



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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September 13 2021**STATE CLEARINGHOUSE**

September 13, 2021

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Subject: Draft Environmental Impact Report for the City of Calabasas 2021-2029 Housing Element EIR Project, SCH #2021020150, City of Calabasas, Los Angeles County

Dear Mr. Klein:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Calabasas (City; Lead Agency) for the City of Calabasas 2021-2029 Housing Element EIR (Project). 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 Project involves a comprehensive update to the Housing Element and related updates to the Land Use Element and Land Use Map of the City of Calabasas' General Plan. The Project also includes updates to the Safety Element and Circulation Element in compliance with new State rules.

- Housing Element Update is mandated by California State law to prepare a Housing Element update for State certification every eight years. The Housing Element is a state mandated part of the City's General Plan and includes goals, policies, programs, and objectives to further the development, improvement, and preservation of housing in Calabasas in a manner that is aligned with community desires, as well as regional growth objectives and State law. Local governments must adequately plan to meet the existing and projected housing needs of all economic segments of the community.
- The Land Use Element of the General Plan will be updated to reflect new housing sites identified in the Housing Element.
- The Safety Element is also part of the City of Calabasas General Plan and will be updated to include new information about natural and human-related hazards. The Safety Element currently includes policies to address the following types of hazards: geology and seismicity, stormwater management and flooding, fire hazards, radon gas, hazardous materials, and disaster response. The Safety Element update will focus on ensuring alignment with other City plans and addressing new state requirements pertaining to climate change, wildfire risk, and evacuation routes for residential neighborhoods.
- Changes to the Circulation Element will include removing references to adopted level of service thresholds. Level of service is a measure to describe how well roadway intersections and other transportation facilities operate for drivers. Level of service thresholds were used as a metric to evaluate environmental impacts of proposed projects. These thresholds will be replaced with vehicle miles traveled.

Location: The Project would apply to the entire City of Calabasas, located in western Los Angeles County, and is approximately 13.3 square miles in size. Nearby natural open space areas include Cheseboro and Palo Comado Canyon and Upper Las Virgenes Canyon Open Space Preserve to the north, Summit Valley Edmund D. Edelman Park to the east, and Topanga State Park and Malibu Creek State Park to the south. Adjacent cities include Agoura Hills to the west, Hidden Hills to the north, and Los Angeles to the east. Unincorporated Los Angeles County is located to the south, west, and north of Calabasas.

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. 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).

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Specific Comments

Comment #1: Mountain Lion (*Puma concolor*)

Issue: The Project site occurs within the range of mountain lion habitat.

Specific impacts: The Project as proposed may impact the southern California mountain lion population by temporarily and permanently increasing human presence, traffic, and noise. In addition, the area designated as Planned Development and east adjacent parcel designated as Residential-Multiple Family in Figure 2-4 would reduce the width of the existing wildlife corridor, as seen in Figure 4.3-3.

Why impacts would occur: Mountain lions may occur within the Project footprint or in areas immediately adjacent to the Project area. The Project may increase human presence (e.g., new development, public trail access), traffic, and noise as well as potential artificial lighting during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trails by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. Mountain lions avoid areas with low woody vegetation cover and artificial outdoor lighting (Beier 1995). As human population density increases, the probability of persistence of mountain lions decreases (Woodroffe 2000).

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. The Project may have significant impacts because no mitigation has been proposed for any unavoidable direct and indirect, permanent or temporal losses, of habitat for mountain lion.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. The survey report should include a map of potential denning sites.

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The survey report should include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.

Mitigation Measure #2: If potential habitat for natal-dens are identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

Mitigation Measure #3: If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, project proponent should consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 *et seq.*).

Recommendation: CDFW recommends the City evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the change (i.e., increase) in human presence and area of anthropogenic influence that may be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the City recirculate the DEIR with these analyses included.

Comment #2: Crotch’s Bumble Bee

Issue: Crotch’s bumble bee (*Bombus crotchii*) was identified in Table 4.3-1 as a special-status species with potential to occur in and near the Plan Area.

Specific impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities in areas in or adjacent to open space, may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impacts would occur: Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas in and adjacent to the Project Area. Development projects that are adjacent to open space, such as Las Virgenes Shopping Center and Avalon Apartments, may impact species such Crotch’s bumble bee. Project activities may result in temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

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Evidence impact would be significant: 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 or a project proponent (CEQA Guidelines, § 15065). Project activities may have potential to substantially reduce or adversely modify habitat, impair the viability of populations, and reduce the number and range of the Crotch's bumble bee.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Due to suitable habitat within the Project site, CDFW recommends the DEIR include a mitigation measure whereby individual subsequent projects analyze potential impacts on Crotch's bumble bee. If suitable habitats are on or adjacent to subsequent project sites, within one year prior to vegetation removal and/or grading for any subsequent projects, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. 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. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.
- 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.
- 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 subsequent CEQA document should require project proponents, in consultation with a qualified entomologist, to 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 TVMWD prior to implementing Project-related ground-disturbing activities 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, project proponents/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 project proponent mitigate for impacts

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to Crotch's bumble bee habitat at a ratio comparable to the Project's level of impacts.

Comment #3: Restoration Plans

Issue: Mitigation Measure BIO-5 (MM BIO-5) as written, may not provide sufficient mitigation for impacts to "riparian vegetation and/or CDFW sensitive natural communities" with a "2:1 ratio for permanent impacts and a 1:1 ratio for temporary impacts".

Specific impact: CDFW is concerned that this measure does not account for impacts to a variety of sensitive natural communities with differences in sensitivity. Pages 4.3-15 to 4.3-18 name and describe each sensitive community within the Project boundary. They also include the State rarity ranking, which reflects the condition and imperilment of the community throughout the range within the State. Some communities within the Project Area are more sensitive than others so a 2:1 impact ratio for an S2 community, for example, may not be as sufficient as it would be for an S4 community. Higher impact ratios should mitigate for the sensitivity and rarity of the community.

Why impacts would occur: CDFW considers vegetation communities, alliances, and associations with a statewide ranking of S1, S2, S3, and some S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21 to 80 occurrences of this community in existence in California, S2 has 6 to 20 occurrences, and S1 has less than 6 occurrences. Project implementation that includes grading, vegetation clearing, road construction, utilities construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive vegetation communities. Moreover, the impact ratio presented may not fully mitigate for impacts to an extremely rare community. Impacts on a sensitive vegetation alliance is considered significant to CDFW. Moreover, a project may continue to have direct or indirect effects, whether temporary or permanent, to sensitive vegetation communities by not sufficiently mitigating for the community.

Evidence impacts would be significant: Inadequate avoidance, minimization, and mitigation measures for impacts to potentially sensitive communities and riparian vegetation on site will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect. This, 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 USFWS. Impacts to all sensitive communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: CDFW recommends that there be no net loss of riparian habitat or sensitive communities within the Project boundary. CDFW recommends mitigation for impacts to riparian habitat/ sensitive communities should be provided within the Project boundary or at a CDFW approved mitigation bank. The 2:1 impact ratio should be a minimum and compensatory mitigation should increase if a project would result in permanent loss of increasingly sensitive vegetation community, riparian habitat within a contiguous riparian corridor or loss of an isolated, remnant habitat patch. Mitigation should increase if a project would impact a riparian/sensitive communities considered rare in the State (i.e., S1, S2, or S3). Mitigation should further increase if the riparian habitat is considered very threatened or threatened (i.e., 0.1, 0.2). Mitigation should further increase if the riparian habitat impacted supports special

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status species, specifically obligate riparian breeders (e.g., Coastal California gnatcatcher (*Polioptila californica californica*)). Mitigation should replace the same vegetation association/alliance that was impacted.

Comment #4: Planned Development Area

Issue: Figure 2-4 Proposed Land Use Map shows one area designated as “Planned Development” and an adjacent parcel to the east designated as “Residential-Multiple Family”. These two parcels lie within land designated as Open Space-Resource Protection, and there is possibility of impacting a number of biological resources by developing this area.

Specific impacts: The designated Planned Development Area identified in Figure 2-4 is within designated Open Space, so any development that may occur in this area may result in possible impacts to biological resources. According to the DEIR, special status species such as mountain lion (*Puma concolor*), American badger (*Taxidea taxus*), red-legged frog (*Rana draytonii*), slender mariposa lily (*Calochortus clavatus* var. *gracilis*), Parry’s spineflower (*Chorizanthe parryi* var. *parryi*), and Southern California black walnut (*Juglans californica*) may be found in habitats such as those identified in the Planned Development Area. In addition, according to the [West Village at Calabasas Project Recirculated Draft Environmental Impact Report](#) (September 2020), the location is located in an ancient landslide area, so any development would require a much larger impact area in order to remediate for any possibility for landslides.

Why impacts would occur: Project implementation may include grading, vegetation clearing, road construction, utilities construction, road maintenance, and other activities that may result in direct mortality, population declines, habitat removal, or local extirpation of sensitive vegetation communities and special status species. In addition, the Project may result in temporal or permanent loss of aquatic or upland habitat. Threats to amphibian species include loss of aquatic breeding and upland non-breeding habitat. In addition, development in this area could have the potential to develop temporary and permanent adverse edge effects that could reduce the use of the surrounding habitat by wildlife for migration or movement in the area. Development in this location will increase human presence and cause impacts from lighting, noise, vehicle traffic, and increase the possibility of human-wildlife interaction.

Evidence impacts would be significant: Loss of this area in particular may result in a substantial adverse direct and cumulative effect, either directly or through habitat loss and/or 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).

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation: In order to prevent the loss of sensitive/special status biological resources, adequate habitat for special status species, and the further narrowing of a wildlife corridor, CDFW recommends the land use designation for this parcel to be changed to “Open Space-Resource Protection,” the same as the surrounding land use. In other words, CDFW recommends this area in particular remain undeveloped and be maintained as open space under protection.

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Comment #5: Impacts to Oak Trees and Oak Woodland

Issue: The DEIR states it will follow the City's [Oak Tree Ordinance and Oak Tree Preservation and Protection Guidelines](#) (Municipal Code Title 17, Article III, Chapter 17.32) for impacts to oak trees (City of Calabasas 2012). However, this may be insufficient to mitigate for impacts to oak trees and oak woodlands.

Specific impact: Project-activities and development may directly remove individual oak trees, oak woodland, and the understory associated vegetation. In addition, the Project may impact oak trees within their critical root zone. As a result, the Project may result in a net loss of oak trees and oak woodlands.

Why impacts would occur: The Oak Tree Ordinance states, "Replacement or placement of additional oak trees, scrub oak habitat, associated hardwood canopy, land or wildlife habitat to proportionally offset the impacts associated with the loss of oak trees, scrub oak habitat, limbs, roots or potential long-term adverse impacts due to alterations or encroachment within the protected zone. Locations appropriate to such new plantings may be proposed by the applicant and must be approved by city staff prior to the granting of a permit based upon the potential for long-term viability". As written, the Oak Tree Ordinance does not specify for the replacement, replanting, or restoration of oak trees or oak woodlands associated understory, there is only mention of the associated hardwood canopy. Without appropriate replacement or restoration of individual oak trees/woodlands and associated understory, Project activities may temporarily or permanently impact oak habitat.

Evidence impacts would be significant: 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. Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. CDFW considers oak woodlands a sensitive vegetation community.

Valley oak is used by various cavity-nesting and storing birds and mammals. Pocket gopher, California ground squirrel, and deer mouse are heavy consumers of valley oak seedlings. Acorns are an important diet item of wildlife such as California ground squirrel, pocket gopher, scrub jay, yellow-billed magpie, acorn woodpecker, black-tailed deer, feral pig, and of cattle (Howard J.L, 1992). Removal of trees may temporarily or permanently impact available habitat and resources for wildlife in the area. Moreover, 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

Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant species, such as oak, will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on

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any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1 – Critical Root Zone: CDFW recommends the City retain a certified arborist. Prior to any Project ground-disturbing activities that may impact trees or tree trimming, an arborist should conduct a site visit to identify the following: 1) trees where impacts on the CRZ would occur, 2) trees that need to be cut or limbed, and 3) trees where roots (i.e., tap root, main roots, and any surface-feeding roots) would need to be exposed/unearthed. The certified arborist should prepare a plan to protect the CRZ. CDFW recommends that Project construction and activities including (but not limited to) staging areas, debris piles, and soil compaction not occur within the CRZ. The CRZ should be demarcated with clear flagging, fencing, and signage. The certified arborist should also prepare a plan consisting of Best Management Practices to minimize impacts on trees as a result of cutting and limbing, as well as exposure of tree roots. If roots or canopy of any oak trees must be cut or disturbed, CDFW recommends that these actions be performed by a certified arborist or under the supervision of a certified arborist.

Mitigation Measure #2 - Native Tree Planting Plan: CDFW recommends the City retain a qualified restoration-specialist and/or arborist to develop a Native Tree Planting Plan. The plan should include effective and detailed measures associated with planted tree protection, maintenance, monitoring, reporting, and adaptive management. CDFW recommends that all replacement oak trees regardless of species be monitored for at least seven years after planting, with three additional years of no irrigation, weeding, or further replacement planting. The planting plan should also include Best Management Practices to acquire replacement native trees, especially coast live oak trees. The qualified restoration specialist should acquire appropriately sized, locally sourced trees from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols. This may reduce the probability of introducing trees contaminated with pests, diseases, and pathogens that could spread and infect native oak trees or habitats. Seeds should originate from trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. A Native Tree Planting Plan should be provided to the City prior to any ground-disturbing activities impacting trees and/or tree removal.

Mitigation Measure #3: Prior to any Project ground-disturbing activities, the City/project proponent should determine:

- 1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH;
- 2) Acres of oak woodlands impacted, and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine);
- 3) Mitigation ratios if the loss of any oaks are anticipated and total number and/or area of replacement trees and vegetation. The mitigation site should mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species should be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost;
- 4) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion);

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- 5) The location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-Project function, density, percent basal, canopy, and vegetation cover of oak woodland impacted;
- 6) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration;
- 7) Location(s) of propagule source. Propagules should be collected or grown from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted; and,
- 8) Species-specific planting methods (i.e., container or bulbs).

Comment #6: Tree Diseases, Pests, and Pathogens

Issue: The Project may remove trees and can possibly spread material infected with invasive tree diseases, pests, and pathogens.

Specific impacts: Without taking proper precaution, the Project may spread tree insect pests and diseases into areas not currently exposed to these stressors. This could result in expediting the loss of native trees and plant communities. Loss of trees may result in loss of foraging and perching habitat for small mammals, birds, and raptors.

Why impacts would occur: The Project may remove trees that could host diseases and pests. One such pathogen is sudden oak death. Sudden oak death has become the most common cause of mortality of oak (*Quercus* genus) and other native trees (Phytosphere 2015). Mortality rates of oak trees are greater than 50 percent in some areas impacted by sudden oak death (Phytosphere 2012). Tree dieback can have cascading impacts on the habitat and ecosystem, particularly avian distribution and abundance (Monahan and Koenig 2006). Another pest is the polyphagous shot hole borer, which hosts on many native trees species that include box elder (*Acer negundo*), California sycamore (*Platanus racemosa*), willows (*Salix* genus), oaks, cottonwoods (*Populus* genus), and alders (*Alnus* genus) (Calinvasives 2021). Diseases such as sudden oak death can spread via equipment and transport of infected material. These fragments can be spread to new locations if equipment and tools are not disinfected or cleaned before moving to the next work location. Infected material that is transported off site for disposal may expose trees and plant communities to pest and disease. This could result in expediting the loss of California sycamore, oak trees, and other native trees and plant communities within and adjacent to a project area.

Evidence impacts would be significant: The Project may have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW. The Project may result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW that are dependent on woodlands susceptible to insect and disease pathogens.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: CDFW recommends that the subsequent CEQA document include a measure to mitigate the spread of invasive pests and diseases by implementing the following:

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- 1) Prior to tree removal, a certified arborist should evaluate trees for infectious tree diseases including but not limited to: [sudden oak death](#) (*Phytophthora ramorum*), [thousand canker fungus](#) (*Geosmithia morbida*), [polyphagous shot hole borer](#) (*Euwallacea* spp.), and [goldspotted oak borer](#) (*Agrilus auroguttatus*) (TCD 2021; UCANR 2021; Phytosphere Research 2012; UCIPM 2013).
- 2) If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist should prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list should provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees should not be transported from a project area without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures.
- 3) If possible, all tree material, especially infected tree material, should be left on site. The material could be chipped for use as ground cover or mulch. Pruning and power tools should be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.

Comment #7: In-lieu Fees

Issue: MM BIO-5 *Restoration Plans* mentions an “in lieu fee program” as an option if on-site or off-site restoration is not feasible.

Specific impacts: Impacting riparian vegetation and/or sensitive natural communities also has the potential to impact directly, or indirectly through habitat loss, sensitive, special status, threatened, and/or endangered plants, and wildlife. In addition, the DEIR does not provide sufficient information for CDFW to evaluate the adequacy of in-lieu fees to offset the cumulative loss of biological resources associated with riparian vegetation and/or sensitive natural communities.

Why impacts would occur: It is unclear how proposed payments would be sufficient to offset impacts associated with the Project. Typical compensatory mitigation includes the purchase of land consisting of suitable habitat and/or individuals of the impacted species. CDFW is concerned that an in-lieu fee would not provide enough funding for preservation, enhancement, restoration, or other mitigation activities to offset impacts to sensitive species and habitats.

The DEIR does not explain or make a connection as to why in-lieu fee is adequate to offset Project impacts so that the Project would have no impacts. The DEIR does not discuss or provide the following information:

- 1) Whether the in-lieu fee is going towards an established program;
- 2) How that program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the in-lieu fee would acquire. It is unclear if the in-lieu fee would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the in-lieu fee would be used to purchase credits at a mitigation bank, or none of the above;
- 4) What biological resources would the in-lieu fee protect/conserves;
- 5) Why the in-lieu fee is appropriate for mitigating cumulative loss of biological resources in

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- the Project Area;
- 6) How the in-lieu fee is sufficient to purchase land or credits at a mitigation bank;
 - 7) Where the project proponent may acquire land or purchase credits at a mitigation bank so that the in-lieu fee would offset Project impacts on biological resources in the Project Area;
 - 8) When the project proponent would use the fee in the Project area. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the project proponent fails to implement its proposed mitigation;
 - 9) How the project proponent would commit to the project to paying the in-lieu fee. For example, when would the project proponent require payment from the project applicant, how long would the project applicant have to pay the fee, and what mechanisms would project proponent implement to ensure the fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4);
 - 10) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
 - 11) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and,
 - 12) How the in-lieu fee would be adequate such that no impacts would occur as a result of the Project.

Evidence impacts would be significant: Without identifying when mitigation-activities will be implemented, additional temporal impacts to biological resources may occur. Inadequate avoidance and mitigation measures may 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 in local or regional plans, policies, or regulations, or by CDFW or USFWS. This Project may have the potential to reduce the habitat of rare plants or wildlife; cause rare plants or wildlife population to drop below self-sustaining levels; threatened to eliminate a plant or animal community; and substantially reduce the number or restrict the range of an endangered, rare, or threatened species [CEQA Guidelines, § 15065(a)(1)]. Additionally, this Project has possible environmental effects that are cumulatively considerable [CEQA Guidelines, § 15065(a)(3)].

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends the EIR provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:

- 1) Whether the in-lieu fee is going towards an established program;
- 2) How the program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 3) What the in-lieu fee would acquire;
- 4) What biological resources would the in-lieu fee protect/conserves;
- 5) Why the in-lieu fee is appropriate for mitigating the cumulative loss of biological resources;
- 6) Why the in-lieu fee is sufficient to purchase land or credits at a mitigation bank;
- 7) Where the project proponent may acquire land or purchase credits at a mitigation bank;

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- 8) When the project proponent would use the in-lieu fee; and,
- 9) How the in-lieu fee would be adequate such that no impacts would occur as a result of the Project.

The project proponent should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147).

Recommendation #2: CDFW recommends that the project proponent provide a discussion describing how it intends to commit to mitigation via the in lieu fee. For example, the project proponent should provide specifics as to when would the project proponent require payment from the project applicant, how long would the project applicant have to pay the fee, what mechanisms would the project proponent implement to ensure the fee is paid, and when the project proponent would use the project's payment for mitigation. Also, the project proponent should provide specific performance standards and actions to achieve those performance standards.

Recommendation #3: CDFW recommends that the project proponent recirculate the DPEIR for more meaningful public review and assessment of the project proponent's in-lieu fee. Additionally, the Project proponent should recirculate the DPEIR if the proposed mitigation measure (i.e., in-lieu fee) would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15073.5(b)(2)].

Additional Recommendations

Nesting Birds. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying MM BIO-2 by expanding the time period for bird and raptor nesting from February 1 through August 31 to January 1 through September 15. If the Project occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted as stated in MM BIO-2, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site.

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

Restoration Plans Final Report. MM BIO-5 states, "Five years after project start, a final report shall be submitted to the City and the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria." While CDFW agrees that a final report shall be submitted to determine success, five years after the start of the project rather than the start of the restoration may not be sufficient time to determine success. CDFW recommends amending the language by excluding the ~~strikethrough~~ and including the underlined language as follows:

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“Five years after ~~project start~~ the start of restoration activities, a final report shall be submitted to the City and the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria. [...]”

Rodenticides. CDFW recommends project proponent prevent the use of second-generation anticoagulant rodenticides on any project associated with the Project.

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, CDFW recommends that the subsequent CEQA document include measures where lead agencies of individual projects tiering from the subsequent CEQA document report any special status species detected during preparation of project-level environmental impact analyses/environmental documents. Special status species information should be submitted to the CNDDDB by completing the [Online Field Survey Form](#) (CDFW 2021). The lead agency should ensure all pertinent data has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting an environmental document. The lead agency should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project’s proposed Biological Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist project proponents 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 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 Calabasas in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, §

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15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at Felicia.Silva@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

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



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- Mountain Lion	Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology shall survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys shall be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk. Survey results including negative findings shall be submitted to CDFW prior to initiation of Project activities. The survey report shall include a map of potential denning sites. The survey report shall include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.	Preparation of project-level CEQA document/ prior to finalizing project-level CEQA document	Project-level lead agency
MM-BIO-2- Mountain Lion	If potential habitat for natal dens are identified, potential impacts to mountain lions shall be fully avoided, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist shall conduct a survey for mountain lion natal dens. The survey area shall include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW shall be notified within	Preparation of project-level CEQA document/ prior to finalizing project-level	Project-level lead agency

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	24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work shall cease. No work shall occur within a 2,000-foot buffer from a natal den. A qualified biologist shall notify CDFW to determine the appropriate course of action. CDFW shall also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion shall occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.	CEQA document	
MM-BIO-3-Mountain Lion	If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, project proponent shall consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 <i>et seq.</i>).	Preparation of project-level CEQA document/ prior to finalizing project-level CEQA document	Project-level lead agency
REC-1-Mountain Lion	CDFW recommends the City evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the change (i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the City recirculate the DEIR with these analyses included.		

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<p>MM-BIO-7- Crotch's bumble bee</p>	<p>Due to suitable habitat within the Project boundary, individual subsequent projects shall analyze potential impacts on Crotch's bumble bee. If suitable habitat is on subsequent project sites, within one year prior to vegetation removal and/or grading for any individual subsequent projects, a qualified entomologist familiar with the species behavior and life history shall conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys shall be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, shall be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following:</p> <ul style="list-style-type: none"> a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys. b) Field survey conditions that shall 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. 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, shall 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). 	<p>Prior to project ground-disturbing activities</p>	<p>Project-level lead agency</p>
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MM-BIO-8- Crotch's bumble bee	If Crotch's bumble bee is detected, the subsequent CEQA document shall require project proponents, in consultation with a qualified entomologist, to develop a plan to fully avoid impacts to Crotch's bumble bee. The plan shall include effective, specific, enforceable, and feasible measures. An avoidance plan shall be submitted to the project proponent prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.	Prior to project ground-disturbing activities	Project-level lead agency
MM-BIO-9- Crotch's bumble bee	If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided during Project construction and activities, project proponents /qualified entomologist shall 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. The project proponents shall mitigate for impacts to Crotch's bumble bee habitat at a ratio comparable to the Project's level of impacts.	Prior to project ground-disturbing activities	Project-level lead agency
MM-BIO-10- Restoration Plans	There shall be no net loss of riparian habitat or sensitive communities within the Project boundary. Mitigation for impacts to riparian habitat/ sensitive communities shall be provided within the Project boundary or at a CDFW approved mitigation bank. The 2:1 impact ratio shall be a minimum and compensatory mitigation shall increase if a project would result in permanent loss of increasingly sensitive vegetation community, riparian habitat within a contiguous riparian corridor or loss of an isolated, remnant habitat patch. Mitigation shall increase if a project would impact a riparian/sensitive communities considered rare in the State (i.e., S1, S2, or S3). Mitigation shall further increase if the riparian habitat is considered very threatened or threatened (i.e., 0.1, 0.2). Mitigation shall further increase if the riparian habitat impacted supports special status species, specifically obligate riparian breeders (e.g., Coastal California gnatcatcher (<i>Polioptila californica californica</i>)). Mitigation shall replace the same vegetation association/alliance that was impacted.	Preparation of project-level CEQA document/ prior to finalizing project-level CEQA document	Project-level lead agency

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REC-2-Planned Development Area	In order to prevent the loss of sensitive/special status biological resources, adequate habitat for special status species, and the further narrowing of a wildlife corridor, CDFW recommends the land use designation for this parcel to be changed to "Open Space-Resource Protection," the same as the surrounding land use. In other words, CDFW recommends this area in particular remain undeveloped and be maintained as open space under protection.	Prior to water diversion construction and activities	Project-level lead agency
MM-BIO-11-Oak trees/Oak woodland	The City will retain a certified arborist. Prior to any Project ground-disturbing activities that may impact trees or tree trimming, an arborist shall conduct a site visit to identify the following: 1) trees where impacts on the CRZ would occur, 2) trees that need to be cut or limbed, and 3) trees where roots (i.e., tap root, main roots, and any surface-feeding roots) would need to be exposed/unearthed. The certified arborist shall prepare a plan to protect the CRZ. CDFW recommends that Project construction and activities including (but not limited to) staging areas, debris piles, and soil compaction not occur within the CRZ. The CRZ shall be demarcated with clear flagging, fencing, and signage. The certified arborist shall also prepare a plan consisting of Best Management Practices to minimize impacts on trees as a result of cutting and limbing, as well as exposure of tree roots. If roots or canopy of any oak trees must be cut or disturbed, these actions will be performed by a certified arborist or under the supervision of a certified arborist.	Prior to water diversion construction and activities	Project-level lead agency
MM-BIO-12- Oak trees/Oak woodland	CDFW recommends the City retain a qualified restoration specialist and/or arborist to develop a Native Tree Planting Plan. The plan should include effective and detailed measures associated with planted tree protection, maintenance, monitoring, reporting, and adaptive management. CDFW recommends that all replacement oak trees regardless of species be monitored for at least seven years after planting, with three additional years of no irrigation, weeding, or further replacement planting. The planting plan should also include Best Management Practices to acquire	Prior to water diversion construction and activities	City of Calabasas

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	<p>replacement native trees, especially coast live oak trees. The qualified restoration specialist should acquire appropriately sized, locally sourced trees from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols. This may reduce the probability of introducing trees contaminated with pests, diseases, and pathogens that could spread and infect native oak trees or habitats. Seeds should originate from trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. A Native Tree Planting Plan should be provided to the City prior to any ground-disturbing activities impacting trees and/or tree removal.</p>		
<p>BIO-13- Oak trees/Oak woodland</p>	<p>Prior to any Project ground-disturbing activities, the City/project proponent shall determine:</p> <ol style="list-style-type: none"> 1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH; 2) Acres of oak woodlands impacted and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); 3) Mitigation ratios if the loss of any oaks are anticipated and total number and/or area of replacement trees and vegetation. The mitigation site shall mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species shall be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost; 4) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion); 5) The location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-Project function, density, percent basal, canopy, and 	<p>Prior to water diversion construction and activities</p>	<p>Project-level lead agency</p>

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	<p>vegetation cover of oak woodland impacted;</p> <p>6) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration;</p> <p>7) Location(s) of propagule source. Propagules shall be collected or grown from on-site sources or adjacent areas within the same watershed and shall not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted and;</p> <p>8) Species-specific planting methods (i.e., container or bulbs).</p>		
<p>MM-BIO-14-Tree Diseases, Pests, and Pathogens</p>	<p>The spread of invasive pests and diseases shall be mitigated by implementing the following:</p> <p>1) Prior to tree removal, a certified arborist shall evaluate trees for infectious tree diseases including but not limited to: sudden oak death (<i>Phytophthora ramorum</i>), thousand canker fungus (<i>Geosmithia morbida</i>), polyphagous shot hole borer (<i>Euwallacea</i> spp.), and goldspotted oak borer (<i>Agrilus auroguttatus</i>);</p> <p>2) If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist shall prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list shall provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees shall not be transported from a project area without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures.</p> <p>3) If possible, all tree material, especially infected tree material, shall be left on site. The material could be chipped for use as ground cover or mulch. Pruning and power tools shall be cleaned and disinfected before use to prevent</p>	<p>Prior to/During project construction activities</p>	<p>Project-level lead agency</p>

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	introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.		
REC-3-In-lieu Fees	<p>CDFW recommends the subsequent environmental document provide adequate, complete, and good-faith disclosure of information that would address the following in relation to the Project:</p> <ol style="list-style-type: none"> 1) Whether the in-lieu fee is going towards an established program; 2) How the program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; 3) What the in-lieu fee would acquire; 4) What biological resources would the in-lieu fee protect/conservate; 5) Why the in-lieu fee is appropriate for mitigating the cumulative loss of biological resources; 6) Why the in-lieu fee is sufficient to purchase land or credits at a mitigation bank; 7) Where the project proponent may acquire land or purchase credits at a mitigation bank; 8) When the project proponent would use the in-lieu fee; and, 9) How the in-lieu fee would be adequate such that no impacts would occur as a result of the Project. <p>The project proponent shall provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147).</p>	Prior to finalizing EIR	City of Calabasas
REC-4-In-lieu Fees	<p>CDFW recommends that the project proponent provide a discussion describing how it intends to commit to mitigation via the in-lieu fee. For example, the project proponent shall provide specifics as to when would the project proponent require payment from the project applicant, how long would the project applicant have to pay the fee, what mechanisms would the project proponent</p>	Prior to finalizing EIR	City of Calabasas

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	implement to ensure the fee is paid, and when the project proponent would use the project's payment for mitigation. Also, the project proponent shall provide specific performance standards and actions to achieve those performance standards.		
REC-5-In-lieu Fees	CDFW recommends that the project proponent recirculate the DPEIR for more meaningful public review and assessment of the project proponent's in-lieu fee. Additionally, the Project proponent shall recirculate the DPEIR if the proposed mitigation measure (i.e., in-lieu fee) would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15073.5(b)(2)].	Prior to finalizing EIR	City of Calabasas
REC-6-Nesting Birds	CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying MM BIO-2 by expanding the time period for bird and raptor nesting from February 1 through August 31 to January 1 through September 15. If the Project occurs between January 1 through September 15, a nesting bird and raptor survey shall be conducted as stated in MM BIO-2, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site.	Prior to finalizing EIR /During/After project	City of Calabasas/project-level lead agency
REC-7-Restoration Plans Final Report	<u>Restoration Plans Final Report.</u> MM BIO-5 states, "Five years after project start, a final report shall be submitted to the City and the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria." While CDFW agrees that a final report shall be submitted to determine success, five years after the start of the project rather than the start of the restoration may not be sufficient time to determine success. CDFW recommends amending the language by excluding the striketrough and including the <u>underlined</u> language as follows: "Five years after project start the <u>start of restoration activities</u> , a final report shall be submitted to the City and	Prior to finalizing EIR /During/After project	City of Calabasas/project-level lead agency

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	the CDFW, which shall at a minimum discuss the implementation, monitoring and management of the mitigation project over the five-year period, and indicate whether the Restoration Plan has met the established success criteria. [...]"		
REC-8-Rodenticides	CDFW recommends TVMWD exclude the use of second-generation anticoagulant rodenticides for all subsequent individual projects.	Prior to finalizing EIR /During/After project	City of Calabasas/project-level lead agency
REC-9-Data	Project-level lead agencies shall ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. Confirmation of data submittal shall be provided to CDFW.	Prior to finalizing/adopting project-level CEQA document	Project-level lead agency
REC-10-Mitigation and Monitoring Reporting Plan	TVMWD shall update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. TVMWD is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.	Prior to finalizing EIR	City of Calabasas