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SENT BY EMAIL ONLY

Governor's Office of Planning & Research

March 18, 2022

Mar 18 2022

Shipra Rajesh
City of Burbank
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STATE CLEARINGHOUSE

Subject: Burbank Housing Element Update and Associated General Plan Updates, Draft Environmental Impact Report, SCH #2021020393, City of Burbank, Los Angeles County

Dear Mr. Rajesh:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Burbank (City; Lead Agency) for the Burbank Housing Element Update and Associated General Plan Updates (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);

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Fish & G. Code, § 1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The Project proposes an update to the Housing Element outlined in the City of Burbank 2035 General Plan for the 2021-2029 planning period. The HEU sets reasonable goals, objectives, policies, and programs to achieve future housing needs for the City. The Southern California Association of Governments (SCAG) Regional Housing Needs Assessment (RHNA) allocation for the City identified a housing need of 8,772 units. The 8,772 units allocated to the City will be divided into the following categories: 2,553 very low-income units; 1,418 low-income units; 1,409 moderate-income units; and 3,392 above moderate-income units. The City intends to utilize entitled projects, accessory dwelling units (ADUs), and committed assistance to accommodate the RHNA allocation. The City also intends to adopt the Downtown Transit-Oriented Development Specific Plan and the Golden State Specific Plan to achieve the RHNA allocation. Within these two specific plan projects, there are 19 specified housing opportunity sites that can accommodate approximately 2,442 units. In addition to the housing element update, the City proposes minor updates to the Safety and Mobility Elements. The City of Burbank 2035 General Plan will also be updated to incorporate environmental justice policies required by State law. Lastly, there is no physical development, construction, or other ground disturbance activity proposed in the HEU. Adoption of the HEU does not approve any future housing developments.

Location: The Project site encompasses the entire City of Burbank, which stretches 17.1 square miles throughout the central portion of Los Angeles County. The City is bounded by the Verdugo Mountains to the northeast, the City of Glendale to the southeast, and the City of Los Angeles to the south and west. The City is bisected by the Interstate 5 Freeway and the Metrolink Commuter Rail.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately avoiding and/or mitigating the Project's 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).

Specific Comments

Comment #1: Impacts on least Bell's vireo

Issue: The Project may impact least Bell's vireo (*Vireo bellii pusillus*), an Endangered Species Act (ESA)-listed and CESA-listed species. The DEIR does not provide discussion or avoidance measures to reduce impacts to least Bell's vireo within the Project site.

Specific Impacts: Future housing development during least Bell's vireo breeding and nesting season could result in nest abandonment, reproductive suppression, or incidental loss of fertile eggs or nestlings.

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Why impacts would occur: Least Bell's vireo habitat requirements include dense shrubs, small trees, and a water source such as a river or stream. There are various locations throughout the Project site that may provide potential habitat for this species. Additionally, the [California Natural Diversity Database](#) (CNDDDB) has recorded observations of least Bell's vireo within the Project site (CDFW 2022a). Future housing development could result in temporary or long-term loss of suitable nesting and foraging habitat. Future construction activities could create elevated levels of noise, human activity, dust, and ground vibrations. These disturbances and stressors occurring near potential nests could cause least Bell's vireos to abandon their nests, resulting in the loss of fertile eggs or nestlings. Removal of trees and shrubs within a future project site may also result in direct loss of breeding habitat for least Bell's vireo.

Evidence impact would be significant: There are only a few populations and breeding pairs of least Bell's vireo remaining in Los Angeles County. Project construction and activities resulting in loss of breeding pairs or nestlings or habitat supporting least Bell's vireo may result in the Project potentially causing a wildlife population to drop below self-sustaining levels; threaten to eliminate an animal community; or substantially reduce the number of restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065). Accordingly, impacts on least Bell's vireo may require a mandatory finding of significance (CEQA Guidelines, § 15065).

CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Inadequate avoidance, minimization, and mitigation measures for impacts on the least Bell's vireo will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a wildlife species identified as special status by CDFW and USFWS.

As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: If future housing developments will impact least Bell's vireo, early consultation with CDFW is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)].

Recommendation #2: Take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CDFW recommends consultation with the USFWS, in order to comply with ESA, well in advance of any ground-disturbing activities and/or vegetation removal that may impact least Bell's vireo.

Mitigation Measure #1: CDFW recommends the DEIR include a measure whereby future housing development sites that may provide potential habitat conduct least Bell's vireo surveys to determine presence/absence. Future project proponents should retain a qualified biologist to

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conduct protocol surveys for least Bell's vireo. The qualified biologist should conduct surveys according to [USFWS Least Bell's Vireo Survey Guidelines](#) (USFWS 2001). All potential least Bell's vireo habitat should be surveyed at least eight times during the period from April 10 through July 31. CDFW recommends CDFW and USFWS should be notified of survey findings, including negative findings, within 45 calendar days following the completion of protocol-level surveys.

Mitigation Measure #2: CDFW recommends all future housing developments avoid any construction activity during nesting season. If not feasible, CDFW recommends that if future housing development occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted within a 500-foot radius of the construction site, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the project site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the DEIR require future housing project proponents to retain a qualified biologist to conduct surveys no more than 7 days prior to the beginning of any project-related activity likely to impact raptors and migratory songbirds, for the entire project site. If project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

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. Mitigation ratios should increase with the occurrence of a SSC and should further increase with the occurrence of a CESA-listed species.

Comment #2: Impacts on Bats

Issue: The Project could impact bat species, including pallid bat (*Antrozous pallidus*), big free tailed bat (*Nyctinomops macrotis*), and hoary bat (*Lasiurus cinereus*), which are designated as a Species of Special Concern (SSC). The DEIR does not provide avoidance or mitigation measures to reduce impacts to bat species within the Project site.

Specific impacts: Future housing developments may have direct impacts that involves removal of trees, vegetation, and/or structures. These trees, vegetation, and/or structures may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts from future housing developments may result from increased noise disturbances, human activity, dust, ground disturbing activities (e.g., staging, access, grading, excavating, drilling), and vibrations caused by heavy equipment.

Why impact would occur: According to CNDDDB, all three bat species have been historically observed within and adjacent to the Project site (CDFW 2022a). Additionally, a bat observation within the Project site was recorded through [iNaturalist](#) (iNaturalist 2019). The DEIR does not

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provide biological surveys associated with the presence/absence of bat species within the Project site. Without focused surveys for bat detection, future housing development facilitated by the HEU may impact unidentified bat species within the Project site. In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Trees and crevices in buildings in and adjacent to the Project site could provide roosting habitat for bats. Bats can fit into very small seams, as small as a ¼ inch. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Additionally, several bat species are considered Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #3: For any future housing development that may occur near potential bat roosting habitat, CDFW recommends the DEIR require a qualified bat specialist to conduct bat surveys within these areas (plus a 100-foot buffer as access allows). These surveys should identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

Mitigation Measure #4: CDFW recommends the City include the following tree removal process as measure in the DEIR for future housing developments. "If bats are not detected, but the bat specialist determines that roosting bats may be present, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape."

Mitigation Measure #5: CDFW also recommends the City include the following maternity roost measure in the event that maternity roosts are found during surveys for future housing

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developments. "If maternity roosts are found, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist. Inspection of each tree should be no more than 7 days prior to tree disturbance to determine the presence or absence of roosting bats more precisely. Trees 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."

Comment #3: Impact to Monarch Butterfly

Issue: The Project may impact monarch butterfly (*Danaus plexippus*) and monarch butterfly overwintering habitat.

Specific impacts: Future housing developments may result in direct impact to monarch butterflies through vegetation removal and tree trimming. Permanent or temporary impacts to overwintering habitat could result in local population decline or local extirpation of monarch butterflies.

Why impact would occur: According to [iNaturalist](#), there are 65 observations of monarch butterflies within the City of Burbank (iNaturalist 2022). In addition, there are numerous eucalyptus trees within the Project site that could provide potential habitat for overwintering monarch butterfly. Furthermore, the future housing developments may require trees and other vegetation to be removed or trimmed in order to facilitate building construction. Removing trees during the overwintering period could have direct impacts on monarch butterflies, potentially resulting in injury or mortality; reduced health and vigor; and reduced success during spring and summer migration to breeding sites. Lastly, the DEIR does not discuss or analyze the Project's potential impacts on monarch butterflies and potential overwintering habitat within the Project site.

Evidence impact would be significant: Monarch numbers have dropped by 99 percent from an estimated four million butterflies just twenty years ago (CDFW 2022b). Given the precipitous decline of monarch butterflies, the monarch butterfly is currently slated to be listed in 2024 under the Endangered Species Act (CDFW 2022c). The monarch butterfly is included on CDFW's [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) list and identified as a Species of Greatest Conservation Need in California's [State Wildlife Action Plan](#) (CDFW 2017; CDFW 2015). Additionally, Fish and Game Code section 1002 prohibits the take or possession of wildlife for scientific research, education, or propagation purposes without a valid Scientific Collection Permit issued by CDFW. This applies to handling monarchs, removing them from the wild, or otherwise taking them for scientific or propagation purposes, including captive rearing. Fish and Game Code section 1021 directs CDFW to take feasible actions to conserve monarch butterflies and the habitats they depend upon for successful migration. Lastly, Fish and Game Code section 1374 directs the Monarch Butterfly and Pollinator Rescue Program, administered by the Wildlife Conservation Board, to recover and sustain populations of monarch butterflies.

The monarch butterfly meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on the monarch butterfly may require a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant or

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animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065). The reduction in the number of monarch butterflies, either directly or indirectly through habitat loss, would constitute a significant impact absent appropriate mitigation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and/or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #3: CDFW recommends the following resources for information on management a monarch overwintering habitat/population:

- [Western Monarch Butterfly Conservation Plan](#) (WAFWA 2019);
- [Overwintering Site Management and Protection](#) (Western Monarch Count 2022);
- [Protecting California's Butterfly Groves](#) (Xerces Society 2017);
- [Managing Monarch Habitat in the West](#) (Xerces Society 2021a);
- [Pollinator-Friendly Native Plant Lists](#) (Xerces Society 2021b);
- [Monarch Butterfly Nectar Plant Lists for Conservation Plantings](#) (Xerces Society 2018);
- [Tropical Milkweed](#) (Wheeler 2018); and,
- CDFW's [Monarch Butterfly](#) webpage (CDFW 2022b).

Mitigation Measure #6: CDFW recommends the DEIR require future project proponents to retain a qualified biologist to assess the future housing development sites for monarch presence and overwintering habitat. A qualified biologist should survey any eucalyptus groves and other trees within the project site that are suitable for overwintering monarchs. A qualified biologist should conduct multiple surveys for overwintering monarchs where potential overwintering habitat has been identified. Monitoring should be done as frequently as possible during the overwintering season (typically September 15 through March 11) to capture changing distributions through the season and in response to storm events.

Mitigation Measure #7: If future housing development sites support an overwintering habitat/population of monarchs, CDFW recommends the DEIR require future project proponents to protect, manage, enhance, and restore potential overwintering habitat. The City should require future project proponents to prepare a long-term Monarch Butterfly Overwintering Habitat Management Plan in consultation with a qualified biologist. A Monarch Butterfly Overwintering Habitat Management Plan should be submitted to the City. At a minimum, the Monarch Butterfly Overwintering Habitat Management Plan should include:

- **Protect:** Trees should not be removed in overwintering groves unless a tree poses a safety risk. The critical root zone (CRZ) of trees that are not targeted for removal should be protected. Impacts to a tree's CRZ could result in injury or mortality of the tree causing additional loss of trees and canopy. Shrubs should not be removed in overwintering groves. Shrubs should be maintained to provide a buffer to preserve the microclimate conditions of the overwinter habitat.
- **Manage:** Management activities, such as tree trimming and mowing, should be conducted in groves from March 15 through September 15 outside of the estimated

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timeframe when monarchs are likely present in the southern California coast.

- **Enhance:** Enhance native, insecticide-free nectar sources by planting fall/winter blooming forbs or shrubs within overwintering groves.
- **Restore:** Any trees removed as part of the project should be replaced with trees at no less than 2:1. Native insecticide-free trees should be planted such as Monterey pine (*Pinus radiata*), Monterey cypress (*Cupressus macrocarpa*), Coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), Douglas fir (*Pseudotsuga menziesii*), Torrey pine (*Pinus torreyana*), western sycamore (*Platanus racemosa*), bishop pine (*Pinus radiata*) and others, as appropriate for location.
- **Pesticides:** Use of pesticides should be avoided, particularly when monarchs may be present. If pesticides are used, applications should be conducted from March 15 through September 15, when possible. Herbicide should not be applied on blooming flowers. Herbicide should be applied during young plant phases, when plants are more responsive to treatment, and when monarchs and other pollinators are less likely to be on the plants. Whenever possible, targeted application herbicide methods should be used, large-scale broadcast applications should be avoided, and precautions shall be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, should not be used any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants should not be used. Non-chemical weed control techniques should be used when possible.
- **Tropical milkweed and pathogens:** Non-native tropical milkweed should not be planted in order to minimize the spread of the pathogen *Ophryocystis elektroscirrha* (OE), and to encourage natural monarch migration. OE can build up on tropical milkweed because these plants are evergreen, and they do not die back in the winter. OE can be debilitating and/or lethal to monarchs. If possible, tropical milkweed should be removed and replaced with native, insecticide-free nectar plants suitable for the location.

Mitigation Measure #8: If the future housing development sites do not support overwintering habitat, CDFW recommends the DEIR require future project proponents to avoid and minimize impacts on monarch butterflies by enhancing native, insecticide-free nectar sources; avoid planting additional tropical milkweeds; and avoid using pesticides, insecticides, and soil fumigants.

Additional Recommendations

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDDB Online Field Survey Form](#) (CDFW 2022d). The City should ensure that the project applicant has submitted data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The project applicant should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the DEIR's proposed Biological Resources Mitigation Measures to include mitigation measures

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recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). 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, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Burbank and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Burbank in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Burbank 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 Julisa Portugal, Environmental Scientist, at Julisa.Portugal@wildlife.ca.gov or (562) 330-7563.

Sincerely,

DocuSigned by:



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Victoria Tang signing for

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

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 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1 – Least Bell’s Vireo Survey	<p>Future housing development sites that may provide potential habitat shall conduct least Bell’s vireo surveys to determine presence/absence. Future project proponents shall retain a qualified biologist to conduct protocol surveys for least Bell’s vireo. The qualified biologist shall conduct surveys according to USFWS Least Bell’s Vireo Survey Guidelines (USFWS 2001). All potential least Bell’s vireo habitat shall be surveyed at least eight times during the period from April 10 through July 31. CDFW and USFWS shall be notified of survey findings, including negative findings, within 45 calendar days following the completion of protocol-level surveys.</p>	<p>Prior to construction activities and vegetation removal</p>	<p>Project-level lead agency/ Designated Biologist</p>
MM-BIO-2 – Nesting Bird Survey	<p>All future housing developments shall avoid any construction activity during nesting season. If not feasible, future housing development occurs between January 1 through September 15, a nesting bird and raptor survey shall be conducted within a 500-foot radius of the construction site, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the project site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. The DEIR shall require future housing project proponents to retain a qualified biologist to conduct surveys no more than 7 days prior to the beginning of any project-related activity likely to impact raptors and migratory songbirds, for the entire project site. If project activities are delayed or suspended for more than 7 days</p>	<p>Prior to and during construction activities and vegetation removal</p>	<p>Project-level lead agency/ Designated Biologist</p>

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	<p>during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p>		
<p>MM-BIO-3 – Bat Survey</p>	<p>For any future housing development that may occur near potential bat roosting habitat, the DEIR shall require a qualified bat specialist to conduct bat surveys within these areas (plus a 100-foot buffer as access allows). These surveys shall identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. The bat specialist shall use acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings shall be provided to the City. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the project on bats and include species specific mitigation measures to reduce impacts to below a level of significance. Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to the City prior to any project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.</p>	<p>Prior to construction activities and vegetation removal</p>	<p>Project-level lead agency/ Bat Specialist</p>
<p>MM-BIO-4 – Tree Removal Process</p>	<p>The City include the following tree removal process as measure in the DEIR for future housing developments. “If bats are not detected, but the bat specialist determines that roosting bats may be present, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of</p>	<p>Prior to and during any construction activities.</p>	<p>Bat Specialist</p>

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	<p>approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape.”</p>		
<p>MM-BIO-5 – Bat Maternity Roosts</p>	<p>The City shall include the following maternity roost measure in the event that maternity roosts are found during surveys for future housing development projects. “If maternity roosts are found, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist. Inspection of each tree shall be no more than 7 days prior to tree disturbance to determine the presence or absence of roosting bats more precisely. Trees 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.”</p>	<p>Prior to and during any construction activities.</p>	<p>Bat Specialist</p>
<p>MM-BIO-6 – Monarch Butterfly Survey</p>	<p>The DEIR shall require future project proponents to retain a qualified biologist to assess the future housing development sites for monarch presence and overwintering habitat. A qualified biologist shall survey any eucalyptus groves and other trees within the project site that are suitable for overwintering monarchs. A qualified biologist shall conduct multiple surveys for overwintering monarchs where potential overwintering habitat has been identified. Monitoring shall be done as frequently as possible during the overwintering season (typically September 15 through March 11) to capture changing</p>	<p>Prior to construction activities and vegetation removal</p>	<p>Project-level lead agency/ Designated Biologist</p>

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	<p>distributions through the season and in response to storm events.</p>		
<p>MM-BIO-7 – Monarch Butterfly Overwintering Habitat Management Plan</p>	<p>If future housing development sites support an overwintering habitat/population of monarchs, the DEIR shall require future project proponents to protect, manage, enhance, and restore potential overwintering habitat. The City shall require future project proponents to prepare a long-term Monarch Butterfly Overwintering Habitat Management Plan in consultation with a qualified biologist. A Monarch Butterfly Overwintering Habitat Management Plan shall be submitted to the City. At a minimum, the Monarch Butterfly Overwintering Habitat Management Plan shall include:</p> <ul style="list-style-type: none"> • Protect: Trees shall not be removed in overwintering groves unless a tree poses a safety risk. The critical root zone (CRZ) of trees that are not targeted for removal shall be protected. Impacts to a tree’s CRZ could result in injury or mortality of the tree causing additional loss of trees and canopy. Shrubs shall not be removed in overwintering groves. Shrubs shall be maintained to provide a buffer to preserve the microclimate conditions of the overwinter habitat. • Manage: Management activities, such as tree trimming and mowing, shall be conducted in groves from March 15 through September 15 outside of the estimated timeframe when monarchs are likely present in the southern California coast. • Enhance: Enhance native, insecticide-free nectar sources by planting fall/winter blooming forbs or shrubs within overwintering groves. • Restore: Any trees removed as part of the project shall be replaced with trees at no less than 2:1. Native insecticide-free trees shall be planted such as Monterey pine (<i>Pinus radiata</i>), Monterey cypress (<i>Cupressus</i> 	<p>Prior to construction activities and vegetation removal</p>	<p>Project Proponent/ Designated Biologist</p>

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	<p><i>macrocarpa</i>), Coast redwood (<i>Sequoia sempervirens</i>), coast live oak (<i>Quercus agrifolia</i>), Douglas fir (<i>Pseudotsuga menziesii</i>), Torrey pine (<i>Pinus torreyana</i>), western sycamore (<i>Platanus racemosa</i>), bishop pine (<i>Pinus radiata</i>) and others, as appropriate for location.</p> <ul style="list-style-type: none"> • Pesticides: Use of pesticides shall be avoided, particularly when monarchs may be present. If pesticides are used, applications shall be conducted from March 15 through September 15, when possible. Herbicide shall not be applied on blooming flowers. Herbicide shall be applied during young plant phases, when plants are more responsive to treatment, and when monarchs and other pollinators are less likely to be on the plants. Whenever possible, targeted application herbicide methods shall be used, large-scale broadcast applications shall be avoided, and precautions shall be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, shall not be used any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants shall not be used. Non-chemical weed control techniques shall be used when possible. • Tropical milkweed and pathogens: Non-native tropical milkweed shall not be planted in order to minimize the spread of the pathogen <i>Ophryocystis elektroscirrha</i> (OE), and to encourage natural monarch migration. OE can build up on tropical milkweed because these plants are evergreen, and they do not die back in the winter. OE can be debilitating and/or lethal to monarchs. If possible, tropical milkweed shall be removed and replaced with native, insecticide-free nectar plants suitable for the location. 		
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MM-BIO-8 – Monarch Butterfly Landscape	If the future housing development sites do not support overwintering habitat, the DEIR shall require future project proponents to avoid a and minimize impacts on monarch butterflies by enhancing native, insecticide-free nectar sources; avoid planting additional tropical milkweeds; and avoid using pesticides, insecticides, and soil fumigants.	Prior to finalizing Project-level CEQA document	Project-level lead agency/ Project Proponent
REC 1 – CDFW Consultation	If future housing developments will impact least Bell's vireo, early consultation with CDFW is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options.	Prior to finalizing Project-level CEQA document	Project-level lead agency/Project Proponent
REC 2 – USFWS Consultation	Take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CDFW recommends consultation with the USFWS, in order to comply with ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact least Bell's vireo.	Prior to finalizing Project-level CEQA document	Project-level lead agency/ Project Proponent
REC 3 – Monarch Resources	<p>CDFW recommends the following resources for information on management a monarch overwintering habitat/population:</p> <ul style="list-style-type: none"> • Western Monarch Butterfly Conservation Plan • Overwintering Site Management and Protection • Protecting California's Butterfly Groves • Managing Monarch Habitat in the West • Pollinator-Friendly Native Plant Lists • Monarch Butterfly Nectar Plant Lists for Conservation Plantings • Tropical Milkweed • CDFW's Monarch Butterfly webpage 	Prior to finalizing Project-level CEQA document and during Project activities	Project-level lead agency/ Designated Biologist
REC 4 – Data	Please report any special status species detected by completing and submitting CNDDB Online Field Survey Form . The City	Prior to finalizing CEQA document	Project-level lead

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	should ensure that the project applicant has submitted the data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The project Applicant should provide CDFW with confirmation of data submittal.		agency/Project Proponent
REC 5 - MMRP	The DEIR's proposed Biological Resources Mitigation Measures should be updated and conditioned to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. The City is welcome to coordinate with CDFW to further review and refine the project's mitigation measures.	Prior to finalizing CEQA document	Project-level lead agency