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August 20, 2020

Governor's Office of Planning & Research

Aug 20 2020

STATE CLEARINGHOUSE

Mr. Jon Turner
City of Monterey Park
353 E. Main Street
Santa Paula, CA 93060
jturner@phoenixcivil.com

Subject: Notice of Preparation of a Draft Environmental Impact Report for the 1688 West Garvey Avenue Residential Project, SCH #2020070419, City of Monterey Park, Los Angeles County

Dear Mr. Turner:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the 1688 West Garvey Avenue Residential Project (Project). The NOP's supporting documentation includes the *Initial Study* (IS). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

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Project Description and Summary

Objective: The City of Monterey Park (Lead Agency; City) proposes to subdivide the 6.22-acre Project site for development of 16 single-family residences and one open space lot. Development of the site started in 1978-1979 and consisted of grading, installation of water and sewer lines, and foundations for 31 residential lots. Numerous retaining walls were constructed to stabilize the lower slopes along Abajo Drive and West Garvey Drive. In or around 1980, development of the site ceased after a series of storms caused site-wide surficial and slope failure. Currently, the upper portion of the site remains graded with a degrading paved street; the upper slopes are covered in vegetation; and the lower slopes are stabilized with numerous erosion control measures.

The Project proposed by the City would include complete removal of the existing slopes and retaining walls on the lower portion of the Project; removal of the existing street and utilities on the upper portion of the Project; grading throughout the Project footprint; installation of new retaining walls on the lower and upper portions of the Project site; and installation of new utilities and a new street.

Location: The Project is located at 1688 West Garvey Avenue, south of West Garvey Avenue between Casuda Canyon Drive and Abajo Drive. The Project site is on a hill, approximately 150 feet above the intersection of West Garvey Avenue and Abajo Drive.

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. CDFW looks forward to commenting on the DEIR when it is released. CDFW may have additional comments to the DEIR not addressed in this letter.

Specific Comments

- 1) Biological Baseline Assessment. Page 45 of the IS states, "A Biological Constraints Analysis (Analysis) was conducted for the Project by Biological Assessment Services [...] Two site visits were conducted as part of the Analysis, one on May 18, 2017 and one on November 18, 2019. The conditions in 2019 were very similar to the site conditions in 2017." CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Also, CDFW generally recommends conducting a survey in the spring to maximize detection of any rare plants and nesting birds. Botanical surveys conducted during the fall and winter, or ongoing drought conditions during the summer do not maximize detection of flowering plants if any are present.

CDFW recommends an updated and thorough wildlife and rare plant field survey while preparing the DEIR. Also, CDFW recommends providing an updated and complete assessment of the flora and fauna at the Project site and adjacent areas, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive plant communities. The DEIR should provide the following information:

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- a) Regional setting. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)].
- b) Database search. An updated and thorough assessment of biological resources in nine quadrangles containing the Project site and surrounding areas. CDFW's [California Natural Diversity Database](#) (CNDDDB) in Sacramento should be contacted to obtain current information on any recently reported sensitive wildlife, plants, and sensitive plant communities. In addition, CDFW recommends an updated search for rare plants from Calflora's [Information on Wild California Plants](#) database and California Native Plant Society's (CNPS) [Inventory of Rare and Endangered Plants of California](#) database.
- c) Special status species. An updated and thorough assessment of rare, threatened, endangered, and other sensitive species at the Project site and within the area of potential effect, including California Species of Special Concern (SSC) and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). For wildlife, seasonal variations in use of the Project site should also be addressed, including wintering, roosting, nesting, and foraging uses.
- d) Sensitive plants and vegetation community mapping. An updated and thorough floristic-based assessment of special status plants and vegetation communities, following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site. CDFW recommends a mapping area within Casuda Canyon Drive, Sombrero Drive, Avalon Drive, Verde Vista Drive, and West Garvey Avenue.

Plants that have a CNPS California Rare Plant Rank (CRPR) of 1B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1B meet the definitions of 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 additional rank definitions.

Vegetation community mapping at the alliance level will help establish baseline vegetation conditions. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer 2008). CDFW only tracks rare natural communities using the MCV classification system, and considers vegetation communities, alliances, and associations ranked S1, S2, S3 and S4 as sensitive and declining at the local and regional level. CDFW considers these communities to be imperiled habitats having both local and regional significance. Additional information about these ranks can be obtained by visiting CDFW's [Vegetation Classification and Mapping Program - Natural Communities](#) webpage.

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For rare plants, emphasis should be placed on determining the presence/absence of rare plants that grow in habitats occurring at the Project site, including (but not limited to): scrub, chaparral, grasslands, and oak woodlands. For vegetation communities, mapping should include all vegetation communities so long as the vegetation community meets alliance criteria, even if the community is not “naturally occurring”.

- e) Field survey. Methodology, details, and results of an updated, thorough, season and time of day appropriate field survey of the entire Project site and within the area of potential effect (as access allows). Details should include survey date(s); time of day; name(s) of qualified biologist(s); weather conditions; areas searched; a description and map of the biological survey area; description of current Project site biological and physical conditions; and a list of all wildlife, birds, raptors, and nesting birds and raptors observed. Emphasis should be placed on determining presence/absence of special status species and habitat.
- f) Data. CEQA requires that information developed in environmental impact reports 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 and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#).
- g) Impacts. If the Project may have direct or indirect impacts on special status plants and/or wildlife species, the DEIR should provide measures to avoid impacts to each plant and wildlife species. For unavoidable Project impacts, the DEIR should provide species appropriate, on or off-site mitigation measures for each plant and wildlife species impacted, including habitat that supports those species (also see *General Comments – Compensatory Mitigation*).

It should be noted that the temporary relocation of on-site special status plants or wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires any species to be removed, disturbed, or otherwise handled, CDFW recommends that the DEIR clearly identify that the City and/or Project Applicant (i.e., Center International Investments, Inc.) should obtain all appropriate State and Federal permits (also see *General Comments – California Endangered Species Act*).

- 2) Focused surveys. CDFW recommends focused, season and time of day appropriate surveys by a qualified biologist to adequately conclude presence/absence of the following wildlife and plant species that could occur in the Project site according to the 2019 Biological Resources Constraints Analysis: **Reptiles:** San Bernardino ringneck snake (*Diadophis punctatus modestus*); **Amphibians:** western toad (*Anaxyrus boreas*); **Rare plants:** Weed’s intermediate mariposa lily (*Calochortus weedii* var. *intermedius*), Lewis’ evening primrose (*Camissoniopsis lewisii*), Brand’s star phacelia (*Phacelia stellaris*), and white rabbit-tobacco (*Pseudognaphalium leucocephalum*).
 - a) San Bernardino ringneck snake. Please include a description of survey methodology which should include information about survey date, time of day, name(s) of qualified

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biologist(s), weather conditions, and areas searched. San Bernardino ringnecked snakes are usually found under the cover of flat rocks, woodpiles, rotting logs, burrows, boards, and other surface debris (e.g., leaf litter), but occasionally seen moving on the surface on cloudy days, at dusk, or at night. Surveys should search any moist habitats, rocky hillsides, gardens, grassland, chaparral, and woodlands.

- b) Western toad. Please include a description of survey methodology which should include information about survey date, time of day, name(s) of qualified biologist(s), weather conditions, and areas searched. Surveys should cover any breeding sites, moist habitats, upland habitat, burrows, rocky hillsides, gardens, grassland, chaparral, and woodlands. During periods of inactivity, western toads seek cover inside or under surface objects such as boards, tree bark, rotting logs, and boulders. Western toads will also use rodent burrows and rock fissures, or temporarily bury themselves in loose soil. The home range of the western toad varies and at low elevations, their range is approximately 1,000 meters (3,100 feet) from potential breeding sites (Morey nd).
 - c) Rare plants. CDFW recommends searching all areas that could potentially provide suitable habitat for each of the four rare plant species.
- 3) Nesting Birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). To reduce impacts to less than significant, CDFW recommends the DEIR to include a measure to avoid Project construction and activities fully during the bird nesting season from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs.
 - 4) Bats. A review of CNDDDB found occurrences of the following bats within a nine-quadrangle search around the Project site: pallid bat (*Antrozous pallidus*); Townsend's big-eared bat (*Corynorhinus townsendii*); western mastiff bat (*Eumops perotis californicus*); silver-haired bat (*Lasionycteris noctivagans*); western red bat (*Lasiurus blossevillii*); hoary bat (*Lasiurus cinereus*); western yellow bat (*Lasiurus xanthinus*); pocketed free tailed bat (*Nyctinomops femorosaccus*); big free-tailed bat (*Nyctinomops macrotis*). In urbanized areas, numerous bat species are known to roost in trees and structures throughout Los Angeles County. Bats may use trees (e.g., Mexican fan palm trees) and man-made structures (e.g., cracks and crevices in large concrete structures and buildings) for daytime and nighttime roosts. Western yellow bats (*Lasiurus xanthinus*) can be found year-round in urban areas throughout southern California.
 - a) 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). Project construction and activities, including (but not limited to) vegetation removal, increased noise; and ground disturbing activities, may have direct and/or indirect impacts on bats and roosts.
 - b) The DEIR should provide a thorough discussion and adequate disclosure of potential

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direct and indirect impacts to bats and roosts resulting from Program activities including (but not limited to) disturbances to vegetation, trees, and structures; demolition; grading; and excavating. If necessary, to reduce impacts to less than significant, the DEIR should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, §15126.4(a)(1)].

- 5) Crotch Bumble Bee. A review of CNDDDB indicate 10 occurrences of Crotch bumble bee (*Bombus crotchii*) within a nine-quadrangle search around the Project site.
 - a) Project ground disturbing activities may result in crushing or filling of active bee colonies, causing the death or injury of adults, eggs, and larvae. The Project may remove bee habitat by eliminating vegetation that may support essential foraging habitat. Impacts to Crotch's bumble bee could result from ground disturbing activities. Project disturbance activities could result in mortality or injury to hibernating bees, as well as temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of bees could result in the incidental loss of breeding success or otherwise lead to nest abandonment.
 - b) CDFW recommends that measures be taken, primarily, to avoid Project impacts to Crotch bumble bee. On June 12, 2019, the California Fish and Game Commission accepted a petition to list the crotch bumble bee as endangered under the CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process.
 - c) CDFW recommends, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the City must consult CDFW to determine if a CESA incidental take permit is required (pursuant to Fish & Game Code, § 2080 et seq.).
- 6) Impacts to Wildlife. A review of CNDDDB's Natural Areas Small - California Essential Habitat Connectivity dataset shows the Project site is in between three essential connectivity areas to the northeast and one area to the southwest. The 2019 Biological Resources Constraints Analysis concluded that many wildlife species, including meso-carnivores [e.g., bobcat (*Felis rufus*)] may utilize or traverse the Project site. Because wildlife are known to utilize or traverse the Project site, direct impacts to wildlife may occur from ground disturbing activities (e.g., staging, excavating, grading); wildlife being trapped or entangled in construction materials and fencing; and, wildlife could be trampled by heavy equipment operating in the Project site.
 - a) Mammals occurring naturally in California are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1).

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To reduce impacts to less than significant, CDFW recommends the DEIR provide measures to avoid and/or reduce direct and indirect impacts to wildlife during the life of the Project. Measures may include use of materials that reduce impacts to wildlife; daily inspections under large construction equipment and vehicles before operating; inspecting burrows and other potential refugia/habitat structures; use of low-level lighting; and wildlife permeable fencing. Specifically, CDFW recommends a measure to *Move out of Harm's Way* whereby a qualified biological monitor approved by CDFW would 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 during Project related construction activities involving ground disturbance.

7) Potential Impacts to Native Plants and Plant Communities.

- a) Project construction. Page 46 of the IS states, "The natural habitat of the Project site would be like that of the relatively undisturbed upper slopes, consisting of oak and toyon dominated woodland and chaparral." Figure 26 of the IS shows the Project footprint encroaching upslope, potentially where native plants and communities occur. CDFW recommends the DEIR include floristic, alliance- and/or association-based mapping (see Comment 1d on Page 3). For each vegetation community mapped, provide the community ranking (i.e., S1, S2, S3, or S4), total acres, and the acres potentially impacted by Project construction and activities.

To reduce impacts to less than significant, the DEIR should provide measures to avoid impacts to sensitive plants and vegetation communities by reconfiguring Project ingress and egress routes; staging areas; and development plans, for example (also see *General Comments - Project Description and Alternatives*). For unavoidable Project impacts, CDFW recommends the DEIR provide appropriate measures for on-site mitigation for each specific sensitive vegetation community impacted. The DEIR, at a minimum, should provide on-site mitigation location(s) and specify the use of vegetation community and regionally appropriate plant species for mitigation. Also see *General Comments – Compensatory Mitigation* for additional comments regarding on and off-site mitigation.

- b) Landscaping. Figures 7, 8, and 9 in the IS list creeping fig (*Ficus pumila*) and new gold lantana (*Lantana* sp.) in the Planting Guide. A relative of creeping fig, common fig (*Ficus carica*) has a listing of 'Moderate' by the [California Invasive Plant Council](#) (Cal-IPC), defined as a species that has substantial and apparent but generally not severe-ecological impacts on physical processes, plant and animal communities, and vegetation structure. Also, Lantana (*Lantana camara*) is on Cal-IPC's 'Watch' list. In natural and semi-natural vegetation, Lantana may smother vegetation and increase fire intensity (due to an increase in dry biomass), thus displacing native scrub communities.

CDFW recommends the DEIR provide a detailed analysis of potential long-term impacts to native plants and vegetation communities resulting from its proposed Planting Guide. CDFW also recommends the DEIR consider alternatives to the two plant species described above.

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- c) Spreading non-native, invasive plants. The IS found that the highly disturbed lower slopes at the Project site are dominated by non-native species. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. Project construction and activities, including (but not limited to) grading; excavation; stock piling and staging of fill material or soil; and creation of debris piles may facilitate the spread of non-native plants. CDFW recommends the DEIR provide measures to prevent the spread of non-native plants into the relatively undisturbed upper slopes, particularly thistles (*Silybum marianum*, *Centaurea melitensis*, and *Carduus pycnocephalus*), mustard (*Brassica nigra*, *Hirschfeldia incana*), and tree tobacco (*Nicotiana glauca*).
- 8) Potential Impacts to Oak Trees. The IS describes oak trees present on the upper slopes of the Project site. Figure 26 of the IS shows the Project footprint encroaching upslope, potentially where oak trees may occur.
- a) Oak trees provide habitat for nesting birds. The loss of occupied habitat or reductions in the number of sensitive or special status bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, oak trees are protected by local ordinances that may be applicable to the Project; and, CDFW considers oak woodlands a sensitive vegetation community, regardless of the size of each tree.
- b) The DEIR should provide a discussion about potential impacts to oak trees. If impacts will occur, please state the number of trees impacted and describe the following for each tree impacted: species [Scientific (i.e., Latin) name and common name]; number of trunks; diameter at breast height (DBH) in inches; height (inches); canopy diameter (feet); and comments about the tree's health and vigor. A tree assessment should include small oak trees. CDFW considers smaller to sapling oak trees a valuable part of a woodland, indicating natural recruitment and regeneration of the oak trees. Discounting these smaller trees in the environmental assessment leaves out the picture of healthy tree regeneration indicating a thriving oak community.
- c) To reduce impacts to less than significant, the DEIR should provide measures to avoid impacts to oak trees and have measures to implement buffer zones that protect a tree's Critical Root Zone from Project construction and activities such as grading; staging; and excavating. For unavoidable Project impacts, the DEIR should be conditioned to mitigate impacts to oak trees at no less than 3:1 (trees replanted to trees impacted), which should include 3:1 replacement for impacts to understory and lower canopy vegetation that make up an oak woodland community.
- d) Please note that CDFW does not consider transplanting oak trees within a development as appropriate mitigation for this sensitive community. Also, CDFW does not consider oak trees purchased from a nursery and planted as part of the landscaping plan as appropriate mitigation for the biological value of an oak woodland.

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- 9) Potential Impacts to Aquatic Resources. According to the 2019 Biological Resources Constraints Analysis, San Bernardino ringneck snake and California toad could occur in the Project site. Both species rely on moist habitats, which may suggest there is water in the Project site and/or adjacent areas.
- a) CDFW recommends a reevaluation of streams subject to CDFW Lake and Streambed Alteration Agreement (LSA) Notification.
 - b) In the event the Project site may support aquatic, riparian, and wetland habitats, a preliminary delineation of the streams and their associated riparian habitats should be included in the DEIR. The DEIR should evaluate all rivers, streams, and lakes, including culverts, ditches, storm channels that may transport water, sediment, pollutants, and discharge into rivers, streams, and lakes.
 - c) Activities that will divert or obstruct the natural flow of a river or stream requires the project applicant to provide written notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq.* If necessary, the DEIR should be conditioned to provide LSA notification prior to Project construction and activities.
 - d) The DEIR should provide a discussion of any potential impacts to downstream aquatic, riparian, and wetland habitats resulting from Project construction and activities that include ground disturbance; removal of existing slopes and retaining walls; and installation of new retaining walls. These activities may increase sediment and debris input into storm drains that may be transported to downstream aquatic, riparian, and wetland habitats.

General Comments

- 1) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The DEIR should address the following:
- a) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP), Fish & G. Code, § 2800 *et seq.*]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated.
 - b) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures.
 - c) A discussion on potential Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of

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runoff from the Project site. Mitigation measures proposed to alleviate such Project impacts should be included.

- d) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included.
 - e) A cumulative effects analysis, as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar vegetation communities and wildlife habitats found on the Project site.
- 2) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas.
 - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 3) California Endangered Species Act (CESA). CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
- 4) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation

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measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency (City of Monterey Park) 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.

- 5) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. 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 set aside to provide for long-term management of mitigation lands.
- 6) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual plant or animal from the Project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

CONCLUSION

We appreciate the opportunity to comment on the NOP for the 1688 West Garvey Avenue Residential Project to assist the City of Monterey Park in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist, at Ruby.Kwan-Davis@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
B6E58CFE24724F5...
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Environmental Program Manager I

ec: CDFW

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