, rare or threatened (CEQA Guidelines, § 15380(d)).

Insufficient survey efforts for burrowing owl may conclude false negative results, which would not require avoidance and mitigation measure implementation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

Evidence impact would be significant: Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Without appropriate take avoidance surveys prior to project operations including, but not limited to, ground and vegetation disturbing activities and rodent control activities, adverse impacts to burrowing owl may occur because species presence/absence has not been verified.

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 8 of 22

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To reduce impacts to burrowing owl to less than significant, CDFW recommends that the Project adhere to CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation. All survey efforts should be conducted prior to any project activities that could result in habitat disturbance to soil, vegetation or other sheltering habitat for burrowing owl. In California, the burrowing owl breeding season extends from 1 February to 31 August with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June.

Mitigation Measure #2: Permanent impacts to occupied owl burrows and adjacent foraging habitat should be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate non-wasting endowment to provide for the long-term management of mitigation lands. CDFW recommends that the County require a burrowing owl mitigation plan be submitted to CDFW for review and comment prior to project implementation.

Mitigation Measure #3: For proposed preservation and/or restoration, the final environmental document should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be provided for the long-term monitoring and management of mitigation lands. CDFW recommends that mitigation occur at a state-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

Mitigation Measure #4: Project use of rodenticides that could result in direct or secondary poisoning to burrowing owl should be avoided.

Comment #3: Survey Protocols for Special-Status Reptiles

Issue #1: Reconnaissance level field surveys were conducted on April 16, 2018, and October 29, 2020, these surveys were conducted at 10:00 – 11:00 am and 11:00 – 12:00 pm on the 34-acre parcel. These surveys were to include observations not only of

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 9 of 22

wildlife but also plant species, potential jurisdictional waters/wetlands, and presence of special species status habitats. Surveys were only an hour in length and were performed at indiscriminate times without consideration of optimal observational hours. CDFW is concerned the surveys conducted in 2018 and 2020 are inadequate to confirm or deny presence of special status reptile species.

Specific impacts: The Project as proposed may impact reptiles of special concern by increasing human presence, grading, traffic, noise, air pollutants and dust, artificial lighting, and will further reduce available habitat. Possible species impacted include but are not limited to: southern California legless lizard (*Anniella stebbinsi*) and the coast horned lizard (*Phrynosoma blainvillii*).

Why impacts would occur: Reptiles of special concern may occur within the Project footprint or in areas immediate adjacent to the Project. A lack of protocol surveys will likely lead to impacts to a variety of sensitive species. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival.

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or Species of Special Concern (SSC). The loss of occupied habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To mitigate impacts to SSC, CDFW recommends focused surveys for reptile species. Surveys should typically be scheduled when these animals are most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for each of these species. Suitable habitat consists of areas of sandy, loose and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Mitigation Measure #2: In consultation with qualified biologist familiar with the life history of each of the SSC, a relocation plan (Plan) should be developed. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for this species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals of this species; and the documentation/recording of the number of animals relocated. CDFW recommends the Plan be submitted to the Lead Agency for approval 60 days prior to any ground disturbing activities within potentially

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 10 of 22

occupied habitat.

Mitigation Measure #3: If construction is to occur during the low activity period (generally December through February), surveys should be conducted prior to this period, if possible. Exclusion fencing should be placed to limit the potential for re-colonization of the site prior to construction. CDFW further recommends a qualified biologist be present during ground-disturbing activities immediately adjacent to or within habitat, which supports populations of this species.

Comment #4: Impacts to Non-Game Mammals and Wildlife

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

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

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

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

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

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project, fences 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

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 11 of 22

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.

Additional Recommendations

Indirect Impact. CEQA Guidelines (Section 15358(a)(2)) require discussion of potential indirect impacts of a proposed project. Indirect impacts, also referred to as secondary impacts, are impacts caused by a project that occur later in time or are farther removed in distance but are still reasonably foreseeable. The land parcel directly adjacent to the prospective project site is owned by The Nature Conservancy (TNC) and is part of a large-scale *Ormond Beach Restoration and Public Access Project (OBRPAP)*. In the 2019 OBRPAP preliminary report, plans to develop a trail that would abut the project site are outlined. Potential direct and indirect impacts on conservation efforts of the adjacent parcel including noise, lighting, and aesthetics should be analyzed. Additionally, surveys to determine impact to special status plants, wildlife, and habitats should extend 500 feet from the survey site in all directions. Riparian surveys should also be performed in portions of the Ormond Lagoon Waterway within the 500-foot buffer. The EIR should include an assessment of this adjacent riparian feature as to assess wildlife use of the feature and how the Project might indirectly affect the biological resources that use this feature.

CDFW also recommends a 500-foot buffer between TNC land parcel and the development to minimize any visual light or noise produced by the Project. Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise as they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). If the Project will result in indirect impacts to the sensitive Ormond Beach coastal dune community via noise, light, and other disturbances that result from both active construction and the long-term development, the EIR should provide mitigation to reduce these effects on animals. Mitigation can include: seasonal

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 12 of 22

timing of construction activities that generate noise/vibration; prohibiting the use of generators within 1000 meters from the edge of any stream; sound barriers; ensuring people are not able to access the creek via the Project; long-term monitoring to ensure human access does not degrading this area from current baseline; and, eliminating night lighting. Light pollution can be mitigated, including using newer designs that meet the Illuminating Engineering Society of North America's standards and reduce light pollution. Directing light downward or away from habitat, reducing glare and using lower wattage flat lens fixtures on streets reduces light pollution, and increasing reflectivity of signs and road striping in appropriate areas may increase driver visibility while reducing the need for artificial lighting. Turning off unnecessary lights at night is also recommended.

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

Fuel Modification. If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the County 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.

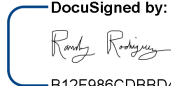
Filing Fees

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 County and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 13 of 22

Conclusion

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

Sincerely, 
Randy Rodriguez for

Erinn Wilson
Environmental Program Manager I

EC: CDFW
Steve Gibson – Los Alamitos – Steve.Gibson@wildlife.ca.gov
Emily Galli – Fillmore – Emily.Galli@wildlife.ca.gov
Susan Howell – San Diego – Susan.Howell@wildlife.ca.gov
CEQA Program Coordinator – Sacramento –
CEQACommentLetters@wildlife.ca.gov

State Clearinghouse - state.clearinghouse@opr.ca.gov

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Mr. Jay Dobrowalski
 City of Oxnard
 February 25, 2022
 Page 14 of 22

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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 this Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the implementation of on-site and/or off-site mitigation plans.

Biological Resources (BIO)		
Mitigation Measure (MM) or Recommendation (REC)		Timing
MM-BIO-1- Impacts to Special-Status Plant Species	Focus surveys for Ventura marsh milk-vetch and salt marsh bird's-beak, should be conducted following systematic field techniques outlined by CDFW's <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> . The amount of time and level of effort for a given should be determined based on the vegetation and its overall diversity and	Prior to Project construction and activities

Mr. Jay Dobrowalski
 City of Oxnard
 February 25, 2022
 Page 15 of 22

	<p>structural complexity (CDFW 2018). For example, one person-hour per eight acres per survey date is needed for a comprehensive field survey in grassland with medium diversity and moderate terrain, with additional time allocated for species identification (CDFW 2018). Additionally, considerations should be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants and natural communities present in a project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities and will guide the development of minimization and mitigation measures (CDFW 2018).</p> <p>The NPPA prohibits the take and/or possession of State listed rare plants unless authorized by CDFW or in certain limited circumstances. Take of Ventura marsh milk-vetch, salt marsh bird's-beak, or other CESA-listed rare plants that could occur as a result of the Project <u>may only be permitted through an incidental take permit (ITP)</u> or other authorization issued by the Department pursuant to California Code of Regulations, Title 14, section, 786.9 subdivision (b). CDFW is concerned that loss of CESA-listed rare plants will occur if appropriate avoidance, minimization, and/or mitigation for these species is not adopted, including an ITP.</p>	
<p>MM-BIO-2- Impacts to Special-Status Plant Species</p>	<p>Vegetation maps should properly classify plant communities according to the NVCS. Mapping should include the project site and areas that will be directly or indirectly impacted.</p>	<p>Prior to Project construction and activities</p>
<p>MM-BIO-3- Impacts to Special-Status Plant Species</p>	<p>A nine-quad CNDDDB review should be performed. Pre-project surveys restricted to known CNDDDB rare plant locations may not identify all special status plants and communities present and do not provide a sufficient level of information to determine potential impacts (CDFW 2018).</p>	<p>Prior to Project construction and activities</p>
<p>MM-BIO-4- Impacts to Special-Status Plant Species</p>	<p>The EIR should provide species-specific measures to fully avoid impacts to all Endangered Species Act (ESA)- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material</p>	<p>Prior to Project construction and activities</p>

Mr. Jay Dobrowalski
 City of Oxnard
 February 25, 2022
 Page 16 of 22

	<p>piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.</p>	
<p>MM-BIO-5- Impacts to Special-Status Plant Species</p>	<p>CDFW recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat.</p> <ol style="list-style-type: none"> 1. The EIR should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species). 2. The EIR should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of onsite mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques. <p>Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.</p>	<p>Prior to Project construction and activities</p>
<p>MM-BIO-6- Impacts to Over-wintering</p>	<p>To reduce impacts to burrowing owl to less than significant, CDFW recommends that the Project adhere to CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation. All survey efforts should be conducted prior to any project</p>	<p>Prior to Project construction</p>

Mr. Jay Dobrowalski
 City of Oxnard
 February 25, 2022
 Page 17 of 22

Burrowing Owls	activities that could result in habitat disturbance to soil, vegetation or other sheltering habitat for burrowing owl. In California, the burrowing owl breeding season extends from 1 February to 31 August with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June.	and activities
MM-BIO-7- Impacts to Over-wintering Burrowing Owls	Permanent impacts to occupied owl burrows and adjacent foraging habitat should be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate non-wasting endowment to provide for the long-term management of mitigation lands. CDFW recommends that the County require a burrowing owl mitigation plan be submitted to CDFW for review and comment prior to project implementation.	Prior to Project construction and activities
MM-BIO-8- Impacts to Over-wintering Burrowing Owls	For proposed preservation and/or restoration, the final environmental document should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be provided for the long-term monitoring and management of mitigation lands. CDFW recommends that mitigation occur at a state-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.	Prior to Project construction and activities

Mr. Jay Dobrowalski
 City of Oxnard
 February 25, 2022
 Page 18 of 22

MM-BIO-9- Impacts to Over-wintering Burrowing Owls	<p>Project use of rodenticides that could result in direct or secondary poisoning to burrowing owl should be avoided.</p>	<p>Prior to/During/ After Project construction and activities</p>
MM-BIO-10- Survey Protocols for Special-status Reptiles	<p>To mitigate impacts to SSC, CDFW recommends focused surveys for reptile species. Surveys should typically be scheduled when these animals are most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for each of these species. Suitable habitat consists of areas of sandy, loose and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.</p>	<p>Prior to Project construction and activities</p>
MM-BIO-11- Survey Protocols for Special-status Reptiles	<p>In consultation with qualified biologist familiar with the life history of each of the SSC, a relocation plan (Plan) should be developed. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for this species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals of this species; and the documentation/recording of the number of animals relocated. CDFW recommends the Plan be submitted to the Lead Agency for approval 60 days prior to any ground disturbing activities within potentially occupied habitat.</p>	<p>Prior to Project construction and activities</p>
MM-BIO-12- Survey Protocols for Special-status Reptiles	<p>If construction is to occur during the low activity period (generally December through February), surveys should be conducted prior to this period, if possible. Exclusion fencing should be placed to limit the potential for re-colonization of the site prior to construction. CDFW further recommends a qualified biologist be present during ground-disturbing activities immediately adjacent to or within habitat, which supports populations of this species.</p>	<p>Prior to/During construction and activities</p>
MM-BIO-13- Impacts to Non-Game	<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</p>	<p>During Project construction</p>

Mr. Jay Dobrowalski
 City of Oxnard
 February 25, 2022
 Page 19 of 22

Mammals and Wildlife	wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas.	and activities
MM-BIO-14- Impacts to Non-Game Mammals and Wildlife	<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>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.</p>	During construction and activities
MM-BIO-15- 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.	Prior to/During Project construction and activities
REC-1- Update Vegetation Map	Given the limited conclusions of species presence over the past few years, CDFW recommends the City performs additional vegetation surveys following systematic field techniques outlined by CDFW's <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> . These protocols may include multiple on-site surveys based on blooming seasons to accurately record plant species presence. The findings of these surveys should be used to create an updated vegetation map in respect to the <i>National Vegetation Classification Standard</i> (NVCS) to propose mitigation for all species impacted. If new, significant effects to rare plants are identified and mitigation measures or project revisions must be added to the EIR, CDFW recommends recirculating the environmental document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).	Prior to Project construction and activities

Mr. Jay Dobrowalski
 City of Oxnard
 February 25, 2022
 Page 20 of 22

<p>REC-2- Assess Impacts to Future Restoration on Adjacent TNC Parcel</p>	<p>CEQA Guidelines (Section 15358(a)(2)) require discussion of potential indirect impacts of a proposed project. Indirect impacts, also referred to as secondary impacts, are impacts caused by a project that occur later in time or are farther removed in distance but are still reasonably foreseeable. The land parcel directly adjacent to the prospective project site is owned by The Nature Conservancy and is part of a large-scale <i>Ormond Beach Restoration and Public Access Project</i>. In the 2019, <i>Ormond Beach Restoration and Public Access Project</i> preliminary report, plans to develop a trail that would abut the project site are outlined. Potential direct and indirect impacts on conservation efforts of the adjacent parcel including noise, lighting, and aesthetics should be analyzed. Additionally, surveys to determine impact to special status plants, wildlife, and habitats should extend 500 feet from the survey site in all directions. Riparian surveys should also be performed in portions of the Ormond Lagoon Waterway within the 500-foot buffer. The EIR should include an assessment of this adjacent riparian feature as to assess wildlife use of the feature and how the Project might indirectly affect the biological resources that use this feature.</p> <p>CDFW also recommends a 500-foot buffer between TNC land parcel and the development to minimize any visual light or noise produced by the Project. Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise as they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). If the Project will result in indirect impacts to the sensitive Ormond Beach coastal dune community via noise, light, and other disturbances that result from both active construction and the long-term development, the EIR should provide mitigation to reduce these effects on animals. Mitigation can include: seasonal timing of construction activities that generate noise/vibration; prohibiting the use of</p>	<p>Prior to construction and activities</p>
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Mr. Jay Dobrowalski
 City of Oxnard
 February 25, 2022
 Page 21 of 22

	generators within 1000 meters from the edge of any stream; sound barriers; ensuring people are not able to access the creek via the Project; long-term monitoring to ensure human access does not degrading this area from current baseline; and eliminating night lighting. Light pollution can be mitigated, including using newer designs that meet the Illuminating Engineering Society of North America's standards and reduce light pollution. Directing light downward or away from habitat, reducing glare and using lower wattage flat lens fixtures on streets reduces light pollution, and increasing reflectivity of signs and road striping in appropriate areas may increase driver visibility while reducing the need for artificial lighting. Turning off unnecessary lights at night is also recommended.	
REC-3- Alternatives	CDFW recommends the City consider an alternative that would fully avoid or minimize impacts to streams, sensitive plants and wildlife. CDFW recommends the City recirculate the environmental document after including alternative locations in order to foster meaningful public participation and informed decision making [CEQA Guidelines, §§ 15088.5, 15126.6(f)]. If the City concludes that no feasible alternative locations exist, or the use of alternative locations as a mitigation measures is infeasible, the City must disclose the reasons in the final environmental document and recirculate [CEQA Guidelines, §§ 15088.5(a)(3), 15126.6(f)(2)].	Prior to Project construction and activities
REC-4- Fuel Modification	If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.	Prior to/During Project construction and activities
REC-5- Mitigation and Monitoring Reporting Plan	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the County 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 Project construction and activities

Mr. Jay Dobrowalski
City of Oxnard
February 25, 2022
Page 22 of 22