State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

January 4, 2021

Mr. Scott Orr, Deputy Director of Planning
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403
scott.orr@sonoma-county.org

Subject: UPC17-0097, Mitigated Negative Declaration, SCH No. 2020120066, City of Cloverdale, Sonoma County

Dear Mr. Orr:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the County of Sonoma for UPC17-0097 (Project) pursuant the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the MND to inform the County of Sonoma, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these comments and recommendations regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and Game Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Jeremy Freitas (Applicant)

Description and Location: The Project site is located at: 31258 Highway 128, in the City of Cloverdale, County of Sonoma, California 95425; APN: 115-100-007.

Existing Features: The Project site contains a residence, a barn, two earthen greenhouse pads, 14 water tanks, and three outdoor cultivation areas, totaling 33,000 square feet (Area 1: 12,000 square feet, Area 2: 10,000 square feet, Area 3: 11,000 square feet). These cultivation areas have not been in operation. Previous cultivation activities on-site included mixed-light cultivation in two greenhouses that have since been demolished.

Proposed Features: Proposed features include four separate greenhouses measuring a total of 10,800 square feet. Two temporary hoop houses totaling 5,040 square feet would be used beginning upon issuance of a use permit for the Project and ending upon issuance of building permit(s) for the four greenhouses.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project, its alternatives (if applicable), and significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Threatened, endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- Burrowing owl (*Athene cunicularia*; SSC)
- Foothill yellow-legged frog (*Rana boylii*; northwest clade SSC)
- Red-bellied newt (*Taricha rivularis*; SSC)
- Townsend's big-eared bat (*Corynorhinus townsendii*; SSC)
- Pallid bat (*Antrozous pallidus;* SSC)
- Yuma myotis (*Myotis yumanensis*; SSC)
- Western red bat (*Lasiurus blossevilli;* SSC*)*
- Hoary bat (*Lasiurus cinereus;* SSC).
- Colusa layia (*Layia septentrionalis*; 1B.2)
- Konocti manzanita (*Arctostaphylos manzanita* ssp. *elegans*; 1B.3)
- Raiche's manzanita (*Arctostaphylos stanfordiana ssp. raichei*; 1B.1)

FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; SFP = State Fully Protected; SSC = State Species of Special Concern

CNPS Plant Ranks

- 1B = Rare, Threatened, or Endangered in California and Elsewhere
- 2A = Presumed Extirpated in California, But Common Elsewhere
- 2B = Rare, Threatened, or Endangered in California, But More Common Elsewhere
- 4 = Of limited distribution or infrequent

CNPS Threat Ranks

- 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the County of Sonoma in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, including:

Comment 1: Lake and Streambed Alteration Status

Issue: The MND incorrectly states that a Final LSA Agreement, number 1600-2019-0207-R3 has already been issued. CDFW has issued a draft LSA Agreement, number 1600-2019-0207-R3 but the LSA Agreement has not been finalized. The LSA Agreement may not be finalized until CDFW has complied with CEQA (Public Res. Code, § 21000 et seq.) and the final MND has been issued. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the Project. When acting as a CEQA responsible agency, CDFW must first receive the following: 1) a certified or approved environmental document prepared in accordance with CEQA; 2) Notice of Determination, if one is filed; 3) CEQA Findings; and 4) proof that the environmental filing fee required under Fish and Game Code section 711.4 has been paid.

Recommendation: CDFW recommends the MND correct the status of the LSA description to reflect it has not been finalized.

Comment 2: Project Well

Issue: The scope activities itemized in the Project LSA Agreement number 1600-2019-0207-R3 is limited to maintenance of three culverts that were already replaced on-site. According to the Project MND, the site uses a well as the sole water source for cannabis irrigation. The well is not covered under the current LSA Agreement. Some wells are hydrologically connected to streamflow and can result in diversion of surface streamflow. It is unclear whether the Project well is hydrologically connected to and capable of diverting any streamflow.

Recommendation: The Project well should be evaluated by a qualified professional such as a hydrologist to determine the relationship of surface water interaction and potential for streamflow diversion or depletion. Well evaluation should be included in the CEQA review. If the well is evaluated to demonstrate hydrological connectivity to surface water, it would be subject to Fish and Game Code, section 1602 permitting authority.

Comment 3: Scope of the Project and Cumulative Impacts

Issue: According to Google Earth imagery from 2018, there appears to be three separate plots of outdoor cannabis cultivation within woodlands on the subject property. The apparent cannabis cultivation does not show in more recent imagery but does appear under current property ownership. The apparent outdoor cannabis cultivation sites have an approximate total canopy area of 2.5 acres at the following GPS coordinates: Plot 1: 38.83604, -123.02803; Plot 2: 38.83651, -123.02682; Plot 3: 38.83258, -123.02835. It is unclear if the apparent cannabis cultivation is part of the Project, if it was the result of trespass, or if any significant impacts have occurred to fish and wildlife resources as a result. For instance, it is unclear whether any oak trees or vegetation were removed, if garden soil or plastic waste has been deposited, if any streams have been polluted, and what water source(s) were previously used for cannabis irrigation, etc.

Recommendation: CDFW recommends the Project MND clarify the scope of the Project with respect to the apparent cannabis cultivation described above. Any impacts from past cultivation or planned future cultivation at these locations should be disclosed, addressed, and evaluated within the CEQA document as these impacts add to cumulative scope of impacts on-site and within the Russian River watershed. If watershed impacts have occurred at these locations from recent past cannabis cultivation activities, a Project remediation plan should be developed to clean-up and restore the sites to pre-cultivation conditions.

Comment 4: Burrowing Owl

Issue: Page 37 of the MND states that "open grassland habitat within the parcel may provide suitable habitat for burrowing owls. **MM BIO-3** indicates that a pre-construction survey would be conducted to identify whether the species is onsite. A pre-construction survey alone inadequately addresses potential impacts to burrowing owls.

Evidence Impact would be Significant: Burrowing owl is a California Species of Special Concern due to population decline and breeding range retraction. The Project may result in burrowing owl nest or wintering burrow abandonment, loss of young, and reduced health and vigor of adults or young from audio and visual disturbances caused by construction activities. Therefore, Project impacts to burrowing owl would be potentially significant.

Recommendations: For an adequate environmental setting and impact analysis, and to reduce impacts to less-than-significant, CDFW recommends that the MND include a mitigation measure requiring a qualified biologist to conduct surveys following the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation survey methodology (see https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds). Surveys should encompass the Project area and a sufficient buffer zone to detect owls nearby that may be impacted. The Project area should consider all areas of temporary and permanent impacts, including anywhere heavy equipment may occur on the site. Time lapses between surveys or Project activities should trigger subsequent surveys including but not limited to a final survey **within 24 hours** prior to ground disturbance before construction equipment mobilizes to the Project area. The qualified biologist should have a minimum of two years of experience implementing the CDFW 2012 survey methodology resulting in detections.

Detected burrowing owls should be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan should be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation should be included in the eviction plan. Off-site habitat compensation should also be required for any nest burrows used within the last three year that would be removed. Habitat compensation acreages should be approved by CDFW, as the amount depends on site specific conditions, and completed before Project construction. It should also include placement of a conservation easement and preparation and implementation of a long-term management plan.

Comment 5: Special Status Bat Species

Issue: The MND indicates that the Project parcel supports suitable roost habitat for several special-status bat species known to occur in the region, including: Townsend's big-eared bat, pallid bat, Yuma myotis, Western red bat, and hoary bat. The MND states that no trees will be removed as a result of the Project activities. However, the MND also states construction activities may result in the disturbance of hibernation or maternal roost sites, which may result in the harm, death, displacement of individual bats and/or the disruption of reproductive success of nursery colony roosts. It is unclear what hibernation or roost sites could be impacted by the Project and if any include trees.

Evidence Impact would be Significant: Pallid bat, Yuma myotis, Western red bat, and hoary bat are protected by CDFW as California Species of Special Concern. These bats may roost in snags, crevices, cavities, and foliage of mature trees [typically greater than 12-inch diameter at breast height dbh)] on and within 100 feet of the Project site.

Recommendation: The MND should clarify the scope of potential hibernation or roost sites that may be impacted by the Project. If trees and/or buildings providing suitable bat hibernation or roost habitat are removed as part of the Project, these impacts are not adequately addressed in the CEQA document.

If trees and/or buildings containing suitable bat habitat will be removed, a qualified biologist should conduct a bat habitat assessment of all trees and/or buildings proposed for removal to determine presence of bats. CDFW should review and accept resumes of biologists proposing to conduct surveys for special-status bats to ensure each biologist possesses the appropriate specialized qualifications; such as 1) at least 2 years of experience conducting bat surveys that resulted in detections for the relevant species including the Project name, dates, and person who can verify the experience, and 2) the types of equipment used to conduct surveys.

A survey methodology should be submitted to CDFW for approval. Any trees containing suitable bat roosting habitat (e.g., cavities, crevices, deep bark fissures) should be marked and removed using a two-day phased method as follows: On day 1, under the supervision of a qualified biologist, all limbs not containing suitable bat roosting habitat should be removed using chainsaws only. The next day, the rest of the tree should be removed.

All trees or buildings with bats should be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If removal must occur outside of these

timeframes, a qualified biologist should conduct a survey to determine if maternity colonies are winter torpor bats are present. If present, the tree or buildings should not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified biologist.

Comment 6: Tree Removal - Oak Woodland

Issue: It is unclear if the Project will result in the loss of oak woodlands or any mature trees. According to the Project MND, the majority of the property is woodland and forest, including species such as California coast live oak, interior mixed hardwood, Oregon white oak, and Pacific Douglas fir forest. Large mature trees (e.g., native oak tree that is greater than 15 inches in diameter) are of particular importance due to increased biological values (i.e., bat roost habitat). Due to these issues, CDFW considers the loss of oak woodlands and large mature trees as significant impacts.

Recommendation: If the Project MND should clarify if there will be any removal of oak woodlands or mature trees. CDFW recommends the Project avoid large diameter tree removal to the greatest extent feasible. On-site tree planting should be considered as a potential impact minimization measure, but not sufficient to completely off-set temporal impacts from loss of large mature trees. If the Project will cause permanent loss of oak woodlands or mature trees, mitigation would be necessary to reduce the Project's impacts to a level of less-than-significant. CDFW recommends Project mitigation for such impacts include in-kind preservation of mature trees and oak woodlands in perpetuity.

Comment 7: Foothill yellow-legged frogs and red-bellied newt

Issue: Project activities have the potential to directly and/or indirectly impact foothill yellow-legged frog and red-bellied newt and/or their habitat. According to Biogeographic Information and Observation System (BIOS), foothill yellow-legged frog is observed approximately 1.9 miles to the northeast of the Project site. Additionally, there is one red-bellied newt sighting approximately 2.7 miles to the southwest of the Project site and another sighting 2.8 miles to the southeast of the Project site (California Natural Diversity Database (CNDDB) Accessed December 2020). The MND does not require any compensatory mitigation for the loss of potential habitat on-site.

Evidence Impact would be Significant: Foothill yellow-legged frog was advanced as a candidate species under CESA by the Fish and Game Commission in 2017 due to growing concerns over the species' decline in a significant portion of its range. The Northwest clade was not listed under CESA in 2019; however, populations to the south and east were listed. Foothill yellow-legged frogs have been extirpated from about two-thirds of their historical range since 1970 (U.S. Forest Service 2016). Red-bellied newts are a Species of Special Concern and are endemic to California. Agriculture presents a

threat to newt habitat and lifecycle, because of the alteration and degradation of streams (Lanoo 2005).

Recommendations: The MND should analyze all groundwork activities, such as grading and filling, that may potentially impact foothill yellow-legged frog and/or red-bellied newt terrestrial and aquatic habitat. It should also discuss all potentially significant impacts to the species. For any permanent Project impacts to foothill yellow-legged frog, red-bellied newt, or their habitat, CDFW recommends the MND include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft MND should include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement or deed restriction. CDFW recommends a qualified biologist experienced in the identification and life history of be on-site during all Project activities.

Comment 8: Special-Status Plant Surveys

Issue: The MND states that there is likelihood for multiple special-status plant species to occur on the Project site. According to BIOS, there is one observation of Colusa layia (*Layia septentrionalis*; 1B.2) that either overlaps or is adjacent to the Project site. Additionally, Page 26 of the MND states that "the study area for this project's field survey is limited to the three existing outdoor cultivation areas and vegetation surrounding the perimeters of the outdoor cultivation areas". It is unclear whether the study area encompasses all areas of project impacts, including stockpile and staging areas, construction equipment footprint, adjacent properties, etc.

Recommendation: A Qualified Biologist should conduct a survey during the appropriate blooming period for all special-status plants that have the potential to occur on the Project site prior to the start of construction. Surveys should be conducted following *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*, prepared by CDFW, dated March 20, 2018. The protocol can be found here: https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants. If special-status plants are found during surveys, the MND should outline which species of special-status plants will be impacted how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants.

The protocol states that "botanical field surveys should be comprehensive over the entire Project area, including areas that will be directly or indirectly impacted by the Project." Indirect Project impacts could affect adjoining properties if the Project includes fuel reduction from vegetation modification, herbicide application, invasive species, and altered hydrology. The applicant should provide a copy of the special-status plant survey results to CDFW for review and acceptance.

Comment 9: Fencing Hazards

Issue: The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality.

Recommendation: CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. Further information on this subject may be found at: https://ca.audubon.org/conservation/protect-birds-danger-open-pipes.

REGULATORY REQUIREMENTS

Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code Sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form, online field survey form, and contact information for CNDDB staff can be found at the following link: https://wildlife.ca.gov/data/CNDDB/submitting-data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the 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 and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County of Sonoma in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Ms. Mia Bianchi, Environmental Scientist, at (707) 210-4531 or mia.bianchi@wildlife.ca.gov; or Mr. Wes Stokes, Senior Environmental Scientist (Supervisory) at (707) 339-6066 or wesley.stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Gregg Erickson
BE74D4C93C604EA...

Gregg Erickson
Regional Manager
Bay Delta Region

REFERENCES

Lannoo, Michael (Editor). *Amphibian Declines: The Conservation Status of United States Species*. University of California Press, June 2005.

California Department of Fish & Wildlife (CDFW). 2020. California Natural Diversity Database (CNDDB) Rarefind Electronic database. Sacramento, CA. Search of U.S. Geological Survey 7.5-minute quadrangles Cloverdale. Accessed December 2020

U.S. Forest Service (USFS). 2016. Foothill yellow-legged frog conservation assessment in California. General Technical Report PSW-GTR-248, Pacific Southwest Reserach Station, U.S. Forest Service, Albany, CA, USA.

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: UPC17-0097, County of Sonoma

SCH No.: 2020120066

RECOMMENDED MITIGATION MEASURES	**Responsibility for Implementation**
Mitigation Measure: Lake and Streambed Alteration Status CDFW recommends the MND correct the status of the LSA description to reflect it has not been finalized.	Project Applicant/ Qualified Biologist(s)
Mitigation Measure: Project Well The Project well should be evaluated by a qualified professional such as a hydrologist to determine the relationship of surface water interaction and potential for streamflow diversion or depletion. Well evaluation should be included in the CEQA review. If the well is evaluated to demonstrate hydrological connectivity to surface water, it would be subject to Fish and Game Code section 1602 permitting authority.	Project Applicant/ Qualified Professional
Mitigation Measure: Scope of the Project and Cumulative Impacts CDFW recommends the Project MND clarify the scope of the Project with respect to the apparent cannabis cultivation described above. Any impacts from past cultivation or planned future cultivation at these locations should be disclosed, addressed, and evaluated within the CEQA document as these impacts add to cumulative scope of impacts on-site and within the Russian River watershed. If watershed impacts have occurred at these locations from recent past cannabis cultivation activities, a Project remediation plan should be developed to clean-up and restore the sites to pre-cultivation conditions.	Applicant
Mitigation Measure: Burrowing Owl For an adequate environmental setting and impact analysis, and to reduce impacts to less-than-significant, CDFW recommends that the MND include a mitigation measure requiring a qualified biologist to conduct surveys following the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation survey methodology (see https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds). Surveys should encompass the Project	Project Applicant/ Qualified Biologist(s)

area and a sufficient buffer zone to detect owls nearby that may be impacted. The Project area should consider all areas of temporary and permanent impacts, including anywhere heavy equipment may occur on the site. Time lapses between surveys or Project activities should trigger subsequent surveys including but not limited to a final survey **within 24 hours** prior to ground disturbance before construction equipment mobilizes to the Project area. The qualified biologist should have a minimum of two years of experience implementing the CDFW 2012 survey methodology resulting in detections. Detected burrowing owls should be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan should be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation should be included in the eviction plan. Off-site habitat compensation should also be required for any nest burrows used within the last three year that would be removed. Habitat compensation acreages should be approved by CDFW, as the amount depends on site-specific conditions, and completed before Project construction. It should also include placement of a conservation easement and preparation and implementation of a long-term management plan.	
<u>Mitigation Measure: Special-Status Bat Species</u> The MND should clarify the scope of potential hibernation or roost sites that may be impacted by the Project. If trees and/or buildings providing suitable bat hibernation or roost habitat are removed as part of the Project, these impacts are not adequately addressed in the CEQA document. If trees and/or buildings containing suitable bat habitat will be removed, a qualified biologist should conduct a bat habitat assessment of all trees and/or buildings proposed for removal to determine presence of bats. CDFW should review and accept resumes of biologists proposing to conduct surveys for special-status bats to ensure each biologist possesses the appropriate specialized qualifications; such as 1) at least 2 years of experience conducting bat surveys that resulted in detections for the relevant species including the Project name, dates, and person who can verify the experience, and 2) the types of equipment used to conduct surveys. A survey methodology should be submitted to CDFW for approval. Any trees containing suitable bat roosting habitat (e.g., cavities, crevices, deep bark fissures) should be marked and removed using a two-day phased method as follows: On day 1, under the supervision of a qualified biologist, all limbs not containing suitable bat roosting habitat	Project Applicant/ Qualified Biologist(s)

should be removed using chainsaws only. The next day, the rest of the tree should be removed. All trees or buildings with bats should be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If removal must occur outside of these timeframes, a qualified biologist should conduct a survey to determine if maternity colonies are winter torpor bats are present. If present, the tree or buildings should not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified biologist.	
<u>Mitigation Measure: Tree Removal - Oak Woodland</u> If the Project MND should clarify if there will be any removal of oak woodlands or mature trees. CDFW recommends the Project avoid large diameter tree removal to the greatest extent feasible. On-site tree planting should be considered as a potential impact minimization measure, but not sufficient to completely off-set temporal impacts from loss of large mature trees. If the Project will cause permanent loss of oak woodlands or mature trees, mitigation would be necessary to reduce the Project's impacts to a level of less-than-significant. CDFW recommends Project mitigation for such impacts include in-kind preservation of mature trees and oak woodlands in perpetuity.	
<u>Mitigation Measure: Foothill Yellow-Legged Frogs and Red-Bellied Newt</u> The MND should analyze all groundwork activities, such as grading and filling, that may potentially impact foothill yellow-legged frog and/or red-bellied newt terrestrial and aquatic habitat. It should also discuss all potentially significant impacts to the species. For any permanent Project impacts to foothill yellow-legged frog, red-bellied newt, or their habitat, CDFW recommends the MND include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft MND should include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement or deed restriction. CDFW recommends a qualified biologist experienced in the identification and life history of be on-site during all Project activities.	Project Applicant/ Qualified Biologist(s)
<u>Mitigation Measure: Special-Status Plant Surveys</u> A Qualified Biologist should conduct a survey during the appropriate blooming period for all special-status plants that have the potential to	Project Applicant/ Qualified Biologist(s)

occur on the Project site prior to the start of construction. Surveys should be conducted following *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*, prepared by CDFW, dated March 20, 2018. The protocol can be found here: https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants. If special-status plants are found during surveys, the MND should outline which species of special-status plants will be impacted how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. The protocol states that "botanical field surveys should be comprehensive over the entire Project area, including areas that will be directly or indirectly impacted by the Project. Indirect Project impacts could affect adjoining properties if the Project includes fuel reduction from vegetation modification, herbicide application, invasive species, and altered hydrology. The applicant should provide a copy of the special-status plant survey results to CDFW for review and acceptance.	
Mitigation Measure: Fencing Hazards CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. Further information on this subject may be found at: https://ca.audubon.org/conservation/protect-birds-danger-open-pipes.	Project Applicant/ Qualified Biologist(s)