



State of California – Natural Resources Agency  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

October 5, 2020

**Oct 05 2020**

Mercedes Acevedo  
Las Virgenes Municipal Water District  
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## STATE CLEARINGHOUSE

**Subject: Twin Lakes Water Storage Tank and Pump Station Upgrades, Mitigated Negative Declaration (MND), Los Angeles County, SCH #2020090033**

Dear Ms. Acevedo:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Twin Lakes Water Storage Tank and Pump Station Upgrades (Project). The MND's supporting documentation includes a *Biological Resources Letter Report* (BRR). 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; Public 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 (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 & 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 state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

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## **Project Description and Summary**

**Objective:** The proposed Project will include the replacement of an existing 0.4 million-gallon (MG) water tank with a 1 MG water tank. The Project would require grading of approximately 0.21 acres, primarily on land already developed where the current water tank to be replaced is located. A further 0.57 acres adjacent to the access road would be temporarily impacted for staging of equipment and materials for Project construction. This replacement will include the installation of additional pumps and associated equipment at an existing pumping station, approximately 1.2 miles southwest of tank site.

**Location:** The water tanks site is located approximately 500 feet north of the SR-118 freeway, and approximately 0.5 mile west of the Topanga Canyon Road (SR-27) / SR-118 freeway interchange, in an unincorporated portion of Los Angeles County, northwest of the San Fernando Valley. The Twin Lakes Pump Station is located approximately 4,600 feet south of the SR-118 Freeway, within the City of Los Angeles boundary, in the northwest portion of the San Fernando Valley, approximately 0.4 miles northwest of the western terminus of Devonshire Street.

## **Comments and Recommendations**

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

### **Comment #1: Impacts to Nesting Birds**

**Issue:** The BRR states that, "If vegetation clearing (including tree pruning and removal) or other Project construction is to be initiated during the bird-breeding season (February 1 through August 31), two (2) preconstruction/grading surveys shall be conducted by a qualified ornithologist (a person with a biology degree and/or established skills in bird recognition)." While CDFW agrees that a qualified individual should conduct the surveys, there is concern over the lack of primary avoidance measures. In addition, the occurrence of oak woodland and other vegetation communities indicate the potential for nesting within and around the Project vicinity.

**Specific impacts:** Construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for potentially sensitive bird species.

**Why impact would occur:** Impacts to nesting birds could result from ground disturbing and construction activities. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment on site and around the Project vicinity.

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**Evidence impact would be significant:** The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under state laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Fully protected status precludes CDFW from authorizing any amount of incidental take or intentional take to meet any project mitigation requirement. When projects show the potential to cause take of fully protected species, CDFW advises on appropriate measures to avoid take. Given the legal status of fully protected animals, take avoidance measures should meet very high standards of effectiveness, substantially greater than the measures to minimize take required under Incidental Take Permits.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** To protect nesting birds that may occur on site or adjacent to the Project boundary, CDFW recommends that no construction should occur from February 15 (January 1 for raptors) through August 31.

**Mitigation Measure #2:** If avoidance is not feasible, a qualified biologist should complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW concurs with the frequency of survey events as stated in BIO-1 of the MND and that they should be conducted prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests.

These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers should be increased if necessary, to protect the nesting birds.

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

**Mitigation Measure #3:** CDFW recommends surveying the entire development project site to determine the potential distribution of fully protected species and assure that “take” will be avoided during development project construction. The environmental document should also include measures to preclude “take” on a development project site during operations and from

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temporary traffic and human presence increased related to construction. The environmental document should analyze the potential “take” as a result of habitat modification. If a development project’s modification of occupied habitat causes mortality of individuals, then the development project will be considered the cause of the take. Therefore, to avoid take, construction and operation activities should avoid all raptors by a distance of no less than the distance that the specific species are known or expected to travel within their home range, based on telemetry, mark-recapture, or other data.

## **Comment #2: Impacts to Candidate Endangered Species – Crotch’s Bumble Bee**

**Issue:** Regarding Crotch’s bumble bee (*Bombus crotchii*), Attachment 4 (Special-Status Plant and Wildlife Species Potential for Occurrence) in the BRR states, “Too little is known of the biology of this species to speculate whether it is present but there is limited suitable habitat within the study area. Limited food plants were located within the development area.” CDFW is concerned there has been no attempt to survey for this special status species that has the possibility to be on site. In addition, survey efforts would inform LVMWD if any mitigation for this species may be necessary.

**Specific Impact:** Project ground disturbing activities such as grading and grubbing 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 native vegetation that may support essential foraging habitat.

**Why Impact would occur:** 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.

**Evidence Impact would be significant:** On June 12, 2019, the California Fish and Game Commission accepted a petition to list the crotch bumble bee as endangered under the California Endangered Species Act (“CESA”), determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. The Project’s potential to substantially reduce and adversely modify habitat for Crotch’s bumble bee, reduce and potentially seriously impair the viability of populations of Crotch’s bumble bee, and reduce the number and range of the species while taking into account the likelihood that special status species on adjacent and nearby natural lands rely upon the habitat that occurs on the proposed Project site.

## **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure:** Due to potentially suitable habitat within the Project site, 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

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Project activities or over the life of the Project, LVMWD must consult CDFW to determine if a CESA incidental take permit is required (pursuant to Fish & Game Code, § 2080 et seq.).

### **Comment #3: Impacts to Bat Species, including California Species of Special Concern**

**Issue:** The Project includes activities that will result in the removal of trees and vegetation that may provide foraging habitat for bats. In addition, Attachment 4 (Special-Status Plant and Wildlife Species Potential for Occurrence) in the BRR identifies the hoary bat (*Lasiurus cinereus*), the Townsend's big-eared bat (*Corynorhinus townsendii*), spotted bat (*Euderma maculatum*), western mastiff bat (*Eumops perotis californicus*) and the pallid bat (*Antrozous pallidus*) (the big-eared, spotted, western mastiff, western red, and pallid bats are designated California Species of Special Concern), as potentially present on site. CDFW is concerned that there is no mitigation for potential impacts to a number of bat species that may occur on site.

**Specific impacts:** Project activities include the removal of trees, vegetation, and/or structures that may provide foraging habitat and therefore has the potential for the direct loss of bats.

**Why impacts would occur:** The removal of vegetation and trees will potentially result in the loss of foraging habitat for bats. Construction activities will temporarily increase the disturbance levels as well as human activity in the Project area. Disturbances related to bat habitat may have impacts to not only their roosts but their source of food. For example, "Encroachment of urban development and agriculture into areas of native vegetation likely alters the composition and abundance of insect prey in an area and may affect the ability of Townsend's big-eared bat to find adequate prey." (Gruver, J.C., 2006). Development activities may impact any bat species, including the Townsend's big-eared bat, that could be within the Project boundary or its vicinity.

**Evidence impacts would be significant:** Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Although the Townsend's big-eared bat is the species in question, it is important to remember that there are many bat species, for example the western yellow bat, that can be found year-round in urban areas throughout the south coast region (Miner & Stokes, 2005). Several bat species are considered California Species of Special Concern and meet the CEQA definition of rare, threatened or endangered species (CEQA Guidelines, § 15065). Take of California Species of Special Concern could require a mandatory finding of significance by the LVMWD (CEQA Guidelines, § 15065).

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** Prior to construction activities, CDFW recommends bat surveys be conducted by a qualified bat specialist to determine baseline conditions within the Project area and within a 500-foot buffer. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. LVMWD should document the presence of any bats and include species specific mitigation measures, such as avoiding roosting season for that species, to reduce impacts to below a level of significance.

**Recommendation #2:** In addition, an analysis of the potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). The analysis should identify bat species, identify the location of potential roosts and foraging areas, and their proximity to

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disturbance areas. The analysis should also describe if Project activities will disturb these areas, either directly or indirectly, through ground disturbing activities, deconstruction activities, or vegetation removal.

#### **Comment #4: Impacts to Reptile California Species of Special Concern**

**Issue:** The BRR states, “the special-status species that could be directly impacted include potentially occurring land dwelling animals, including the coastal whiptail, California glossy snake, San Diego mountain kingsnake, coast patch-nosed snake, and coast horned lizard.” The coastal whiptail (*Aspidoscelis tigris stejnegeri*), California glossy snake (*Arizona elegans occidentalis*), San Diego mountain king snake (*Lampropeltis zona pulchra*), coast patch-nosed snake (*Salvadora hexalepis virgulata*), and coast horned lizard (*Phrynosoma blainvillii*) are all designated as California Species of Special Concern .

**Specific impact:** Project ground disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat.

**Why impact would occur:** Project implementation includes grading, vegetation clearing, and other activities that may result in direct mortality, population declines, or local extirpation of Special Status reptile and mammal species.

**Evidence impact would be significant:** CEQA provides protection not only for state and federally listed species, but for any species including but not limited to California Species of Special Concern which can be shown to meet the criteria for State listing. These Species of Special Concern meet the CEQA definition of rare, threatened or endangered species (CEQA Guidelines, § 15065). Take of Species of Special Concern could require a mandatory finding of significance by the LVMWD (CEQA Guidelines, § 15065).

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** Due to potentially suitable habitat within the Project site, prior to vegetation removal and/or grading, qualified biologists familiar with the reptile and mammal species behavior and life history should conduct specialized surveys to determine the presence/absence of Species of Special Concern. Surveys should be conducted during active season when the reptiles are most likely to be detected. Coastal whiptail are diurnal (activity peaking in late morning) and active from March to October; California glossy snake are nocturnal and active February to November (peaking in May); San Diego mountain kingsnake are diurnal and crepuscular and are generally active mid-March to mid-October (Stebbins, 1954); coast patch-nosed snake are diurnal and are generally active in spring and early summer; coast horned lizard are active February to November and are diurnal in the spring and crepuscular in summer and fall (Thomson, R.C. et al., 2016). Survey results, including negative findings, should be submitted to CDFW for review 2 weeks prior to initiation of Project activities.

**Mitigation Measure #2:** To further avoid direct mortality, CDFW recommends that a qualified biological monitor approved by CDFW be on-site during ground and habitat disturbing activities to move out of harm’s way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts

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associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the Project clearly identify that the designated entity should obtain all appropriate state and federal permits.

**Mitigation Measure #3:** Scientific Collecting Permit – CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2020c).

Pursuant to the [California Code of Regulations, title 14, section 650](#), the LVMWD/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.

#### **Comment #5: Tree Removal**

**Issue:** The MND indicates tree removal during ground and vegetation disturbing activities. CDFW is concerned that the trees to be removed have not been identified, nor have the number of trees been indicated. In addition, an investigation has not taken place to identify the potential for tree pests.

**Specific Impact:** Project activities that involve removal of trees have the potential to result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of trees in California which may support a high biological diversity including special status species.

**Why impact would occur:** Trees will be removed and presumably hauled to off-site locations for disposal, thereby exposing off-site tree species to potential infestation and disease.

**Evidence Impact would be significant:** The Project may result in an adverse effect, either directly or through habitat modifications, by exposing other habitats to insect and/or disease pathogens. Exposure to insect and/or disease pathogens may have a substantial adverse effect on any sensitive natural identified in local or regional plans, policies, and regulations or by the CDFW or U.S. Fish and Wildlife Service.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends replacing all trees removed as a result of the proposed work activities at least a 1:1 ratio with native trees.

**Mitigation Measure #2:** To reduce impacts to less than significant the final environmental document should describe an infectious tree disease management plan and how it will be implemented to avoid significant impacts under CEQA. All trees identified for removal resulting from the Project should be inspected for contagious tree diseases including but not limited to: [thousand canker fungus](#) (*Geosmithia morbida*), [Polyphagous Shot Hole Borer](#) (*Euwallacea spp.*), and [goldspotted oak borer](#) (*Agrilus auroguttatus*) (TCD 2020; UCANR 2020;

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UCIPM 2013). To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.

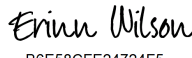
### Filing Fees

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

### Conclusion

We appreciate the opportunity to comment on the Project to assist the LVMWD in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the LVMWD has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding this letter and further coordination on these issues should be directed to Felicia Silva, Environmental Scientist, at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov) or (562) 430-0098.

Sincerely,

DocuSigned by:  
  
B6E58CFE24724F5...  
Erinn Wilson  
Environmental Program Manager I  
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Ec: CDFW

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### References:

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

<b>Biological Resources</b>			
	<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1-Nesting Birds</b>	To protect nesting birds that may occur on site or adjacent to the Project boundary, no construction shall occur from February 15 (January 1 for raptors) through August 31.	Prior to Construction	Las Virgenes Municipal Water District
<b>MM-BIO-2-Nesting Birds</b>	If avoidance is not feasible, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW concurs with the frequency of survey events as stated in BIO-1 of the MND and that they should be conducted prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased if needed to protect the nesting birds.	Prior to Construction	Las Virgenes Municipal Water District

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	<p>The temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation will be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW should be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios will increase with the occurrence of a California Species of Special Concern and will further increase with the occurrence of a CESA-listed species.</p>		
<b>MM-BIO-3-Nesting Birds</b>	<p>Survey the entire development Project site to determine the potential distribution of fully protected species and assure that “take” will be avoided during development project construction. The environmental document shall also include measures to preclude “take” on a project site during operations and from temporary traffic and human presence increased related to construction. The environmental document shall analyze the potential “take” as a result of habitat modification. If a development project’s modification of occupied habitat causes mortality of individuals, then the development project will be considered the cause of the take. Therefore, to avoid take, construction and operation activities shall avoid all raptors by a distance of no less than the distance that the specific species are known or expected to travel within their home range, based on telemetry, mark-recapture, or other data.</p>	Prior to Construction	Las Virgenes Municipal Water District
<b>MM-BIO-4-Crotch’s bumble bee</b>	<p>Due to potentially suitable habitat within the Project site, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history shall conduct surveys to</p>	Prior to Construction	Las Virgenes Municipal Water District

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	determine the presence/absence of Crotch's bumble bee. Surveys shall be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results including negative findings shall 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, LVMWD must consult CDFW to determine if a CESA incidental take permit is required (pursuant to Fish & Game Code, § 2080 et seq.).		
<b>MM-BIO-5-Bat Species</b>	Bat surveys shall be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). The DEIR will include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The DEIR shall document the presence of any bats and include species specific mitigation measures to reduce impacts to below a level of significance.	Prior to Construction	Las Virgenes Municipal Water District
<b>MM-BIO-6-Species of Special Concern</b>	Due to potentially suitable habitat within the Project site, prior to vegetation removal and/or grading, qualified biologists familiar with the reptile and mammal species behavior and life history shall conduct specialized surveys to determine the presence/absence of Species of Special Concern. Surveys shall be conducted during active season when the reptiles are most likely to be detected. Coastal whiptail are diurnal (activity peaking in late morning) and active from March to October; California glossy snake are nocturnal and active February to November (peaking in May); San Diego mountain kingsnake are diurnal and crepuscular and are	Prior to Construction	Las Virgenes Municipal Water District

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	generally active mid-March to mid-October (Stebbins, 1954); coast patch-nosed snake are diurnal and are generally active in spring and early summer; coast horned lizard are active February to November and are diurnal in the spring and crepuscular in summer and fall (Thomson, R.C. et al., 2016). Survey results, including negative findings, shall be submitted to CDFW for review 2 weeks prior to initiation of Project activities.		
<b>MM-BIO-7-Out of Harm's Way</b>	To further avoid direct mortality, a qualified biological monitor approved by CDFW be on-site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities. It shall be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the Project clearly identify that the designated entity shall obtain all appropriate state and federal permits.	Prior to Construction and During Construction	Las Virgenes Municipal Water District
<b>MM-BIO-8-Scientific Collecting Permit</b>	CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's <a href="#">Scientific Collection Permits</a> webpage for information (CDFW 2020c).	Prior to Construction	Las Virgenes Municipal Water District

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	Pursuant to the <a href="#">California Code of Regulations, title 14, section 650</a> , the LVMWD/qualified biologist will obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.		
<b>MM-BIO-9-Tree Removal</b>	All trees removed as a result of the proposed work activities shall be replaced with at least a 1:1 ratio with native trees.	Prior to Construction	Las Virgenes Municipal Water District
<b>MM-BIO-10-Tree Removal</b>	To reduce impacts to less than significant the final environmental document shall describe an infectious tree disease management plan and how it will be implemented to avoid significant impacts under CEQA. All trees identified for removal resulting from the Project shall be inspected for contagious tree diseases including but not limited to: <a href="#">thousand canker fungus</a> ( <i>Geosmithia morbida</i> ), <a href="#">Polyphagous Shot Hole Borer</a> ( <i>Euwallacea spp.</i> ), and <a href="#">goldspotted oak borer</a> ( <i>Agrilus auroguttatus</i> ) (TCD 2020; UCANR 2020; UCIPM 2013). To avoid the spread of infectious tree diseases, diseased trees shall not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.	Prior to Construction	Las Virgenes Municipal Water District