

State of California – Natural Resources Agency

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Jan 12 2021

STATE CLEARINGHOUSE

January 11, 2021

Ms. Candice Bowcock
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Subject: Baseline Road Single-Family Residential and Annexation Project, Mitigated Negative Declaration, SCH #2020120212, City of La Verne, Los Angeles County

Dear Ms. Bowcock:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) from the City of La Verne (City; Lead Agency) for the Baseline Road Single-Family Residential and Annexation Project (Project). Review of the MND included *Appendices* to the Initial Study/MND (IS/MND).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

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Project Description and Summary

Objective: The proposed Project would annex 19.44 acres of undeveloped land in the West Claremont portion of unincorporated Los Angeles County. The 19.44-acre parcel is currently zoned for Light Agriculture (A-1-15000) by Los Angeles County. The Project proposes to change the parcel's zoning to Planned Residential (PR 3D) under the City's Municipal Zoning Code. The Project also proposes to develop approximately 8.47 total acres of the southern portion of the parcel. Approximately 5.59 acres would be subdivided into seven lots, each containing a single-family dwelling unit and attached garage. An additional 8th lot of approximately 2.66 acres would be designated as a debris basin. The debris basin would capture water from natural drainages within the Project site. A 9th lot of approximately 10.75 acres would be dedicated to open space. The Project would include two new paved roadway segments and paved driveways totaling 1.1 acres. Construction activities would include grading and soil stabilization at the location of the proposed dwelling units, slopes surrounding the dwelling units, debris basin, and in the locations of roadway segments and driveways for a total of 4.6 acres. Approximately 3.74 acres of vegetation would be removed in accordance with the fuel modification requirements of the City and Los Angeles County fire departments.

Location: The Project is located north of W. Baseline Road and west of Broken Spur Road, in the West Claremont area of unincorporated Los Angeles County. The Project site encompasses Assessor Parcel Number 8666-006-035. The Project site is bounded by undeveloped land to the north, W. Baseline Road to the south, Broken Spur Road and undeveloped land to the east, and the current City boundary to the west. The Project is located entirely within the San Dimas/San Antonio Wash Los Angeles County Significant Ecological Area (SEA). The Project is adjacent to the southeast of the Sugarloaf Mountain/Keller Peak – San Gabriel/Cucamonga connection, a habitat linkage and wildlife migration corridor. Marshall Canyon Conservation Corridor and Live Oak Reservoir and Park occur approximately 2,000 feet north of the Project.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. 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 (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts to Aquatic and Riparian Resources

Issue: CDFW is concerned that the Project would impact streams and riparian forests/woodlands.

Specific impacts: According to *Table 6 Summary of Impacts to Jurisdictional Resources* on page 42 of the IS/MND, the Project would impact 706 linear feet of streams and 1.43 acres of canyon live oak forest (*Quercus chrysolepis* Forest and Woodland Alliance). Furthermore, the Project may potentially impact streams and riparian forests/woodlands not previously identified

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by the Project's Jurisdictional Delineation described in Appendix B.1 (Biological Resources Assessment).

Why impacts would occur: The Project's proposal to grade and develop the Project site could result in impacts to streams and canyon live oak forest. The Project may alter, develop, and divert ephemeral and episodic streams, resulting in permanent impacts to 706 linear feet of streams. Altering streams within the Project's development, grading, and fuel modification zones could impair headwater streams where there is hydrologic connectivity. The Project's proposal to remove of 1.43 acres of canyon live oak forest may also impact streams. Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding, regulating water flow in watersheds, and maintaining water quality in streams and rivers. Removing canyon live oak forest may increase sediment, debris, and pollutant input into streams. Erosion may be more likely where Project vegetation removal would occur in areas burned by the Rodeo Fire in July 2017.

According to the U.S. Fish and Wildlife Service's [National Wetlands Inventory](#), there are 0.25 acres of stream and 0.61 acres of forested/shrub riparian habitat at the southeast portion of the Project site (USFWS 2020). This stream and associated vegetation were not reflected in the Project's Jurisdictional Delineation. The Project could impact additional streams and associated vegetation.

Evidence impact would be significant: The Project may impact streams, which absent appropriate mitigation, could result in substantial erosion or siltation within the Project's development, grading, and fuel modification zones and/or upstream of those zones. Furthermore, the Project may result in loss of riparian habitat. Canyon live oak grows in riparian areas, sheltered coves, and deep, moist, shady ravines and canyons (Tollefson 2008). Riparian habitats provide important food, nesting habitat, cover, and migration corridors for wildlife. Only 5 to 10 percent of California's original riparian habitat exists today and much of the remaining habitat is in a degraded condition (NRC 2002). Additionally, oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources. CDFW considers oak woodlands a sensitive vegetation community.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW has concluded that the Project may result in the alteration of streams. As such, CDFW concurs with the Project's proposal to notify CDFW pursuant under Fish and Game Code, section 1600 *et seq.* The Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq.* Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020a). LSA Notification should occur prior to the City's issuance of a grading permit.

Mitigation Measure #2: CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering streams within the Project's development, grading, and fuel

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modification zones could impair headwater streams where there is hydrologic connectivity. The hydrology report should also include a scour analysis to demonstrate that stream banks and streambeds would not erode as a result of impacts downstream.

Mitigation Measure #3: As part of the LSA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW recommends assessing/including 0.25 acres of stream and 0.61 acres of forested/shrub riparian habitat identified in the National Wetlands Inventory. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Mitigation Measure #4: CDFW recommends the Project mitigate for impacts to streams and canyon live oak forest by replacing habitat at no less than 5:1 for all temporary and permanent impacts to streams and canyon live oak forest. Mitigation lands should support streams and canyon live oak forest of similar vegetation composition, density, coverage, and species richness and abundance.

Mitigation Measure #5: CDFW recommends the City acquire mitigation lands immediately adjacent to the Project's 10.75 acres of dedicated open space and preserve in perpetuity as one contiguous parcel. Mitigation lands should be located away from the Project's fuel modification zone. If additional acres are not available for purchase that support streams and canyon live oak forest, CDFW recommends the City identify mitigation lands that could expand the footprint of the Marshall Canyon Conservation Corridor and enhance wildlife habitat, corridors, and diversity. CDFW recommends the City consider coordinating with the La Verne Land Conservancy to identify and select appropriate mitigation lands that support streams and canyon live oak forest.

Mitigation Measure #6: Mitigation lands should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 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. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, control of illegal dumping, water pollution, and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to the City's issuance of a grading permit.

Recommendation: CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

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Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project site. The LSA Agreement may include further erosion and pollution control measures. To compensate for any on- and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Comment #2: Impacts on Wildlife Dispersal in a Wildland-Urban Interface

Issue: The Project proposes to develop and modify habitat within and adjacent to sensitive ecological areas and natural habitats. This includes a wildlife corridor. CDFW is concerned that the Project has not proposed adequate measures to mitigate for potential impacts on wildlife and wildlife dispersal after the Project.

Specific impacts: The Project as proposed may have direct or indirect impacts on wildlife by increasing human presence, traffic, and noise artificial lighting, and potentially creating barriers or obstacles to wildlife dispersal. Increased human-wildlife interactions and barriers to wildlife dispersal could lead to injury or mortality of wildlife or local extirpation of wildlife from the Project site.

Why impacts would occur: Page 10 of Appendix B.1 states that “the parcel [Project site] is contiguous with hundreds of thousands of acres of pristine native habitat and the value from habitat linkage and wildlife movement in the region is expected to be very high as a result.” Also, the Project site is located within the San Dimas/San Antonio Wash Los Angeles County SEA. Also, the Project site is adjacent to the southeast of the Sugarloaf Mountain/Keller Peak – San Gabriel/Cucamonga habitat linkage and wildlife migration corridor. Lastly, as stated on Page 10, the Project site and San Dimas/San Antonio Wash Los Angeles County SEA link native habitats surrounding Live Oak Reservoir to the Angeles National Forest.

Despite the Project’s location and potential to have substantial impacts on wildlife and wildlife dispersal, the MND appears to find that the Project would not have significant impacts, particularly on wildlife dispersal. Specifically, page 10 of Appendix B.1 states, “large portions of the proposed development have already been impacted by fuel modification associated with the adjacent houses, and these areas are not suitable for wildlife movement and lack native habitats.” This statement contradicts some of the MND’s findings. First, with respect to suitability for wildlife movement, the MND previously concluded that the Project site could link native habitats. Second, the majority of the site consists of native plant communities supporting wildlife. Only 2.01 acres is “disturbed plant communities” and even so, a “disturbed” plant community does not preclude wildlife from utilizing that plant community. Finally, the Project site could be important for wildlife dispersal considering the Project’s proximity to ecologically sensitive areas.

Evidence impact would be significant: The dismissal of the Project site’s suitability as wildlife habitat and linkage may lead to direct or indirect impacts on wildlife both during and after the Project. The Project may increase human-wildlife interactions and development could create barriers to wildlife dispersal. This could cause wildlife injury or mortality and/or local extirpation of wildlife from the Project site. The Project’s potential to impact on wildlife dispersal could be significant considering the Project’s location. Moreover, the Project site and surroundings is already vulnerable to urbanization which leads to habitat loss, modification, or fragmentation. It

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is possible that the Project could increase pressures on wildlife dispersal without appropriate mitigation.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Construction Fencing – Due to the location of the Project site, CDFW recommends that any fencing used during and after the Project be constructed with materials that are not harmful to wildlife. Prohibited materials should include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence should be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality. 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. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. A qualified biologist should move any wildlife out of harm’s way so that no wildlife is enclosed inside any work zone or otherwise impacted by fence installation. The City should install the fence in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such that wildlife cannot enter from under the fence). Fences should not have any slack that may cause wildlife entanglement.

Mitigation Measure #2: Permeable Fencing – CDFW recommends the Project use permeable fencing [see [A Landowner’s Guide to Wildlife Friendly Fences](#) for additional information (MFWP 2012)].

Mitigation Measure #3: Rodenticides – CDFW recommends that rodenticides and second-generation anticoagulant rodenticides be prohibited during and after the Project. The City should provide property owners and residents with pertinent context, research, and data to inform property owners why rodenticides and second-generation anticoagulant rodenticides are prohibited due to their harmful effects on the ecosystem and wildlife.

Comment #3: Impacts to White-Tailed Kite

Issue: CDFW is concerned that the Project may impact breeding and nesting white-tailed kites (*Elanus leucurus*), a California Fully Protected Species. The Project has not proposed mitigation to avoid impacts specific to white-tailed kite.

Specific impacts: Project construction and activities during the raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings.

Why impacts would occur: The IS/MND states that white-tailed kite “has the potential [high/moderate] to nest in the canyon live oak forest and forage in the surrounding scrub habitats.” Accordingly, impacts to white-tailed kites could result from Project ground-disturbing activities and vegetation removal. Construction during the breeding and nesting season of raptors could result in the incidental loss of breeding success or otherwise lead to nest abandonment or reduced feeding, causing the incidental loss of fertile eggs or nestlings.

Evidence impact would be significant: The Project may result in adverse effects, either directly or through habitat modifications, on a California Fully Protected species. Take of any

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species designated as California Fully Protected under the Fish and Game Code is prohibited (Fish & G. Code, § 3511). CDFW cannot authorize the take of any California Fully Protected species as defined by State law. California Fully Protected species may not be taken or possessed at any time. No licenses or permits may be issued for take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, § 3511). Adverse impacts to white-tailed kite may occur because the Project is not conditioned to implement any white-tailed kite-specific take avoidance surveys or fully avoid impacts to white-tailed kite.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid impacts to potential nesting white-tailed kites, CDFW recommends that a qualified biologist with knowledge of white-tailed kite life history and survey experience conduct a thorough survey of the entire 19.44-acre Project site. Surveys should also be conducted in the Project site plus a 500-foot buffer (as access allows). Surveys should be completed no more than 3 days prior to beginning any Project-related ground-disturbing activities (including staging and mobilization) or vegetation removal. Positive detections should be reported to CDFW prior to the any Project-related ground-disturbing activities or vegetation removal.

Mitigation Measure #2: If white-tailed kite nests are detected, no Project-related construction and activities should occur from January 1 through August 31.

Mitigation Measure #3: If Project construction and activities must occur between January 1 through August 31, CDFW recommends the City, in consultation with a qualified biologist, develop a robust avoidance plan to specifically avoid impacts to white-tailed kite. The plan should include effective, specific, enforceable, and feasible measures. A minimum 1,000-foot no-disturbance buffer should be implemented around each white-tailed kite nest. No Project-related construction and activities should occur within the protected area while occupied by white-tailed kite nests and nestlings. An avoidance plan should be developed prior to beginning any Project-related ground-disturbing activities or vegetation removal.

Comment #4: Impacts to Coastal California Gnatcatcher and Coastal Cactus Wren

Issue: CDFW is concerned that the Project's Mitigation Measure BIO-3 *Coastal California Gnatcatcher Preconstruction Survey*, as it is currently proposed, is inadequate to avoid or minimize the mortality of coastal California gnatcatcher (*Polioptila californica californica*). Coastal California gnatcatcher (gnatcatcher) is an Endangered Species Act (ESA)-listed threatened species as well as a California Species of Special Concern (SSC). CDFW is also concerned that the Project's proposed Mitigation Measure BIO-4 *Coast Prickly Pear Nesting Habitat Avoidance*, as it is currently proposed, may still result in significant impacts to the coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), an SSC, through the loss of nesting habitat.

Specific impacts: Project construction and activities during the gnatcatcher breeding and nesting season could result in the incidental loss of fertile eggs or nestlings. According to page 25 of Appendix B.1, the Project would result in permanent loss of 1.24 acres of coast prickly pear scrub (*Opuntia littoralis* Shrubland Alliance), which provides habitat for the coastal cactus wren within the Project site.

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Why impacts would occur:

Gnatcatcher: Page 39 in the IS/MND states that gnatcatcher could occur in the scrub habitats within the Project site. Accordingly, mitigation for gnatcatcher has been proposed. However, CDFW is concerned that Mitigation Measure BIO-3 would not reduce impacts to gnatcatcher below a level of significance. Mitigation Measure BIO-3 only stipulates “a single preconstruction presence/absence survey for coastal California gnatcatcher to determine if the species occurs on the parcel.” According to established protocol, multiple surveys are required to determine presence/absence of gnatcatcher (USFWS 1997). The Project proceeding after a false negative conclusion could impact nesting gnatcatchers. Project construction and activities during the breeding and nesting season for gnatcatcher could result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment or decreased feeding frequency. Impacts could result from noise disturbances, increased human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilization, excavation, grading), vibrations caused by heavy equipment, and vegetation removal.

Coastal cactus wren: The Project would result in permanent loss of 5.19 acres of shrubland which currently supports coastal cactus wren and could support additional special status wildlife species. The Project has proposed Mitigation Measure BIO-4 to mitigate for impacts to coastal cactus wren. However, CDFW is concerned that Mitigation Measure BIO-4 would not reduce impacts to coastal cactus wren as a function of habitat loss below a level of significance. First, BIO-4 stipulates that only the densest areas of coastal prickly pear scrub where coastal cactus wren have been observed nesting will be preserved. This may equate to only a small patch of coastal prickly pear scrub. BIO-4 does not propose mitigation for the remaining acres permanently lost out of a total of 1.24 acres. Second, preservation of isolated patches of dense coastal prickly pear scrub would not provide any habitat continuity. Lastly, BIO-4 states that preservation is “only to the extent possible.” If preservation is determined to not be feasible, the Project would result in additional impacts to coastal cactus wren habitat, especially where nesting coastal cactus wrens have been observed. Accordingly, BIO-4 may be insufficient to mitigate impacts to cactus wren as a function of permanent habitat loss.

Evidence impact would be significant: Nests of all birds are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13) is prohibited under Fish and Game Code section 3513.

Key impacts to the coastal cactus wren include habitat loss, degradation, and fragmentation due to urbanization and human-caused wildfires that have resulted in genetic isolation (CDFW 2015). Given the decline of coastal cactus wren in southern California, the species is considered a Species of Greatest Conservation Need per the [2015 California State Wildlife Action Plan](#) (CDFW 2015). Within the Project site, coast prickly pear scrub provides habitat for coastal cactus wren. Additionally, coast prickly pear scrub has a State Rarity ranking of S3. CDFW considers plant communities, alliances, and associations with a State ranking of S1, S2, and S3 as sensitive and declining at the local and regional level. An S3 ranking indicates there are 21 to 100 viable occurrences of this community in existence in California, S2 has six to 20 occurrences, and S1 has fewer than six viable occurrences (Sawyer et al. 2009).

CEQA provides protection not only for ESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the

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CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065). The reductions in the number of special status bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and/or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the City retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist should survey the Project site to determine presence/absence of gnatcatcher. The qualified biologist should conduct surveys according to USFWS [Coastal California Gnatcatcher \(*Poliophtila californica californica*\) Presence/Absence Survey Guidelines](#) (USFWS 1997). The survey protocol requires a minimum of six surveys conducted at least one week apart from March 15 through June 30 and a minimum of nine surveys at least two weeks apart from July 1 through March 14. The protocol should be followed for all surveys unless otherwise authorized by the USFWS in writing (USFWS 1997). CDFW recommends gnatcatcher surveys be conducted and USFWS notified (per protocol guidance) prior to the City's issuance of a grading permit.

Take under the ESA is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS, in order to comply with ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.

Mitigation Measure #2: In addition to the Project's proposed Mitigation Measure BIO-4, CDFW recommends the City mitigate for impacts to 1.24 acres of coast prickly pear habitat at a ratio comparable to the Project's level of impacts. Mitigation lands should support coastal cactus wren and/or coast prickly pear habitat of similar vegetation composition, density, coverage, and species richness and abundance [see Comment #1: Impacts to Aquatic and Riparian Resources (Mitigation Measures #5 and 6)].

Comment #5: Impacts to Species of Special Concern (SSC)

Issue: CDFW is concerned that the Project's Mitigation Measure BIO-1 *Preconstruction Surveys*, as it is currently proposed, may still result in significant impacts to the following SSC:

- *Reptiles:* southern California legless lizard (*Anniella stebbinsi*), California glossy snake (*Arizona elegans occidentalis*), orange-throated whiptail (*Aspidoscelis hyperythra*), coast whiptail (*Aspidoscelis tigris stejnegeri*), and coast horned lizard (*Phrynosoma blainvillii*).
- San Diego desert woodrat (*Neotoma lepida intermedia*) and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*).

All species listed above have a moderate to high potential to occur in the Project site.

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Specific impacts: Project construction and activities, directly or through habitat modification, may result in direct injury or mortality of an SSC.

Why impacts would occur: Page 39 in the IS/MND states “if present during construction, these species [Species of Special Concern] could be killed by construction equipment which could result in a significant impact to these species.” Accordingly, mitigation for SSC has been provided. However, CDFW is concerned that Mitigation Measure BIO-1 would not reduce impacts to SSC below a level of significance.

First, Mitigation Measure BIO-3 only stipulates preconstruction surveys “immediately prior to the removal of native plant communities.” The measure may not provide preconstruction surveys prior to ground-disturbing activities even though direct impacts to SSC could result from staging, mobilizing, excavating, and grading activities. Ground-disturbing activities may trap wildlife hiding under refugia and burrows. Additionally, wildlife could be trampled or crushed by construction equipment, vehicles, and foot traffic. This can result in injury or death of adults, juveniles, eggs, or hatchlings. Second, preconstruction surveys “immediately prior” to commencing work may be ineffective to detect SSC. Project construction and activities starting early in the morning may require even earlier preconstruction surveys. A preconstruction survey performed in the morning may not detect reptiles which could be underground and inactive. Grading and vegetation removal after false negative conclusions may trap wildlife hiding under refugia and burrows. This may result in trampling and crushing of SSC and injury or mortality of SSC. Third, Mitigation Measure BIO-1 does not provide biological construction monitoring throughout the duration of Project activities that may involve ground disturbance and vegetation removal. Lastly, Mitigation Measure BIO-1 does not provide enough specificity as to where each species would be relocated. Wildlife could be relocated to areas without suitable habitat or structures (e.g., burrows, refugia, logs) necessary for the species.

Evidence impact would be significant: Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Scientific Collecting Permit – Pursuant to the [California Code of Regulations, title 14, section 650](#), the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW’s [Scientific Collection Permits](#) webpage for information (CDFW 2020b). An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #1: Impacts to Aquatic and Riparian Resources).

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental

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documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).

Mitigation Measure #2: Species Surveys – The City should retain a qualified biologist(s) with experience surveying for or is familiar with the life history of each of the following species: southern California legless lizard, California glossy snake, orange-throated whiptail, coast whiptail, coast horned lizard, San Diego desert woodrat, and San Diego black-tailed jackrabbit. The qualified biologist should conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.

Mitigation Measure #3: Protection/Relocation Plan – Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat on site or to suitable habitat adjacent to the project area. SSC should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan should be submitted to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal.

Mitigation Measure #4: Worker Training – The City in consultation with a qualified biologist should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with a SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so.

Mitigation Measure #5: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Comment #6: Impacts to Crotch's Bumble Bee

Issue: The IS/MND concluded that Crotch's bumble bee (*Bombus crotchii*), an invertebrate of conservation, is likely to be present at the Project site. However, the Project has not provided mitigation for potential impacts to Crotch's bumble bee. The IS/MND has not provided Crotch's bumble bee survey to conclude the species is absent.

Specific impacts: The Project as proposed would grade and/or develop habitat that could support Crotch's bumble bee. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground-disturbing activities and

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vegetation removal may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.

Why impacts would occur: The IS/MND states that Crotch's bumble bee is likely to be present at the Project site. The IS/MND also states that "the parcel has suitable food plants including *Phacelia* and *Eriogonum* that this species [Crotch's bumble bee] prefers." However, the Project has not provided mitigation for potential impacts to Crotch's bumble bee. Ground disturbance and vegetation removal associated during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. The Project may result in temporal or permanent loss of colonies and suitable nesting and foraging habitat.

Evidence impact would be significant: Crotch's bumble bee is listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017). Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Also, Crotch's bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Due to suitable habitat within the Project site, within one year prior to grading and/or vegetation removal, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to the City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee. At minimum, a survey report should provide the following:

- a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee;
- b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;
- c) Map(s) showing the location of nests/colonies; and,
- d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

Mitigation Measure #2: If Crotch's bumble bee is detected, the City in consultation with a qualified entomologist should develop a plan to fully avoid impacts to Crotch's bumble bee. The plan should include effective, specific, enforceable, and feasible measures. An avoidance plan should be submitted to the City prior to implementing Project-related ground-disturbing activities

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and/or vegetation removal where there may be impacts to Crotch's bumble bee.

Mitigation Measure #3: If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided during Project construction and activities, the City/qualified entomologist should coordinate with CDFW to obtain appropriate handling permits for incidental take of Crotch's bumble bee and provide appropriate mitigation for impacts to Crotch's bumble bee habitat. CDFW recommends the City mitigate for impacts to Crotch's bumble bee habitat at a ratio comparable to the Project's level of impacts.

Comment #7: Impacts to Rare Plants

Issue: Page 39 in the IS/MND states, "no impacts to special status plants would occur under the Project." CDFW is concerned that rare plant surveys could have resulted in missed detections of rare or endangered plant. Accordingly, without a mitigation measure for rare plants, the Project may result in significant impacts to rare plants and habitat.

Specific impacts: The Project may result in population declines or local extirpation of rare plants, including ESA- and CESA-listed endangered species not previously known to occur within the Project site. The Project could impact at least 20 rare and/or special status plants as listed on Table 2, Page 14 of Appendix B.1 (Biological Resources Assessment). This list includes California Rare Plant Rank (CRPR) 1B, 2B, and 4 species. Nevin's barberry (*Berberis nevinii*) is ESA- and CESA-listed endangered. Additionally, the Project could impact San Gabriel Mountains leather oak (*Quercus durata* var. *gabrielensis*), a CRPR 4.2 species, which has been documented within the fuel modification and grading zones.

Why impacts would occur: A focused rare plant survey may have resulted in missed detections of rare plants species not previously known to occur within the Project site. First it is unclear whether a focused rare plant survey was performed in accordance with [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Only one survey was performed on June 28, 2019 by a biologist. According to CDFW protocol, multiple surveys throughout the growing season (e.g., early, mid, and late-season) should be conducted in order to capture the floristic diversity at a level necessary to determine if special status species are present (CDFW 2018). Second, parts of the Project site were surveyed using binoculars. Page 7 of Appendix B.1 states, "due to the steep terrain, dense vegetation, and presence of poison oak the survey was limited in areas that were inaccessible or dangerous and these areas were surveyed using binoculars." Since these areas were not thoroughly surveyed (for reasons that are understandable), it may be premature to conclude that the Project would have no impact on rare plants without survey on foot to unequivocally conclude absence.

The Project could impact one more rare species not listed on Table 2, Page 14 of Appendix B.1. According to Calflora, there are two records of San Gabriel Mountains leather oak within the fuel modification and grading zones (Calflora 2020). San Gabriel Mountains leather oak was not discussed in the IS/MND, Appendix B.1, or Appendix B.2 (Significant Tree Report). It is unclear if San Gabriel Mountains leather oak is no longer present in the Project site or was potentially missed.

Project construction and activities involving ground disturbance and vegetation clearing, vehicle, equipment, and foot traffic may bury, excavate, crush, trample, or disturb rare plants. Soil disturbance may result in permanent loss of rare plants and rare plant seed bank. Impacts to

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rare plants may result in local population declines or extirpation of a species. Insufficient mitigation may result in prolonged temporal or permanent impacts to a rare plant species' range, distribution, and population at the local, regional, or State level.

Evidence impact would be significant: Plants with a CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380) and are eligible for State listing (CNPS 2020a). Some CRPR 3 and 4 species meet the definitions of endangered, rare, or threatened species under CEQA. Depending on the species and ranking, a CRPR species may be seriously threatened in the State. California Native Plant Society's (CNPS) [Rare Plant Ranks](#) page includes additional rank definitions (CNPS 2020a).

Per Calflora records, San Gabriel Mountains leather oak has been observed only in Los Angeles, San Bernardino, and Riverside counties. Of the 242 total records of this species, 208 of those records occur within Los Angeles County. Accordingly, there is a possibility that San Gabriel Mountains leather oak may be a rare taxon in the State because of its limited distribution. Also, San Gabriel Mountains leather oak may be unique to Los Angeles County. Taxa that can be shown to meet the criteria for endangered, rare, or threatened status under CEQA Guidelines section 15380, or is regionally rare or unique as defined in CEQA Guidelines section 15125(c), must be fully analyzed in an environmental document for CEQA. Impacts to special status plants should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and/or USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends for grading and vegetation removal be conducted in a systematic and phased manner that would allow the botanist to survey the area for rare plants before proceeding with complete grading or vegetation clearing down to bare ground. Special consideration should be given to areas that were previously inaccessible that could become accessible during grading and vegetation removal activities. This includes areas of steep terrain, dense vegetation, and dense poison oak.

If rare plants are found, CDFW recommends that all work in the immediate area stop under the direction of a qualified botanist. Depending on the species, work may not resume until the proper notifications have been made to CDFW and/or USFWS (see Mitigation Measure #2 and #3) and/or a qualified botanist prepares and submits a rare plant mitigation plan to the City (see Mitigation Measure #4 and #5) in order to mitigate for impacts to rare plants.

Mitigation Measure #2: If a CESA- or ESA-listed threatened or endangered plant species is detected, CDFW recommends the City fully avoid impacts and notify CDFW and/or USFWS. CDFW recommends a qualified biologist develop a robust avoidance plan. The plan should include effective, specific, enforceable, and feasible measures. If CRPR 1, 2, 3, and 4 species are detected, CDFW recommends the City fully avoid impacts and notify CDFW of CRPR 1 and 2 species.

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Mitigation Measure #3: CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends the City seek appropriate take authorization under CESA prior to implementing/continuing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

Mitigation Measure #4: If the Project cannot feasibly avoid impacts to CRPR species and habitat, either during Project activities or over the life of the Project, CDFW recommends the City compensate for the loss of individual plants and associated habitat at a ratio comparable to the Project's level of impacts. Mitigation ratios should increase with impacts to a CRPR 2 species and should further increase with impacts to a CRPR 1 species.

Mitigation Measure #5: If the Project proposes to set aside replacement habitat to be protected in perpetuity, mitigation lands should be in the same watershed as the Project site and contains the rare plant species and habitat impacted. Replacement habitat should have similar vegetation composition, density, coverage, and species richness and abundance as the habitat impacted.

Recommendation: CDFW recommends the City consult with a qualified botanist familiar with southern California rare plants resurvey the Project site for San Gabriel Mountains leather oak. CDFW recommends the final environmental document include a summary of survey results, including negative findings, and a discussion of potential impacts, which includes potential changes induced in population distribution and concentration [CEQA Guidelines, § 15126.2(a)]. Significant impacts to San Gabriel Mountains leather oak should be mitigated by avoiding impacts to trees and/or replacing impacted trees with trees of the same Genus and species at a ratio comparable to the Project's level of impacts

Comment #8: Impacts to Bats, including SSC

Issue: CDFW is concerned that the Project's Mitigation Measure BIO-1 *Preconstruction Surveys*, as it is currently proposed, may result in significant impacts to pallid bat (*Antrozous pallidus*) and western mastiff bat (*Eumops perotis californicus*). Both bat species are SSC.

Specific impacts: The Project may result in direct and indirect impacts to bats. Direct impacts include removal of trees and that may provide roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

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Why impacts would occur: Page 39 of the IS/MND states that pallid bat may forage, and western mastiff bat may forage or roost in the Project site. Both species may roost in trees or rock crevices. The Project site supports suitable roosting structure for both bat species. The Project has proposed Mitigation Measure BIO-1 to mitigate for mammals in as a general taxon. However, CDFW is concerned that Mitigation Measure BIO-1 would not reduce impacts to bats below a level of significance. First, MM BIO-1 does not provide any specificity for avoiding or minimizing impacts to bats. A preconstruction survey for mammals would not determine the presence/absence of bats, which requires more species-specific and specific time-of-day surveys. Also, BIO-1 proposes to relocate mammals “at least 100-feet from any future impacts.” CDFW is concerned that attempts to capture and relocate any bats or roosts could result in injury or mortality to bats or roosts. Accordingly, the take and/or harassment of bats would result in the Project having a significant impact on bats and SSC.

Second, MM BIO-1 stipulates preconstruction surveys occur “prior to the removal of native plant communities.” Project construction and activities resulting in ground disturbance but unrelated to vegetation removal could also impact bats and roosts. Modifications to roost sites can have significant impacts on the bats’ usability of the roost and can impact the bats’ fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

Evidence impact 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). Additionally, several bat species are considered Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

Mitigation Measure #2: If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed down using heavy machinery rather than felling with a

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chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or 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 remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

Mitigation Measure #3: If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).

Mitigation Measure #4: If maternity roosts are found and the City determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before sunset and 30 minutes after sunrise.

Additional Recommendations

Nesting Birds. The Project's Mitigation Measure BIO-2 *Nesting Bird Surveys*, as it is currently proposed, does not include the breeding and nesting of raptors even though the Project site supports multiple raptor species. CDFW recommends modifying Mitigation Measure BIO-2 by expanding the time period for bird and raptor nesting from March 1 through August 31 to January 1 through August 31. If the Project occurs between January 1 through August 31, a nesting bird and raptor survey should be conducted prior to any ground-disturbing activities (e.g., staging, mobilization, excavation, grading) as well as prior to any vegetation removal within the Project site.

Laurel sumac scrub. The Project as proposed would impact 3.94 acres of laurel sumac scrub (*Malosma laurina* Shrubland Alliance) that could provide foraging, breeding, and nesting habitat for reptiles, mammals, birds, and bats. CDFW recommends the City mitigate for impacts to 3.94 acres of laurel sumac scrub at a ratio comparable to the Project's level of impacts.

Landscaping. CDFW strongly recommends avoiding non-native, invasive plants. The City should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#) (Cal-IPC 2020a). CDFW recommends the City use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. Information on alternatives for invasive, non-native, or landscaping plants may be found on the [California Invasive Plant Council's, Don't Plant a Pest](#) webpage for southern California (Cal-IPC 2020b). The [Audubon Society's Native Plants Database](#) is a resource to identify native plants and trees that will attract and benefit birds (National Audubon Society 2020). The [California Native Plant Society's Gardening](#) and [Xerces Society's Pollinator-Friendly Native Plant Lists](#) webpage has

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information on native plant species that invite insects and pollinators (CNPS 2020b; Xerces Society 2020).

Fuel Modification. A weed management plan should be developed for all areas adjacent to natural areas/open space that will be subject to disturbance from fuel modification. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2020c). This includes all documented occurrences of white-tailed kite, coastal California gnatcatcher, Crotch's bumble bee, coastal cactus wren, rare plants, sensitive plant communities, and other SSC. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

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

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of La Verne in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of La Verne has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA

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Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
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GAVIN NEWSOM, Governor
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Impacts to Aquatic and Riparian Resources – LSA Notification	The City shall notify CDFW pursuant to Fish and Game Code, section 1600 <i>et seq.</i>	Prior to issuance of grading permits	City of La Verne (City)/Project Applicant
MM-BIO-2- Impacts to Aquatic and Riparian Resources – LSA Notification	The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project's development, grading, and fuel modification zones could impair headwater streams where there is hydrologic connectivity. The hydrology report shall also include a scour analysis to demonstrate that stream banks and streambed would not erode as a result of impacts downstream.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-3- Impacts to Aquatic and Riparian Resources – LSA Notification	The City shall provide a map showing features potentially subject to CDFW's broad regulatory authority over streams. The City shall also provide a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-4- Impacts to Aquatic and Riparian Resources –	The City shall mitigate for impacts to streams and canyon live oak forest by replacing habitat at no less than 5:1 for all temporary and permanent impacts to streams and canyon live oak forest. The City shall acquire mitigation lands immediately adjacent to the Project's 10.75 acres of dedicated open space and preserve in perpetuity as	Prior to issuance of grading permits	City/Project Applicant

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Habitat replacement	one contiguous parcel. Mitigation lands shall be located away from the Project's fuel modification zone.		
MM-BIO-5- Impacts to Aquatic and Riparian Resources – Habitat replacement	The City shall acquire mitigation lands immediately adjacent to the Project's 10.75 acres of dedicated open space and preserve in perpetuity as one contiguous parcel. Mitigation lands shall be located away from the Project's fuel modification zone. If additional acres are not available for purchase that support streams and canyon live oak forest, the City shall identify mitigation lands that could expand the footprint of the Marshall Canyon Conservation Corridor and enhance wildlife habitat, corridors, and diversity. The City shall consider coordinating with the La Verne Land Conservancy to identify and select appropriate mitigation lands that support streams and canyon live oak forest.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-6- Impacts to Aquatic and Riparian Resources – Habitat replacement	Mitigation lands shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A mitigation plan shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-7- Impacts to Wildlife-Wildlife Dispersal-Construction fencing	Fencing used during and after the Project be shall be constructed with materials that are not harmful to wildlife. Prohibited materials shall include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence shall be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes shall be capped to prevent wildlife entrapment and mortality. Metal fence stakes used on the Project site shall be plugged with bolts or other plugging materials to avoid this hazard. A qualified biologist shall move any wildlife out of harm's way so that no wildlife is enclosed inside any work zone or otherwise impacted by fence installation. The City shall install the fence in a manner that excludes any wildlife from entering the work zone (i.e., embedded fence such	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant

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	that wildlife cannot enter from under the fence). Fences shall not have any slack that may cause wildlife entanglement.		
MM-BIO-8- Impacts to Wildlife-Wildlife Dispersal- Permeable fencing	The City shall consider permeable fencing as part of the Project's design.	Prior to finalizing the CEQA document	City/Project Applicant
MM-BIO-9- Impacts to Wildlife-Wildlife Dispersal- Rodenticides	Rodenticides and second-generation anticoagulant rodenticides shall be prohibited during and after the Project. The City shall provide property owners and residents with pertinent context, research, and data to inform property owners why rodenticides and second-generation anticoagulant rodenticides are prohibited due to their harmful effects on the ecosystem and wildlife.	During/After Project construction and activities	City/Project Applicant
MM-BIO-10- Impacts to White-Tailed Kite-Survey	To avoid impacts to potential nesting white-tailed kites, the City shall retain a qualified biologist with knowledge of white-tailed kite life history and survey experience to conduct a thorough survey of the entire 19.44-acre Project site. Surveys shall also be conducted in the Project site plus a 500-foot buffer (as access allows). Surveys shall be completed no more than 3 days prior to beginning any Project-related ground-disturbing activities (including staging and mobilization) or vegetation removal. Positive detections shall be reported to CDFW prior to the any Project-related ground-disturbing activities or vegetation removal.	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-11- Impacts to White-Tailed Kite-Avoidance	If white-tailed kite nests are detected, no Project-related construction and activities shall occur from January 1 through August 31.	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-12- Impacts to White-Tailed Kite-Avoidance	If Project construction and activities must occur between January 1 through August 31, the City, in consultation with a qualified biologist, shall develop a robust avoidance plan to avoid impacts to white-tailed kite. A minimum 1,000-foot no-disturbance buffer shall	Prior to ground-disturbing activities or	City/Project Applicant

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	be implemented around each white-tailed kite nest. No Project-related construction and activities shall occur within the protected area while occupied by white-tailed kite nests and nestlings	vegetation removal	
MM-BIO-13- Impacts to Coastal California Gnatcatcher-Survey and notification	The City shall retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist shall survey the Project site to determine presence/absence of gnatcatcher. The qualified biologist shall conduct surveys according to USFWS Coastal California Gnatcatcher (<i>Polioptila californica californica</i>) Presence/Absence Survey Guidelines . The City shall notify USFWS if gnatcatchers are observed.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-14- Impacts to Coastal cactus wren – habitat replacement	The City shall mitigate for impacts to coast prickly pear habitat at a ratio comparable to the Project's level of impacts. Mitigation lands shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-15- Impacts to Species of Special Concern- Handling permit	The City/qualified biologist shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-16- Impacts to Species of Special Concern-Survey	The City shall retain a qualified biologist(s) with experience surveying for or is familiar with the life history of each of the following species: southern California legless lizard, California glossy snake, orange-throated whiptail, coast whiptail, coast horned lizard, San Diego desert woodrat, and San Diego black-tailed jackrabbit. The qualified biologist shall conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. In addition, the qualified biologist shall conduct daily biological monitoring during any	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant

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	<p>activities involving vegetation clearing or modification of natural habitat.</p> <p>Positive detections of SSC and suitable habitat at the detection location shall be mapped and photographed. The qualified biologist shall provide a summary report of SSC surveys to the City. Depending on the survey results, a qualified biologist shall develop species-specific mitigation measures for implementation during the Project.</p>		
MM-BIO-17- Impacts to Species of Special Concern-Relocation Plan	<p>Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat on site or to suitable habitat adjacent to the project area. SSC shall be captured only by a qualified biologist with proper handling permits. The qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan shall be submitted to the City.</p>	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-18- Impacts to Species of Special Concern-Worker training	<p>The City in consultation with a qualified biologist shall prepare a worker environmental awareness training. The qualified biologist shall communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so.</p>	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-19- Impacts to Species of Special Concern-Injured/Dead Wildlife	<p>If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>	During ground-disturbing activities or vegetation removal	City/Project Applicant

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MM-BIO-20- Impacts to Crotch's Bumble Bee - Survey	Due to suitable habitat within the Project site, within one year prior to grading and/or vegetation removal, a qualified entomologist familiar with the species behavior and life history shall conduct surveys to determine the presence/absence of Crotch's bumble bee. Survey results, including negative findings, shall be submitted to the City.	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-21- Impacts to Crotch's Bumble Bee - Avoidance	If Crotch's bumble bee is detected, the City in consultation with a qualified entomologist shall develop a plan to fully avoid impacts to Crotch's bumble bee. An avoidance plan shall be submitted to the City.	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-22- Impacts to Crotch's Bumble Bee – Handling permit and replacement habitat	If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided the City/qualified entomologist shall obtain appropriate handling permits for incidental take of Crotch's bumble bee and provide appropriate mitigation for impacts to Crotch's bumble bee habitat. The City shall preserve habitat suitable for Crotch's bumble bee at a ratio comparable to the Project's level of impacts. Mitigation lands shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands.	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-23- Impacts to Rare Plants – Monitoring	Grading and vegetation removal shall be conducted in a systematic and phased manner that would allow the botanist to survey the area for rare plants before proceeding with complete grading or vegetation clearing down to bare ground. Special consideration shall be given to areas that were previously inaccessible that could become accessible during grading and vegetation removal activities. This includes areas of steep terrain, dense vegetation, and dense poison oak. If rare plants are found, all work in the immediate area stop under	During ground-disturbing activities or vegetation removal	City/Project Applicant

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	the direction of a qualified botanist. Depending on the species, work may not resume until the proper notifications have been made to CDFW and/or USFWS and/or a qualified botanist prepares and submits a rare plant mitigation plan to the City in order to mitigate for impacts to rare plants.		
MM-BIO-24- Impacts to Rare Plants – Listed Species	If a CESA- or ESA-listed threatened or endangered plant species is detected, the City shall fully avoid impacts and notify CDFW and/or USFWS. A qualified biologist shall develop a robust avoidance plan. If CRPR 1, 2, 3, and 4 species are detected, the City shall fully avoid impacts and notify CDFW of CRPR 1 and 2 species.	Prior to restarting ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-25- Impacts to Rare Plants – CESA ITP	If the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the City shall seek appropriate take authorization under CESA prior to implementing/continuing the Project.	Prior to restarting ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-26- Impacts to Rare Plants – Replacement habitat	If the Project cannot feasibly avoid impacts to CRPR species and habitat, either during Project activities or over the life of the Project, the City shall compensate for the loss of individual plants <u>and</u> associated habitat acres at a ratio comparable to the Project's level of impacts. Mitigation ratios shall increase with impacts to a CRPR 2 species and shall further increase with impacts to a CRPR 1 species.	Prior to restarting ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-27- Impacts to Rare Plants – Replacement habitat	If the City sets aside replacement habitat to be protected in perpetuity mitigation lands shall be in the same watershed as the Project site and contains the rare plant species and habitat impacted. Replacement habitat shall have similar vegetation composition, density, coverage, and species richness and abundance as the habitat impacted. Mitigation lands shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has	Prior to restarting ground-disturbing activities or vegetation removal	City/Project Applicant

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	been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands.		
MM-BIO-28- Impacts to Bats- Survey	Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be used to maximize detection of bats. A discussion of survey results, including negative findings shall be provided to the City. Depending on the survey results, a qualified bat specialist shall include species specific mitigation measures to reduce impacts to below a level of significance.	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
MM-BIO-29- Impacts to Bats- Tree removal	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or 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 remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape.	Prior to/During vegetation removal	City/Project Applicant
MM-BIO-30- Impacts to Bats- Maternity Roosts	If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant

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<p>MM-BIO-31- Impacts to Bats- Maternity Roosts</p>	<p>If maternity roosts are found and the City determines that impacts are unavoidable, a qualified bat specialist shall conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology shall be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost. Work shall also not occur between 30 minutes before sunset and 30 minutes after sunrise.</p>	<p>Prior to ground-disturbing activities or vegetation removal</p>	<p>City/Project Applicant</p>
<p>REC-1-Impacts to Aquatic and Riparian Resources – LSA Agreement</p>	<p>CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 <i>et seq.</i> and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p>	<p>Prior to issuance of grading permits</p>	<p>City/Project Applicant</p>
<p>REC-2-Impacts to Rare Plants – San Gabriel Mountains leather oak</p>	<p>The City shall consult with a qualified botanist familiar with southern California rare plants to resurvey the Project site for San Gabriel Mountains leather oak. Significant impacts to San Gabriel Mountains leather oak shall be mitigated by avoiding impacts to trees and/or or replacing impacted trees with trees of the same Genus and species at a ratio comparable to the Project's level of impacts.</p>	<p>Prior to ground-disturbing activities or vegetation removal</p>	<p>City/Project Applicant</p>

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REC-3-Impacts to Nesting Birds	The Project's Mitigation Measure BIO-2 <i>Nesting Bird Surveys</i> , as it is currently proposed, does not include the breeding and nesting of raptors even though the Project site supports multiple raptor species. The city should modify Mitigation Measure BIO-2 by expanding the time period for bird and raptor nesting from March 1 through August 31 to January 1 through August 31. If the Project occurs between January 1 through August 31, a nesting bird and raptor survey should be conducted prior to any ground-disturbing activities (e.g., staging, mobilization, excavation, grading) as well as prior to any vegetation removal within the Project site.	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
REC-4-Laurel sumac scrub	The City should mitigate for impacts to 3.94 acres of laurel sumac scrub at a ratio comparable to the Project's level of impacts.	Prior to ground-disturbing activities or vegetation removal	City/Project Applicant
REC-5-Landscaping	The City should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. The City should restrict use of any species, particularly 'Moderate' or 'High' listed by the California Invasive Plant Council . The City should use only native species found in naturally occurring vegetation communities within or adjacent to the Project site.	During/After Project construction and activities	City/Project Applicant
REC-6-Data	The City should ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.	Prior to finalizing/adopting CEQA document	City/Project Applicant
REC-7-Mitigation and Monitoring Reporting Plan	The City should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. A final MMRP	Prior to finalizing CEQA document	City/Project Applicant

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	should reflect the Project's final on and/or off-site mitigation plans.		
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