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March 9, 2021

Mr. Philip Neumann
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021
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Subject: Condor Drive Warehouse Project, Mitigated Negative Declaration, SCH #2021020297, Ventura County

Dear Mr. Neumann:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Moorpark's (City; Lead Agency) Mitigated Negative Declaration (MND) for the Condor Drive Warehouse Project (Project), including The Arborist Report (Appendix B of the MND).

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

CDFW's Role

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game 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 & Game Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: HPA Architecture (Applicant) and the City are proposing to convert an existing 200,668 square foot warehouse building into a 176,044 square foot warehouse space at 6000 Condor Drive in the city of Moorpark. An adjacent parcel would be developed into a parking lot. The existing warehouse building is a one-story concrete tilt-up building with dock-high doors along the building's perimeter walls. Currently, 388 standard parking spaces and eight loading docks are available. The entire perimeter of the developed site is landscaped with medium to large trees. A sewer/storm drain easement is located along the northern edge of the property line. The vacant, undeveloped parcel is located to the northwest of the existing warehouse building. The Project also includes a lot merger and tenant improvements for the conversion of the existing warehouse into a distribution center.

Location: The Project site includes two properties, a 11.78-acre parcel at 6000 Condor Drive, Assessor Parcel Number (APN) 513-0-060-075, which includes the existing warehouse building and a vacant area at the easterly portion of the lot. The second property is located immediately to the north of the main site and is composed of a 2.55-acre undeveloped parcel (APN 513-0-060-295) just south of State Route 118 (SR-118). The Project site is located in the northeastern portion of the city of Moorpark within an industrial park adjacent to a floodway and SR-118. The Project site is surrounded by SR-118 to the north, open land to the east and southeast, and industrial buildings to the west and southwest. The Arroyo Simi Creek is located approximately 100 feet south of the Project site at its closest point.

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 (Public Resources Code, § 21081.6; CEQA Guidelines, § 15097) (see Attachment A).

Comment #1: Impacts to Rare Plants

Issue #1: The MND includes an Arborist Report but does not include details regarding non-tree plant species observed. The MND should provide a complete assessment and impacts analysis of the flora within the Project area, with emphasis on identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Absent a thorough vegetation assessment and corresponding impacts analysis, sensitive and/or rare plants may be directly and/or indirectly impacted by Project activities. This is especially concerning for the open space areas and areas near Arroyo Simi Creek.

Specific Impacts: Direct and indirect impacts to rare plants may occur on site or within the immediate vicinity of the Project. This may result in mortality, reduced reproductive capacity, population declines, or local extirpation of a sensitive or special status plant.

Why impacts would occur: Sensitive and rare plants could be impacted by Project activities. The NPPA prohibits the take and/or possession of State listed rare plants unless authorized by

CDFW or in certain limited circumstances. Take of CESA-listed rare plants may only be permitted through an incidental take permit (ITP) or other authorization issued by the Department pursuant to California Code of Regulations, Title 14, section, 786.9 subdivision (b). CDFW is concerned the loss of CESA-listed rare plants may occur if appropriate avoidance, minimization, and/or mitigation for these species is not adopted.

Evidence impacts would be significant: Impacts to sensitive and rare plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS). Additionally, plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS Rare Plant Ranks page (https://www.cnps.org/rare-plants/cnps-rare-plant-ranks) for additional rank definitions.

Recommended Potentially Feasible Mitigation Measure(s): The following mitigation measures should be performed.

Mitigation Measure #1: A vegetation impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. The vegetation analysis should provide the following information:

a) Sensitive Plants. CDFW recommends the MND list each unique species occurring in the Project area instead of a total number by taxonomic group. For each species, please provide the species scientific (i.e., Latin) and common names; CESA and Federal Endangered Species Act listing status; and a brief evaluation of the potential for that species to occur in the Project area and be impacted by Project implementation.

b) Impacts to Sensitive Plants and Habitat. The MND should include alternatives to fully avoid or otherwise protect special status species and their habitat from Project-related impacts (as necessary). For unavoidable impacts, the MND should provide mitigation measures for each plant species potentially impacted.

c) Vegetation Community Mapping. In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), second edition (Sawyer 2008) at https://vegetation.cnps.org/. CDFW only tracks rare natural communities using the MCV classification system, and considers vegetation communities, alliances, and associations ranked S1, S2, S3 and S4 as sensitive and

declining at the local and regional level. CDFW considers these communities to be imperiled habitats having both local and regional significance. Additional information about these ranks can be obtained by visiting CDFW's Vegetation Classification and Mapping Program - Natural Communities webpage (https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities).

d) The MND should provide the MCV-based names of all vegetation communities within the Project area. Vegetation classification should be performed by a qualified botanist with knowledge of southern California plants and vegetation communities.

e) Impacts to Sensitive Vegetation Communities. Vegetation communities based on the MCV classification should be presented in a table in the MND. The table should provide columns for each element and approximate acres potentially impacted by vegetation community. CDFW recommends using "None" or the number zero to indicate no impacts; and provide a brief discussion why there would be no impacts to demonstrate that impacts were evaluated. CDFW recommends the DEIR provide measures to fully avoid or otherwise protect sensitive vegetation communities from direct or indirect Project-related impacts. For unavoidable impacts, CDFW recommends the MND provide mitigation measures for each sensitive vegetation community potentially impacted.

f) The Project may lead to direct or indirect impacts off site (i.e., outside of the Project area). Therefore, adjoining habitat areas and areas immediately outside of the Project area should be included in assessments and mapping of special status plants, habitat, and vegetation communities.

g) CDFW recommends revisiting all databases accessed during preparation of the MND so any new data regarding special status plants and vegetation communities may be included in the MND. CDFW's California Natural Diversity Database (CNDDB) (https://wildlife.ca.gov/data/cnddb) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat.

h) Presence/absence determinations of rare plants in the Project area, specifically areas that would be impacted due to Project implementation (e.g., existing facilities), should be determined based on recent surveys. CDFW recommends the MND provide any recent survey data. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years.

Mitigation Measure #2: If rare or sensitive plants are found on or near the footprint of the Project, the MND should provide species-specific measures to fully avoid impacts to all ESA- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants.

Mitigation Measure #3: If rare or sensitive plants are found on or near the footprint of the Project, CDFW recommends the MND provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat.

a) The MND should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).

b) CDFW recommends the MND be conditioned to provide a minimum mitigation ratio above 1:1 for sensitive plant species. CDFW recommends a replacement ratio of 3:1 to 10:1 depending on the population and occurrence status of the species (i.e., generally 5:1 for CRPR 3 and 4 species; 7:1 for CRPR 2; and 10:1 for CRPR 1). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat.

c) The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.

Recommendation #1: If new significant effects to rare plants are identified and mitigation measures or project revisions must be added to the MND, CDFW recommends recirculating the environmental document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

Comment #2: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Issue: It is unclear in the MND whether the Project will directly or indirectly impact Arroyo Simi Creek, which is subject to Fish and Game Code, section 1600 *et seq*. CDFW offers the following precautionary comments recommendations in the case that the Lead Agency determines that the Project is expected to directly or indirectly affect streams.

Specific Impact: The Project is to occur within 100 feet of Arroyo Simi Creek. Due to close proximity of the creek, direct and/or indirect impacts to the bed, bank, or channel of the stream may occur. Project impacts may result in the loss of streams and associated watershed function and biological diversity. The proposed Project may diminish on-site and downstream water

quality, alter the hydrologic and geomorphic processes, and may impact fish and wildlife downstream. Project activities may also impact tributaries that occur upstream, outside of the Project boundary, where hydrologic connectivity occurs.

Why Impact Would Occur: The Project may impact Arroyo Simi Creek, which would potentially result in loss of natural drainage patterns, soils, and associated vegetation. These actions may also result in changes to the streams, altering hydrologic and geomorphic processes that may impact plant and wildlife species.

Evidence Impact Would Be Significant: The Project may substantially adversely affect existing stream patterns, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project. Debris, soil, silt, sawdust, rubbish, raw cement/concrete, or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous or deleterious to aquatic life, wildlife, or riparian habitat resulting from Project related activities may enter the stream.

Recommended potentially feasible mitigation measure(s)

Mitigation Measure #1: The Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at https://www.wildlife.ca.gov/conservation/lsa.

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

Mitigation Measure #2: Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.

Mitigation Measure #3: CDFW recommends fully avoiding impacts to waters and riparian/wetland vegetation communities. If feasible, CDFW recommends redesigning the Project to avoid impacts to the existing drainage features that support sensitive vegetation communities. CDFW also recommends the City consider Project alternatives that could incorporate the unnamed streams into the planned development. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible. CDFW recommends taking an inter-disciplinary approach to involve landscape architects, engineers,

and wildlife biologists, and hydrologists to develop design alternatives that could fully avoid or lessen impacts to waters and riparian/wetland vegetation communities.

Mitigation Measure #4: If impacts to streams are unavoidable, CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Mitigation Measure #5: If credits at a CDFW-approved mitigation bank are not available, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and support in-kind vegetation. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the County's issuance of grading permits.

Mitigation Measure #6: If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.

Mitigation Measure #7: CDFW recommends that all on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities be protected in perpetuity from public encroachment and structural intrusion. This should include all water features on site, including ephemeral and perennial bodies.

CDFW recommends the City fund a minimum of five years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creeks, surrounding natural areas) should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Comment #3: Impacts to Oak Trees and Other Mature Native Trees

Issue: According to the MND and Arborist Report, several native trees, including, but not limited to, coast live oak (*Quercus agrifolia*), white alder (*Alnus rhombifolia*), and coastal redwood (*Sequoia sempervirens*) will be removed or adversely impacted as a result of the Project. CDFW is concerned that the proposed mitigation for impacts to native trees may be insufficient.

Specific impact: CDFW is concerned with MM-BIO-3 because it only offers protective measures for specimens not planned for removal and does not include commensurate mitigation for removal of native vegetation, including 11 coast live oaks, which has a CNPS rarity ranking of S4, and five coastal redwoods.

Why impacts would occur: The Project would remove and impact several native trees, including coast live oaks, and understory associated vegetation. MM-BIO-3, as it is currently proposed, may be insufficient for mitigating impacts to mature, native trees. Without appropriate mitigation in place, a loss of native habitat is likely. It is unclear how the City suggests there will be no net loss of mature, native trees including coast live oaks.

Evidence impacts would be significant: Oak trees (and other large native trees) provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Oak trees 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 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.

The current mitigation as proposed would not result in adequate mitigation for the unavoidable direct and indirect, permanent, or temporal losses of oak trees and other mature, native trees. First, the acreage of impacts should be disclosed in the MND. Second, MM-BIO-3 should clearly include the commensurate acreage of mitigation for impacts to aforementioned species. Absent appropriate mitigation, the Project would have significant impacts. Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to the aforementioned resources will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: In order to ensure no net loss of oak trees (and other important native trees), CDFW recommends the following replacement ratios: (1) trees less than 5 inches diameter at breast height (DBH) should be replaced at 2:1; (2) trees between 5 and 12 inches DBH should be replaced at 3:1; (3) trees between 12 and 24 inches DBH should be replaced at 5:1; (4) trees greater than 24 inches DBH should be replaced at 10:1. Oak trees should be used to recreate functioning oak woodland of similar composition, density, structure, and function to the selected oak woodland that was impacted.

Mitigation Measure #2: Mitigation should restore, at minimum, the same number of acres of habitat on site in approximately the same footprint as Project impacts. The mitigation site should mimic the pre-Project percent basal, canopy, and vegetation cover of oak habitat 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.

Mitigation Measure #3: Prior to any Project ground-disturbing activities, the City should develop and implement an Oak Mitigation Program with the following components:

1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH;
2) Acres of oak habitat impacted, and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine);
3) Mitigation ratios applied and total number and/or area of replacement trees and vegetation;
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 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;
8) Species-specific planting methods (i.e., container or bulbs);
9) Planting schedule;
10) Measures to control exotic vegetation and protection from herbivory;
11) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based on present site/habitat conditions and/or functional local native oak woodlands as reference sites;
12) Contingency measures should the success criteria not be met;
13) Long-term monitoring for at least 10 years;
14) Adaptive management techniques, including replacement plants if necessary; and,
15) Annual reporting criteria and requirements.

Recommendation #1: CDFW recommends that a sufficient depth and composition of soils be replaced on the remediated landslide suitable to support all dominant co-dominate plants found in coast live oak habitat. Use of engineered fill should be kept minimal to the extent feasible. Planting on graded slopes for the purposes of mitigation should be kept minimal to the extent feasible.

Recommendation #2: If on-site oak habitat mitigation is not feasible, CDFW recommends the City set aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and replace at minimum the acreage of oak habitat of similar composition as the habitat impacted. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.

Comment #4: Impacts to Bats

Issue: The Project site contains potential habitat for bats to forage and roost. CDFW is concerned that impacts to bats was not addressed in any of the documents reviewed. Without a comprehensive bat analysis, bats, including CESA-listed species, may be adversely impacted by Project activities.

Specific impacts: The Project proposes to remove several trees. Direct impacts include removal of trees, vegetation, and/or structures that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats potentially using man-made structures or surrounding trees as roost sites.

Why impacts would occur: Bats use trees and man-made structures for daytime and nighttime roosts, and forage in sources of open water such as ponds and lakes (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends a qualified bat specialist conduct bat surveys to determine baseline conditions within the Project site and within a 500-foot buffer to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites. CDFW recommends using acoustic recognition technology to maximize detection of bats. Night roosts are typically utilized from the approach of sunset until sunrise. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).

Mitigation Measure #2: Survey methodology and results, including negative findings, should be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

Mitigation Measure #3: If maternity roosts are found, CDFW recommends, the following three mitigation measures.

a) If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30).

b) If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology will be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.

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

Comment #5: Impacts to Non-Game Mammals and Wildlife

Issue: Wildlife may still move through the Project site during the daytime or nighttime. CDFW is concerned that any wildlife potentially moving through or seeking temporary refuge on the Project site may be directly impacted during Project activities and construction. Any final fence, or other design features, design should allow for wildlife movement.

Specific impacts: Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. This could result in wildlife and bird mortality. Furthermore, depending on the final fencing design, the Project may cumulatively restrict wildlife movement opportunity.

Why impacts would occur: Direct impacts to wildlife may occur from: ground disturbing activities (e.g., staging, access, excavation, grading); wildlife being trapped or entangled in construction materials and erection of restrictive fencing; and wildlife could be trampled by heavy equipment operating in the Project site.

Evidence impact would be significant: Mammals occurring naturally in California are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1).

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the following four mitigation measures to avoid and minimize direct impacts to wildlife during Project construction and activities.

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas.

Mitigation Measure #2: To avoid direct mortality, a qualified biological monitor shall be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way.

It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

Mitigation Measure #3: Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

Additional Recommendations

Alternatives. CDFW recommends the City consider an alternative that would fully avoid or minimize impacts to streams, sensitive plants and wildlife, and oak trees. CDFW recommends the City recirculate the environmental document after including alternative locations in order to foster meaningful public participation and informed decision making [CEQA Guidelines, §§ 15088.5, 15126.6(f)]. If the City concludes that no feasible alternative locations exist, or the use of alternative locations as a mitigation measures is infeasible, the City must disclose the reasons in the final environmental document and recirculate [CEQA Guidelines, §§ 15088.5(a)(3), 15126.6(f)(2)].

Mitigation and Monitoring Reporting Plan. 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). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City 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 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, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at Baron.Barrera@wildlife.ca.gov

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
B6E58CFE24724F5...

Erinn Wilson
Environmental Program Manager I
South Coast Region

ec: CDFW
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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. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1-Impacts to Rare Plants – Work Restrictions	**Mitigation Measure #1:** A vegetation impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. The vegetation analysis should provide the following information: a) Sensitive Plants. CDFW recommends the MND list each unique species occurring in the Project area instead of a total number by taxonomic group. For each species, please provide the species scientific (i.e., Latin) and common names; CESA and Federal Endangered Species Act listing status; and a brief evaluation of the potential for that species to occur in the Project area and be impacted by Project implementation. b) Impacts to Sensitive Plants and Habitat. The MND should include alternatives to fully avoid or otherwise protect special status species and their habitat from Project-related impacts (as necessary). For unavoidable impacts, the MND should provide mitigation measures for each plant species potentially impacted.	Prior to Project construction and activities	Lead Agency/ Applicant

	c) Vegetation Community Mapping. In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), second edition (Sawyer 2008) at https://vegetation.cnps.org/. CDFW only tracks rare natural communities using the MCV classification system, and considers vegetation communities, alliances, and associations ranked S1, S2, S3 and S4 as sensitive and declining at the local and regional level. CDFW considers these communities to be imperiled habitats having both local and regional significance. Additional information about these ranks can be obtained by visiting CDFW's Vegetation Classification and Mapping Program - Natural Communities webpage (https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities). d) The MND should provide the MCV-based names of all vegetation communities within the Project area. Vegetation classification should be performed by a qualified botanist with knowledge of southern California plants and vegetation communities. e) Impacts to Sensitive Vegetation Communities. Vegetation communities based on the MCV classification should be presented in a table in the MND. The table should provide columns for each element and approximate acres potentially impacted by vegetation community. CDFW recommends using "None" or the number zero to indicate		

	no impacts; and, provide a brief discussion why there would be no impacts to demonstrate that impacts were evaluated. CDFW recommends the DEIR provide measures to fully avoid or otherwise protect sensitive vegetation communities from direct or indirect Project-related impacts. For unavoidable impacts, CDFW recommends the MND provide mitigation measures for each sensitive vegetation community potentially impacted. f) The Project may lead to direct or indirect impacts off site (i.e., outside of the Project area). Therefore, adjoining habitat areas and areas immediately outside of the Project area should be included in assessments and mapping of special status plants, habitat, and vegetation communities. g) CDFW recommends revisiting all databases accessed during preparation of the MND so any new data regarding special status plants and vegetation communities may be included in the MND. CDFW's California Natural Diversity Database (CNDDB) (https://wildlife.ca.gov/data/cnddb) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. h) Presence/absence determinations of rare plants in the Project area, specifically areas that would be impacted due to Project implementation (e.g., existing facilities), should be determined based on recent surveys. CDFW recommends the MND provide any recent survey data. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years.		

MM-BIO-2- Impacts to Rare Plants – Work Restrictions	If rare or sensitive plants are found on or near the footprint of the Project, the MND should provide species-specific measures to fully avoid impacts to all ESA- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-3- Impacts to Rare Plants – Species Specific Mitigation	If rare or sensitive plants are found on or near the footprint of the Project, CDFW recommends the MND provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. a) The MND should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species). b) CDFW recommends the MND be conditioned to provide a minimum mitigation ratio above 1:1 for sensitive plant species. CDFW recommends a replacement ratio of 3:1 to10:1 depending on the population and occurrence status of the species (i.e., generally 5:1 for CRPR 3 and 4 species; 7:1 for CRPR 2; and 10:1 for CRPR 1). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils,	Prior to Project construction and activities	Lead Agency/ Applicant

	substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat. c) The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques. Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.		
MM-BIO-4- Impacts to Rare Plants – Consolidate Plant Studies	If new significant effects to rare plants are identified and mitigation measures or project revisions must be added to the MND, CDFW recommends recirculating the environmental document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-5- Impacts to Aquatic and Riparian	The Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA)	Prior to/During Project	Lead Agency/ Applicant

Resources – Lake and Streambed Alteration Agreement	Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at https://www.wildlife.ca.gov/conservation/lsa. CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.	construction and activities	
MM-BIO-6- Impacts to Aquatic and Riparian Resources – Replacement Habitat	Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.	Prior to/After Project construction and activities	Lead Agency/ Applicant
MM-BIO-7- Impacts to Aquatic and Riparian Resources – Interdisciplinary Approach	CDFW recommends fully avoiding impacts to waters and riparian/wetland vegetation communities. If feasible, CDFW recommends redesigning the Project to avoid impacts to the existing drainage features that support sensitive vegetation communities. CDFW also recommends the City consider Project alternatives that could incorporate the unnamed streams into the planned development. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible. CDFW recommends taking an inter-disciplinary approach to involve landscape architects, engineers, and wildlife biologists, and hydrologists to develop design alternatives that could fully	Prior to/After Project construction and activities	Lead Agency/ Applicant

	avoid or lessen impacts to waters and riparian/wetland vegetation communities.		
MM-BIO-8- Impacts to Aquatic and Riparian Resources – Replacement Habitat	If impacts to streams are unavoidable, CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.	Prior to/After Project construction and activities	Lead Agency/ Applicant
MM-BIO-9- Impacts to Aquatic and Riparian Resources – Replacement Habit	If credits at a CDFW-approved mitigation bank are not available, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and support in-kind vegetation. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the County's issuance of grading permits.	After Project construction and activities	Lead Agency/ Applicant
MM-BIO-10- Impacts to Aquatic and Riparian Resources – Replacement Habitat	If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.	Prior to/After Project construction and activities	Lead Agency/ Applicant
MM-BIO-11- Impacts to Aquatic and	CDFW recommends that all on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities be protected in perpetuity from public encroachment and structural intrusion.	Prior to Project	Lead Agency/ Applicant

Riparian Resources – Replacement Habitat	This should include all water features on site, including ephemeral and perennial bodies. CDFW recommends the City fund a minimum of 10 years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creeks, surrounding natural areas) should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.	construction and activities	
MM-BIO-12-Aquatic and Riparian Resources – Replacement Habitat	As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-13-Impacts to Oak Woodlands – Habitat Replacement	In order to ensure no net loss of oak trees (and other important native trees), CDFW recommends the following replacement ratios: (1) trees less than 5 inches diameter at breast height (DBH) should be replaced at 2:1; (2) trees between 5 and 12 inches DBH should be replaced at 3:1; (3) trees between 12 and 24 inches DBH should be replaced at 5:1; (4) trees greater than 24 inches DBH should be replaced at 10:1. Oak trees should be used to recreate functioning oak woodland of similar composition, density, structure, and function to the selected oak woodland that was impacted.	Prior to/During Project construction and activities	Lead Agency/ Applicant

MM-BIO-14- Impacts to Oak Woodlands – Habitat Replacement	Mitigation should restore, at minimum, the same number of acres of habitat on site in approximately the same footprint as Project impacts. The mitigation site should mimic the pre-Project percent basal, canopy, and vegetation cover of oak habitat 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.	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-15- Impacts to Oak Woodlands – Oak Woodland Habitat Mitigation Program	Prior to any Project ground-disturbing activities, the City should develop and implement an Oak Mitigation Program with the following components: 1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH; 2) Acres of oak habitat impacted, and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); 3) Mitigation ratios applied and total number and/or area of replacement trees and vegetation; 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 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;	Prior to Project construction and activities	Lead Agency/ Applicant

	8) Species-specific planting methods (i.e., container or bulbs); 9) Planting schedule; 10) Measures to control exotic vegetation and protection from herbivory; 11) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based on present site/habitat conditions and/or functional local native oak woodlands as reference sites; 12) Contingency measures should the success criteria not be met; 13) Long-term monitoring for at least five years; 14) Adaptive management techniques, including replacement plants if necessary; and, 15) Annual reporting criteria and requirements.		
MM-BIO-16- Impacts to Oak Woodlands – Soils	CDFW recommends that a sufficient depth and composition of soils be replaced on the remediated landslide suitable to support all dominant co-dominate plants found in coast live oak habitat. Use of engineered fill should be kept minimal to the extent feasible. Planting on graded slopes for the purposes of mitigation should be kept minimal to the extent feasible.	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-17- Impacts to Oak Woodlands – Long Term Conservation	If on-site oak habitat mitigation is not feasible, CDFW recommends the City set aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and replace at minimum the acreage of oak habitat of similar composition as the habitat impacted. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the County's issuance of grading permits.	Prior to/During Project construction and activities	Lead Agency/ Applicant

MM-BIO-18- Impacts to Bats – Surveys	CDFW recommends a qualified bat specialist conduct bat surveys to determine baseline conditions within the Project site and within a 500-foot buffer to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites. CDFW recommends using acoustic recognition technology to maximize detection of bats. Night roosts are typically utilized from the approach of sunset until sunrise. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).	Prior to/During Project construction and activities	Lead Agency/ Applicant
MM-BIO-19- Impacts to Bats – Reporting Methods	Survey methodology and results, including negative findings, should be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).	During Project construction and activities	Lead Agency/ Applicant
MM-BIO-20- Impacts to Bats – Mitigation	If maternity roosts are found, CDFW recommends, the following three mitigation measures. d) If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30). e) If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology will be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active	Prior to Project construction and activities	Lead Agency/ Applicant

	maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise. f) If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees will be pushed down using heavy machinery rather than felling it with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.		

MM-BIO-21- Impacts to Non-Game Mammals and Wildlife	If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas.	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-22- Impacts to Non-Game Mammals and Wildlife	To avoid direct mortality, a qualified biological monitor shall be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-23- Impacts to Non-Game Mammals and Wildlife	Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.	Prior to Project construction and activities	Lead Agency/ Applicant