



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region

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SENT BY EMAIL ONLY

Governor's Office of Planning & Research

April 14, 2022

Apr 15 2022

Luis Torrico
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STATE CLEARINGHOUSE

**Subject: San Dimas 2021-2029 Housing Element Update, Negative Declaration,
SCH #2022030453, City of San Dimas, Los Angeles County**

Dear Mr. Torrico:

The California Department of Fish and Wildlife (CDFW) has reviewed the Negative Declaration (ND) from the City of San Dimas (City; Lead Agency) for the San Dimas 2021-2029 Housing Element Update (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 applicant obtain appropriate authorization under the Fish and Game Code.

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Project Description and Summary

Objective: The Project proposes a Housing Element Update for the 2021-2029 planning period. The HEU sets reasonable goals, objectives, policies, and programs to achieve future housing needs for the City. The Southern California Association of Governments (SCAG) Regional Housing Needs Assessment (RHNA) allocation for the City identified a housing need of 1,248 units. The City has identified 14 opportunity sites for infill and redevelopment housing projects. The housing opportunity sites are underutilized parcels located near the western border of State Route 57 freeway or the L Gold Line Transit extension. In addition, the City proposes to initiate a rezoning program that would apply a mixed-use or multiple-family residential designation to the housing opportunity sites. Lastly, there is no physical development, construction, or other ground disturbance activity proposed in the HEU. Adoption of the HEU does not approve any future housing developments.

Location: The Project site encompasses the entire City of San Dimas, which stretches 9,875 acres in the San Gabriel Valley of Los Angeles County. The City is bounded by the San Gabriel Mountains to the north, the City of Covina to the west, the City of La Verne to the east, and the City of Diamond Bar to the south.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately avoiding and/or mitigating the Project's 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: Impacts on Coastal California Gnatcatcher

Issue: CDFW is concerned the Project could facilitate impacts to coastal California gnatcatcher (*Polioptila californica californica*), an Endangered Species Act (ESA)-listed threatened species and a California Species of Special Concern (SSC).

Specific Impacts: Future housing development during coastal California gnatcatcher breeding and nesting season could result in nest abandonment, reproductive suppression, or incidental loss of fertile eggs or nestlings. In addition, development facilitated by the Project could result in permanent loss of coastal California gnatcatcher habitat.

Why impacts would occur: The east San Gabriel Valley significant ecological area (SEA) is located in the southern portion of the City within several miles of the housing opportunity sites. Based on a critical habitat map for threatened and endangered species, this SEA provides critical habitat for the coastal California gnatcatcher (USFWS 2022). Furthermore, the [California Natural Diversity Database](#) (CNDDB) has coastal California gnatcatcher observations recorded within two miles of certain housing opportunity sites (CDFW 2022b). Where a development project would occur within or adjacent to suitable habitat, the project could potentially impact coastal California gnatcatcher. Construction would create elevated levels of noise, human

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activity, dust, ground vibrations, and vegetation disturbance. These activities occurring near potential nests could cause birds to abandon their nests and a decrease in feeding frequency, both resulting in the loss of fertile eggs or nestlings. In addition, future housing development projects may require grading and vegetation removal within the project site. Accordingly, development may result in permanent loss of coastal California gnatcatcher habitat. The quality and function of nesting habitat in areas adjacent to a project site could also be permanently impacted by project-facilitated edge effects such as ambient nighttime lighting and spread of invasive, non-native species.

Evidence impact would be significant: The Project could result in impacts on coastal California gnatcatcher. Impacts on ESA-listed species and SSC requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). The Project's ND does not provide measures to mitigate for potentially significant impacts on coastal California gnatcatcher. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW and USFWS.

In addition, nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Fish and Game Code section 3503 states, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird." Fish and Game code section 3503.5 prohibits the take, possession, or destruction of birds-of-prey and their nests or eggs. Also, take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 is prohibited under Fish and Game Code section 3513. As such, impacts on nesting birds and raptors, either directly or indirectly through nest abandonment, reproductive suppression, or loss of occupied nesting habitat, would be a significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: Take under the ESA 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. CDFW recommends 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 coastal California gnatcatcher.

Mitigation Measure #1: CDFW recommends the ND require any future proposed housing development to conduct coastal California gnatcatcher surveys to determine presence/absence of gnatcatcher. Future project applicants should retain a qualified biologist with an appropriate USFWS permit to survey the areas. 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.

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Mitigation Measure #2: CDFW recommends all future housing developments avoid any construction activity during nesting season. If not feasible, CDFW recommends that if future housing development occurs between January 1 through September 15, a nesting bird and raptor survey should be conducted 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. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the ND require future housing project applicants to retain a qualified biologist to conduct surveys no more than 7 days prior to the beginning of any project-related activity likely to impact raptors and migratory songbirds, for the entire project site. 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, CDFW recommends the following minimum no-disturbance buffers 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.

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.

Comment #2: Impacts on Bats

Issue: The Project may impact the pallid bat (*Antrozous pallidus*), which is designated as a SSC. The ND does not provide analysis or avoidance measures to reduce impacts to bat species within the Project site.

Specific impacts: Future housing developments may have direct impacts that involves removal of trees, vegetation, and/or structures. These trees, vegetation, and/or structures may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts from future housing developments may result from increased noise disturbances, human activity, dust, ground disturbing activities (e.g., staging, access, grading, excavating, drilling), and vibrations caused by heavy equipment.

Why impact would occur: According to CNDDDB, the pallid bat has been historically observed within and adjacent to the housing opportunity sites (CDFW 2022b). The ND does not provide biological surveys associated with the presence/absence of bat species within the Project site. Without focused surveys for bat detection, future housing development facilitated by the HEU may impact unidentified bat species within the Project site. In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Trees and crevices in buildings in and adjacent to the Project site could provide roosting habitat for bats. Bats can fit into very small seams, as small as a ¼ inch. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance

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

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & 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).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #3: For any future housing development that may occur near potential bat roosting habitat, CDFW recommends the ND require a qualified bat specialist to conduct bat surveys within these areas (plus a 100-foot buffer as access allows). 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 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.

Mitigation Measure #4: CDFW recommends the City include the following tree removal process as measure in the ND for future housing developments. "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 #5: CDFW also recommends the City include the following maternity roost measure in the event that maternity roosts are found during surveys for future housing developments. "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). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist. Inspection of each tree should be no more than 7 days prior to tree disturbance to determine the presence or absence of roosting bats more precisely. Trees determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise."

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Additional Recommendations

Biological Resources Assessment. Based on aerial imagery, several housing opportunity sites have low lying vegetation, trees, or vacant areas which may provide habitat for birds and small mammals. In addition, south of the housing opportunity sites, there is the east San Gabriel Valley SEA which provides habitat for various wildlife. Project applicants of future development projects should be required to prepare a Biological Resources Assessment (BRA). The BRA should be prepared by a qualified biologist. A qualified biologist should conduct field surveys of the project site and focused plant and wildlife surveys. Focused species-specific surveys should be required if suitable habitat is present and performed according to established [Survey and Monitoring Protocols and Guidelines](#) (CDFW 2022a). The BRA should characterize the biological resources on site, analyze project-specific impacts to biological resources, and propose appropriate mitigation measures to offset those impacts. The BRA should provide the following information:

- 1) A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site should also be addressed. A nine-quadrangle search of CDFW's CNDB should be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2022b);
- 2) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where project construction and activities could lead to direct or indirect impacts off site;
- 3) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The [Manual of California Vegetation](#) (MCV), second edition, should be used to inform this mapping and assessment (Sawyer et al. 2009);
- 4) A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) [Online Inventory of Rare and Endangered Plants of California](#) (CNPS 2022) as well as the Calflora's [Information on Wild California Plants](#) database (Calflora 2022);
- 5) A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and,
- 6) Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.

Jurisdictional Waters. Walnut Creek runs through the southern portion of the City and flows into Puddingstone Reservoir. CDFW recommends future housing developments assess the project's potential impacts on streams. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. If a future development results in impacts to a stream, the project

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applicant should apply for a Lake and Stream Alteration Agreement pursuant under Fish and Game Code, section 1600 *et seq.* The project applicant (or “entity”) must provide notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq.* Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2022c). CDFW also recommends the LSA Notification should include a hydrology report to evaluate whether altering the streams may impact headwater streams where there is hydrologic connectivity. The hydrology report should also include a scour analysis to demonstrate that stream banks and streambed would not erode as a result of impacts within the future project sites. Also, CDFW also requests a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Landscaping. CDFW recommends the ND require future housing developments use 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).

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDB)] 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 [CNDB Online Field Survey Form](#) (CDFW 2022d). The City should ensure that the project applicant has submitted data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The project applicant should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the ND’s proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The City is welcome to coordinate with CDFW to further review and refine the Project’s mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

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Filing Fees

The Project, as proposed, could 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 San Dimas and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of San Dimas 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 San Dimas 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 Julisa Portugal, Environmental Scientist, at Julisa.Portugal@wildlife.ca.gov or (562) 330-7563.

Sincerely,

DocuSigned by:

Steve Gibson

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Steve Gibson signing for

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

cc: CDFW

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
	Mitigation Measure (MM) or Recommendation (REC)	Timing	Responsible Party
MM-BIO-1 – Coastal California Gnatcatcher Survey	The ND shall require any future proposed housing development to conduct coastal California gnatcatcher surveys to determine presence/absence of gnatcatcher. Future project applicants shall retain a qualified biologist with an appropriate USFWS permit to survey the areas. The qualified biologist shall conduct surveys according to USFWS Coastal California Gnatcatcher (<i>Polioptila californica californica</i>) Presence/Absence Survey Guidelines . 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 shall be followed for all surveys unless otherwise authorized by the USFWS in writing. CDFW recommends gnatcatcher surveys be conducted and USFWS notified (per protocol guidance) prior to the City's issuance of a grading permit.	Prior to construction activities and vegetation removal	Project-level lead agency/ Designated Biologist
MM-BIO-2 – Nesting Bird Survey	All future housing developments shall avoid any construction activity during nesting season. If not feasible, future housing development occurs between January 1 through September 15, a nesting bird and raptor survey shall be conducted 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. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. The ND shall require future housing project applicants to retain a	Prior to and during construction activities and vegetation removal	Project-level lead agency/ Designated Biologist

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	qualified biologist to conduct surveys no more than 7 days prior to the beginning of any project-related activity likely to impact raptors and migratory songbirds, for the entire project site. 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 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 shall 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.		
MM-BIO-3 – Bat Survey	For any future housing development that may occur near potential bat roosting habitat, the ND shall require a qualified bat specialist to 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. The bat specialist shall use acoustic recognition technology to maximize detection of bats. 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. 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 activities and vegetation removal	Project-level lead agency/ Bat Specialist
MM-BIO-4 – Tree Removal Process	The City include the following tree removal process as measure in the ND for future housing developments. "If bats are not detected, but the bat specialist determines that roosting bats	Prior to and during any	Project-level lead

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	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 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.”	construction activities.	agency/Bat Specialist
MM-BIO-5 – Bat Maternity Roosts	The City shall include the following maternity roost measure in the event that maternity roosts are found during surveys for future housing development projects. “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). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist. Inspection of each tree shall be no more than 7 days prior to tree disturbance to determine the presence or absence of roosting bats more precisely. Trees determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.”	Prior to and during any construction activities.	Project-level lead agency/Bat Specialist
MM-BIO-6 – Biological Resources Assessment	Project applicants of future development projects shall be required to prepare a Biological Resources Assessment (BRA). The BRA shall be prepared by a qualified biologist. A qualified biologist shall conduct field surveys of the project site and focused plant and wildlife surveys. Focused species-specific surveys shall be required if suitable habitat is present and	Prior to finalizing project-level CEQA document	Project-level lead agency/ Designated Biologist

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	<p>performed according to established Survey and Monitoring Protocols and Guidelines. The BRA shall characterize the biological resources on site, analyze project-specific impacts to biological resources, and propose appropriate mitigation measures to offset those impacts. The BRA shall provide the following information:</p> <ol style="list-style-type: none">1) A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site shall also be addressed. A nine-quadrangle search of CDFW's CNDDDB shall be conducted to obtain current information on any previously reported sensitive species and habitat;2) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Adjoining habitat areas shall be included where project construction and activities could lead to direct or indirect impacts off site;3) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The Manual of California Vegetation (MCV), second edition, shall be used to inform this mapping and assessment;4) A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory		
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	<p>of Rare and Endangered Plants of California as well as the Calflora's Information on Wild California Plants database;</p> <p>5) A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan]; and,</p> <p>6) Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.</p>		
MM-BIO-7 – Jurisdictional Waters	<p>Future housing developments shall assess the Project's potential impacts on streams. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. If a future development results in impacts to a stream, the Project applicant shall apply for a Lake and Stream Alteration Agreement pursuant under Fish and Game Code, section 1600 <i>et seq.</i> The Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 <i>et seq.</i> Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal. CDFW also recommends the LSA Notification shall include a hydrology report to evaluate whether altering the streams may impact headwater streams where there is hydrologic connectivity. The hydrology report shall also include a scour analysis to demonstrate that stream banks and streambed would not erode as a result of impacts within the future project sites. Also, CDFW also requests a hydrological</p>	Prior to construction activities and vegetation removal	Project-level lead agency/ Project Applicant

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	evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.		
REC 1 – USFWS Consultation	Take under the ESA 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. CDFW recommends 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 coastal California gnatcatcher.	Prior to construction activities and vegetation removal.	Project-level lead agency/Project Applicant
REC 2 – Landscaping	CDFW recommends the ND require future housing developments use native, locally appropriate plant species for landscaping on the Project site. CDFW recommends invasive/exotic plants, including pepper trees (<i>Schinus</i> genus) and fountain grasses (<i>Pennisetum</i> 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.	Prior to finalizing Project-level CEQA document	Project-level lead agency/ Project Applicant
REC 3 – Data	Please report any special status species detected by completing and submitting CNDDDB Online Field Survey Form . The City should ensure that the project applicant has submitted the data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The project Applicant should provide CDFW with confirmation of data submittal.	Prior to finalizing CEQA document	Project-level lead agency/Project Applicant
REC 4 - MMRP	The ND's proposed Biological Resources Mitigation Measures should be updated and conditioned to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. The City is welcome to coordinate with CDFW to further review and refine the project's mitigation measures.	Prior to finalizing CEQA document	Project-level lead agency