



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201

www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

August 6, 2021

Ms. Sheri Bermejo
City of Monrovia
415 South Ivy Avenue
Monrovia, CA 91016
SBermejo@ci.monrovia.ca.us

Subject: Greater Los Angeles Area Council of Boy Scouts of America Trask Scout Reservation Water System Rehabilitation and Enhancement Project, Initial Study/Mitigated Negative Declaration, SCH #2021070088, City of Monrovia, Los Angeles County

Dear Ms. Bermejo:

The California Department of Fish and Wildlife (CDFW) has reviewed an Initial Study/Mitigated Negative Declaration (MND) from the City of Monrovia (City; Lead Agency) for the Greater Los Angeles Area Council of Boy Scouts of America Trask Scout Reservation Water System Rehabilitation and Enhancement Project (Project). The Project is proposed by the Greater Los Angeles Area Council of Boy Scouts of America (Project Applicant). Documents supporting the MND include *Appendix B Biological Resources/Jurisdictional Delineation*.

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, §

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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.

Project Description and Summary

Objective: The Project proposes to rehabilitate a surface water treatment system to satisfy current regulations and standards and to enhance the existing water distribution system at the Trask Scout Reservation (Trask). Trask is a campground comprised of approximately 10 acres of national forest land. It is generally used as a recreational site for the public. Trask includes multiple on-site facilities, bathrooms, and recreational amenities for campers and visitors. For over 40 years, Trask has been drawing raw water from Sawpit Creek to supply drinking water to Trask campers and visitors. Currently, the Project Applicant is using a temporary $\frac{3}{4}$ horsepower Flotech Pump to take water directly from Sawpit Creek after the original intake point was dug out and damaged. Upon treatment, water is either distributed to the various facilities on Trask, including 10 fire hydrants, or is sent upstream on a 4-inch pipelines towards an existing 25,000-gallons storage reservoir.

On July 1, 2014, regulatory oversight of surface water treatment at Trask was changed from the Los Angeles County Department of Public Health to the State Water Resources Control Board, Division of Drinking Water (DDW). Trask could not satisfy DDW's additional regulations and standards with its existing surface water system. As a result, on April 25, 2015, Trask was notified by DDW to stop production of potable water until improvements have been made to meet DDW treatment regulations and standards.

The Project proposes the following improvements in order to rehabilitate a surface water treatment system to satisfy current regulations and standards:

- Remove silt behind the existing inlet structure in Sawpit Creek;
- Replace a damaged water collector within Sawpit Creek;
- Stream restoration, including improvement of the environmental health of Sawpit Creek;
- Modify the existing sand filter box into an equalization tank with a pump station;
- Remove/abandon existing valve, pipe work, and other appurtenances that may be in conflict with the proposed new facilities;
- Re-grade the area in which new facilities will be installed;
- Install of new facilities and auxiliary equipment;
- Install of a new backup generator;
- Remove an existing 25,000-gallon steel reservoir tank and associated pipe work and install two new 50,000 gallon steel reservoir tanks. Each tank will be around 18.5 feet wide and 32 feet tall;
- Install at least six new fire hydrants;
- Install additional water fountains at the ranger's station;
- Trail and landscape restoration; and,
- Upgrade the existing electrical system to provide additional capacity to meet the needs of the project.

Location: The Project is located within the Trask Scout Reservation, located in the City of Monrovia, within the Sawpit Canyons in the foothills south of the San Gabriel Mountains. Trask

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is located on the Sawpit Creek, central east of the Los Angeles River Watershed. Trask is located a mile northeast from a Los Angeles County Flood Control District dam at North Canyon Boulevard and Oakglade Drive. The Assessor's Parcel Number for Trask and the associated storage tank and related Project site are 8501-010-010 and 8689-005-906.

Comments and Recommendations

CDFW visited the Project site with the City on August 3, 2021. Based on the documents for review and the site visit, CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Lake and Streambed Alteration (LSA)

Issue: The Project would impact streams subject to Notification under Fish and Game Code section 1602 *et seq.*

Specific impacts: The Project would obstruct and divert water from Sawpit Creek in order to service Trask campground and visitors. Also, the Project proposes to work in Sawpit Creek in order to install, clean, remove, and replace infrastructure. These activities may require removal of riparian vegetation and excavation within or adjacent to Sawpit Creek.

Why impacts would occur: The Project would divert water from Sawpit Creek. Water would be diverted via an existing concrete box diversion structure located in Sawpit Creek. The inlet would be cleaned out from silt accumulated overtime and placed with new filter screens and gravel. Cleaning and repairing the inlet may require ground disturbing activities such as excavating, compacting soil, and placing material. These activities could impact the bed, bank, and channel of Sawpit Creek. Page 37 of the MND states, "the proposed Project would result in temporary impacts to jurisdictional waters consisting of temporary excavation to remove accumulated silt from behind the existing inlet structure [...]." Furthermore, the Project may require vegetation removal to in order for large equipment access Sawpit Creek. This could impact riparian vegetation that make up Southern Sycamore Alder Riparian Woodland, or as it is referred in the [Manual of California Vegetation](#), second edition, white alder groves (*Alnus rhombifolia*), Oregon ask groves (*Fraxinus latifolia*), and California sycamore-coast live oak woodlands (*Platanus racemosa-Quercus agrifolia*) (Sawyer et al. 2009).

Evidence impacts would be significant: Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,

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- Deposit or dispose of material into any river, stream, or lake.

Regarding water rights, CDFW is not aware of a known water right (water right permit) issued by State Water Resources Control Board permitting the Project Applicant to appropriate or use water from Sawpit Creek. A water right permit was not listed for the Project Applicant in the [Electronic Water Rights Information Management System](#) (SWRCB 2021).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW concurs with the Project's propose Mitigation Measure BIO-2, which is to notify CDFW pursuant to Fish and Game Code *1600 et seq.* The City should require the Project Applicant to prepare and submit notification to CDFW pursuant to Fish and Game Code, section *1600 et seq.* Based on this notification and other information, CDFW determines whether an LSA Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2021a). CDFW recommends the City require the Project Applicant to obtain an LSA Agreement (if one is needed per CDFW's discretion) before the City issues grading and development permits to the Project Applicant.

Mitigation Measure #2: CDFW recommends the LSA Notification include a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions in order to provide information on how water and sediment is conveyed through the Project site.

Mitigation Measure #3: CDFW recommends the LSA Notification include a copy of the basis of right from the State Water Resources Control Board (water right permit) that authorizes the Project Applicant to divert water from Sawpit Creek. This information along with the LSA Notification would assist CDFW in assessing the need for an LSA Agreement.

Mitigation Measure #4: Prior to LSA Notification, CDFW recommends the City require the Project Applicant to conduct floristic, alliance- and/or association-based mapping and vegetation impact assessments following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). The [Manual of California Vegetation](#), second edition (Sawyer et al. 2009), should be used to inform this mapping and assessment in order to fully allow CDFW to assess the Project's impact on plant communities. The LSA Notification should provide the Manual of California Vegetation alliance/association community names for all vegetation communities impacted by the Project. CDFW tracks plant communities and rare plant communities using the Manual of California Vegetation classification system only.

Mitigation Measure #5: Prior to LSA Notification, CDFW recommends the City require the Project Applicant to retain a qualified biologist and hydrologist to conduct a water yield analysis that will quantify the total volume of water in the stream and amount of flow that would be diverted by this Project, and analyze how the diversion would impact biological resources (see Comment #2). Also, a qualified biologist(s) should perform species specific surveys (see Comment #3, Mitigation Measure #1) and provide survey results, including negative findings, as

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part of the LSA Notification. Survey reports should also include information on habitat within the Project site and whether the Project would impact habitat supporting those species.

Mitigation Measure #6: CDFW recommends the City require the Project Applicant provide compensatory mitigation commensurate with impacts on the bed, bank, and channel of Sawpit Creek and the permanent diversion of flow from Sawpit Creek. The Project Applicant should prioritize on-site restoration and/or enhancement of habitat similar to the habitat that would be impacted.

Mitigation Measure #7: CDFW recommends the City require the Project Applicant to install stream gauges that would measure the amount of flow that is diverted from Sawpit Creek. CDFW recommends the LSA Notification provide information as to what device(s) would be installed, where those device(s) would be installed, what information would be collected, and pertinent reporting requirements.

Recommendation #1: 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 from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq.* and/or under CEQA, the CEQA 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. As such, CDFW recommends the City consider CDFW's comments and revise the MND by incorporating Mitigation Measure #2 through #6 into the Project's final environmental document.

To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Recommendation #2: The Project may require routine maintenance of the concrete box structure and other accessory structures in Sawpit Creek. The Project's CEQA document currently does not describe routine maintenance activities. CDFW recommends the City revise the MND, specifically the Project Description, to provide details of routine maintenance activities. The MND should also discuss potential impacts on biological resources during those routine maintenance activities and provide measures to mitigate those impacts.

Comment #2: Inadequate Disclosure of Project Impacts on Sawpit Creek

Issue: The Project's environmental document does not adequately disclose the Project's potential impacts to resources dependent on Sawpit Creek.

Specific impacts: According to Table 2 on page 3 of the MND, the Project would divert water from Sawpit Creek in order to meet the following water demands:

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Table 2
TRASK SCOUT RESERVATION VISITOR DEMAND ESTIMATES

Criteria	Quantity
(A) Total Occupants	301 Individuals
(B) Average Daily Water Demand per Person	25 GPCD ⁽¹⁾⁽²⁾
(C) Average Daily Demand (ADD) – (“A” x “B”)	7,525 GPD ⁽³⁾
(D) Peak Factor	1.5 ⁽²⁾
(E) Maximum Daily Demand (MDD) – (“C” x “D”)	11,288 GPD or 8 GPM ⁽⁴⁾

(1) GPCD = Gallons per Capita per Day

(2) Value obtained from the Forest Service Handbook

(3) GPD = Gallons per Day

(4) GPM = Gallons per Minute

Water diversion could impact biological resources both within the Project site and downstream of Sawpit Creek. Altering the hydrologic regime could affect abiotic and biotic variables that support plants, fish, wildlife, and macroinvertebrates, especially during a below-average water year.

Why impacts would occur: Reduced flows as a result of water diversion, especially, during a below-average water year, could impact plants and wildlife. With respect to wildlife, reduced flows could have the following impacts: eliminate, reduce, or impair habitat quality and availability; restrict the movement of aquatic species; isolate aquatic species by eliminating water flow that could otherwise provide connectivity; eliminate or reduce the quality of breeding habitat; and reduce aquatic species breeding or metamorphosis success by reducing or eliminating the amount and duration water required by the species to complete its lifecycle. With respect to plants, phreatophytic vegetation is a critical contributor to nesting and foraging habitat for a wide range of species and can be affected by depth to groundwater (Naumburg et al. 2005; Froend and Sommer 2010). This sensitivity to groundwater level thresholds means that localized pumping or water diversion that alters groundwater levels, such as that proposed in the Project, can impact the health and extent of phreatophyte vegetation. Decreasing (drying out) groundwater elevation has the potential to stress phreatophytes depending on the plant species and the groundwater elevation and duration.

Evidence impacts would be significant: Diverting water from the Sawpit Creek could impact biological resources not previously identified. Impacts to any sensitive or special status 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 sensitive or special status 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 by CDFW or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: CDFW recommends the City require the Project Applicant to provide additional analyses and evaluation of potential impacts on biological resources before the City issues grading and development permits. At a minimum, an additional analysis and report should provide the following:

Study Reach

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- 1) The study area should be the reach of Sawpit Creek contained within the Project site, approximately 100 feet upstream until the dam structure, and downstream until the end of the "lake" ("Frog Lake") (Study Reach). The analysis should assess potential Project-related impacts on biological resources within this Study Reach.

Changes to Hydrology and Hydraulics

- 1) The average and maximum amount of water the Project would divert in acre-feet per year in order to support water demands at Trask.
- 2) Under natural conditions, the volume of water flow through the Study Reach during the wet season (November through March) and above-average and below-average water years (i.e., wet season/above-average water year, wet season/below-average water year). The environmental document should clearly define what it would consider to be above-average or below-average rainfall year.
- 3) Under proposed Project conditions, the percent reduction in flow from the Study Reach for a wet season/above-average water year and wet season/below-average water year.
- 4) An analysis of potential Project-related effects on river hydraulics. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change). The environmental document should provide a map showing potential changes to channel hydraulics overlain on a map of plant communities and habitat for rare, sensitive, and special status plants, plant communities, wildlife, and habitat supporting those wildlife species.

Biological Resources Impact Assessment

- 1) A map of plant communities and important bird foraging and nesting habitat occurring in the Study Reach (see Comment #1, Mitigation Measure #4).
- 2) A comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities, occurring in the Study Reach. The list should include species from the Mount Wilson and Azusa quadrangles in California Natural Diversity Database (CNDDB). The search should include Waterman Mountain, Crystal Lake, and Glendora quadrangles if any tributaries within those quads could become hydrologically connected to Sawpit Creek. For each biological resource, provide:
 - a. A summary of species-specific habitat requirements;
 - b. A discussion as to how the species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity); and,
 - c. A quantitative analysis and/or adequate discussion to evaluate whether the Project would result in those significant impacts.
- 3) A discussion of whether diversion devices would have direct and/or indirect impact on biological resources.
- 4) An adequate discussion to address how the Project may potentially affect any on-going habitat recovery and restoration efforts.

Comment #3: Impacts on Fish and Fish Passage

Issue: The Project may impact the Santa Ana speckled dace (*Rhinichthys osculus*), a California Species of Special Concern (SSC). Furthermore, the Project may impede fish passage which is unlawful under Fish and Game code section 5901.

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Specific impacts: According to Table 2 in Appendix B, Santa Ana speckled dace could occur in Sawpit Creek/Project site. Project activities in Sawpit Creek could directly or through habitat modification, result in direct injury or mortality, reduced reproductive capacity, or population declines of Santa Ana speckled dace. Furthermore, the Project may create or reinforce impassable artificial barriers to the passage of fish by operating a concrete box diversion structure located in Sawpit Creek.

Why impacts would occur:

Impacts on Fish: Work occurring in Sawpit Creek could impact fish. Crews working in streams may cause stream bank erosion, potentially resulting in crushing, burying, smothering, or displacing fish, fish fry, nesting burrows, and eggs, or microscopic flora and fauna food sources for fish and fry. Excessive sedimentation may degrade substrate and water conditions needed for reproduction, potentially causing reduced reproductive capacity and success. The Project may require vegetation removal along stream banks, potentially resulting in additional stream bank erosion. Flow regime changes or changes to streambed composition may affect the viability and reproductive capacity of fish.

Impacts on Fish Passage: The Project would operate a concrete box diversion structure. The concrete box is approximately six feet high measured from the streambed and spans the entire width of the channel. Fish may be unable to pass, jump over, or navigate around this structure. Furthermore, the concrete box may be altering water flow locally such as increasing velocity or reducing flow. Fish may be unable to bypass the higher velocity flow to pass upstream or there could be inadequate flow at the concrete box structure to facilitate passage. The concrete box structure could be a barrier to fish passage because it could prevent, impede, or tend to prevent or impeded, the passing of fish up and downstream.

Evidence impact would be significant: A [California Species of Special Concern](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2021c).

CEQA provides 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 rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). 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 by CDFW.

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The Project may result in structures that could be considered very high threats or stressors to fish passage. Per CEQA Guidelines section 15065(a), a project may have a significant effect on biological resources if the project has the potential to substantially reduce the habitat of a fish species or substantially reduce the number or restrict the range of a special status species. Per Fish and Game Code section 5901, it is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impeded, the passing of fish up and downstream. Additionally, per Fish and Game Code section 5936, it is unlawful to willfully destroy, injure, or obstruct any fishway. Lastly, per Fish and Game Code section 5937, the owner of any dam shall allow sufficient water at all times to pass through a fishway, or to keep in good condition any fish that may be planted or exists below the dam.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the City require the Project Applicant to retain a qualified biologist to conduct season appropriate pre-Project absence/presence surveys for Santa Ana speckled dace prior to starting Project activities. Surveys should be conducted along the length of Sawpit Creek within the Project site, approximately 100 feet upstream until the dam structure, and downstream until the end of the “lake” (“Frog Lake”).

Mitigation Measure #2: If Santa Ana speckled dace are present, work may only occur after Santa Ana speckled dace are relocated in accordance with a CDFW-approved Fish Species Relocation Plan (see Comment #5, Mitigation Measure #3).

Mitigation Measure #3: CDFW recommends the City require the Project Applicant to develop an operation plan that would always allow sufficient water to pass downstream.

Recommendation #1: Per Fish and Game Code section 5901, it is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impeded, the passing of fish up and downstream. Accordingly, the City should require the Project Applicant to coordinate with CDFW prior to finalizing the Project design and implementing the Project so CDFW may determine if the Project would be in violation of Fish and Game Code section 5901.

Recommendation #2: The CDFW Watershed Restoration Grants Branch distributes [Proposition 68 funds](#) on a competitive basis to projects that address these priorities:

- River and Stream Restoration - Restoration of rivers and streams for fisheries and wildlife;
- Southern Steelhead Habitat Restoration - Restoration of Southern California Steelhead habitat; and,
- Fish and Wildlife Habitat Restoration - Improvement of conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland habitat areas, and estuaries (CDFW 2021d).

Comment #4: Impacts on Least Bell’s Vireo

Issue: The Project could impact least Bell’s vireo (*Vireo bellii pusillus*), a species listed under both CESA and Endangered Species Act (ESA).

Specific impacts: Project construction and activities could result in nest abandonment or

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decreased feeding frequency. This could result in increased nestling mortality thus significant impacts on least Bell's vireo.

Why impacts would occur: Page 35 states, "there is some suitable riparian habitat for LBVI [least Bell's vireo] along Sawpit Wash where the Project proposes to remove accumulated silt from behind the existing inlet structure and replace the damaged raw water collector, as well as hand-removal of a fallen tree [...]." Least Bell's vireos nesting within the Project site could be impacted by the Project. Project construction and activities could create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. 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.

Evidence impacts would be significant: 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 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). The Project has proposed Mitigation Measure BIO-1 to mitigate for potential impacts on least Bell's vireo. The mitigation measure would avoid work during the nesting season or conduct protocol surveys to determine if least Bell's vireo is present in the Project site thus could be potentially impacted. Mitigation Measure BIO-1 as proposed only would require a survey. It does not propose specific action(s) that would be necessary if least Bell's vireos are present in the Project site. Mitigation Measure BIO-1 may not (1) commit the Project to mitigation, (2) adopt specific performance standards the mitigation will achieve, nor (3) identify the type(s) of potential action(s) that can feasibly achieve that performance standard that will be considered, analyzed, and potentially incorporated in the mitigation measure (CEQA Guidelines, § 15126.4). Consequently, Mitigation Measure BIO-1, as it is currently proposed, may be inadequate to reduce the Project's potential impacts on least Bell's vireo.

Inadequate avoidance, minimization, and mitigation measures for impacts on 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 species identified as a candidate, sensitive, or special status by CDFW or USFWS. Take under ESA is more broadly defined than CESA. 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):

Mitigation Measure #1: CDFW recommends the City update its Mitigation Measure BIO-1 to include the following underlined language and remove the language with strike through:

~~"Commencement of any project-related disturbance for the entire duration of the project shall either be restricted to outside the LBVI nesting season, which is typically from April 1st through July 31st to avoid any potential adverse effects on this species. or where commencement[...]."~~

~~"Where-If the Project Applicant cannot restrict commencement of project-related disturbance cannot be restricted to outside the LBVI nesting season, protocol LBVI presence/absence surveys shall be required before starting initial activities to determine~~

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whether this species occurs in the project area and whether the project is likely to adversely affect this species [...].”

“If least Bell’s vireos are determined to be present, the Project Applicant shall avoid work from April 1st through July 31st. If work must occur at any point between April 1st through July 31st, the Project Applicant shall consult with CDFW and USFWS to obtain the necessary take permit before initial activities can begin.”

“If protocol surveys prior to starting initial activities do not indicate the presence of least Bell’s vireo, initial activities may begin. However, least Bell’s vireo protocol surveys shall be conducted each year that the project occurs in least Bell’s vireo breeding habitat between April 1st through July 31st until the Project is completed. A negative finding shall be considered valid only until the following breeding season. If at any point least Bell’s vireo is present in the project area, the Project Applicant shall avoid work from April 1st through July 31st or obtain necessary take permit before work can resume.”

Mitigation Measure #2: If the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends the City require the Project Applicant to seek appropriate take authorization under CESA before the City issues grading and development permits for 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 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.

Recommendation: If the Project cannot avoid impacts on least Bell’s vireo and habitat, CDFW recommends the City require the Project Applicant to consult with USFWS, in order to comply with ESA, well in advance of any construction and activities where impacts to an ESA-listed species will occur.

Comment #5: Impacts on Species of Special Concern

Issue: The MND does not provide measures to mitigate for potential impacts on SSC.

Specific impacts: According to Page 10 and Table 4 in Appendix B, the following SSC could occur in Sawpit Creek/the Project site:

- Southern California legless lizard (*Anniella stebbinsi*);
- Coast whiptail (*Aspidocelis tigris stejnegeri*);
- Two-striped garter snake (*Thamnophis hammondi*); and,
- California newt (*Taricha torosa*).

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Project construction and activities, directly or through habitat modification, may result in direct injury or mortality (trampling, crushing), reduced reproductive capacity, population declines, or local extirpation of an SSC. Also, loss of foraging, breeding, nesting, or nursery habitat for an SSC may occur.

Why impacts would occur: Impacts to an SSC could result from ground-disturbing activities (e.g., staging, mobilization, and grading), vegetation removal, increased noise disturbances, human activity, and dust. Wildlife or their eggs may be trapped or crushed under structures. Large equipment, equipment and material staging, and vehicle and foot traffic could trample or bury wildlife or their eggs. Impacts on the SSC that could occur in the Project site are more likely to occur because these are cryptic species that seek refuge under structures.

Evidence impact would be significant: CEQA provides 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 (see Comment #3: Impacts on Fish and Fish Passage). These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). 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 by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Scientific Collecting Permit – CDFW recommends the City require the Project Applicant retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2021e).

Pursuant to the [California Code of Regulations, title 14, section 650](#), the Project Applicant/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. The LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #1 Lake and Streambed Alteration).

Mitigation Measure #2: Species Surveys – Before starting initial Project construction and activities, CDFW recommends the City require the Project Applicant to retain a qualified biologist(s) with experience surveying for each of the following species: southern California legless lizard; coast whiptail; two-striped garter snake, and California newt. The qualified biologist(s) should conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Positive detections of SSC and suitable habitat should be

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mapped. These locations would help to develop more species-specific and location-specific mitigation measures. If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected. The Project Applicant should submit a summary report discussing survey results, including negative findings, to the City before starting initial Project activities. Depending on the survey results, the report should discuss potentially significant effects of the Project on SSC and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

Mitigation Measure #3: Protection/Relocation Plan – The Project Applicant, in consultation with a qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project site (either way, at least 200 feet from the work area). Special status wildlife should be captured only by a qualified biologist with proper handling permits. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring involving ground-disturbing activities and vegetation removal. The Project Applicant should submit a relocation plan to the City before starting initial Project construction and activities, including staging, or stockpiling of equipment and materials, where there may be impacts to SSC.

Mitigation Measure #4: Biological Monitoring – Preconstruction surveys should be conducted no more than one week prior to initial Project-related ground-disturbing activities where there may be impacts to SSC. Daily biological monitoring should be conducted during any activities involving vegetation clearing or modification of natural habitat likely to support SSC. Surveys for SSC should be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers should be advised to work with caution near flagged areas. If SSC is encountered, a qualified biologist should safely protect or relocate the animal per relocation and handling protocols.

Mitigation Measure #5: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Comment #6: Impacts on Bats, including Species of Special Concern

Issue: The Project includes activities may remove or disturb roosting habitat for bats, including bat species that are SSC.

Specific impacts: According to Table 4 in Appendix B, the following species of bats could occur in Sawpit Creek:

- Western mastiff bat (*Eumops perotis californicus*);

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- Western red bat (*Lasiurus blossevillii*);
- Hoary bat (*Lasiurus cinereus*); and,
- Western yellow bat (*Lasiurus xanthinus*).

Except for the hoary bat, the three other bat species are SSC. Project activities may include removal or disturbance of trees and structures that could provide roosting habitat for bats. Accordingly, the Project has the potential to injure, cause the mortality of, trap, and displace bats.

Why impacts would occur: The Project may result in direct impacts on bats (injury and mortality) by removing trees and demolishing structures that may provide roosting habitat. Photo 11 in Appendix B states, “potential alternative new water storage reservoir site. Would require oak tree removals.” Indirect impacts on 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. 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. 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). Human disturbance can 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 impacts 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). Several bat species are considered SSC (see Comment #3: Impacts on Fish and Fish Passage). CEQA provides 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 rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). 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 by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1 – Acoustic Surveys for Bats: Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, CDFW recommends the City require the Project Applicant to retain a qualified bat specialist to conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to 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. 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.

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Mitigation Measure #2 – Roosting Bats/Tree Removal: If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal 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 #3 – Maternity Roosts: If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).

Mitigation Measure #4 – Maternity Roosts: If maternity roosts are found and the City determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before sunset and 30 minutes after sunrise.

Additional Recommendations

Restoration. The Project proposes trail and landscape restoration. CDFW strongly recommends avoiding non-native, invasive plants, particularly any species, particularly ‘Moderate’ or ‘High’ listed by the [California Invasive Plant Council](#) (Cal-IPC 2021). CDFW recommends the City use native species found in naturally occurring vegetation communities within the Project site. Propagules should be collected from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Propagules should originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted.

Tree Removal. CDFW recommends the City require the Project Applicant to select locations for the Project that do not require removal of any oak trees (see Photo 11 in Appendix B). If the Project Applicant removes oak trees, CDFW recommends the City require the Project Applicant to replace each tree removed with no less than three oak trees (3:1). The number of replacement trees should be higher if the Project would impact large oak trees or impact an oak tree supporting rare, sensitive, or special status wildlife. Also, the City should require the Project Applicant to obtain an Oak Tree Preservation Permit pursuant to the City’s Municipal Code Section 17.20.040.

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Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity 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 detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2021f). The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The City should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Monrovia and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Monrovia 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 Monrovia 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 Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at (562) 619-2230 or Ruby.Kwan-Davis@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

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Erinn Wilson-Olgin
Environmental Program Manager I

ec: CDFW
Erinn Wilson-Olgin – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang – Los Alamitos – Victoria.Tang@wildlife.ca.gov

Ms. Sheri Bermejo
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Ruby Kwan-Davis – Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
Felicia Silva – Los Alamitos – Felicia.Silva@wildlife.ca.gov
Frederic Reiman – Los Alamitos – Frederic.Reiman@wildlife.ca.gov
Mary Ngo – Los Alamitos – Mary.Ngo@wildlife.ca.gov
Susan Howell – San Diego – Susan.Howell@wildlife.ca.gov
CEQA Program Coordinator – Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse - state.clearinghouse@opr.ca.gov

USFWS

Christine Medak – Fish and Wildlife Biologist - Christine_Medak@fws.gov

State Water Resources Control Board, Division of Drinking Water

Shu-Fang Orr – District Engineer, Angeles District – shu-fang.orr@waterboards.ca.gov

Jeff O'Keefe – Section Chief, Southern California Section –
jeff.okeefe@waterboards.ca.gov

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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

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 final environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Lake and Streambed Alteration Notification	The Project Applicant shall notify CDFW pursuant to Fish and Game Code section 1600 <i>et seq.</i> prior to conducting proposed activities. The Project Applicant shall obtain an LSA Agreement (if one is needed per CDFW's discretion) before grading and development permits are issued.	Prior to any construction and activities Before grading and development permits are issued	City of Monrovia/Project Applicant
MM-BIO-2- Lake and Streambed Alteration Notification	As part of the LSA Notification, the Project Applicant shall include a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to any construction and activities Before grading and development permits are issued	Project Applicant
MM-BIO-3- Lake and Streambed Alteration Notification – Water Rights	As part of the LSA Notification, the Project Applicant shall include a copy of the basis from the State Water Resources Control Board (water right permit) that authorizes the Project Applicant to divert water from Sawpit Creek.	Prior to any construction and activities Before grading and	Project Applicant

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		development permits are issued	
MM-BIO-4- Lake and Streambed Alteration Notification	The Project Applicant shall conduct floristic, alliance- and/or association-based mapping and vegetation impact assessments following established protocol. The LSA Notification shall provide the Manual of California Vegetation alliance/association community names for all vegetation communities impacted.	Prior to LSA Notification	Project Applicant
MM-BIO-5-Lake and Streambed Alteration Notification	The Project Applicant shall retain a qualified biologist and hydrologist to conduct a water yield analysis that will quantify the total volume of water in the stream and amount of flow that would be diverted by this project, and analyze how the diversion would impact biological resources (see MM-BIO-8). Also, a qualified biologist(s) shall conduct species specific surveys and provide survey results, including negative findings, as part of the LSA Notification (see MM-BIO-9). Survey reports shall also include information on habitat within the Project site and whether the Project would impact habitat supporting those species.	Prior to LSA Notification	Project Applicant
MM-BIO-6-Lake and Streambed-Compensatory Mitigation	The Project Applicant shall provide compensatory mitigation commensurate with impacts on the bed, bank, and channel of Sawpit Creek and the permanent diversion of flow from Sawpit Creek. The Project Applicant shall prioritize on-site restoration and/or enhancement of habitat similar to the habitat that will be impacted.	Before grading and development permits are issued	City of Monrovia/Project Applicant
MM-BIO-7-Lake and Streambed Alteration Notification	The Project Applicant shall install stream gauges that would measure the amount of flow that is diverted from Sawpit Creek. The LSA Notification shall provide information as to what device(s) would be installed, where those device(s) would be installed, what information would be collected, and pertinent reporting requirements.	Prior to any construction and activities Before grading and development permits are issued	Project Applicant

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<p>MM-BIO-8- Additional Impact Analysis</p>	<p>The Project Applicant shall provide additional analyses and evaluation of potential impacts on biological resources before the City issues grading and development permits. At a minimum, an additional analysis and report shall provide the following:</p> <p><i>Study Reach</i></p> <ol style="list-style-type: none"> 1) The study area shall be the reach of Sawpit Creek contained within the Project site, approximately 100 feet upstream until the dam structure, and downstream until the end of the “lake” (“Frog Lake”). The analysis shall assess potential Project-related impacts on biological resources within this Study Reach. <p><i>Changes to Hydrology and Hydraulics</i></p> <ol style="list-style-type: none"> 1) The average and maximum amount of water the Project would divert in acre-feet per year in order to support water demands at Trask. 2) Under natural conditions, the volume of water flow through the Study Reach during the wet season (November through March) and above-average and below-average water years (i.e., wet season/above-average water year, wet season/below-average water year). The environmental document shall clearly define what it would consider to be above-average or below-average rainfall year. 3) Under proposed Project conditions, the percent reduction in flow from the Study Reach for a wet season/above-average water year and wet season/below-average water year. 4) An analysis of potential Project-related effects on river hydraulics. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change). The environmental document shall provide a map showing potential changes to channel hydraulics overlain on a map of plant communities and habitat for rare, sensitive, and special status plants, plant communities, wildlife, and habitat supporting those wildlife species. <p><i>Biological Resources Impact Assessment</i></p> <ol style="list-style-type: none"> 1) A map of plant communities and important bird foraging 	<p>Before grading and development permits are issued</p> <p>Prior to LSA Notification</p>	<p>City of Monrovia/Project Applicant</p>
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	<p>and nesting habitat occurring in the Study Reach.</p> <p>2) A comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities, occurring in the Study Reach. The list shall include species from the Mount Wilson and Azusa quadrangles in the California Natural Diversity Database. The search shall include Waterman Mountain, Crystal Lake, and Glendora quadrangles if any tributaries within those quads could become hydrologically connected to Sawpit Creek. For each biological resource, provide:</p> <ul style="list-style-type: none"> a. A summary of species-specific habitat requirements; b. A discussion as to how the species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow) and hydraulics (water depth, wetted perimeter, velocity); and, c. A quantitative analysis and/or adequate discussion to evaluate whether the Project would result in those significant impacts. <p>3) A discussion of whether diversion devices would have direct and/or indirect impact on biological resources.</p> <p>4) An adequate discussion to address how the Project may potentially affect any on-going habitat recovery and restoration efforts.</p>		
<p>MM-BIO-9- Impacts on Fish and Fish Passage- Surveys</p>	<p>The Project Applicant shall retain a qualified biologist to conduct season appropriate pre-Project absence/presence surveys for Santa Ana speckled dace. Surveys shall be conducted along the length of Sawpit Creek within the Project site, approximately 100 feet upstream until the dam structure, and downstream until the end of the "lake" ("Frog Lake").</p>	<p>Prior to Project construction and activities</p> <p>Prior to LSA Notification</p>	<p>Project Applicant</p>

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MM-BIO-10- Impacts on Fish and Fish Relocation Plan	If Santa Ana speckled dace are present, work may only occur after Santa Ana speckled dace are relocated in accordance with a CDFW-approved Fish Species Relocation Plan.	After relocation Prior to Project construction and activities	Project Applicant
MM-BIO-11- Impacts on Fish and Fish Passage- Operation Plan	The Project Applicant shall develop an operation plan that will always allow sufficient water to pass downstream.	Before grading and development permits are issued	City of Monrovia/Project Applicant
MM-BIO-12- Impacts on Least Bell's Vireo- Avoidance	Commencement of any project-related disturbance for the entire duration of the project shall be restricted to outside the LBVI nesting season from April 1 st through July 31 st to avoid any potential adverse effects on this species.	Prior to Project construction and activities	Project Applicant
MM-BIO-13- Impacts on Least Bell's Vireo-Protocol Surveys and Permits	<p>If the Project Applicant cannot restrict project-related disturbance to outside the LBVI nesting season, protocol LBVI presence/absence surveys shall be required before starting initial activities to determine whether this species occurs in the project area and whether the project is likely to adversely affect this species. Per the USFWS LBVI survey guidelines, all riparian areas and any other potential vireo habitats shall be surveyed at least eight (8) times during the period from April 10 to July 31. Presence/absence surveys shall be conducted by a qualified biologist who is familiar with the various LBVI vocalizations and the eight survey visits shall be spaced at least 10 days apart.</p> <p>If least Bell's vireos are determined to be present, the Project Applicant shall avoid work from April 1st through July 31st. If work must occur at any point between April 1st through July 31st, the Project Applicant shall consult with CDFW and USFWS to obtain the necessary take permit before initial activities can begin.</p>	<p>Prior to initial Project construction and activities</p> <p>Prior to Project construction and activities occurring each year if activities occur between April 1st through July 31st</p>	Project Applicant

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	<p>If protocol surveys prior to starting initial activities do not indicate the presence of least Bell's vireo, initial activities may begin. However, least Bell's vireo protocol surveys shall be conducted each year that the project occurs in least Bell's vireo breeding habitat between April 1st through July 31st until the Project is completed. A negative finding shall be considered valid only until the following breeding season. If at any point least Bell's vireo is present in the project area, the Project Applicant shall avoid work from April 1st through July 31st or obtain necessary take permit before work can resume.</p>		
<p>MM-BIO-14- Impacts on Least Bell's Vireo-CESA ITP</p>	<p>If the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of least Bell's vireo, the Project Applicant shall seek appropriate take authorization under CESA.</p>	<p>Before grading and development permits are issued</p> <p>Prior to Project construction and activities</p>	<p>Project Applicant</p>
<p>MM-BIO-15- Impacts on Species of Special Concern- Scientific Collecting Permit</p>	<p>The Project Applicant shall retain a qualified biologist with appropriate handling permits, or shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.</p>	<p>Prior to Project construction and activities</p>	<p>Project Applicant</p>
<p>MM-BIO-16- Impacts on Species of Special</p>	<p>Before starting initial Project construction and activities, the Project Applicant shall retain a qualified biologist(s) with experience surveying for each of the following species: southern California legless lizard; coast whiptail; two-striped garter snake, and California newt. The qualified biologist(s) shall conduct species-</p>	<p>Prior to Project construction and activities</p>	<p>City of Monrovia/Project Applicant</p>

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Concern-Surveys	specific and season appropriate surveys where suitable habitat occurs in the Project site. Positive detections of SSC and suitable habitat shall be mapped. If SSC are detected, the qualified biologist shall use visible flagging to mark the location where SSC was detected. The Project Applicant shall submit a summary report discussing survey results, including negative findings, to the City before starting initial Project activities. Depending on the survey results, the report shall discuss potentially significant effects of the Project on SSC and include species specific mitigation measures to reduce impacts to below a level of significance.		
MM-BIO-17- Impacts on Species of Special Concern-Protection/Relocation Plan	The Project Applicant, in consultation with a qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project site (either way, at least 200 feet from the work area). Special status wildlife shall be captured only by a qualified biologist with proper handling permits. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring involving ground-disturbing activities and vegetation removal. The Project Applicant shall submit a relocation plan to the City before starting initial Project construction and activities, including staging, or stockpiling of equipment and materials, where there may be impacts to SSC.	Prior to Project construction and activities	City of Monrovia/Project Applicant
MM-BIO-18- Impacts on Species of Special Concern-Biological Monitoring	Preconstruction surveys shall be conducted no more than one week prior to initial Project-related ground-disturbing activities where there may be impacts to SSC. Daily biological monitoring shall be conducted during any activities involving vegetation clearing or modification of natural habitat likely to support SSC. Surveys for SSC shall be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so,	No more than one week prior to initial Project-related ground-disturbing activities	Project Applicant

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	workers shall be advised to work with caution near flagged areas. If SSC is encountered, a qualified biologist shall safely protect or relocate the animal per relocation and handling protocols.	Daily	
MM-BIO-19- Impacts on Species of Special Concern- Reporting Injured or Dead Wildlife	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project construction and activities Prior to restarting Project construction and activities	Project Applicant
MM-BIO-20- Impacts on Bats- Survey	Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be used to maximize detection of bats. A survey report, 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 provide 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.	Prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats	City of Monrovia/Project Applicant
MM-BIO-21- Impacts on Bats- Tree removal	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal trees shall be pushed down using heavy machinery rather than felling with a chainsaw.	During tree removal	Project Applicant

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	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 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.		
MM-BIO-22- Impacts on Bats- Maternity Roosts	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 yet ready to fly out of the roost (March 1 to September 30).	Prior to Project construction if maternity roosts are found	Project Applicant
MM-BIO-23- Impacts on Bats- Maternity Roosts	If maternity roosts are found and impacts are unavoidable, a qualified bat specialist shall conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology shall be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/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. Work shall also not occur between 30 minutes before sunset and 30 minutes after sunrise.	Prior to/During removal of trees or structures supporting maternity roosts	Project Applicant
REC-1-LSA	To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 <i>et seq.</i> and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for	Prior to finalizing CEQA document	City of Monrovia

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	<p>issuance of the LSA Agreement. As such, CDFW recommends the City consider CDFW's comments and revise the MND by incorporating Mitigation Measure #1 through #23 into the Project's final environmental document.</p> <p>To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.</p>		
REC-2- LSA	<p>The City should revise the MND, specifically the Project Description, to provide details of routine maintenance activities. The MND should also discuss potential impacts on biological resources during those routine maintenance activities and provide measures to mitigate those impacts.</p>	Prior to finalizing CEQA document	City of Monrovia
REC-3-Fish and Game Code section 5901	<p>The Project Applicant should coordinate with CDFW prior to finalizing the Project design and implementing the Project so CDFW may determine if the Project would be in violation of Fish and Game Code section 5901.</p>	Before finalizing Project design and implementing the Project	Project Applicant
REC-4- Proposition 68 Funding	<p>The CDFW Watershed Restoration Grants Branch distributes Proposition 68 funds on a competitive basis to projects that address these priorities:</p> <ul style="list-style-type: none"> • River and Stream Restoration - Restoration of rivers and streams for fisheries and wildlife; • Southern Steelhead Habitat Restoration - Restoration of Southern California Steelhead habitat; and, • Fish and Wildlife Habitat Restoration - Improvement of conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland habitat areas, and estuaries. 		Project Applicant

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REC-5-Endangered Species Act Permitting	If the Project cannot avoid impacts on least Bell's vireo and habitat, the Project Applicant should consult with the U.S. Fish and Wildlife Service, in order to comply with ESA, well in advance of any construction and activities where impacts to an ESA-listed species will occur.	Before grading and development permits are issued	Project Applicant
REC-6-Restoration	CDFW strongly recommends avoiding non-native, invasive plants, particularly any species, particularly 'Moderate' or 'High' listed by the California Invasive Plant Council . The Project Applicant should use native species found in naturally occurring vegetation communities within the Project site. 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. Propagules should originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted.	During Project construction and activities	Project Applicant
REC-7-Tree Removal	The City should require the Project Applicant to select locations for the Project that do not require removal of any oak trees. If the Project Applicant removes oak trees, the Project Applicant should replace each tree removed with no less than three oak trees (3:1). The number of replacement trees should be higher if the Project would impact large oak trees or impact an oak tree supporting rare, sensitive, or special status wildlife. Also, the City should require the Project Applicant to obtain an Oak Tree Preservation Permit pursuant to the City's Municipal Code Section 17.20.040.	Prior to finalizing Project design Prior to issuing an Oak Tree Preservation Permit	City of Monrovia/Project Applicant
REC-8-Data	The City should ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. The City should provide CDFW with confirmation of data submittal.	Prior to/after Notification pursuant to Fish and Game Code section 1600 et seq.	City of Monrovia
REC-9-Mitigation and	The City should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental	Prior to finalizing	City of Monrovia

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Monitoring Reporting Plan	document to include mitigation measures recommended in this letter.	CEQA document	
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