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**GAVIN NEWSOM, Governor**  
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Governor's Office of Planning & Research

November 17, 2020

**Nov 17 2020**

## STATE CLEARINGHOUSE

Amy L. Harbin  
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**Subject: Pacific Place Project, Mitigated Negative Declaration (MND), Los Angeles County, SCH #2020100290**

Dear Ms. Harbin:

The California Department of Fish and Wildlife (CDFW) has reviewed the Pacific Place Project (Project) and the MND's supporting documentation, including a *Biological Resources Assessment for the Industrial-Self Storage/RV Parking at 3701 Pacific Place, Long Beach, California* (BRA) dated April 8, 2020; *Results of a Biological Constraints Analysis for 3701 Pacific Place Project in the City of Long Beach, Los Angeles County, California* (BCA) dated April 23, 2020; *Focused Special-Status Plant Species Surveys for the Industrial - Self Storage/RV Parking at 3701 Pacific Place, Long Beach, California* (PSS) dated August 21, 2020; and *Crotch Bumble Bee Visual Survey for the Industrial -Self Storage/RV Parking at 3701 Pacific Place, Long Beach, California* (CBB) dated September 11, 2020. 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

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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.

## **Project Description and Summary**

**Objective:** The proposed Project is comprised of a three-story 152,745-square foot (sf) self-storage building with 1,132 self-storage units, a 2,153 sf car wash, a recreational vehicle (RV) parking facility with 578 parking spaces, and a 5,000 sf office space on four parcels totaling approximately 14-acres. Anticipated industrial uses on site include a single-story building with up to 77,000 square-feet of building area consisting of 73,500 square-feet warehouse space and 3,500 square-feet of office space. In addition, a proposed vacated roadway easement is located adjacent to the self-storage, car wash, and RV parking facility on four parcels totaling approximately 5.5. acres in the City of Long Beach, Los Angeles County, California. The Project area totals approximately 19.41 acres.

Approximately 1,500 square feet (sq ft) of vegetation, including potential southern tarplant habitat, was removed from the Project site prior to completing appropriate biological surveys.

**Location:** The Project site is located north of Interstate 405, east of Interstate 710 and the Los Angeles River, and west of the Los Angeles Metropolitan Transportation Authority A Line light rail tracks and Los Cerritos Park.

## **Comments and Recommendations**

CDFW offers the comments and recommendations below to assist the City of Long Beach (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 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: Vegetation Removal Activities**

**Issue:** The PSS states, "On August 12, 2020, it was observed that an on-site area having vegetation that had not been surveyed on August 7 had been cleared."

**Specific impacts:** Approximately 1,500 sq ft of potential special status vegetation habitat was removed, as shown in Figure 2 in the PSS.

**Why impact would occur:** Because vegetation removal activities took place before adequate surveys were conducted, there is no longer an opportunity to determine if there were special status species were located in that area.

**Evidence impact would be significant:** CDFW is unable to analyze or comment on any special status species vegetation that may have been located in the area that was removed. In addition, the presence of southern tarplant on site, a species often found in areas with vernal

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pools (B.G. Baldwin, 2012), is an indicator that there may be other species that thrive in these habitats, such as the prostrate vernal pool navarretia and Coulter's goldfields. Therefore, there is potential that these and other species may be on site.

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

**Mitigation Measure:** CDFW recommends mitigating at a ratio of no less than 5:1 for the loss of 1,500 sq ft of habitat that may have supported special status plant species. These species include Coulter's saltbush, Parish's brittlescale, lucky morning-glory, decumbent goldenbush, Coulter's goldfields, prostrate vernal pool navarretia, and San Bernardino aster. The ratio should be for the total acreage of removed vegetation. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

**Recommendation:** The vegetated area that was removed before adequate surveys were conducted should be identified as a significant impact.

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

**Issue:** The CBB states, "The survey consisted of two visits, 5 days apart, on August 12 and 17, 2020". CDFW is concerned that surveys were conducted at the very end of the Crotch's bumble bee active period. This may reduce the ability of detection.

**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 vegetation that may support essential foraging habitat. The timing of the survey conducted also may decrease detection of bee colonies that may be on site.

**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. In addition, survey efforts that take place outside of flying season when bees are most likely to be detected may lead to false negative results. This may also lead to insufficient mitigation measures to protect bees or colonies that may be found on site.

**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

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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 #1:** 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 and their colony. 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 one week 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.).

**Mitigation Measure #2:** Because an individual bee has been observed, there is potential for more to be on site. If an individual is observed during Project activities, work should not occur until the animal has left the work area of its own volition. If a nest is observed, no Project activities should occur until a plan to protect Crotch bumblebee, including over-wintering queens, has been approved in writing by CDFW. The City should develop appropriate avoidance, minimization, and mitigation measures to decrease Project impacts to less than significant. If avoidance is not feasible, compensatory mitigation may be necessary to offset impacts to habitat and colony size.

### **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 and roosting habitat for bats. In addition, the BRA identifies the Yuma myotis (*Myotis yumanensis*), Mexican free-tailed bat (*Tadarida brasiliensis*), and western yellow bat (*Lasiurus xanthinus*) a designated California Species of Special Concern, as potentially present on site. CDFW is concerned that there is no mitigation for potential loss of occupied foraging and/or roosting habitat 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 and roosting 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 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). There are many bat species that can be found year-round in urban

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areas throughout the south coast region of California (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 City (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. This will aid in determining not only impacts of species on site but also any species that may be in the surrounding Project vicinity. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The City 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.

**Mitigation Measure #2:** To the extent feasible, tree removal or relocation should be scheduled between October 1 and February 28, outside of the maternity roosting season. Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season.

**Mitigation Measure #3:** If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.

**Mitigation Measure #4:** If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and should remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

The bat specialist should document all demolition monitoring activities and prepare a summary report to the City upon completion of tree disturbance and/or building demolition activities.

It should be noted that the temporary halt of Project activities to allow bats to escape 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 roosting habitat within the Project site based on acreage of impact and

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vegetation composition. CDFW should be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bat species. Mitigation ratios would increase with the occurrence of a California Species of Special Concern.

#### **Comment #4: Impacts to Burrowing Owl (*Athene cunicularia*)**

**Issue #1:** The BRA indicates that burrowing owl (*Athene cunicularia*), a Species of Special Concern, has the potential to be found on the Project site. In addition, Table C-2 in the BRA indicates that the California ground squirrel (*Citellus beecheyi*) was detected on site. These observations may indicate that these species have the potential to burrow on the Project site and, therefore, provide nesting habitat for burrowing owls.

**Issue #2:** The BRA indicates that one general field survey was conducted on December 6, 2019. CDFW is concerned over the lack of multiple and focused surveys for burrowing owl.

**Specific impact:** Identification of potential for burrowing owls during non-winter months, including the nesting season, may be missed, especially with only one site visit. Therefore, the Project may result in direct and indirect burrowing owl mortality or injury; the disruption of natural burrowing owl breeding behavior; and loss of breeding, wintering and foraging habitat for the species. Project impacts would contribute to statewide population declines for burrowing owl.

**Why impact would occur:** Burrowing owls have been known to use highly degraded and marginal habitat where existing burrows or stem pipes are available. Nest and roost burrows of the burrowing owl are most commonly dug by ground squirrels as “starts” (Gervais, J.A., Rosenberg, D.K., & Comrack, L.A., 2008). Ground squirrel presence on site may indicate potential for burrowing owl habitat. 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. 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

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candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

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

**Mitigation Measure #1:** 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](#) (CDFW 2012). 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 February 1 to August 31 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 February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.

**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 City 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 #5: Mitigation for southern tarplant (*Centromadia parryi* ssp. *australis*)**

**Issue:** BIO-1 of the MND may not provide sufficient mitigation to offset impacts to southern tarplant below a significant level.

**Specific impacts:** Project grading and fuel modification associated with the construction development would impact approximately 830 southern tarplants. BIO-1 of the MND states an option for tarplant mitigation "will translocate those southern tarplant individuals to be impacted to a suitable location, which will be determined by the Developer in collaboration with the Project

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Biologist.” Translocation is not adequate to mitigate for impacts to southern tarplant. Therefore, the Project may result in population declines or local extirpation of the species.

**Why impacts would occur:** Creation or restoration using the transplanting of plant species should be considered experimental in nature. It should not be viewed as a primary mitigation strategy to mitigate below a significant level under CEQA. CDFW, in general, does not recommend transplantation of rare plants as a mitigation/minimization measure because successful implementation of translocation is rare with minimal documented success.

In addition, the MND states, “Section 21.42. Southern tarplants (*Centromadia parryi* ssp. *australis*) proposed for removal from the development area would be relocated to the proposed landscaped area in the north end of the Artesia parcels.” Southern tarplants require sandy, disturbed soils, and will not have a high success rate of survival in a landscaped area.

**Evidence impacts would be significant:** Transplantation projects have a poor success rate and often demonstrate a downward trend of survival over time (GodeFroid, S., et al., 2010). CDFW defines success as long-term, self-sustaining population with a positive overall population trend, demonstrated fertile seed set, and demonstrated recruitment. Even if transplantation is initially successful, they typically fail to persist over time. Studies show success of transplantation projects within the 10 to 15 percent range, with an optimistic outcome of 50 percent survival maintained over 5 years (or thereafter, 50% survival maintained for 1 year).

These impacts would continue to be significant because BIO-1 will not result in adequate avoidance, minimization, or mitigation for the unavoidable direct, indirect, and temporal loss of a special status species. This is including the uncertainties and often failures of creation or restoration practices for special status plants using transplanting of species. Absent adequate mitigation, the ecosystem function and contribution to genetic biological diversity of southern tarplant and other special status plants in conjunction with their contribution to breeding, feeding and cover habitat for wildlife will be compromised.

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

**Mitigation Measure #1:** CDFW recommends, the preservation of areas where southern tarplant is located on site. If on-site mitigation is not feasible or would not be biologically viable, off-site mitigation through occupied habitat acquisition and preservation in perpetuity may be appropriate. Due to the suitable habitat found on site, the estimated 830 individuals found, and the estimated 1,500 sq ft of suitable habitat already removed, CDFW recommends mitigating at a ratio no less than 10:1 for this rare 1B.1 ranked. This ratio should be used for the habitat acreage as well as the individual plants that are found on site.

**Mitigation Measure #2:** CDFW recommends that all open space preservation/mitigation land be protected in perpetuity with minimal human intrusion by recording and executing a perpetual conservation easement in favor of an approved agent dedicated to conserving biological resources. CDFW recommends all open space or habitat lands considered for mitigation of environmental impact under CEQA be owned and managed by an entity with experience in managing habitat and be placed under a conservation easement. A management and monitoring plan, including a funding commitment, should be developed for any conserved land, and implemented in perpetuity to protect existing biological functions and values. Permeable



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wildlife fencing should be erected around any conserved land to restrict incompatible land uses and signage posted and maintained at conspicuous locations communicating these restrictions to the public.

#### **Comment #6: Special Status Plant Survey**

**Issue:** BIO-2 of the MND states, “a survey for special status plant species shall be conducted during their peak blooming period and prior to construction activities to determine whether the following species occur in the survey area: southern tarplant, Coulter’s saltbush, Parish’s brittlescale, lucky morning-glory, decumbent goldenbush, Coulter’s goldfields, prostrate vernal pool navarretia, and San Bernardino aster. If any of these species are observed, the population shall be avoided, if possible. If the population would be impacted, mitigation may be required depending on the number of individuals that would be impacted as compared to the number known in the project region.” However, the PSS states that special status plant surveys were conducted on December 6, 2019 and August 7 and 17, 2020. CDFW is concerned that these surveys were conducted when some of the plant species listed in BIO-2 are not blooming, namely Coulter’s goldfields and prostrate vernal pool navarretia.

**Specific impacts:** The December survey is outside of the blooming period for all plant species listed in BIO-2. The August survey is outside of the blooming period for Coulter’s goldfields and prostrate vernal pool navarretia. Special status plants may be missed if surveys are not conducted during appropriate times for detection. Project implementation, therefore, may result in impacts to special status plant species that may be located on site. The impacts from construction activity may result in direct mortality, reduced reproductive capacity, or population declines in rare or CDFW special status species.

**Why impact would occur:** In order to analyze if a project may have a significant effect on the environment, Project related impacts, including survey results for species that occur in the Project footprint, need to be disclosed during the public comment period. This information is necessary to allow CDFW and the public to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity). In addition, special status plants may not be detected if surveys are not conducted during appropriate times, which may lead to loss of special status species.

**Evidence impact would be significant:** CEQA Guidelines sections 15070 and 15071 require the Negative Declaration to analyze if the Project may have a significant effect on the environment as well as review if the Project will avoid the effect or mitigate to a point where clearly no significant effects would occur. Absent sufficient survey data, CDFW is unable to provide meaningful avoidance, minimization, or mitigation measures related to biological resources.

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

**Mitigation Measure #1:** CDFW recommends conducting focused surveys for all species listed in BIO-2 in the MND on-site and disclosing the results in the CEQA document. Based on the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW, 2018), a qualified biologist should “conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually

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this is during flowering or fruiting.” The final CEQA documentation should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

**Mitigation Measure #2:** CDFW recommends avoiding any special status plant species found on the Project site. If avoidance is not feasible, due to the suitable habitat found on, CDFW recommends mitigating at a ratio no less than 5:1 for impacts to special status plant species. This ratio should be used for the acreage as well as the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

#### **Comment #7: Impacts to Nesting Birds**

**Issue:** Mitigation measure BIO-4 of the MND states, “In order to avoid impacts on nesting birds, construction shall be scheduled to begin outside the peak nesting season (i.e., between September 1 and January 31), if feasible.” While CDFW agrees that construction should take place outside of peak nesting season, there is concern over the lack of mitigation for the removal of potentially inhabited vegetation.

**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.

**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.

#### **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.

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**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. Surveys should be conducted no more than 7 days 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.

#### **Comment #8: 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.

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

**Mitigation Measure #1:** An infectious tree disease management plan should be developed and implemented prior to initiating Project activities. All trees scheduled for removal should be identified and counted to provide total numbers and species type. In addition, trees scheduled for removal resulting from the Project should be inspected for contagious tree diseases including but not limited to: [thousand canker fungus](#) (*Geosmithia morbida*), [Polyphagous Shot Hole Borer](#) (*Euwallacea spp.*), and [goldspotted oak borer](#) (*Agrilus auroguttatus*) (TCD 2020; UCANR 2020; UCIPM 2013). To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.

**Mitigation Measure #2:** CDFW recommends replacing native trees at least a 3:1 ratio with a combination of native trees and/or appropriate understory and lower canopy plantings. CDFW recommends that any loss of oaks should be replanted at a minimum 10:1 ratio. Replacement oaks should come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they were planted. CDFW recommends replacing nonnative trees with at least a 1:1 ratio with native trees.

### **Comment #9: Impacts to Aquatic Resources**

**Issue:** Southern tarplant is a species often found in areas with vernal pools (B.G. Baldwin, 2012). Therefore, some areas on the Project site may be submerged on a seasonal basis.

**Specific Impact:** Site photography presented in the BRA and the MND show depressions that may exist on the landscape that contain ponding water. CDFW is concerned there is potential for aquatic resources to be present on site that will be impacted by Project activities.

**Why impact would occur:** Lack of sufficient special status vegetation surveys (which would indicate vernal pool presence) may result in undisclosed impacts to aquatic resources.

**Evidence Impact would be significant:** CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's policies. The [Wetlands Resources policy](#) (CFGC 2005) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, Project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

CEQA Guidelines §15125(c) require the City to include information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on analyzing resources that are or unique to the region. There are very few vernal pools left in Los Angeles County; therefore, the loss of any vernal pool potentially on the Project site is significant to CDFW.

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

**Mitigation Measure #1:** CDFW recommends an assessment of vernal pools, salt marshes, and saline alkaline pools to be conducted on the Project site during the wet season of the year by an individual familiar with wetland delineation. If any of these habitats are detected on site, CDFW recommends avoidance measures, such as avoiding any construction and development activities and preserving these areas, be put in place to prevent impacts to sensitive habitats.

**Mitigation Measure #2:** CDFW recommends conducting a USFWS wet and dry season [protocol level survey for Branchiopods](#) (USFWS 2015) on the Project site within suitable habitat. The MND should include the results of all surveys.

### **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 City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City 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:

*Erinn Wilson-Olgin*

B6E58CFE24724F5...

Erinn Wilson-Olgin  
Environmental Program Manager I

Ec: CDFW

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CEQA Program Coordinator, Sacramento – [CEQA@wildlife.ca.gov](mailto:CEQA@wildlife.ca.gov)

State Clearinghouse – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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



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-Vegetation Removal Activity</b>	Mitigation will take place at a ratio of no less than 5:1 for the loss of 1,500 sq ft of habitat that may have supported special status plant species. These species include Coulter's saltbush, Parish's brittlescale, lucky morning-glory, decumbent goldenbush, Coulter's goldfields, prostrate vernal pool navarretia, and San Bernardino aster. The ratio shall be for the total acreage of removed vegetation. All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation shall have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).	Prior to Construction	City of Long Beach
<b>MM-BIO-2-Crotch's bumble bee</b>	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 determine the presence/absence of Crotch's bumble bee and their colony. Surveys shall be conducted	Prior to Construction	City of Long Beach

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	<p>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 one week 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 &amp; Game Code, § 2080 et seq.).</p>		
<b>MM-BIO-3-Crotch’s bumble bee</b>	<p>If an individual is observed during Project activities, work shall not occur until the animal has left the work area of its own volition. If a nest is observed, no Project activities shall occur until a plan to protect Crotch bumblebee, including over-wintering queens, has been approved in writing by CDFW. The City shall develop appropriate avoidance, minimization, and mitigation measures to decrease Project impacts to less than significant. If avoidance is not feasible, compensatory mitigation may be necessary to offset impacts to habitat and colony size.</p>	Prior to Construction	City of Long Beach
<b>MM-BIO-4-Bat Species</b>	<p>Prior to construction activities, bat surveys will be conducted by a qualified bat specialist to determine baseline conditions within the Project area and within a 500-foot buffer, if feasible. This will aid in determining not only impacts of species on site but also any species that may be in the surrounding Project vicinity. Acoustic recognition technology will be used to maximize detection of bat species to minimize impacts to sensitive bat species. The City shall 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.</p>	Prior to Construction	City of Long Beach



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<b>MM-BIO-5-Bat Species</b>	To the extent feasible, tree removal or relocation shall be scheduled between October 1 and February 28, outside of the maternity roosting season. Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season.	Prior to Construction	City of Long Beach
<b>MM-BIO-6-Bat Species</b>	If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.	Prior to Construction	City of Long Beach
<b>MM-BIO-7-Bat Species</b>	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and shall remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be sawn up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This	Prior to Construction	City of Long Beach

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	<p>may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.</p> <p>The bat specialist shall document all demolition monitoring activities and prepare a summary report to the City upon completion of tree disturbance and/or building demolition activities.</p> <p>Temporary halt of Project activities to allow bats to escape 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 roosting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bat species. Mitigation ratios would increase with the occurrence of a California Species of Special Concern.</p>		
<p><b>MM-BIO-8-Burrowing Owl</b></p>	<p>To reduce impacts to burrowing owl to less than significant, the Project will adhere to CDFW’s March 7, 2012, <a href="#">Staff Report on Burrowing Owl Mitigation</a> (CDFW 2012). All survey efforts shall 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 February 1 to August 31 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 February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one</p>	<p>Prior to Construction</p>	<p>City of Long Beach</p>

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	visit after June 15.		
<b>MM-BIO-9-Burrowing Owl</b>	Permanent impacts to occupied owl burrows and adjacent foraging habitat shall 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 shall include an appropriate non-wasting endowment to provide for the long-term management of mitigation lands. The City shall require a burrowing owl mitigation plan be submitted to CDFW for review and comment prior to Project implementation.	Prior to Construction	City of Long Beach
<b>MM-BIO-10-Burrowing Owl</b>	For proposed preservation and/or restoration, the final environmental document shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective shall be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that shall 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 shall be provided for the long-term monitoring and management of mitigation lands. Mitigation will 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 Construction	City of Long Beach

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<b>MM-BIO-11-Burrowing Owl</b>	Project use of rodenticides that could result in direct or secondary poisoning to burrowing owl shall be avoided.		
<b>MM-BIO-12-Southern Tarplant</b>	Areas where southern tarplant is located on site shall attempted to be preserved. If on-site mitigation is not feasible or would not be biologically viable, off-site mitigation through occupied habitat acquisition and preservation in perpetuity may be appropriate. Due to the suitable habitat found on site, the estimated 830 individuals found, and the estimated 1,500 sq ft of suitable habitat already removed, mitigation will be at a ratio no less than 10:1 for this rare 1B.1 ranked species. This ratio is for the acreage and the individual plants that are found on site.	Prior to Construction	City of Long Beach
<b>MM-BIO-13-Southern Tarplant</b>	All open space preservation/mitigation land be protected in perpetuity with minimal human intrusion by recording and executing a perpetual conservation easement in favor of an approved agent dedicated to conserving biological resources. All open space or habitat lands considered for mitigation of environmental impact under CEQA be owned and managed by an entity with experience in managing habitat and be placed under a conservation easement. Ownership of any open space or habitat land considered as avoidance under CEQA shall be placed with a conservancy or other land management company to allow for legal remedies shall trespass and clearing/damage occur. A management and monitoring plan, including a funding commitment, shall be developed for any conserved land, and implemented in perpetuity to protect existing biological functions and values. Permeable wildlife fencing shall be erected around any conserved land to restrict incompatible land uses and signage posted and maintained at	Prior to Construction	City of Long Beach

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	conspicuous locations communicating these restrictions to the public.		
<b>MM-BIO-14-Special Status Plant Survey</b>	A focused survey for southern tarplant shall be conducted on-site and the results disclosed in the CEQA document. Based on the <a href="#"><u>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</u></a> (CDFW, 2018), a qualified biologist shall “conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting.” The final CEQA documentation shall provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.	Prior to Construction	City of Long Beach
<b>MM-BIO-15-Special Status Plant Survey</b>	Any special status plant species found on the Project site shall be avoided. If avoidance is not feasible, due to the suitable habitat found on site and the estimated 1,500 sq ft of suitable habitat already removed, CDFW recommends mitigating at a ratio no less than 5:1 for impacts to special status plant species. This ratio would be for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions shall success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation shall have a recorded	Prior to Construction	City of Long Beach

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	conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).		
<b>MM-BIO-16-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	City of Long Beach
<b>MM-BIO-17-Nesting Birds</b>	<p>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. Surveys shall be conducted no more than 7 days 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.</p> <p>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.</p> <p>The temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project</p>	Prior to Construction	City of Long Beach

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	<p>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 shall 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-18-Tree Removal</b>	<p>An infectious tree disease management plan shall be developed and implemented prior to initiating Project activities. All trees scheduled for removal shall be identified and counted to provide total numbers and species type. In addition, trees scheduled for removal resulting from the Project shall be inspected for contagious tree diseases including but not limited to: <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.</p>	Prior to Construction	City of Long Beach
<b>MM-BIO-19-Tree Removal</b>	<p>All trees removed as a result of the proposed work activities shall be replaced with at least a 1:1 ratio with native trees. All native trees shall be replaced with at least a 3:1 ratio with a combination of native trees and/or appropriate understory and lower canopy plantings. Any loss of oaks shall be replanted at a minimum 10:1 ratio. Replacement oaks shall come from nursery stock grown from locally sourced acorns,</p>	Prior to Construction	City of Long Beach

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	or from acorns gathered locally, preferably from the same watershed in which they were planted.		
<b>MM-BIO-20- Aquatic Resources</b>	An assessment of vernal pools, salt marshes, and saline alkaline pools to be conducted on the Project site during the wet season of the year by an individual familiar with wetland delineation. If any of these habitats are detected on site, avoidance measures, such as avoiding any construction and development activities and preserving these areas, will be put in place to prevent impacts to sensitive habitats.	Prior to Construction	City of Long Beach
<b>MM-BIO-21- Aquatic Resources</b>	A USFW wet and dry season <a href="#">protocol level survey for Branchiopods</a> (USFWS 2015) shall be conducted on the Project site within suitable habitat. The MND shall include the results of all surveys.	Prior to Construction	City of Long Beach
<b>Recommendations</b>			
<b>Recommendation-1</b>	The vegetated area that was removed before adequate surveys were conducted should be identified as a significant impact.	Prior to finalizing CEQA document	City of Long Beach