



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor  
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region  
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September 8, 2023

Governor's Office of Planning & Research

September 8 2023

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STATE CLEARINGHOUSE

**Subject: Draft Environmental Impact Report for the La Puerta School Site Specific Plan, SCH #2022020137, City of Claremont, Los Angeles County**

Dear Brad Johnson:

The California Department of Fish and Wildlife (CDFW) has reviewed a Draft Environmental Impact Report (DEIR) from the City of Claremont (City) for La Puerta School Site Specific Plan (Project). The Project applicant for the Project is Trumark Homes. CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's 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.

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

### **Project Description and Summary**

**Objective:** The Project proposes the adoption of a General Plan Amendment and a zone change, in addition to, approval of a Tentative Tract Map and a Specific Plan. The Amendment would involve amending the Claremont General Plan land use map to change the land use designation from Public to Residential 6 (residential with a maximum density of 6 units per acre). The City’s zoning map would be amended to change the zoning designation from Public to Specific Plan. Additionally, the proposed Specific Plan would permit the development of 58 single-family residences consistent with the proposed general plan designations. Approval of the tentative tract map would allow the parcel to be subdivided into residential lots for individual ownership and would create a separate legal parcel for the adjacent La Puerta Sports Park. Each proposed residence would be two stories with a two-car garage, driveway, and a private yard. Approximately 10 residences would include an integral attached accessory dwelling unit. Vehicular access to the Project site would be provided via an entry drive along Forbes Avenue, which would connect to interior private streets. Moreover, a proposed sewer line would be installed underground along the southern end of site, adjacent to La Puerta Sports Park, and will connect to the existing sewer main at Indian Hill Boulevard. In addition to a sewer line, the Project proposes off-site drainage improvements to La Puerta Sport Park’s v-ditch drainage. Improvements include reconstruction of approximately 170 linear feet of the v-ditch drainage and installment of a storm drain outlet. The storm drain outlet would carry runoff from the Project site directly to the v-ditch and ultimately to a parkway culvert on Indian Hill Boulevard. Lastly, landscaping and utilities would be installed throughout the Project site.

Two alternatives to the proposed Project include a “no project with no development” alternative and a, “no project with the existing General Plan” alternative. Under the “no project with no development” alternative, the

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Specific Plan would not be implemented, and no development would occur on the Project site. The existing conditions would remain under this alternative. Under the “no project with the existing general plan” alternative, the existing General Plan land use and public zoning designations would remain. The Project site would be developed with any of the uses permitted under a public designation.

**Location:** The 9.58-acre Project site is located at 2475 Forbes Avenue in the City of Claremont, Los Angeles County. The Project site is bound by Thompson Creek Trail to the north, Forbes Avenue to the east, La Puerta Sports Park to the west, and Navarro Drive to the south. The Assessor's Parcel Number associated with the Project site and La Puerta Sports Park is 8670-003-900.

### **Comments and Recommendations**

CDFW appreciates the effort the City has made to address nesting birds, raptors, and reptile species, as outlined in CDFW's comments on the Notice of Preparation of a DEIR, dated March 2, 2022. CDFW offers the recommendations below to assist the City in adequately identifying the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the City consider our comments and recommendations when preparing an environmental document that may provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

### **Specific Comments**

#### **Comment #1: Impacts on coast live oak (*Quercus agrifolia*) trees**

**Issue:** The Project proposes the removal of an undisclosed number of coast live oak trees without providing appropriate avoidance, minimization, or mitigation measures.

**Specific impacts:** The Project proposes the removal of all trees on site, which will result in temporary or permanent impacts for wildlife that utilize the trees as habitat. In addition, Project activities that involve removal of trees or parts of trees have the potential to result in the spread of tree pests and diseases into areas not currently exposed to these stressors.

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**Why impacts would occur:** According to the DEIR, “[a] few scattered native laurel sumac shrubs and coast live oak trees are scattered within and adjacent to the ornamental vegetation” (page 5.3-10). Upon approval of the Specific Plan and commencement of the proposed Project, all trees on site will be removed. Coast live oak trees and woodlands have a positive ecological relationship with a variety of wildlife species, including urban wildlife, and provide ecological benefits to an environment, including providing nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). In addition to habitat, acorn production from coast live oak trees provide foraging opportunities for wildlife. Removal of all coast live oaks and other trees would eliminate the ecological benefits these trees provide to urban wildlife within and adjacent to the site.

Furthermore, the DEIR does not provide compensatory mitigation to offset the loss of coast live oak trees. The DEIR states that the removal of trees is not subject to policies outlined in the City’s Tree Policy Manual because the Project is located on private property. Although the Project may avoid tree provisions set forth in the Chapter 12.26 of the Claremont Municipal Code, coast live oak trees are of local significance within Los Angeles County. According to Los Angeles County’s [Chapter 22.174 Oak Tree Permits](#), oak trees are recognized as, “... significant historical, aesthetic, and ecological resources, and one of the most picturesque trees in Los Angeles County, lending beauty and charm to the natural and manmade, landscape enhancing the value of property, and the character of the communities in which they exist...” (LAC 2023). Given the local and regional significance of coast live oak trees, the DEIR should propose compensatory mitigation by replanting coast live oak trees throughout the Project site.

Coast live oak trees are also highly susceptible to various tree pests and diseases, including gold spotted oak borer (GSOB; *Agrilus coxalis*). A minimization measure to develop and implement an Invasive Pest and Disease Management Plan is currently not proposed in the DEIR. The DEIR mentions that an Infectious Tree Disease Management Plan will not be proposed unless City trees along Forbes Avenue are removed or impacted. However, tree pests and pathogens such as GSOB are not biased to City trees just outside the Project boundary. Without an Invasive Pest and Disease Management Plan, removal of trees and landscaping activities may result in the introduction of pests, pathogens, or diseases to surrounding areas (e.g., La Puerta Sports Park).

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**Evidence impacts would be significant:** Oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360- 1372) and Public Resources Code section 21083.4, due to the historic and on-going loss of these resources. Currently, coast live oak has a reduced range largely due to development and are often vulnerable to environmental effects of projects. Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant species, such as coast live oak, may not minimize the Project's direct, indirect, and cumulative impacts to biological resources.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1: Tree Replacement** – The City shall revise the La Puerta School Site Specific Plan to discuss the maximum amount of coast live oaks which will be removed and incorporate compensatory mitigation for the species. Compensatory mitigation shall consist of on-site creation that is protected and managed in perpetuity (e.g., not part of general landscaping), or off-site creation.

**Mitigation Measure #2: Invasive Pest and Disease Management Plan** – To prevent the spread of invasive pests and diseases, the City shall revise the DEIR to incorporate the following minimization measures:

1. prior to tree removal, a certified arborist shall evaluate trees for infectious tree diseases including but not limited to sudden oak death, thousand cankers disease, and Fusarium dieback disease;
2. prior to tree removal, a certified arborist shall evaluate trees for pests including but not limited to thousand canker fungus, walnut twig beetle, polyphagous shot hole borer, and GSOB;
3. if a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist shall prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list shall provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees shall not be transported from the Project site without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures; and,

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4. if possible, all tree material, especially infected tree material, shall be left on site. The material could be chipped for use as ground cover or mulch. Pruning and power tools shall be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.

## **Comment #2: Impacts on Burrowing Owls (*Athene cunicularia*)**

**Issue:** The Project may impact over-wintering burrowing owls, which is designated as a species of special concern (SSC).

**Specific impacts:** Project ground-disturbing activities such as vegetation removal will result in habitat destruction and may lead to death or injury of individuals. Project construction and activities may also disrupt foraging behavior.

**Why impacts would occur:** The DEIR acknowledges that within the disturbed portion of the Project site, "...there are several piles of concrete debris with openings, which represent suitable refugia for the species" (page5.3-9). The DEIR proposes mitigation measure BIO-1 to perform a pre-construction survey prior to Project activities. The mitigation measure, as presented, may not reduce impacts to a level less than significant if burrowing owls are detected on site. The measure proposes capture and relocation (translocation) of burrow owls if they are present within the Project site. According to [CDFW's Staff Report on Burrowing Owl Mitigation](#), the efficacy of translocating burrowing owls is not well studied and is generally not recommended by CDFW (CDFW 2012). Additionally, translocation of burrowing owls may result in long term consequences related to subsequent survival and breeding success. The mitigation measure should be revised to prescribe consultation with CDFW to determine appropriate avoidance and minimization measures if burrowing owls are determined to be present.

Moreover, the DEIR does not discuss mitigation for loss of habitat. In addition to using the concrete debris onsite, it is possible that burrowing owls may also utilize other more natural areas for burrowing and foraging habitat. If the Project removes this habitat for burrowing owls, then regional cumulative impacts to burrowing owl habitat would occur. The DEIR should incorporate a mitigation measure that outlines replacement of burrowing owl habitat.

**Evidence impacts would be significant:** A SSC 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:



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1. if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
2. if the species is listed as threatened or endangered under Endangered Species Act (ESA)-, but not CESA-, threatened, or endangered;
3. if the species meets the State definition of threatened or endangered but has not formally been listed;
4. if the species is experiencing, or formerly experienced, serious (nonscyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
5. if 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 2023a).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that 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). 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.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #3: Mitigation Measure BIO-1** – The City should revise Mitigation Measure BIO-1 by incorporating the underlined language and removing the language with strikethrough:

Prior to the initiation of ground-disturbing ~~on-site grading~~ activities within any phase of the La Puerta School Site Specific Plan resulting in direct impacts to disturbed habitat, the project applicant shall perform a preconstruction survey for burrowing owls that shall be conducted 14 days prior to construction activities throughout the Project site ~~within the disturbed regions of the phased action area~~. The preconstruction survey shall be conducted by a qualified biologist. If ground-disturbing activities are delayed or suspended for more than 14 days after the preconstruction survey, the Project site ~~proposed area of disturbance~~ shall be resurveyed for burrowing owls.

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If owls are determined to be present within or adjacent to the Project site phased construction footprint during the preconstruction survey, the Project applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan prior to commencing ground-disturbing activities. The Project applicant shall contact CDFW and submit a final Burrowing Owl Mitigation Plan for approval. ~~they shall be captured and relocated by a qualified biologist.~~ The preconstruction survey and mitigation plan and any relocation activity shall be conducted in accordance with the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation, 2012. According to CDFW guidelines, mitigation actions will be conducted from September 1st to January 31st, which is prior to the nesting season. However, burrowing owl nesting activity is variable, and as such the time frame will be adjusted accordingly. Should eggs or fledglings be discovered in any owl burrow, the burrow cannot be disturbed (pursuant to CDFW guidelines) until the young have hatched and fledged (matured to a stage that they can leave the nest on their own). Occupied burrows shall not be disturbed during the nesting season (February 1st through August 31st) and a non-disturbance buffer shall be demarcated within 500 feet of the burrowing owls' nest to avoid abandonment of the young. Personnel working on the Project, including all contractors working onsite, shall be instructed on the presence of occupied burrows, area sensitivity, and adherence to no-disturbance buffers. ~~unless a qualified biologist approved by CDFW verifies through non-invasive methods that either:~~

- ~~• The adult birds have not begun egg laying and incubation; or~~
- ~~• The juveniles from the occupied burrows are foraging independently and are capable of independent survival.~~

~~If the biologist is unable to verify one of the above conditions, then no disturbance shall occur within 300 feet of the burrowing owls' nest during the breeding season to avoid abandonment of the young.~~

**Mitigation Measure #4: Compensatory Mitigation** – If the Project will impact habitat supporting burrowing owls, the Project applicant shall offset impacts on habitat supporting a SSC at no less than a 3:1 mitigation ratio. The Project applicant shall set aside replacement habitat either onsite or offsite at a mitigation ratio approved by CDFW. Replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.



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## Additional Recommendations

**Nesting Birds.** CDFW recommends the City revise Mitigation Measure BIO-2 by incorporating the underlined language and removing the language with strikethrough:

To avoid impacts to nesting birds (~~including burrowing owl and peregrine falcon~~) and raptors within or adjacent to the development area covered by the La Puerta School Site Specific Plan (Project Area) and to comply with the California Department of Fish and Game (CDFG) Codes 3503 & 3513 and the Migratory Bird Treaty Act (MBTA), clearing shall occur between non-nesting (or non-breeding) season for birds and raptors (generally September 1~~6th~~ to December 31st). If this avoidance schedule is not feasible, the alternative shall be to carry out such activities under the supervision of a qualified biologist. This shall entail the following:

- A qualified biologist shall conduct a pre-construction nesting bird and raptor survey within 72 hours ~~no more than 14 days~~ prior to initiating ground disturbance activities. The survey shall consist of full coverage of the Project site ~~proposed disturbance limits~~ and up to a 500-foot buffer area, ~~determined by the biologist and considering the species nesting in the area and the habitat present.~~ If no active nests are found, no additional measures are required.
- If occupied nests are found, their locations shall be mapped, species documented, and, to the extent feasible, the status of the nest (e.g., incubation of eggs, feeding of young, near fledging) recorded. The biologist shall establish a no-disturbance buffer around each active nest. A minimum 300-foot no-disturbance buffer shall be placed around each active bird nest. For raptors, the no-disturbance buffer shall be expanded to 500 feet and 0.5 mile for special status species (e.g., CESA-listed), if feasible. The buffer ~~area~~ will be determined by the biologist based on the species present, ~~surrounding habitat,~~ and sensitivity to type of construction activities proposed in the area. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest

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is no longer active and has informed the construction supervisor that activities may resume.

**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)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023b). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023c).

**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). 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 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

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forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Sincerely,

DocuSigned by:  
  
C3D449ECB7C14DE...

Jennifer Turner, signing for

David Mayer  
Environmental Program Manager  
South Coast Region

ec: CDFW  
Jennifer Turner, San Diego – [Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov)  
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## References:

- [CDFW] California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>
- [CDFW] California Department of Fish and Wildlife. 2023a. Threatened and Endangered Species. Available at: <https://wildlife.ca.gov/Conservation/CESA>
- [CDFW] California Department of Fish and Wildlife. 2023b. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
- [CDFW] California Department of Fish and Wildlife. 2023c. Combined Rapid Assessment and Releve Form. Available from: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- Griffin, J.R. and Muick P.C. 1990. California native oaks: past and present. Fremontia 18:4-12

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### Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Project's environmental document.

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1-Tree Replacement</b>	The City shall revise the La Puerta School Site Specific Plan to discuss the maximum amount of coast live oaks which will be removed and incorporate compensatory mitigation for the species. Compensatory mitigation shall consist of on-site creation that is protected and managed in perpetuity (e.g., not part of general landscaping), or off-site creation.	Prior to final CEQA document and Project activities	City/Project Applicant
<b>MM- BIO-2- Invasive Pest and Disease Management Plan</b>	<p>To prevent the spread of invasive pests and diseases, the City shall revise the DEIR to incorporate the following minimization measures:</p> <ol style="list-style-type: none"> <li>1. prior to tree removal, a certified arborist shall evaluate trees for infectious tree diseases including but not limited to sudden oak death, thousand cankers disease, and Fusarium dieback disease;</li> <li>2. prior to tree removal, a certified arborist shall evaluate trees for pests including but not limited to thousand canker fungus, walnut twig beetle,</li> </ol>	Prior to final CEQA document and Project activities	City/Project Applicant

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	<p>polyphagous shot hole borer, and GSOB;</p> <p>3. if a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist shall prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list shall provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees shall not be transported from the Project site without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures; and,</p> <p>4. if possible, all tree material, especially infected tree material, shall be left onsite. The material could be chipped for use as ground cover or mulch. Pruning and power tools shall be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.</p>		
<p><b>MM-BIO-3-Mitigation Measure BIO-1</b></p>	<p>Prior to the initiation of ground-disturbing activities within any phase of the La Puerta School Site Specific Plan resulting in direct impacts to disturbed habitat, the project applicant shall perform a preconstruction survey</p>	<p>Prior to and during Project activities</p>	<p>Project Applicant/ Qualified biologist</p>



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	<p>for burrowing owls that shall be conducted 14 days prior to construction activities throughout the Project site. The preconstruction survey shall be conducted by a qualified biologist. If ground-disturbing activities are delayed or suspended for more than 14 days after the preconstruction survey, the Project site shall be resurveyed for burrowing owls.</p> <p>If owls are determined to be present within or adjacent to the Project site during the preconstruction survey, the Project applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan prior to commencing ground-disturbing activities. The Project applicant shall contact CDFW and submit a final Burrowing Owl Mitigation Plan for approval. The preconstruction survey and mitigation plan shall be conducted in accordance with the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation, 2012. Should eggs or fledglings be discovered in any owl burrow, the burrow cannot be disturbed (pursuant to CDFW guidelines) until the young have hatched and fledged (matured to a stage that they can leave the nest on their own). Occupied burrows shall not be disturbed during the nesting season (February 1st through August 31st) and a non-disturbance buffer shall be demarcated within 500 feet of the burrowing owls' nest to avoid abandonment of the young. Personnel working on the Project, including all contractors working onsite, shall be instructed on the presence of occupied</p>		
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	burrows, area sensitivity, and adherence to no-disturbance buffers.		
<b>MM-BIO-4- Compensatory Mitigation</b>	If the Project will impact habitat supporting burrowing owls, the Project applicant shall offset impacts on habitat supporting a SSC at no less than a 3:1 mitigation ratio. The Project applicant shall set aside replacement habitat either onsite or offsite at a mitigation ratio approved by CDFW. Replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.	Prior to Project activities	Project Applicant
<b>MM-BIO-5- Nesting Birds</b>	To avoid impacts to nesting birds and raptors within or adjacent to the development area covered by the La Puerta School Site Specific Plan (Project Area) and to comply with the California Department of Fish and Game (CDFG) Codes 3503 & 3513 and the Migratory Bird Treaty Act (MBTA), clearing shall occur between non-nesting (or non-breeding) season for birds and raptors (generally September 1 to December 31st). If this avoidance schedule is not feasible, the alternative shall be to carry out such activities under the supervision of a qualified biologist. This shall entail the following: <ul style="list-style-type: none"> <li>• A qualified biologist shall conduct a pre-construction nesting bird and raptor survey within 72 hours prior to initiating ground disturbance activities. The survey shall consist of full coverage</li> </ul>	Prior to and during Project activities	Project Applicant/ Qualified biologist

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	<p>of the Project site and up to a 500-foot buffer area. If no active nests are found, no additional measures are required.</p> <ul style="list-style-type: none"><li>• If occupied nests are found, their locations shall be mapped, species documented, and, to the extent feasible, the status of the nest (e.g., incubation of eggs, feeding of young, near fledging) recorded. The biologist shall establish a no-disturbance buffer around each active nest. A minimum 300-foot no-disturbance buffer shall be placed around each active bird nest. For raptors, the no-disturbance buffer shall be expanded to 500 feet and 0.5 mile for special status species (e.g., CESA-listed), if feasible. The buffer <del>area</del> will be determined by the biologist based on the species present and sensitivity to construction activities proposed in the area. Personnel working on the Project, including all contractors working on site, shall be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the construction supervisor that activities may resume.</li></ul>		
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<b>REC-1-Data</b>	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. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms. Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.	Prior to Project activities	Qualified Biologist
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