



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



January 12, 2023

Elise Semonian
City of Larkspur, Community Development Director
400 Magnolia Avenue a
Larkspur, CA 94939
ESemonian@cityoflarkspur.org

Subject: City of Larkspur General Plan 2040, Draft Program Environmental Impact Report, SCH No. 2020120517, City of Larkspur, Marin County

Dear Ms. Semonian:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of Draft Program Environmental Impact Report (DEIR) from the City of Larkspur (City) for the Larkspur General Plan 2040 (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR on January 29, 2021.

CDFW is submitting comments on the DEIR to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit (ITP), a Native Plant Protection Act (NPPA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or approval under other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

The Project would update General Plan 1990-2010 goals, policies, and programs to reflect current conditions, regulatory requirements, issues, resources, and community perspectives. The update also incorporates regional forecasts for 2040 that extend the planning by 20 years into the future. Specific changes include incorporating climate

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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change consideration into land use considerations, rezoning including rezoning some areas of “Wetland” to “Parkland” near Larkspur Landing Bay, facilities use, incorporating hazards associated with wildfire, flooding, and other environmental hazards, and the possible annexation of an 8.3-acre portion of Assessor’s Parcel Number (APN) No. 018-152-12 or the full 48.77-acre parcel. This parcel is state-owned property adjacent to San Quentin Prison; the 8.3-acre portion was designated surplus property pursuant to California Executive Order EO N-06-19 in July 2021 and made available for developers to build affordable housing. The Project is located in the Larkspur Planning Area which encompasses the City and its’ adjacent Sphere of Influence.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA either during construction or over the life of the Project. **The Project has the potential to impact CESA-listed species including but not limited to northern spotted owl (*Strix occidentalis caurina*), a CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with CESA.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. **The DEIR states that “Riparian habitats and other sensitive natural communities may experience direct and indirect impacts from implementation of the proposed General Plan 2040” (page 135), and therefore an**

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LSA Notification(s) would be warranted, as further described below. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. CDFW would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Raptors and Other 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 sections 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). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Fully Protected species may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515) except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in an NCCP. **The Project has the potential to impact Fully Protected species including but not limited to: California Ridgway's rail (*Rallus obsoletus obsoletus*), which is also state and federally listed as endangered; salt marsh harvest mouse (*Reithrodontomys raviventris*), which is also state and federally listed as endangered; and California black rail (*Laterallus jamaicensis coturniculus*), which is also state listed as threatened, as further described below.**

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. A Draft Mitigation and Monitoring Reporting Plan is included in **Attachment 1**. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those recommended by CDFW below, CDFW concludes that a Program EIR is appropriate for the Project.

I. Subsequent Project CEQA Evaluation

COMMENT 1: The DEIR identifies that "future site-specific development facilitated by the Project, but which has not yet been described at a Project-specific level of detail, will be evaluated for consistency with this DEIR if and when the development is proposed"

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(DEIR, page 1), and later states “later activities that are within the scope of the effects examined in the program EIR, may qualify for a streamlined environmental review process or may be exempt from environmental review” (DEIR, page 1). The DEIR also states that “Each future Project will conduct additional environmental review to the level required by State housing legislation, to secure any necessary discretionary development permits” (DEIR page 34). It is not clear from the DEIR what level of environmental review future Projects will be subject to. CDFW provided comments on the NOP for the DEIR in a letter dated January 29, 2021 and recommended providing a clear checklist or procedure for evaluating subsequent Project impacts and clearly citing the portions of the DEIR, including page and section references, containing the analysis of the subsequent Project activities’ potentially significant effects. The DEIR does not include the checklist and CDFW strongly recommends that the DEIR include a procedure or checklist for subsequent Projects in an appendix to ensure subsequent Project impacts to fish and wildlife resources are appropriately evaluated in compliance with CEQA and impacts are mitigated to less-than-significant.

II. Mitigation Measure and Related Impact Shortcomings

Mandatory Findings of Significance: Does the Project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

And,

Would the Project have a substantial adverse 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 or United States Fish and Wildlife Service (USFWS)?

COMMENT 2: Deferred Mitigation, Page 135

Issue, specific impacts, why they may occur and be potentially significant:

Development facilitated by the Project could have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive, or special-status species. For example, the development of APN No. 018-152-12, which has potential to support special-status species including burrowing owl (*Athene cunicularia*), a California Species of Special Concern, and rezoning areas of “Wetland” which may have potential to support California Ridgway's rail, salt marsh harvest mouse, and California black rail to “Parkland” may cause an adverse effect to and substantially reduce the number of these species. Other special-status species, including northern spotted owl, have high potential to occur within the Project area according to the DEIR page 117.

Mitigation Measure BIO-1 proposes to mitigate the above impacts by requiring that sites with suitable natural habitat be surveyed by a qualified biologist for the presence or

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absence of biological resources (DEIR page 135). However, completing a survey does not provide certainty that impacts to special-status species would be reduced to less-than-significant. Often a review of databases with biological information and other sources is necessary to determine if special-status species may occur, and reconnaissance level surveys often do not detect species that may be present on or near the Project where they could be indirectly impacted by, for example, auditory or visual disturbances. CEQA Guidelines section 15126.4, subdivision (b) states: "The specific details of a mitigation measure; however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards."

Mitigation Measure BIO-1 does not adopt specific performance standards, nor does it identify types of actions² that could meet these standards.

It is conceivable based on the text of Mitigation Measure BIO-1 that Project impacts to northern spotted owl, burrowing owl, California Ridgway's rail, salt marsh harvest mouse, California black rail, and other special-status species would: 1) not be appropriately evaluated in the biological survey, or 2) be identified in the survey, but that future environmental review pursuant to CEQA would not require appropriate mitigation measures to reduce impacts to less-than-significant.

Therefore, if special-status species occur on or adjacent to subsequent Project sites, impacts to special-status species would be potentially significant, and impacts to species considered threatened, endangered, or rare would be considered a mandatory finding of significance (CEQA Guidelines, §§ 15065, 15380).

Recommended Mitigation Measures: To reduce potential impacts to special-status species to less-than-significant, **CDFW recommends that the DEIR evaluate potential Project impacts to special-status species and include specific mitigation measures for foreseeable potentially significant impacts.** Where future site-specific impacts may not be presently foreseeable based on Project's broad scope, the checklist discussed in Comment 1 above should be used to determine if a future CEQA environmental document is required. CDFW would appreciate the opportunity to review

² Actions that could meet performance standards include, for example, conducting work outside of nesting seasons, avoiding special-status plants or requiring compensatory mitigation for habitat loss.

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the revised DEIR and may have further comments once more specific species information is provided.

For example, CDFW recommends including the below mitigation measures in the DEIR:

California Ridgway's Rail and California Black Rail Avoidance and Surveys. Project activities within or adjacent to tidal marsh or suitable California Ridgway's rail (CRR) or California black rail (CBR) habitat shall be avoided during the breeding season (January 15 to August 31 for CRR, February 1 to August 31 for CBR) each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted by CDFW. Surveys shall focus on suitable habitat that may be disturbed by Project activities during the breeding season to ensure that these species are not nesting in these locations.

If breeding CRR or CBR are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within a minimum of 700 feet from areas where CRR and/or CBR have been detected during the breeding season. If surveys have not been conducted, all work shall be conducted a minimum of 700 feet from CRR and/or CBR habitat during breeding season.

Northern Spotted Owl Habitat Assessment and Surveys. If forest or woodland habitat is present within 0.25 miles of the Project area, a qualified biologist shall prepare an assessment of potential Northern spotted owl (NSO) nesting habitat within the Project area and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and August 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS' Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to project construction occurring between March 15 and August 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

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If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal Endangered Species Act.

Burrowing Owl Surveys: A qualified biologist shall conduct a habitat assessment and surveys, if warranted based on the habitat assessment, following the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012)* methodology³. The habitat assessment and surveys shall encompass the Project area and a sufficient buffer zone to detect owls nearby that may be impacted. **Habitat assessments and surveys shall occur each year of Project construction**, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days. Time lapses between surveys or Project activities shall trigger subsequent surveys including but not limited to a final survey within 24 hours prior to ground disturbance. The qualified biologist should have a minimum of two years of experience implementing the above methodology. Any detected burrowing owls shall be avoided pursuant to the buffer distances outlined in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012)*, unless otherwise approved in writing by CDFW.

Burrowing Owl Habitat Mitigation: Impacts to burrowing owl foraging habitat shall be quantified by a qualified biologist based on the final Project design plans, and the Project shall obtain written acceptance of the acreage of habitat impacts from CDFW. Prior to Project construction, the Project shall provide burrowing owl foraging habitat mitigation at a 1:1 ratio which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of burrowing owl foraging habitat credits at a CDFW-approved mitigation bank.

III. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or the USFWS?

COMMENT 3: Sensitive Natural Communities, Riparian Habitat, Wetlands, and LSA Notification compliance, Pages 135 through 141.

Issue, specific impacts, why they may occur and be potentially significant: The DEIR identifies that the Project is likely to have significant impacts to sensitive natural communities (page 135) and riparian habitat and wetlands (page 140). These impacts may include habitat conversion (page 135), changes in water quality (page 136), and increases in sedimentation and erosion (page 140). The DEIR states that "existing policies, action programs, and municipal code and other regulatory agency

³ CDFW, 2012. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

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requirements provide extensive protection for riparian areas and other sensitive natural habitat” (page 140), and that these policies and Mitigation measure BIO-1 will reduce potential impacts to riparian habitat, other sensitive natural communities, and wetlands to less-than-significant (pages 140 and 141). The DEIR does not include a requirement for mitigation for impacts to sensitive natural communities, riparian habitat, or wetlands, nor does it include a requirement that subsequent projects should notify CDFW pursuant to Fish and Game Code section 1600 et seq. or obtain permits from the Regional Water Quality Control Board (RWQCB) and U.S. Army Corps of Engineers (USACE) for projects impacting streams or wetlands.

Recommended Mitigation Measures:

Habitat Restoration and Compensation: The Project including subsequent Projects shall require restoration on-site or off-site to mitigate temporary or permanent subsequent Project impacts to sensitive natural communities, riparian habitat, and wetlands at a minimum 1:1 (restore on-site temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres of impacts, or habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan.

Applicable Permits: The Project including subsequent Projects shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. for project activities affecting lakes or streams and associated riparian habitat, and shall comply with the LSA Agreement, if issued. Projects shall obtain also permits from the RWQCB and USACE pursuant to the Clean Water Act if applicable.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is

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required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources. Due to the issues presented in this letter, CDFW concludes that DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts on biological resources. Deficiencies in the Lead Agency CEQA document can affect later project approvals by CDFW in its role as a Responsible Agency. In addition, because of these issues, CDFW has concerns that the City may not have the basis to approve the project or make "findings" as required by CEQA unless the environmental document is modified to eliminate and/or mitigate significant impacts, as reasonably feasible (CEQA Guidelines, §§ 15074, 15091 & 15092).

Questions regarding this letter or further coordination should be directed to Alex Single, Environmental Scientist, at (707) 799-4210 or Alex.Single@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:

B77F9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2020120517)

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Attachment 1

Draft Mitigation and Monitoring Reporting Plan

CDFW provides the following language to be incorporated into the Mitigation and Monitoring Program for the Project as examples of mitigation measures. As stated in the enclosed letter, CDFW recommends that the DEIR evaluate potential Project impacts to special-status species and include additionally specific mitigation measures for foreseeable potentially significant impacts.

Biological Resources (BIO)			
Mitigation Measures	Description	Timing	Responsible Party
BIO-5	<p><i>California Ridgway's Rail and California Black Rail Avoidance and Surveys.</i> Project activities within or adjacent to tidal marsh or suitable California Ridgway's Rail (CRR) or California Black Rail (CBR) habitat shall be avoided during the breeding season (January 15 to August 31 for CRR, February 1 to August 31 for CBR) each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted by CDFW. Surveys shall focus on suitable habitat that may be disturbed by Project activities during the breeding season to ensure that these species are not nesting in these locations.</p> <p>If breeding CRR or CBR are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within a minimum of 700 feet from areas where CRR and/or CBR have been detected during the breeding season. If surveys have not been conducted, all work shall be conducted a minimum of 700 feet from CRR and/or CBR habitat during breeding season.</p>	Prior to the Lead Agency issuing construction related permits and ground disturbance	Project Applicant
BIO-6	<p><i>Northern Spotted Owl Habitat Assessment and Surveys.</i> If forest or woodland habitat is present within 0.25 miles of the Project area, a qualified biologist shall prepare an assessment of potential northern spotted owl (NSO) nesting habitat within the Project area and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting</p>	Prior to the Lead Agency issuing construction related permits and ground disturbance	Project Applicant

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	<p>habitat shall occur between March 15 and August 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to project construction occurring between March 15 and August 31 each year.</p> <p>Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.</p> <p>If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal Endangered Species Act.</p>		
<p>BIO-7</p>	<p><i>Burrowing Owl Surveys:</i> A qualified biologist shall conduct a habitat assessment and surveys, if warranted based on the habitat assessment, following the <i>Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012)</i> methodology. The habitat assessment and surveys shall encompass the Project area and a sufficient buffer zone to detect owls nearby that may be impacted. Habitat assessments and surveys shall occur each year of Project construction, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days. Time lapses between surveys or Project activities shall trigger subsequent surveys including but not limited to a final survey within 24 hours prior to ground disturbance. The qualified biologist should have a minimum of two years of experience implementing the above methodology. Any detected burrowing owls shall be avoided pursuant to the buffer distances outlined in the <i>Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012)</i>, unless otherwise approved in writing by CDFW.</p>	<p>Prior to the Lead Agency issuing construction related permits and ground disturbance</p>	<p>Project Applicant</p>

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BIO-8	<i>Burrowing Owl Habitat Mitigation:</i> Impacts to burrowing owl foraging habitat shall be quantified by a qualified biologist based on the final Project design plans, and the Project shall obtain written acceptance of the acreage of habitat impacts from CDFW. Prior to Project construction, the Project shall provide burrowing owl foraging habitat mitigation at a 1:1 ratio which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of burrowing owl foraging habitat credits at a CDFW-approved mitigation bank.	Prior to the Lead Agency issuing construction related permits and ground disturbance	Project Applicant
BIO-9	<i>Habitat Restoration and Compensation:</i> The project including subsequent projects shall require restoration on-site or off-site to mitigate temporary or permanent subsequent Project impacts to sensitive natural communities, riparian habitat, and wetlands at a minimum 1:1 (restore on-site temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres of impacts, or habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan.	Prior to the Lead Agency issuing construction related permits and ground disturbance	Project Applicant
BIO-10	<i>Applicable Permits:</i> The Project including subsequent projects shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Subsequent Projects shall obtain also permits from the Regional Water Quality Control Board and Army Corps of Engineers pursuant to the Clean Water Act if applicable.	Prior to the Lead Agency issuing construction related permits and ground disturbance	Project Applicant