



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region

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March 14, 2022

Bomee Yoon

Norwalk – La Mirada Unified School District

15711 Pioneer Blvd, Bldg. G

Norwalk, CA 90650

[BYoon@nlmusd.org](mailto:BYoon@nlmusd.org)

**Subject: Mitigated Negative Declaration for the La Mirada High School Baseball, Softball, Practice Fields Project, SCH #2022020349, Norwalk – La Mirada Unified School District, Los Angeles County**

Dear Ms. Yoon:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) from the Norwalk - La Mirada Unified School District (NLMUSD) for the La Mirada High School Baseball, Softball, Practice Fields Project (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW's Role**

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

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

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## Project Description and Summary

**Objective:** The NLMUSD is proposing a new baseball field, baseball practice field, football/soccer field, two softball fields, blacktop for basketball and volleyball courts, and tennis courts at La Mirada High School.

**Location:** The Project site is located on the grounds of the La Mirada High School campus, which is located at 13520 Adelfa Drive within the incorporated City of La Mirada in southeast Los Angeles County.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the NLMUSD 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: California Fully Protected Bird Species

**Issue:** The Project may impact California Fully Protected bird species. According to [eBird](#), there have been multiple occurrences of American peregrine falcon (*Falco peregrinus*) within the Project vicinity.

**Specific impacts:** Project construction and activities, directly or through habitat modification, may result in injury or mortality, reduced reproductive capacity, population declines, or local extirpation of these California Fully Protected bird species. Temporal or permanent loss of foraging, breeding, nesting, or nursery habitat may occur.

**Why impacts would occur:** Impacts to these species may occur as a result of ground-disturbing (e.g., staging, mobilization, demolition, and grading) activities, vegetation removal, increased human activity, noise disturbances, light, and dust. The Project proposes mitigation for nesting birds and raptors with "a buffer of 200 feet shall be maintained around any active nest." Buffers for birds and raptors may not be large enough to avoid impacts on nests of California Fully Protected birds. Moreover, the Project's proposed buffers only mitigates for impacts on nests, eggs, and nestlings during the bird/raptor breeding season. The Project may also cause take of California Fully Protected species outside of the breeding season.

**Evidence impact would be significant:** The Project may result in adverse effects, either directly or through habitat modifications, on a California Fully Protected species. Take of any species designated as California Fully Protected under the Fish and Game Code is prohibited. CDFW cannot authorize the take of any California Fully Protected species as defined by State law. California Fully Protected species may not be taken or possessed at any time. No licenses or permits may be issued for take, except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, § 3511).

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

**Mitigation Measure #1:** CDFW recommends the Project avoid impacts on California Fully Protected birds by implementing a minimum 0.5-mile no-disturbance buffer around each nest of a California Fully Protected bird. Additionally, a qualified biologist should develop a robust avoidance, buffer, and demarcation plan specifically for California Fully Protected birds depending on project-level specifics [e.g., project area, species, life stage(s), scope of work].

**Mitigation Measure #2:** CDFW recommends to notify and consult with CDFW if a Fully Protected species nest is detected within 0.5 miles of the Project area.

### **Comment #2: Impacts to Coastal California Gnatcatcher**

**Issue:** The Project could impact coastal California gnatcatcher (*Polioptila californica californica*), an Endangered Species Act (ESA)-listed threatened species and a California Species of Special Concern (SSC).

**Specific impact:** A review of California Natural Diversity Database (CNDDDB) indicates multiple occurrences of coastal California gnatcatcher within 2.5 miles east of the Project site. Project ground disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating vegetation that may support foraging and breeding habitat.

**Why impact would occur:** Project construction activities will include grading, vegetation clearing, and other activities that may result in direct mortality, population declines, or local extirpation of coastal California gnatcatcher. According to established protocol, multiple surveys are required to determine presence/absence of gnatcatcher (USFWS 1997). However, only one general habitat assessment survey was conducted. There were no focused surveys conducted for special status species, and there were no special status species found during this general habitat assessment survey. The Project proceeding after a false negative conclusion could impact nesting gnatcatchers. Project construction and activities during the breeding and nesting season for gnatcatcher could result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment or decreased feeding frequency. Impacts could result from noise disturbances, increased human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilization, excavation, grading), vibrations caused by heavy equipment, and vegetation removal.

**Evidence impact would be significant:** CEQA provides protection not only for CESA and ESA-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, § 15065). Take of SSC could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

These impacts would continue to be significant because there are currently no protection measures in the Project document that will result in adequate avoidance or successful mitigation for the unavoidable direct, indirect, and temporal losses for special status reptile species.

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

**Mitigation Measure #1:** CDFW recommends the NLMUSD retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist should survey the Project site and 0.5-mile radius, if feasible, to determine presence/absence of gnatcatcher. The qualified biologist should conduct surveys according to USFWS [Coastal California Gnatcatcher \(\*Polioptila californica californica\*\) Presence/Absence Survey Guidelines](#) (USFWS 1997). The survey protocol requires a minimum of six surveys conducted at least one week apart from March 15 through June 30 and a minimum of nine surveys at least two weeks apart from July 1 through March 14. The protocol should be followed for all surveys unless otherwise authorized by the USFWS in writing (USFWS 1997). CDFW recommends gnatcatcher surveys be conducted and USFWS notified (per protocol guidance) prior to the City's issuance of a grading permit.

Take under the 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. Consultation with the USFWS, in order to comply with ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.

### **Comment #3: Impacts on Bats**

**Issue:** The Project could impact bat species including the western mastiff bat (*Eumops perotis californicus*), western yellow bat (*Lasiurus xanthinus*), pocketed free-tailed bat (*Nyctinomops femorosaccus*), all designated SSC.

**Specific impacts:** According to CNDDDB, there is a record of western mastiff bat less than two miles south of the Project site. In addition to western mastiff bat, according to Table 2 in Appendix D in the MND, other special status wildlife species within a 10-mile radius of the Project site include the western yellow bat and pocketed free-tailed bat. Activities associated with sporting field development can cause direct and indirect impacts to bats. Direct impacts include removal of trees or structures that may provide roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

**Why impacts would occur:** There is no indication in the MND that species-specific surveys for bats have been or will be conducted. Without focused surveys to detect bats, vegetation clearing, ground disturbing activities, and removal of structures facilitated by this Project may impact undetected bat species within the Project area. This may lead to a loss of occupied habitat, loss of juveniles in maternity roosts, or otherwise lead to roost abandonment or decreased feeding frequency in bat species.

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

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

**Mitigation Measure #1:** CDFW recommends that a qualified bat specialist conduct bat surveys within near potential bat roosting habitat (plus a 100-foot buffer as access allows) on the Project site. These surveys should identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings should be provided to the NLMUSD. 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 NLMUSD prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

**Mitigation Measure #2:** If bats are not detected, but the bat specialist determines that roosting bats may be present, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

**Mitigation Measure #3:** If maternity roosts are found, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30).

### **Additional Recommendations**

Nesting Birds. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying MM BIO-1 by including the underlined language and excluding the ~~strikethrough~~ as follows:

If project construction occurs between ~~March 1 and August 31~~ January 1 through September 15, a qualified avian biologist shall conduct a preconstruction nesting bird survey within a 500-foot radius of the construction site, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the project site no earlier than one week prior to construction. If the nests are still occupied, a buffer of 200 feet shall be maintained around any active nest, and the avian biologist shall visit the site once a week, until the avian biologist can determine that the young have fledged or the nest has become inactive. If project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, the following minimum no-disturbance buffers shall be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

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It should be noted that the temporary halt of project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the project site based on acreage of impact and vegetation composition. Mitigation ratios should increase with the occurrence of a SSC and should further increase with the occurrence of a CESA-listed species.

Scientific Collecting Permits: 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 2022a). Pursuant to the California Code of Regulations, title 14, section 650, the NLMUSD/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with construction activities.

Rodenticides. CDFW recommends preventing the use of second-generation anticoagulant rodenticides on site and over the life of the Project.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, CDFW recommends that the subsequent CEQA documents include measures where lead agencies of individual projects report any special status species detected during preparation of project-level environmental impact analyses/environmental documents. Special status species information should be submitted to the CNDDDB by completing the [Online Field Survey Form](#) (CDFWb 2022). The lead agency should ensure all pertinent data has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting an environmental document.

Mitigation and Monitoring Reporting Plan. CDFW recommends the NLMUSD update the Project's environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist project proponents 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 NLMUSD 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 NLMUSD 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 and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the

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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 NLMUSD in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the NLMUSD 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 Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov).

Sincerely,

DocuSigned by:



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Victoria Tang signing for

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

cc: CDFW

Erinn Wilson-Olgin, Los Alamitos – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)

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Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)

CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## References:

[CDFWa] California Department of Fish and Wildlife. 2022. Scientific Collecting Permit.

Available from: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>

[CDFWd] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB.

Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

eBird. January 26, 2017. La Mirada Community Regional Park. Accessed at:

<https://ebird.org/hotspot/L367734>

eBird. February 13, 2016. La Mirada Golf Course Pond. Accessed at:

<https://ebird.org/hotspot/L1308961>

Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2008. A manual of California Vegetation, 2nd ed.

ISBN 978-0-943460-49-9. Accessed at: <https://vegetation.cnps.org/>

[USFWS] United States Fish and Wildlife Service. 1997. Coastal California Gnatcatcher

(*Polioptila californica californica*) Presence/Absence Survey Guidelines

February 28, 1997. Available from:

[https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher\\_survey-guidelines.pdf](https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher_survey-guidelines.pdf).



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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.

| <b>Biological Resources (BIO)</b>                         |   |   |                          |
|---|---|---|--------------------------|
| <b>Mitigation Measure (MM) or Recommendation (REC)</b>    |   | <b>Timing</b>                                 | <b>Responsible Party</b> |
| <b>MM-BIO-1-Fully Protected Species</b>                   | The Project will fully avoid impacts on California Fully Protected birds by implementing a minimum 0.5-mile no-disturbance buffer around each nest of a California Fully Protected bird. Additionally, a qualified biologist should develop a robust avoidance, buffer, and demarcation plan specifically for California Fully Protected birds depending on project-level specifics [e.g., project area, species, life stage(s), scope of work].  | Prior to project ground-disturbing activities | NLMUSD/Project applicant |
| <b>MM-BIO-2-Fully Protected Species</b>                   | The NLMUSD/Project applicant will notify and consult with CDFW if a Fully Protected species nest is detected within 0.5 miles of the Project area.  | Prior to project ground-disturbing activities | NLMUSD/Project applicant |
| <b>MM-BIO-3-Impacts to coastal California gnatcatcher</b> | NLMUSD will retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist should survey the Project site and 0.5-mile radius, if feasible, to determine presence/absence of gnatcatcher. The qualified biologist should conduct surveys according to USFWS <a href="#">Coastal California Gnatcatcher (<i>Polioptila californica californica</i>) Presence/Absence Survey Guidelines</a> (USFWS 1997). The survey protocol requires a minimum of six surveys conducted at least one week apart from March 15 through June 30 and a minimum of nine surveys at least two weeks apart from July 1 through March 14. The protocol should be followed for all surveys unless otherwise authorized by the USFWS in writing (USFWS 1997). CDFW recommends gnatcatcher surveys be | Prior to project ground-disturbing activities | NLMUSD/Project applicant |

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|                      |   |   |                          |
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|                      | <p>conducted and USFWS notified (per protocol guidance) prior to the City’s issuance of a grading permit.</p> <p>Take under the 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. Consultation with the USFWS, in order to comply with ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.</p>  |   |                          |
| <b>MM-BIO-4-Bats</b> | <p>The MND shall require Project activities that may occur near potential bat roosting habitat, a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows). These surveys shall identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized to maximize detection of bats. A discussion of survey results, including negative findings shall be provided to the NLMUSD. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to the NLMUSD prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.</p> | Prior to project ground-disturbing activities | NLMUSD/Project applicant |
| <b>MM-BIO-5-Bats</b> | <p>If bats are not detected, but the bat specialist determines that roosting bats may be present, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to</p>   | Prior to project ground-disturbing activities | NLMUSD/Project applicant |

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|                            |   |   |                          |
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|                            | 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.   |   |                          |
| <b>MM-BIO-6-Bats</b>       | If maternity roosts are found, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30).   | Prior to project ground-disturbing activities | NLMUSD/Project applicant |
| <b>REC-1-Nesting Birds</b> | <p>CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying MM BIO-1 by including the <u>underlined</u> language and excluding the <del>strikethrough</del> as follows:</p> <p>If project construction occurs between <del>March 1 and August 31</del> <u>January 1 through September 15</u>, a qualified avian biologist shall conduct a preconstruction nesting bird survey <u>within a 500-foot radius of the construction site, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the project site</u> no earlier than one week prior to construction. <del>If the nests are still occupied, a buffer of 200 feet shall be maintained around any active nest, and the avian biologist shall visit the site once a week, until the avian biologist can determine that the young have fledged or the nest has become inactive. If project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, the following minimum no-disturbance buffers shall be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and</del></p> | Prior to finalizing ND /During/After project  | NLMUSD/Project applicant |

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|   |   |  |                                 |
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|   | <p><u>0.5 mile around active listed bird nests. These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</u></p> <p>It should be noted that the temporary halt of project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the project site based on acreage of impact and vegetation composition. Mitigation ratios should increase with the occurrence of a SSC and should further increase with the occurrence of a CESA-listed species.</p>  |  |                                 |
| <p><b>REC-2-Scientific Collecting Permits</b></p> | <p>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 &amp; 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 <a href="#">Scientific Collection Permits</a> webpage for information (CDFW 2022a). Pursuant to the California Code of Regulations, title 14, section 650, the NLMUSD/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with construction.</p> | <p>Prior to project ground-disturbing activities</p> | <p>NLMUSD/Project applicant</p> |
| <p><b>REC-3-Rodenticides</b></p>                  | <p>CDFW recommends the Project prevent the use of second-generation anticoagulant rodenticides on site and over the life of the Project.</p>  | <p>Prior to finalizing MND</p>                       | <p>NLMUSD/Project applicant</p> |

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|   |   |  |                          |
|---|---|--|--------------------------|
|   |   | /During/After project                                    |                          |
| <b>REC-4-Data</b>                                     | Project-level lead agencies shall ensure sensitive and special status species data has been properly submitted to the <a href="#">California Natural Diversity Database</a> with all data fields applicable filled out. Confirmation of data submittal shall be provided to CDFW.                         | Prior to finalizing/adopting project-level CEQA document | NLMUSD/Project applicant |
| <b>REC-5-Mitigation and Monitoring Reporting Plan</b> | The NLMUSD shall update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. The NLMUSD is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. | Prior to finalizing CEQA Document                        | NLMUSD/Project applicant |

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