



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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July 20, 2021

July 20 2021

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STATE CLEARINGHOUSE

Subject: Notice of Preparation of an Environmental Impact Report for the Clara Oaks Specific Plan Project, SCH #2021060463, City of Claremont, Los Angeles County

Dear Mr. Johnson:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) from the City of Claremont (City; Lead Agency) for the Clara Oaks Specific Plan Project (Project). The NOP's supporting documents included an Initial Study. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

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Project Description and Summary

Objective: The Project site consists of vacant, undeveloped land with south-facing hillsides, ephemeral drainages, and native and non-native plant communities. The Project site encompasses a 4.67-acre parcel and a 98.08-acre parcel for a total of 102.75 acres. The Project site would be divided into two land use categories: single family residential and dedicated open space. The Project proposes to develop 40 individual lots (Lots 1 through 40) for custom residential homes with lot sizes ranging from 0.22 acres to 2.41 acres. The Project also proposes a public trail parking lot/drainage lot and booster pump station (Lot A); a potable water tank site (Lot B); dedicated open space areas (Lot C and Lot D); on-site access roadways totaling 1.60 acres; and associated utility connections and infrastructure. Open space would total 78.09 acres and includes approximately 2.5 miles of trails for public access. A public trailhead would be located at the southwestern Project site boundary. A public parking lot for trail users would be located southeast of the residential Lot 40 within Lot A. The proposed looped trail system would not include any direct connections to other nearby trails.

Location: The Project is located in the hillsides of the City, in the foothills of the San Gabriel Mountains, and south of the Angeles National Forest. The Project site is located north of SR-210 and is accessible via Webb Canyon Road from Base Line Road.

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. The EIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the EIR when it is available.

Specific Comments

- 1) Fire. The Project has a potential to impact open space/natural habitat by increasing fire frequency and severity, as well as requiring fuel modification zones that could result in additional loss of open space/natural habitat beyond the development footprint.

The Project proposes to develop in a Very High Fire Hazard Severity Zone (VHFHSZ) (County of Los Angeles 2021). Page 5 of the Initial Study acknowledges that the Project lies within a VHFHSZ. The Project could increase fire risk, frequency, and severity on the landscape. Increased fire frequency and severity could impact biological resources within the Project site. Moreover, fire originating in the Project site could spread, potentially impacting biological resources in adjacent undeveloped hillsides, open space, and wilderness. As such, CDFW recommends the EIR thoroughly discuss the Project's impact on biological resources, both within and adjacent to the Project site, as a result of the Project's potential to increase fire risk, frequency, and severity. The EIR should disclose the following information (at a minimum): (1) ignition sources and locations; (2) possible fire frequencies, severities, intensities, and scenarios given Project objectives, Project site, soils, landscape, slope, aspect, and adjacent land uses; (3) possible spatial extent of different fire scenarios (technical data should be provided in the EIR [CEQA Guidelines, §15147]); (4) biological resources that could be impacted within and adjacent to the Project site; and 5) a

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discussion of whether projected climate change scenarios for the southern California region could further increase Project-related fire risk, frequency, and severity, thereby exacerbating impacts on biological resources.

Additionally, fuel modification would need to occur in perpetuity as part of the Project. According to page 11 of the Initial Study, fuel modification would be mandated and would consist of at least 100 feet from the exterior of future structures. An additional 100 feet may be required for areas adjacent to natural-vegetated, open space areas. Fuel modification would result in additional, permanent loss of open space/natural areas. CDFW recommends the EIR adequately disclose the Project's fuel modification footprint. The acres within the fuel modification footprint should be included in the City's calculation of the total open space/natural habitat lost as a result of the Project. CDFW recommends the EIR discuss whether future climate change scenarios, as it may affect fire frequency, severity, and intensity, could result in the Project needing to increase the fuel modification buffer (i.e., more than 100 to 200 feet around structures).

CDFW recommends the City provide measures in the EIR to mitigate fire risk, frequency, and severity. CDFW also recommends the City provide compensatory mitigation for the loss of open space/natural habitats stemming from fuel modification.

- 2) Public Recreational Trails. The Project proposes a new 2.5-mile, 4 feet wide single-track loop trail system for public access through 73.34 acres of open space. The Project would introduce recreation into open space/natural habitats that were previously undisturbed. Recreation has potential to impact wildlife and habitat through a variety of ways, including the following: increased numbers of people and dogs; increased area of influence; increased noise levels; increased trash or pet waste; use of unmanned aerial systems (i.e., drones); introduction of unnatural food sources via trash and trash receptacles; loss of habitat due to erosion from non-official footpaths; and loss of habitat due to introduction or spread of invasive plant species. As a result of these stressors, wildlife may be extirpated locally from otherwise suitable habitat. Direct impacts on wildlife may include energetic costs to the animal, nest abandonment, reduced reproductive success, and reduced fitness (Gaynor et al. 2018; Hillman et al. 2015; Lucas 2020; Miller et al. 2001; Mitrovich et al. 2020; Remacha et al. 2016; Steven et al. 2011).
 - a) Analysis of Recreational Usage. CDFW recommends the EIR analyze the potential impacts of the Project's proposed recreational activities on biological resources. The analysis should project the expected increase in traffic in the form of hiking, biking, dog walking, horseback riding, and any uses for the proposed trail. The EIR should identify the potential direct and indirect impacts on wildlife and habitat as a function of each type of recreational activity proposed. The analysis should identify all breeding, nursery, and refugia sites for wildlife, particularly sensitive and special status species.
 - b) Conservation of Undisturbed Open Space. CDFW recommends setting aside open space/natural habitats that is completely free from influence by recreational usage (see General Comment #9 and #10).
 - c) Alternatives. CDFW recommends the EIR explore alternatives for trail design and placement in order to conserve more undisturbed open space. Additionally, CDFW

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recommends the EIR explore alternatives that would modify the trail width, location, and access points in order to avoid or minimize impacts on wildlife, especially sensitive areas such as wildlife breeding, nursery, and refugia sites.

- d) Mitigation Measures. If avoidance is not feasible, CDFW recommends the EIR provide measures to mitigate potential impacts on biological resources stemming from the trail. Mitigation measures may include the following:
- Restricting activities that are likely to have greater impacts on wildlife such as dog walking and horseback riding;
 - Prohibiting the use of unmanned aerial systems; and,
 - Incorporating appropriate setbacks. An appropriate setback should consider wildlife species that are present (e.g., alert and flight initiation distances) and the types and intensities of recreational uses proposed. The EIR should provide a justification as to why chosen setback distance(s) would be effective to avoid impacts on biological resources.
- 3) Impacts on Wildlife Corridors and Habitat Connectivity. The Project site is currently open space/natural habitats that is connected to adjacent open space/natural habitats, wilderness, and the Angeles National Forest. The Project could impact the ecological integrity and function of potential wildlife corridors and steppingstones supporting resident and transient wildlife movement. Habitat fragmentation could threaten the viability of remaining natural resources. Maintaining wildlife corridors and habitat connectivity is essential for wildlife survival and is increasingly important considering habitat loss and climate change.
- a) CDFW recommends the EIR discuss whether the Project would impact wildlife corridors (see General Comment #5e). Impacts include (but are not limited to) habitat loss and fragmentation, narrowing of a wildlife corridor, and introduction of barriers to wildlife movement. CDFW recommends such an analysis be supported by studies to document wildlife activity and movement through Project site where development is proposed. Technical detail such as data, maps, diagrams, and similar relevant information should be provided to permit full assessment if significant environmental impacts by reviewing agencies and members of the public (CEQA Guidelines, § 15147).
- b) CDFW recommends the Project avoid developing and encroaching onto wildlife corridors. If avoidance is not feasible, CDFW recommends the EIR provide compensatory mitigation such that there is no net loss of undisturbed natural areas important for sustaining wildlife corridors and movement (see General Comments #9 and #10).
- 4) Impacts on Wildlife. The Project's proposal to develop in the wildland urban interface could impact wildlife. Impacts could result from increased human presence, traffic, noise, and artificial lighting. Increased human-wildlife interactions could lead to wildlife injury or mortality. For example, as human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions (*Puma concolor*) and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety.

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CDFW recommends the EIR discuss whether the Project may have direct and indirect impacts on wildlife resulting from increased human presence, traffic, noise, and artificial lighting (see General Comment #5e). An assessment of impacts on wildlife should also provide a discussion of edge effects, including (but not limited to) introduction and invasion of non-native plant species into natural areas; attraction for wildlife with food or backyard conditions; predation and disease by domestic animals; and habitat fragmentation caused by volunteer trails.

- 5) Jurisdictional Waters. According to U.S. Fish and Wildlife Service's (USFWS) [National Wetland Inventory](#), there are multiple segments of streams running through the Project site (USFWS 2021). The Initial Study also acknowledges that the Project site includes "south-facing hillsides and steep slopes with natural drainages." The Project may impact streams. Moreover, the Initial Study states that the Project would increase the imperviousness of the Project site, potentially impacting stormwater drainage and increasing surface runoff.
- a) CDFW recommends the Project avoid impacting streams and associated vegetation. Herbaceous vegetation, woody vegetation, and woodlands adjacent to streams serve to protect the integrity of these streams and help maintain natural sedimentation processes. Where development may occur near a stream but may avoid impacts, the EIR should provide a justification as to why a chosen setback distance of the proposed development(s) would be effective to avoid impacts on streams and associated vegetation.
 - b) The EIR should provide a stream delineation and analysis of impacts. The delineation should be conducted pursuant to the to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the EIR discuss whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed.
 - c) CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW pursuant to Fish and Game Code Section 1600 *et seq.* CDFW's issuance of a Lake and Streambed Alteration (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 environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2021a).

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- d) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the EIR discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 6) Oak Trees and Oak Woodlands. The Initial Study states that the Project site contains scattered coast live oak trees (*Quercus agrifolia*). The Project would require trees to be removed. CDFW considers coast live oak woodlands to be a sensitive plant community. Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding, regulating water flow in watersheds, and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Moreover, oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources.
- a) Arborist Report. In preparation of the EIR, CDFW recommends the City retain a qualified arborist to census all oak trees that could be impacted by the Project. The tree census report should provide information on the presence of any rare oak species such as San Gabriel Mountains leather oak (*Quercus durata* var. *gabrielensis*) and Engelmann oak (*Quercus engelmannii*) (Calflora 2021). The tree census should provide information on the presence of pests and diseases, including (but not limited to): sudden oak death (*Phytophthora ramorum*), thousand canker fungus (*Geosmithia morbida*), Polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agrilus auroguttatus*) (Phytosphere Research 2012; TCD 2020; UCANR 2020; UCIPM 2013). A tree report should be included in the EIR.
- b) Avoidance and Disclosure of Potential Impacts. CDFW recommends the EIR provide measures to avoid impacts to oak trees and oak woodlands during and after Project construction. During the Project, the City should provide measures to fully protect the Critical Root Zone of all oak trees not targeted for removal. The City should also provide measures to protect the outer edge of oak woodlands with appropriate setbacks. CDFW recommends oak trees and woodlands be protected by including into the Project design appropriate setbacks between the development and protected oak woodlands. The EIR should provide a justification as to why chosen setback distance(s) would be effective to avoid impacts on oak trees and oak woodlands in perpetuity.

For unavoidable Project impacts, adequate disclosure includes providing the following information at a minimum: 1) location of each tree and area of oak woodland impacted; 2) scientific (Genus, species, subspecies, or variety) and common name of each tree and understory plant species impacted; 3) the size (diameter at breast height, inches) of each tree impacted; 4) a clear identifier to distinguish heritage trees; 5) acres of oak woodlands impacted; 6) mitigation ratio for individual trees and acres of oak woodlands; 7) total number of replacement trees and acres of oak woodlands; and, 8) total number of replacement trees and appropriate understory species, to occur in suitable on- and/or

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off-site mitigation lands.

- c) Phased Removal. CDFW recommends the City consider phased removal of oak trees (i.e., phased Project approach) in order to minimize impacts resulting from the temporal loss of oak trees and to provide structurally diverse oak woodland habitat while mitigation for impacts to oak woodland habitat occurs.
 - d) On- or Off-Site Mitigation. There should be no net loss of oak trees and oak woodlands. CDFW recommends creating or restoring on- or off-site oak woodland habitat ranging from 3:1 to 7:1 of the number of oak trees and acres of oak woodland habitat impacted. CDFW recommends no less than 3:1 as a minimum because CDFW considers oak woodlands to be a sensitive plant community; oak woodlands support higher levels of biodiversity; oak woodlands support and maintain ecological functions important within an ecosystem; and there is a longer establishment period for oak trees and higher risk of failure especially during periods of drought, which results in prolonged temporal loss of habitat. The number of replacement trees and oak woodland habitat acres should be higher if the Project would impact large oak trees (e.g., heritage oak trees); impact high density of oak trees with a dense canopy; impact an oak woodland supporting rare, sensitive, or special status plants and wildlife; mitigate with lower quality trees/habitat; or mitigate off site or in a different watershed. CDFW recommends the EIR provide an on- or off-site mitigation plan and discuss the suitability of selected location(s) for mitigating impacts to oak trees and oak woodlands. The EIR should provide information about reference sites, with similar species and habitat as being mitigated and the suitability of selected reference site(s) to inform the Project's mitigation plan. Lastly, a mitigation plan should provide specific mitigation goals and actions to achieve those goals to establish self-sustaining oak trees and oak woodlands.
 - e) Pest Management. Project activities have the potential to spread tree pests and diseases throughout the Project site and into adjacent natural habitat not currently exposed to these stressors. This could result in expediting the loss of native trees and woodlands. As such, CDFW recommends the EIR include an infectious tree disease management plan or provide mitigation measures, developed in consultation with an arborist, and describe how the plan or mitigation measures will avoid or reduce the spread of tree insect pests and diseases.
- 7) Los Angeles County Significant Ecological Areas (SEAs). The Project site is within San Dimas Canyon and San Antonio Wash SEA. CDFW recommends the EIR provide a discussion of Project impacts within San Dimas Canyon and San Antonio Wash SEA.
 - 8) Nesting Birds. The Project may impact nesting birds and raptors. Project activities occurring during the bird and raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
 - a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or

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needlessly destroy the nest or eggs of any raptor.

- b) CDFW recommends that measures be taken to fully avoid impacts to nesting birds and raptors. CDFW recommends the EIR include a measure whereby the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs. If avoidance is not feasible, the EIR should provide underlying reasons for the City's determination that avoidance is not feasible, even if it would substantially lessen or avoid significant effects on nesting birds and raptors. The EIR should include other feasible and specific mitigation measures that would provide a comparable lessening of the Project's potentially significant effect on nesting birds and raptors.
- 9) Loss of Bird and Raptor Nesting and Breeding Habitat. The Project could result in loss of bird nesting and breeding habitat. The Project may cause additional habitat loss by introducing/increasing edge effects. This could eliminate habitat, reduce habitat quality, and cause wildlife to abandon otherwise suitable habitat.
- a) CDFW recommends the EIR discuss the Project's impacts on bird and raptor nesting and breeding habitat. Edge effects should also be discussed (see Comment #4). CDFW recommends the EIR disclose the amount of bird and raptor nesting and breeding habitat that would be impacted and lost as a result of the proposed Project.
 - b) CDFW recommends the Project avoid developing and encroaching onto nesting and breeding habitat for birds and raptors. If avoidance is not feasible, CDFW recommends the EIR provide measures to mitigate for impacts on bird and raptor nesting and breeding habitat. Depending on the status of the bird or raptor species impacted, replacement habitat acres should increase with the occurrence of a Species of Special Concern. Replacement habitat acres should further increase with the occurrence of a CESA-listed threatened or endangered species.
 - c) CDFW recommends the Project avoid removal of any native trees, large and dense-canopied native and non-native trees, and trees occurring in high density. CDFW also recommends avoiding impacts to understory vegetation (e.g., ground cover, subshrubs, and shrubs). If trees are removed, CDFW recommends the Project provide replacement to compensate for temporal or permanent loss habitat within a project site. CDFW recommends planting native tree and shrub species preferred by birds and are native to the area.
- 10) Bats. Canyons and areas where there are large, dense canopied trees in the Project site could provide roosting and foraging habitat for bats. Project construction and activities, including (but not limited to) ground disturbance, vegetation removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and roosts.
- a) 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, some bats are Species of Special Concern (SSC). CEQA provides

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protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).

- b) In preparation of the EIR, CDFW recommends the City retain a qualified biologist to perform acoustic surveys to determine the presence/absence of bats. Results of this survey should be provided in the EIR. The EIR should discuss whether the Project could impact bats. If necessary, the EIR should provide bat-specific avoidance and/or mitigation measures to reduce impacts to less than significant.

General Comments

- 1) Disclosure. An environmental document should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
 - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends that the City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
 - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the EIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the EIR should provide an adequate, complete, and detailed disclosure about a project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

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- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to a project site and where a project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. 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. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to California Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The EIR should include the following information:
- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The EIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2021b);
 - b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where project construction and activities could lead to direct or indirect impacts off site;
 - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a project site and within the neighboring vicinity. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). Adjoining habitat areas should be included in this assessment where project activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
 - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a project. CDFW's [California Natural Diversity Database](#) (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2021c). An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
 - e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California

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Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2021d). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and,

- f) A recent wildlife and rare plant survey. 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. Some aspects of a proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 4) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2021e). The City should ensure data collected for the preparation of the EIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
 - 5) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The EIR should address the following:
 - a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR;
 - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
 - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
 - d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the

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Project sites. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;

- e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the EIR; and,
 - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the EIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 6) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the EIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas; access routes to the construction and staging areas; fuel modification footprint; and grading footprint;
 - b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document "shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project." CEQA Guidelines section 15126.6(f)(2) states if the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include reasons in the environmental document; and,
 - c) A range of feasible alternatives to the Project location and design features to avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas. CDFW recommends the City consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and sensitive vegetation communities. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project and from any future development. As a general rule, CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA

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Guidelines, § 15126.6). The EIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the City consider alternatives that would fully avoid impacts to such resources. CDFW also recommends alternatives that would allow not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and vegetation communities. Project-related designs should consider elevated crossings to avoid channelizing or narrowing of streams. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the stream to alter its course of flow.
- 7) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
- 8) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from a project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.
- 9) Compensatory Mitigation. The EIR should include mitigation measures for adverse project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation

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easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

- 10) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the EIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

Conclusion

CDFW requests consultation with the City before and during preparation of the EIR in order to resolve potential concerns regarding impacts on biological resources. The consultation will further help prepare a CEQA document that will meet CDFW's needs as a Responsible Agency [CEQA Guidelines, §§ 15006(g), 15083].

We appreciate the opportunity to comment on the NOP for the Clara Oaks Specific Plan Project to assist the City of Claremont in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562)-619-2230.

Sincerely,

DocuSigned by:

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