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State of California – Natural Resources Agency
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*GAVIN NEWSOM, Governor*
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GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
Mar 14 2022
STATE OF CALIFORNIA

March 14, 2022

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City of Monrovia
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Monrovia, CA 91016
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**Subject: Comments on the Mitigated Negative Declaration for Norumbega Drive Residence Project, SCH #2022020722, Los Angeles County**

Dear Ms. Bermejo:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) for the Norumbega Drive Residence Project (Project) from the City of Monrovia (City). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW's Role**

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

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

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**Project Description and Summary**

**Objective:** The Project would construct a two-story, single-family residence on the 1.3-acre vacant lot. The residence would be 3,758 square feet in size. The development also includes the construction of a four-car garage, totaling 1,348 square feet. The site would be landscaped and utility improvements would be installed to serve the proposed residence.

**Location:** The Norumbega Drive Residence Project site is located on Norumbega Drive, approximately across the street from 554 Norumbega Drive, Monrovia, California (Assessor's Parcel Number 8523-002-045). Regionally, the site is located approximately 1.9 miles north of Interstate (I-) 210 and approximately 2.7 miles northwest of the junction with I-605. Locally, the site is located on the north side of the street, approximately 530 feet northeast of the intersection with Norumbega Road.

**Comments and Recommendations**

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. 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: Mountain Lion (*Puma concolor*)**

**Issue:** The Project site occurs within the range of mountain lion habitat.

**Specific impacts:** The Project as proposed may impact the southern California mountain lion population by temporarily and permanently increasing human presence, traffic, and noise.

**Why impacts would occur:** According to iNaturalist (2020 & 2021) there are two occurrences of mountain lion in the Project vicinity. However, mountain lions were not addressed at all in the MND or the general biological survey conducted on site. Mountain lions may occur within the Project footprint or in the immediate proximity to the Project. The Project may temporarily increase human presence (e.g., new development), traffic, and noise as well as potential artificial lighting during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trials by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause

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vehicle strikes. As human population density increases, the probability of persistence of mountain lions decreases (Woodroffe 2000).

**Evidence impact would be significant:** The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. The Project may have significant impacts because no mitigation has been proposed for any unavoidable direct and indirect, permanent or temporal losses, of habitat for mountain lion.

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

**Recommendation:** CDFW recommends the City evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the temporary increase in human presence and area of anthropogenic influence that will now be permanently in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the City recirculate the document with these analyses included.

**Mitigation Measure #1:** Due to potential habitat in the Project vicinity, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens within a half mile of the Project area. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. The survey report should include a map of potential denning sites. The survey report should include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.

**Mitigation Measure #2:** If potential habitat for natal dens are identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been

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successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

**Mitigation Measure #3:** If "take" or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the City should consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 *et seq*.).

**Comment #2: Impacts to Species of Special Concern**

**Issue:** According to the MND, five reptile species (coast [Blainville's] horned lizard [*Phrynosoma blainvillii*], coastal whiptail [*Aspidoscelis tigris stejnegeri*], Southern California legless lizard [*Anniella stebbinsi*], California glossy snake [*Arizona elegans occidentalis*], and coast patchnosed snake [*Salvadora hexalepis virgultea*]) designated as California Species of Special Concern (SSC) have a moderate to high potential to be found on the Project site. Mitigation measure BIO-1 as presented may be insufficient for impacts to SSC.

**Specific impact:** Direct impacts to SSC could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat.

**Why impacts would occur:** Grading activities and the removal of vegetation for the residence may potentially result in the loss or disturbance of foraging and nesting habitat for SSC. One general biological survey was conducted for the MND. In addition, BIO-1 of the MND states, "No more than 30 days prior to initial vegetation clearance, grubbing, or ground disturbing activities, a wildlife biologist shall conduct a pre-construction survey to identify whether any special-status terrestrial wildlife are present at the project site. In the event of the discovery of any special-status reptiles, the biologist shall recover and relocate the animal(s) to adjacent suitable habitat within the project site at least 200 feet from the limits of grading." As written, there are no focused, species-specific surveys to be conducted for SSC reptile species. The general preconstruction survey may be insufficient for detecting SSC due to its unfocused nature. Without focused surveys, there is little chance for detection, leading to potential false negative results. The MND does not provide any other avoidance, minimization, or mitigation measures for potential impacts to the SSC. Without measures to avoid, minimize, or mitigate for potential impacts to the SSC, individuals not detected on site may be crushed, trampled, or killed and occupied habitat will be lost by construction activities.

**Evidence impacts would be significant:** Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for State and federally listed species, but for any species including but not limited to California 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, § 15063, 15065 and 15380). Therefore, impacts to SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

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

**Mitigation Measure #1:** The Project may require capture, handling, and relocation of wildlife. Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's Scientific Collection Permits webpage for information (CDFWa 2022).

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).

**Mitigation Measure #2-Species surveys:** The City should retain a qualified biologist with experience surveying for coast [Blainville's] horned lizard, coastal whiptail, Southern California legless lizard, California glossy snake, and coast patchnosed snake. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. Project related activities include construction, equipment and vehicle access, parking, and staging. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.

**Mitigation Measure #3-Protection Plan:** Wildlife should be protected or allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife should be captured by only by a qualified biologist with proper handling permits (see Mitigation Measure #1). The qualified biologist should prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring.

**Mitigation Measure #4-Injured or Dead Wildlife:** If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

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**Comment #3: Impacts to Bat Species**

**Issue:** According to the California Natural Diversity Database (CNDDB), a record of Townsend's big eared bat (*Corynorhinus townsendii*), a designated SSC, was recorded within approximately two miles northwest of the Project site. The Project includes activities such as grading, vegetation removal, and tree and root pruning that may result in the removal of foraging and disturbance of potential roosting habitat for bats.

**Specific impacts:** Project activities include tree encroachment and pruning that may disturb or remove areas that provide foraging or roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, and grading), and vibrations caused by heavy equipment.

**Why impacts would occur:** The removal of vegetation may potentially result in the loss or disturbance of foraging and roosting habitat for bats. Construction activities will temporarily increase the disturbance levels as well as human activity in the Project area. Moreover, the Project may permanently remove potential foraging habitat for bats. Lastly, the general biological reconnaissance survey for the Project was conducted during daytime hours. Since bat species are most active at night between dusk and dawn, surveys conducted during the daytime would miss detection. Therefore, there is potential bats present on site that would be undetected. This may cause the Project to impact individuals not previously known to reside in or around the Project area. Bats would require more species-specific and specific time-of-day surveys.

**Evidence impacts would be significant:** Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). There are many bat species that can be found year-round in urban areas throughout the south coast region of California (Miner & Stokes, 2005). Several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of California Species of Special Concern could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

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

**Mitigation Measure #1:** Prior to construction activities, CDFW recommends a qualified bat specialist conduct bat surveys within Project are (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

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**Mitigation Measure #2:** If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree pruning, trees should be pushed using heavy machinery prior to using a chainsaw for any limbing or trimming. 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. 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 yet ready to fly out of the roost (March 1 to September 30).

**Comment #4: Impacts to Oak Trees and Tree Replacement**

**Issue:** The Project proposes to encroach upon and prune the canopy and roots of two coast live oak (*Quercus agrifolia*) trees. The Project's proposed mitigation measure BIO-3 for impacts to oak trees may be insufficient to mitigate for impacts to oak trees.

**Specific impact:** Tree #1, as identified in Figure 4-1 on the MND, may have up to 20 percent of the root system and 10 percent of the canopy removed during Project construction. Tree #2 may have up to 40 percent of the root system and 10 percent of the canopy removed during construction. Project activities that result in the removal of canopy or roots of trees may cause temporary or permanent impacts to wildlife that utilize the tree 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 insect pests and disease into areas not currently exposed to these stressors.

**Why impacts would occur:** Mitigation measure BIO-3 would provide minimal mitigation for oak trees. However, the measure, as currently proposed, may be insufficient for mitigating impacts to protected trees and provides no mitigation for potential mortality as a result of Project impacts. The proposed mitigation measures in the MND may result in an ultimate total net loss of oak trees associated with the Project activities. These trees provide habitat for nesting birds and small mammals. Encroachment and pruning of trees on site may temporarily or permanently impact available habitat for wildlife in the area. The temporary impacts should be included in the mitigation efforts.

Trees #1 and #2 may be impacted by heavy vehicles and equipment and other Project activities. The placement of fill dirt and ingress and egress routes of heavy construction vehicles can continually compact the root zone and roots may not be able to acquire nutrients, water, and oxygen, causing the tree to die (Hostetler and Drake 2009). Debris can be toxic or can change soil pH due to leeching of chemicals into the ground which could affect trees (Hostetler and Drake 2009).

Lastly, there is no proposed investigation and plan for managing tree pests or pathogens at the time of removal. This may result in the introduction of pests, pathogens, or diseases to areas where they previously have not been found.

**Evidence impacts would be significant:** Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Oak trees have been known to provide nesting and

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perching habitat for approximately 170 species of birds (Griffin and Muick 1990). The loss of occupied habitat or reductions in the number of sensitive or special status bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation.

Lastly, without a proper investigation and management plan, the Project may also result in an adverse effect, either directly or through habitat modifications, by exposing other habitats to insect and/or disease pathogens. Exposure to insect and/or disease pathogens may have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or United States Fish and Wildlife Service (USFWS).

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

**Mitigation Measure #1:** An infectious tree disease management plan should be developed and implemented prior to initiating Project activities. All trees scheduled for pruning should be inspected prior to start of those activities for contagious tree diseases including but not limited to: thousand canker fungus (*Geosmithia morbida*), Polyphagous Shot Hole Borer (*Euwallacea spp.*), and goldspotted oak borer (*Agrilus auroguttatus*) (TCD 2020; UCANR 2020; UCIPM 2013). To avoid the spread of infectious tree diseases, diseased trees, or any parts thereof, should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.

**Mitigation Measure #2:** CDFW recommends modifying BIO-3 to include underlined language and remove language with strikethrough.

"d. The project shall avoid mechanical injury and compaction to roots, root flares, trunks, and branches under the dripline of any tree to be retained. A certified arborist shall be present to observe the area with the roots exposed, prior to undertaking any root pruning or grading. The exposed tap root, main roots and any surface-feeding roots exceeding one inch in diameter shall be wrapped in protective moistened burlap during the excavation of existing pavement and buildings and during the re-grading phase and installation of the new parking lot. The roots zone (under dripline) and 5 feet from the drip line shall be excavated with hand tools, using a probe (metal rod or stick) to locate and unearth roots, leaving them in their natural orientation. Work will be done as quickly as possible to expose the roots for as little time as possible and the roots will be reburied with clean fill as soon as is feasible (no longer than a day or so, if possible). The burlap will be kept moist. Efforts will be made to avoid cutting roots. If roots need to be cut, they will be cut with sharpened, clean, disinfected tools (10% bleach solution) with every effort to avoid tearing the root and to avoid tearing the root surface. A minimum distance of eight feet should be maintained of the root (distance from the root crown to terminal end of root), where possible. If the current elevation of the two tree's existing root collars differs by more than one foot from the grade of the new parking lot grade then a 10-foot radius of soil at the root collar grade shall be placed around each tree. If a certified arborist or and/or qualified restoration professional determines work is being performed improperly, that individual(s) shall stop work and determine the best course of action to avoid any tree damage or mortality before restarting work.
[…]

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h. During project construction, mulch and compost shall be applied around the trees once every 6 months. Wood chip mulch shall be applied over the soil surface soil to 4 inches deep to preserve moisture and improve soil condition. If a certified arborist or and/or qualified restoration professional determines work is being performed improperly, that individual(s) shall stop work and determine the best course of action to avoid any tree damage or mortality before restarting work.

i. Protected trees damaged by construction shall be repaired in accordance with accepted arboriculture methods by a tree specialist. The project arborist shall determine when repair is required. These procedures may have a potential to cause decreased health (greater than 25% signs of visible stress) or mortality of any oak trees designated to be preserved. If any root disturbing activities are determined to have caused irreversible impacts that may eventually lead to decreased health or mortality of any oak tree, those activities and potential impacts shall be documented immediately. All documentation shall be summarized in a report provided to the City of Monrovia. Preserved oak trees that may succumb to impacts shall be replaced with oak trees that are of the same species and variety.

j. In the event that oak trees succumb to impacts, the City and landscape architect shall work with a certified arborist and/or qualified restoration professional to select the most appropriate location for replacement coast live oak trees. Coast live oak trees shall not be planted in specific location(s) that will be subject to future ground disturbance work that may impact replacement trees. Locations shall have appropriate biological or physical factors required by coast live oak trees to grow and persist where possible.

The City and landscape architect shall work with a certified arborist and/or qualified restoration professional to acquire appropriately sized, locally sourced coast live oak trees from a local native plant nursery that implements *Phytophthora*/Clean Nursery Stock protocols. This may reduce the probability of introducing coast live oak trees contaminated with pests, diseases, and pathogens that could spread and infect native oak trees or habitats. A certified arborist and/or qualified restoration professional shall inspect and potentially quarantine nursery stock before bringing them into the Project site and supervise the installation/transplanting of the coast live oak trees.

The City shall protect and monitor the survivorship of planted coast live oak trees until the trees begin to produce seeds. The City shall consult with the certified arborist and/or qualified restoration professional on a long-term maintenance plan to provide protective caging, shading, and irrigation. Oak trees shall be protected from trampling, damage, or climbing. The City shall also consult with the certified arborist and/or qualified restoration professional if coast live oak trees show symptoms of stress and determine the appropriate response to prevent mortality. ”

**Recommendation #1:** In the event that replacement trees are necessary, CDFW recommends a minimum mitigation ratio of 2:1 for impacts to coast live oak trees. Coast live oak trees may be difficult to establish from seed or sapling, especially under drought conditions. A higher mitigation ratio would account for mortality and attrition of replacement coast live oak trees, and potential mortality of any oak trees marked for preservation. If all replacement trees survive and reach reproductive maturity, this will have a net benefit for birds.

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**Recommendation #2:** CDFW recommends the following sources for additional information about Clean Nursery Stock protocols and soilborne pathogens in the genus *Phytopthora* as discussed in Mitigation Measure #2.

- Best Management Practices for Producing Clean Nursery Stock provided by Phytosphere Research.
- Understanding and Managing Sudden Oak Death in California provided by Phytosphere Research.
- A Reference Manual for Managing Sudden Oak Death in California provided by the United States Department of Agriculture.

**Additional Comments and Recommendations**

Human-Wildlife Interface. Due to the location of the Project site at the foothills of the San Gabriel mountains, CDFW recommends black bear (*Ursus americanus*) and mountain lion (*Puma concolor*) spotted in residential, suburban, or urban areas be reported to the South Coast Regional Office (858) 467-4201 or AskR5@wildlife.ca.gov during normal business hours. After-hours or weekend sightings should be reported first to local police or sheriff officers, who often can respond and secure a scene quickly and then contact CDFW as needed.

Human interactions are one of the main drivers of mortality and increasing development and human presence in this area could increase the need for public safety removal and/or vehicle strikes of mountain lions. Therefore, any new development project should analyze the potential for mountain lion that are known to occur in the San Gabriel Mountains and their foothills and may be impacted by development and human activity in the Project area (see Comment #1).

Entrapment. The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc. CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.

Landscaping. The MND states the site will be landscaped. CDFW recommends the MND provide the Project's landscaping plant palette and tree species list. CDFW also recommends using native, locally appropriate plant species for landscaping on the Project site. CDFW recommends invasive/exotic plants, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus), be restricted from use in landscape plans for this Project. A list of invasive/exotic plants that should be avoided as well as suggestions for better landscape plants can be found at California Invasive Plant Species Council website (Cal-IPC, 2022).

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

Nesting Birds. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying BIO-2 by expanding the time period for bird and

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raptor nesting from February 1 through September 15 to January 1 through September 15. If the Project occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted as stated in BIO-2 prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site.

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. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting CNDDB Field Survey Forms (CDFW 2022b). This includes all documented occurrences of mountain lion, San Diego desert woodrat, and potential occurrences of Crotch's bumble bee, and other special status species. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

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 (MMRP; Attachment A). A final MMRP shall 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 City of Monrovia and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

**Conclusion**

We appreciate the opportunity to comment on the Project to assist the City of Monrovia in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Monrovia has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

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Sincerely,

DocuSigned by:
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Victoria Tang signing for

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
Erinn Wilson-Olgin, Los Alamitos – Erinn.Wilson-Olgin@wildlife.ca.gov
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Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
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Julisa Portugal, Los Alamitos – Julisa.Portugal@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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*GAVIN NEWSOM, Governor*
*CHARLTON H. BONHAM, Director*

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

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

| **Biological Resources (BIO)** | | | |
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| **Mitigation Measure (MM) or Recommendation (REC)** | | **Timing** | **Responsible Party** |
| **REC-1- Impacts to Mountain lion surveys** | The City should evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The City should analyze the change (i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the City recirculate the document with these analyses included. | Prior to Project construction and activities | City/Project Applicant |
| **MM-BIO-1- Impacts to Mountain lion - surveys** | Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology shall survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the | Prior to Project construction and activities | City/Project Applicant |

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| | year, but in California, most births probably occur in spring. Surveys shall be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings shall be submitted to CDFW prior to initiation of Project activities. The survey report shall include a map of potential denning sites. The survey report shall include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary | | |
| **MM-BIO-2- Impacts to Mountain lion – avoiding natal dens** | If potential habitat for natal dens are identified impacts to mountain lions shall be fully avoided, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist shall conduct a survey for mountain lion natal dens. The survey area shall include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW shall be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work shall cease. No work shall occur within a 2,000-foot buffer from a natal den. A qualified biologist shall notify CDFW to determine the appropriate course of action. CDFW shall also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion shall occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW. | Prior to Project construction and activities | City/Project Applicant |
| **MM-BIO-3- Impacts to Mountain lion take permit** | If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction or over the life of the Project, the City will consult CDFW to determine if a CESA ITP is required. | Prior to Project construction and activities | City/Project Applicant |
| **MM-BIO-4- Scientific** | The Project may require capture, handling, and relocation of wildlife. Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate | Prior to Project | City/Project Applicant |

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| **Collection Permits** | handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's Scientific Collection Permits webpage for information (CDFWa 2022).<br><br>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). | construction and activities | |
| **MM-BIO-5-Species surveys** | The City shall retain a qualified biologist with experience surveying for coast [Blainville's] horned lizard, coastal whiptail, Southern California legless lizard, California glossy snake, and coast patchnosed snake. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist shall conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. Project related activities include construction, equipment and vehicle access, parking, and staging. In addition, the qualified biologist shall conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location shall be mapped and photographed. The qualified biologist shall provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist shall develop species-specific mitigation measures for implementation during the Project. | Prior to Project construction and activities | City/Project Applicant |

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| **MM-BIO-6-Protection Plan** | Wildlife shall be protected or allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife shall be captured by only by a qualified biologist with proper handling permits (see Mitigation Measure #1). The qualified biologist shall prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring. | Prior to Project construction and activities | City/Project Applicant |
| **MM-BIO-7-Injured or Dead Wildlife** | If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death. | Prior to Project construction and activities | City/Project Applicant |
| **MM-BIO-8-Impacts to bat species** | Prior to construction activities, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings shall be provided to the City. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and 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 City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats. | Prior to Construction and/or ground disturbing activities | City/Project Applicant |

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| **MM-BIO-9- Impacts to bat species** | If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree trimming, trees shall be pushed using heavy machinery prior to using a chainsaw to remove branches. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape. | Prior to Construction and/or ground disturbing activities | City/Project Applicant |
| **MM-BIO-10- Impacts to bat species** | 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 yet ready to fly out of the roost (March 1 to September 30). | Prior to Construction and/or ground disturbing activities | City/Project Applicant |
| **MM-BIO-11- Impacts to Trees** | An infectious tree disease management plan shall be developed and implemented prior to initiating Project activities. All trees scheduled for removal shall be identified and counted to provide total numbers and species type. In addition, trees scheduled for removal resulting from the Project shall be inspected for contagious tree diseases including but not limited to: thousand canker fungus (*Geosmithia morbida*), Polyphagous Shot Hole Borer (*Euwallacea spp.*), and goldspotted oak borer (*Agrilus auroguttatus*) (TCD 2020; UCANR 2020; UCIPM 2013). To avoid the spread of infectious tree diseases, diseased trees shall not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. | Prior to Project construction and activities | City/Project Applicant |
| **MM-BIO-12- Impacts to Oak Trees and Tree Replacement** | CDFW recommends modifying BIO-3 to include underlined language and remove language with strikethrough.<br><br>“d. The project shall avoid mechanical injury and compaction to roots, root flares, trunks, and branches under the dripline of any | Prior to Project construction and activities | City/Project Applicant |

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| | tree to be retained. A certified arborist shall be present to observe the area with the roots exposed, prior to undertaking any root pruning or grading. The exposed tap root, main roots and any surface-feeding roots exceeding one inch in diameter shall be wrapped in protective moistened burlap during the excavation of existing pavement and buildings and during the re-grading phase and installation of the new parking lot. The roots zone (under dripline) and 5 feet from the drip line shall be excavated with hand tools, using a probe (metal rod or stick) to locate and unearth roots, leaving them in their natural orientation. Work will be done as quickly as possible to expose the roots for as little time as possible and the roots will be reburied with clean fill as soon as is feasible (no longer than a day or so, if possible). The burlap will be kept moist. Efforts will be made to avoid cutting roots. If roots need to be cut, they will be cut with sharpened, clean, disinfected tools (10% bleach solution) with every effort to avoid tearing the root and to avoid tearing the root surface. A minimum distance of eight feet should be maintained of the root (distance from the root crown to terminal end of root), where possible. If the current elevation of the two tree's existing root collars differs by more than one foot from the grade of the new parking lot grade then a 10-foot radius of soil at the root collar grade shall be placed around each tree. If a certified arborist or and/or qualified restoration professional determines work is being performed improperly, that individual(s) shall stop work and determine the best course of action to avoid any tree damage or mortality before restarting work.<br>[…]<br>h. During project construction, mulch and compost shall be applied around the trees once every 6 months. Wood chip mulch shall be applied over the soil surface soil to 4 inches deep to preserve moisture and improve soil condition. If a certified arborist or and/or qualified restoration professional determines work is being performed improperly, that individual(s) shall stop work and determine the best course of action to avoid any tree damage or mortality before restarting work. | | |

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| | i. Protected trees damaged by construction shall be repaired in accordance with accepted arboriculture methods by a tree specialist. The project arborist shall determine when repair is required. These procedures may have a potential to cause decreased health (greater than 25% signs of visible stress) or mortality of any oak trees designated to be preserved. If any root disturbing activities are determined to have caused irreversible impacts that may eventually lead to decreased health or mortality of any oak tree, those activities and potential impacts shall be documented immediately. All documentation shall be summarized in a report provided to the City of Monrovia. Preserved oak trees that may succumb to impacts shall be replaced with oak trees that are of the same species and variety.<br><br>j. In the event that oak trees succumb to impacts, the City and landscape architect shall work with a certified arborist and/or qualified restoration professional to select the most appropriate location for replacement coast live oak trees. Coast live oak trees shall not be planted in specific location(s) that will be subject to future ground disturbance work that may impact replacement trees. Locations shall have appropriate biological or physical factors required by coast live oak trees to grow and persist where possible.<br><br>The City and landscape architect shall work with a certified arborist and/or qualified restoration professional to acquire appropriately sized, locally sourced coast live oak trees from a local native plant nursery that implements *Phytophthora*/Clean Nursery Stock protocols. This may reduce the probability of introducing coast live oak trees contaminated with pests, diseases, and pathogens that could spread and infect native oak trees or habitats. A certified arborist and/or qualified restoration professional shall inspect and potentially quarantine nursery stock before bringing them into the | | |

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| | Project site and supervise the installation/transplanting of the coast live oak trees.<br><br>The City shall protect and monitor the survivorship of planted coast live oak trees until the trees begin to produce seeds. The City shall consult with the certified arborist and/or qualified restoration professional on a long-term maintenance plan to provide protective caging, shading, and irrigation. Oak trees shall be protected from trampling, damage, or climbing. The City shall also consult with the certified arborist and/or qualified restoration professional if coast live oak trees show symptoms of stress and determine the appropriate response to prevent mortality. ” | | |
| **REC-2-Oak Tree Replacement Ratio** | In the event that replacement trees are necessary, CDFW recommends a minimum mitigation ratio of 2:1 for impacts to coast live oak trees. | Prior to Project construction and activities | City/Project Applicant |
| **REC-3-Oak Nursery Stock** | CDFW recommends the following sources for additional information about Clean Nursery Stock protocols and soilborne pathogens in the genus *Phytopthora* as discussed in Mitigation Measure #2.<br><br>• Best Management Practices for Producing Clean Nursery Stock provided by Phytosphere Research.<br><br>• Understanding and Managing Sudden Oak Death in California provided by Phytosphere Research.<br><br>• A Reference Manual for Managing Sudden Oak Death in California provided by the United States Department of Agriculture. | | |

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| **REC-4-Human Wildlife Interface** | CDFW recommends the City require the use of bear-proof trash cans for this and all new developments in the foothills. There have been sightings of black bear in the Project vicinity. Bears or mountain lions spotted in residential, suburban or urban areas should be reported to the South Coast Regional Office (858) 467-4201 or AskR5@wildlife.ca.gov during normal business hours. After-hours or weekend sightings should be reported first to local police or sheriff officers, who often can respond and secure a scene quickly and then contact CDFW as needed.<br><br>CDFW considers improper storage of human food and garbage to be the primary cause of bear conflicts with humans. This requirement is necessary for the local waste management agency to provide each house these special cans. These trash cans require the use of special trucks and must be specifically contracted. The City should require this development, and all individual houses, use bear-proof trash cans.<br><br>Human interactions are one of the main drivers of mortality and increasing development and human presence in this area could increase the need for public safety removal and/or vehicle strikes of mountain lions. Therefore, any new development project should analyze the potential for mountain lion that are known to occur in the San Gabriel Mountains and their foothills and may be impacted by development and human activity in the Project area (see Comment #2). | Prior to Project construction and activities | City/Project Applicant |
| **REC-5-Entrapment** | The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc. CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. | Prior to Project construction and activities | City/Project Applicant |

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| | Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. | | |
| **REC-6-Landscaping** | The MND states the site will be landscaped. CDFW recommends the MND provide the Project's landscaping plant palette and tree species list. CDFW also recommends using native, locally appropriate plant species for landscaping on the Project site. CDFW recommends invasive/exotic plants, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus), be restricted from use in landscape plans for this Project. A list of invasive/exotic plants that should be avoided as well as suggestions for better landscape plants can be found at California Invasive Plant Species Council website (Cal-IPC, 2022). | Prior to Project construction and activities | City/Project Applicant |
| **REC-7-Rodenticide** | CDFW recommends preventing the use of second-generation anticoagulant rodenticides on site and over the life of the Project. | Prior to Project construction and activities | City/Project Applicant |
| **REC-8-Nesting Birds** | CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying BIO-2 by expanding the time period for bird and raptor nesting from February 1 through September 15 to January 1 through September 15. If the Project occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted as stated in BIO-2, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the Project site.<br><br>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 | Prior to Project construction and activities | City/Project Applicant |

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| | composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species. | | |
| **REC-9-Data** | CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. The City shall ensure that all data concerning special status species within the Project site be submitted to the CNDDB by completing and submitting CNDDB Field Survey Forms. This includes all documented occurrences of Catalina mariposa lily, American badger, and Yerba mansa Herbaceous Alliance, and potential occurrences of Crotch's bumble bee, California red-legged frog, and other SSC. The City shall ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry shall also list pending development as a threat and then update this occurrence after impacts have occurred. The City shall provide CDFW with confirmation of data submittal. | Prior to Project construction and activities | City/Project Applicant |