

State of California – Natural Resources Agency

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

DEPARTMENT OF FISH AND WILDLIFE

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May 20, 2022

Mr. Carlos Contreras
City of Thousand Oaks
2100 Thousand Oaks Boulevard
Thousand Oaks, CA 91362
ccontreras@toaks.org



Subject: T.O. Ranch Mixed-Use Multi-Family Residential Redevelopment, Draft Environmental Impact Report, SCH No. 2021120559; Ventura County, City of Thousand Oaks

Dear Mr. Contreras:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Thousand Oaks (City) Draft Environmental Impact Report (DEIR) for the T.O. Ranch Mixed-Use Multi-Family Residential Redevelopment Plan (Project). The City, as Lead Agency, prepared a DEIR pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife or be subject to Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; 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). CDFW is also directed to provide biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

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

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Project Description and Summary

Objective: The Project as proposed will result in the redevelopment of a 10.97-acre lot in the city of Thousand Oaks. The development will include 420 residential units, 13 townhome buildings, 4 mixed-use buildings, commercial use structures, a community center, and associated above and underground parking lots. This project will require the demolition of an existing structure and the removal or encroachment of several protected trees.

Location: The Project site is located in the City of Thousand Oaks and is surrounded by scattered open space, residential, and commercial development. The Conejo Ridge and Los Padres open space spans north-west to south-west of the development.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct and indirect impacts on fish and wildlife biological resources based on the planned activities of this proposed Project. CDFW recommends the measures below be included in a science-based monitoring program with adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097). Additional comments or other suggestions may also be included to improve the document.

Specific Comments

Comment #1: Impacts to Bats

Issue: The Project may impact the western mastiff bat (*Eumops perotis californicus*), pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillii*), and the hoary bat (*Lasiurus cinereus*). The majority of which are Species of Special Concern (SSC).

Specific impacts: The project as proposed includes direct impacts to bats such as removal of trees, vegetation, and/or structures that may provide roosting habitat. These activities have potential to result in direct loss of bats. Species such as the pallid bat are well known to use man-made structures to roost, while the western red bat and hoary bat are a documented obligate tree roosting species. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats using man-made structures or surrounding trees as roost sites.

Why impacts would occur: In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts, and forage in sources of open water such as ponds and lakes (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Mature riparian trees and crevices in buildings and facilities in the Project site could provide roosting habitat for bats. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats

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which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

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

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends a qualified bat specialist conduct bat roosting surveys within the Project site and a 200-foot buffer to locate potential bat roosting sites. These assessments will determine baseline conditions of potential roosting areas present throughout the study area to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites.

Mitigation Measure #2: To prevent project delays and possible “take,” CDFW also recommends nighttime emergence surveys of day roosts during seasons when bats are most mobile (April 1 to September 30). Emergence surveys should be performed shortly after dusk to identify any bats that emerge from a potential roost site. CDFW recommends using acoustic recognition technology to maximize detection of bats. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).

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

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

1. 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 not yet ready to fly out of the roost (March 1 to September 30).
2. If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts should be left in place until the

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end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost and work should not occur between 30 minutes before sunset and 30 minutes after sunrise.

3. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees should be removed using the two-step removal method. Segments of the tree which do not offer any roosting habitat should be removed using a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly with heavy machinery two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be left in place for at least a 24-hour period and 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 preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by using lights, fans, and placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

Mitigation Measure #4: If presence is confirmed within the abandoned building on-site CDFW recommends humane evacuation. Humane evacuation is performed using fans, lights, one-way exclusionary devices, and other humane means to make roost sites less suitable for bats. Humane evacuation prompts bats to escape before demolition of structures and lessens the probability of direct mortality. An appropriate amount of time (4-7 nights) should be given to allow for the maximum number of individuals to escape. Additional measures can be taken to maximize survival such as partial demolition where the structure is demolished gradually, providing another opportunity for evacuation. In the absence of presence/absence data CDFW recommends a conservative approach to minimize mortality of bat species.

Comment #2: Impacts to Nesting Birds

Issue: The proposed Project may impact special status bird species. Buffer zones proposed for nesting passerine and raptor species within the DEIR need to be increased to reduce impacts.

Why impacts would occur: Ground clearing, and construction activities could lead to the direct mortality of a listed species or species of special concern. The loss of occupied habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact if absent of appropriate mitigation.

Evidence impact would be significant: CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

The following mitigation measures are suggested by CDFW for impacts to nesting birds:

Mitigation Measure #1: To protect passerine nesting birds that may occur on-site, CDFW recommends that no construction should occur from February 1 through September 15. If construction is unavoidable during February 1 through September 15, surveys should be conducted for nesting bird activity within 7 days prior to Project activities that occur. The surveys

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should be conducted by a qualified biologist to determine if active bird nests of special status bird species. Surveys should occur in the construction zone and within 500 feet of the site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.

Mitigation Measure #2: If any nests of passerine birds are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 300-foot radius during project construction. If active nests are found, all construction must be postponed or halted until the biologist determined the nest is vacated, juveniles have fledged, and no evidence of a second nesting attempt is observed. The biologist should serve as a construction monitor during periods of construction occur near the active nest areas to ensure that no inadvertent impacts occur.

The following mitigation measures are suggested by CDFW for impacts to raptors:

Mitigation Measure #1: To protect nesting raptors that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction should occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist should complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

Mitigation Measure #2: CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully-protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of Project, due to the presence of suitable habitat.

Comment #3: Spreading Invasive Pests and Diseases

Issue: CDFW is concerned that the DEIR does not describe procedures for disposal of removed trees which may be infested with invasive pests and disease.

Specific impacts: The Project proposes to remove an unspecified amount of vegetation. Improper disposal of vegetation may result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks and other trees in California which support a high biological diversity including special status species. The environmental document should address the presence or absence of goldspotted oak borer (*Agrilus auroguttatus*), Polyphagus shot-hole borer (*Euwallacea* sp.), and thousand

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canker fungus (*Geosmithia morbida*) in on-site trees and, if present, describe how any effected trees would be disposed of as part of the Project.

Why impacts would occur: Within the DEIR Appendix C are the results of the tree surveys conducted in 2021. Within table two is a summary which grades the trees from A (outstanding)-E (dead). Of the ten trees assessed five were scored a D (poor), four scored C (average), and one scored B (above average). D scores indicate the tree is exhibiting a greater degree of disease or pest infestation that normal and appears to be in a state of decline. However, the pests/diseases identified were not given any specific mention within the document. The Project may remove tree species that could host insect pests and diseases. Trees will be removed and presumably hauled to off-site locations for disposal thereby potentially exposing off-site oak and other tree species to infestation and disease.

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

Mitigation Measure #1: CDFW recommends the City/Applicant work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (<https://thousandcankers.com/>), Polyphagous shot hole borer (<https://ucanr.edu/sites/eskalenlab/?file=index.html>), and goldspotted oak borer (<http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease.

Mitigation Measure #2: If invasive pests and/or diseases are detected, the City/Applicant should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management plan should be submitted to CDFW for review and included as an appendix in the final environmental document.

Comment #4: Impacts to Non-Game Mammals and Wildlife

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

Specific impacts: Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. This could result in wildlife and bird

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mortality. Furthermore, depending on the final fencing design, the Project may cumulatively restrict wildlife movement opportunity.

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

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

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

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. CDFW recommends the City consider permeable fencing as part of its mitigation for Project-related impacts. Wildlife impermeable fencing is fencing that prevents or creates a barrier for the passage of wildlife from one side to the other. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide (<https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf>) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards.

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

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

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

Additional Recommendations

Landscaping. CDFW recommends using native, drought tolerant plants when choosing landscaping pallets. Using native plants free of pesticides or herbicides will add resources to pollinators and other wildlife. CDFW also recommends ensuring California sycamores that are planted as part of mitigation are genetically tested. Hybridization has occurred with the non-native London plane (*Plantanus hispanica*), a common landscaping tree, which has put competitive stress upon the native California sycamore (*Plantus racemosa*).

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Fuel Modification. If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Filing Fees

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

Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Angela Castanon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov

Sincerely,

DocuSigned by:



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Erinn Wilson-Olgin
Environmental Program Manager I

EC: CDFW
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Impacts to Bats	CDFW recommends a qualified bat specialist conduct bat roosting surveys within the Project site and a 200-foot buffer to locate potential bat roosting sites. These assessments will determine baseline conditions of potential roosting areas present throughout the study area to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-2- Impacts to Bats	To prevent project delays and possible "take," CDFW also recommends nighttime emergence surveys of day roosts during seasons when bats are most mobile (April 1 to September 30). Emergence surveys should be performed shortly after dusk to identify any bats that emerge from a potential roost site. CDFW recommends using acoustic recognition technology to maximize detection of bats. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004). Survey methodology and results, including negative findings, should be included in final environmental documents. Depending	Prior to Project construction and activities	City of Thousand Oaks/ Applicant

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	<p>on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).</p>		
<p>MM-BIO-3- Impacts to Bats</p>	<p>If maternity roosts are found, CDFW recommends, the following mitigation measures:</p> <ol style="list-style-type: none"> 1. 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 not yet ready to fly out of the roost (March 1 to September 30). 2. If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts 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 and work should not occur between 30 minutes before sunset and 30 minutes after sunrise. 3. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees 	<p>Prior to Project construction and activities</p>	<p>City of Thousand Oaks/ Applicant</p>

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	<p>should be removed using the two-step removal method. Segments of the tree which do not offer any roosting habitat should be removed using a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly with heavy machinery two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be left in place for at least a 24-hour period and 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 preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by using lights, fans, and placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.</p>		
<p>MM-BIO-4- Impacts to Bats</p>	<p>If presence is confirmed within the abandoned building on-site CDFW recommends humane evacuation. Humane evacuation is performed using fans, lights, one-way exclusionary devices, and other humane means to make roost sites less suitable for bats. Humane evacuation allows bats to escape before demolition of structures and lessens the probability of direct mortality. An appropriate amount of time (4-7 nights) should be given to allow for the maximum number of individuals to escape. Additional measures can be taken to maximize survival such as partial demolition where the structure is demolished gradually, providing another opportunity for evacuation. In the absence of presence/absence data CDFW recommends a conservative approach to minimize mortality of bat species.</p>	<p>Prior to Project construction and activities</p>	<p>City of Thousand Oaks/ Applicant</p>

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MM-BIO-5- Impacts to Nesting Birds	To protect passerine nesting birds that may occur on-site, CDFW recommends that no construction should occur from February 1 through September 15. If construction is unavoidable during February 1 through September 15, surveys should be conducted for nesting bird activity within 7 days prior to Project activities that occur. The surveys should be conducted by a qualified biologist to determine if active bird nests of special status bird species. Surveys should occur in the construction zone and within 500 feet of the site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-6- Impacts to Nesting Birds	If any nests of passerine birds are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 300-foot radius during project construction. If active nests are found, all construction must be postponed or halted until the biologist determined the nest is vacated, juveniles have fledged, and no evidence of a second nesting attempt is observed. The biologist should serve as a construction monitor during periods of construction occur near the active nest areas to ensure that no inadvertent impacts occur.	Prior to/ During Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-7- Impacts to Nesting Birds	To protect nesting raptors that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction should occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist should complete surveys for nesting bird activity the orders <i>Falconiformes</i> and <i>Strigiformes</i> (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is	Prior to/ During Project construction and activities	City of Thousand Oaks/ Applicant

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	unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.		
MM-BIO-8- Impacts to Nesting Birds	CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully-protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of Project, due to the presence of suitable habitat.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-9- Spreading Invasive Pests and Diseases	CDFW recommends the City/Applicant work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (https://thousandcankers.com/), Polyphagous shot hole borer (https://ucanr.edu/sites/eskalenlab/?file=index.html), and goldspotted oak borer (http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-10- Spreading	If invasive pests and/or diseases are detected, the City/Applicant should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases,	Prior to Project	City of Thousand Oaks/ Applicant

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Invasive Pests and Diseases	diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management plan should be submitted to CDFW for review and included as an appendix in the final environmental document.	construction and activities	
MM-BIO-11- Impacts to Non-Game Mammals and Wildlife	If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide (https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-12- Impacts to Non-Game Mammals and Wildlife	To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility should be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-13- Impacts to Non-Game Mammals and Wildlife	Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant

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REC-1- Landscaping	CDFW recommends using native, drought tolerant plants when choosing landscaping pallets. Using native plants free of pesticides or herbicides will add resources to pollinators and other wildlife. CDFW also recommends ensuring California sycamores that are planted as part of mitigation are genetically tested. Hybridization has occurred with the non-native London plane (<i>Plantanus hispanica</i>), a common landscaping tree, which has put competitive stress upon the native California sycamore.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
REC-2- Fuel Modification	If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.	During construction and activities	City of Thousand Oaks/ Applicant
REC-3- Mitigation and Monitoring Reporting Plan	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant