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*GAVIN NEWSOM, Governor*  
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April 12, 2024

Governor's Office of Planning & Research

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**Apr 12 2024**

**STATE CLEARINGHOUSE**

**SUBJECT: WILEY CANYON PROJECT, DRAFT ENVIRONMENTAL IMPACT REPORT, SCH#2022030626; LOS ANGELES, CA**

Dear Erika Iverson:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Santa Clarita (City; Lead Agency) for the Wiley Canyon Project (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW's Role**

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered

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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.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Wiley Canyon, LLC

**Objective:** The proposed Project is a redevelopment of vacant land into a mixed-use development. The land would be separated into seven lots and consist of a senior living facility, commercial space, multi-family residential apartments, outdoor recreational field space, infrastructure improvements, and off-site improvements. The senior living facility (facility) would be located in the northern portion of the Project site on a 7.27-acre pad. In addition to the facility, a total of 379 multi-family residential units would be constructed on approximately 12.64 acres towards the center of the Project site. A 50,600 square-foot passive recreational grass pad is proposed on the southern portion of the Project site. Moreover, 1.3 miles of an asphalt pedestrian trail (16-foot-wide) would be constructed throughout the Project site and along Wiley Canyon Road, and roughly 2.9 acres located east of Wiley Canyon Road would remain undeveloped.

Fire-resistant and drought tolerant landscaping would be installed throughout the Project site including the fuel modification zones. A total of 450 trees, including but not limited to, date palms (*Phoenix dactylifera*), coast live oak (*Quercus agrifolia*), and southern magnolia (*Magnolia grandiflora*) trees would be planted throughout the Project site. To create defensible space, a setback zone (Zone A) of 30 feet is proposed from all proposed structures. Landscaping within these areas would be owner-maintained and plants selected for these areas would adhere to the Fire Department's approved plant list. In Zone B, a minimum setback of 30 to 70 feet would occur next to Zone A. Zone B would also include landscaping and Project design features that would be permanently irrigated. The Project also proposes a Zone C within the undeveloped area, located east of Wiley Canyon Road. Zone C would have a minimum setback of 50 to 100 feet and would comprise of thinned and maintained vegetation. Zone C would not be irrigated.

In addition to defensible space, infrastructure and off-site improvements are proposed. The Project would connect to and utilize existing utilities and service systems near the Project site. Three basins would also be installed on site. A 0.69-acre drainage basin would be constructed immediately south of the multi-family apartment buildings. Two smaller water quality basins would be located in the northwestern end of the Project site and the eastern portion of the Project site. Several walls and fences would be installed within and surrounding the Project site. Additionally, soil cement bank protection would be constructed adjacent to the trail, between the proposed drainage basin and the Santa Clara River. Off-site improvements include street improvements along Wiley

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Canyon Road and intersecting streets. Other off-site improvements include replacement of water lines within Wiley Canyon Road, replacement of pumps at the existing Santa Clarita Valley Water Agency (SCVWA) pump station, and construction of a new gallon storage tank at the existing SCVWA tank site, located east of the Project site.

**Location:** The 31.8-acre Project site is located at 24924 Hawkbryn Avenue in the Newhall area of the City. The Project site is bound by Interstate 5 to the west, Wiley Canyon Road to the east, Hawkbryn Avenue to the north and Calgrove Boulevard to the south. A separate vacant parcel associated with the Project is located east of Wiley Canyon Road. The Assessor's Parcel Numbers associated with the Project site include 2825-012-007, 2825-012-010, 2825-012-011, 2825-012-901, and 2825-012-902.

**Timeframe:** The Project is anticipated to be constructed over a 24-month period commencing in the first quarter of 2025.

**Biological Setting:** The Project site consists of vacant land that was formerly occupied by the Smiser Mule Ranch. In the northern portion of the Project site currently exists two metal buildings, two mobile homes, former mule barns, and one drained man-made water basin. The northeastern portion of the Project site is separated from the majority of the Project site by Wiley Canyon Road. The 2.5-acre northeastern portion consists of vacant land on an elevated hillside with an existing retaining wall. Generally the site is disturbed by past agricultural activities and commercial use.

The southern fork of the Santa Clara River flows along the eastern boundary of the Project site through a triple concrete box culvert under the freeway at the southern end and continues northerly into a concrete lined channel. Additionally, there is an unnamed intermittent stream that flows in a northerly direction until it enters an underground culvert connected to the southern portion of the Project site.

A general biological survey was conducted in August 2020 and updated June 2023, findings from the surveys were compiled in a Biological Resources Technical Report (BRTR). While the majority of the Project site is classified as ruderal (22.65 acres), there are several vegetation communities throughout the Project site. Sensitive vegetation communities observed within the Project site that would be impacted include Fremont cottonwood forest (*Populus fremontii* Forest Alliance; 1.31 acres), Fremont cottonwood and mule fat forest (*Populus fremontii*-*Baccharis salicifolia* forest alliance; 0.48 acre), and California sycamore woodland (*Plantanus racemosa* woodland; 0.12 acre). These sensitive vegetation communities are located near intermittent streams within the southern portion of the Project site. For special-status plant species, southern California black walnut (*Juglans californica*) trees were identified within the Project site, but outside of the proposed impact areas. A total of four oak (*Quercus* spp.) trees would be removed and 19 oak trees would be encroached upon.

No special status wildlife were observed within the Project site during surveys. There is a moderate potential for Crotch's bumble bee (*Bombus crotchii*; CESA candidate),

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Cooper's hawk (*Accipiter cooperii*), and least Bell's vireo (*Vireo bellii pusillus*; Endangered Species Act (ESA)- and CESA-listed endangered) to utilize the Project site. Additionally, there is marginal habitat on site for California legless lizard (*Anniella* spp.; California Species of Special Concern (SSC)), coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC), and arroyo toad (*Anaxyrus californicus*; ESA-listed endangered and SSC). Mitigation measures to avoid, minimize, and/or mitigate adverse Project impacts on Crotch's bumble bee, least Bell's vireo, sensitive natural communities, aquatic resources, and nesting birds were incorporated in the DEIR.

**Project History:** A Notice of Preparation (NOP) comment letter was submitted to the City on April 25, 2022.

## 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. Additional comments or other suggestions may also be included to improve the 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).

### Comment #1: Human-Wildlife Interface

**Issue:** The Project may increase human and wildlife interactions through the incorporation of a recreational trail system through the Project site and along Wiley Canyon Road.

**Specific impacts:** The proposed Project would create an asphalt trail through the Project site, primarily along the Santa Clara River. Impacts to wildlife could result in mortality or injury, increased human disturbance in areas supporting habitat, reproductive suppression during breeding season, or population decline of a special-status species.

**Why impact would occur:** The DEIR states that an objective of the Project is to provide "[a] trail with public access along Wiley Canyon Road and within the Project site along Wiley Canyon Creek" (page 1-3). Increasing human foot traffic would result in increased noise levels in sensitive areas, increased trash or pet waste, and introduction of unnatural food sources via trash and trash receptacles. While some components of the trail are defined in the Project description and maps, sensitive habitats such as sensitive vegetation communities, undeveloped areas, and earthen portions of the Santa Clara River may be encroached upon and disturbed. Outdoor recreation may also cause distress on individual wildlife, resulting in energetic costs to the animal and decline in the animals' behavior and fitness. Studies have shown that outdoor recreation

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is the second leading cause of the decline of federally threatened and endangered species on public lands (Losos et al. 1995) and fourth leading cause on all lands (Czech et al. 2000). If not designed appropriately, the creation of a recreational trail would lead to an increase in human-wildlife interactions that may result in harm to wildlife and/or humans.

**Evidence impact would be significant:** The Project site supports a variety of special-status species. Impacts to special-status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant or wildlife species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS), hereafter collectively referred to as Wildlife Agencies.

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

**Recommendation #1:** Asphalt is a semi-solid form of petroleum. Construction of a trail using asphalt may result in hydrocarbons and heavy metals becoming a point source of environmental contamination towards on-site biological resources. CDFW recommends that the Project use alternatives to hydrocarbon-based asphalt paving.

**Mitigation Measure #1: Public Education –** The Project proponent shall install appropriate public information signage at trailheads and/or along trails to: 1) educate and inform the public about wildlife present in the area; 2) advise on proper avoidance measures to reduce human-wildlife conflicts; 3) advise on proper use of open space trails in a manner respectful to wildlife (e.g., dogs on leash, proper waste disposal); and, 4) provide local contact information to report injured or dead wildlife. Signage shall be written in language(s) understandable to all those likely to recreate and use the trails. Signs shall not be made of materials harmful to wildlife such as spikes or glass.

**Mitigation Measure #2: Trash –** Trash receptacles shall be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.

**Mitigation Measure # 3: Dogs –** The Project proponent shall prohibit dogs from known sensitive habitat within the Project site. Pets shall always be kept on leash and on trails. Trail users shall be encouraged to clean up after their dogs.

**Comment #2: Impacts on Sensitive Natural Communities**

**Issue:** The mitigation measure proposed in the DEIR may not be sufficient to mitigate the Project's impacts on sensitive natural communities.

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**Specific Impact:** Project activities in the southern portion of the Project site would directly impact sensitive forest and woodland communities on site. Project activities may include tree removal, grading, and installation of trail and soil cement bank protection.

**Why impact would occur:** According to the BRTR, the California Sycamore woodland, Fremont cottonwood forest, and Fremont cottonwood-mulefat forest are all along a portion of the southern fork of the Santa Clara River. The DEIR acknowledges the sensitive status of these natural communities and incorporated Mitigation Measure BIO-4 to reduce the Project's impact to a level less than significant. The mitigation measure proposes to mitigate through, "[e]nhancement or restoration of remaining on-site sensitive plant communities at a ratio of 1:1 or the creation of new sensitive plant communities within the newly created channel area" (page 1-15). The DEIR does not include a biologically-focused discussion as to how 1:1 enhancement or restoration is sufficient to reduce the Project's impact to a level below significance. CDFW has concerns that this mitigation will not offset Project impacts appropriately. Sensitive plant communities play a vital role in the biodiversity and biological integrity of the Project site. Project activities involving removal of these plant communities will contribute to permanent and temporal loss of habitat for wildlife species that rely on these native plant communities. In addition, there may be a longer re-establishment period for sensitive natural communities and higher risk of failure especially during periods of drought, which results in prolonged temporal loss of habitat. Additionally, the mitigation measure states that the Project proponent would have the option to pay into an in-lieu fee program. Generally, CDFW does not support the use of in-lieu fees as mitigation to offset impacts; specifically in this case, in-lieu fees would not disclose how mitigation would occur, resulting in a net loss of sensitive plant communities within the Project area. CDFW is concerned that the mitigation proposed does not adequately offset the Project's impacts to these valued biological resources.

**Evidence impact would be significant:** Natural communities with state rarity ranks of S1-S3 are considered sensitive natural communities. California sycamore woodland, Fremont cottonwood forest, and Fremont cottonwood-mule fat forest have a state rarity rank of S3. Impacts to sensitive vegetation communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

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

**Mitigation Measure #4: Mitigation Measure-BIO-4 Sensitive Plant Communities -** Mitigation Measure BIO-4 shall be revised to incorporate the underlined language and omit language in strikethrough:

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Before the Building Official issues a grading permit, impacts to sensitive plant communities (e.g., Fremont cottonwood/mulefat forest, Fremont cottonwood forest, and California sycamore woodland) must be mitigated through ~~enhancement or~~ restoration of remaining on-site sensitive plant communities at a minimum ratio of 2:1 ~~4:1~~ or the creation of new sensitive plant communities within the newly created channel area. A habitat mitigation and monitoring plan must be prepared by a City-approved biologist or restoration ecologist and submitted for review and approval by the City and CDFW ~~approved by the City~~ before the Public Works Director, or designee, issues a grading permit. The mitigation and monitoring plan must focus on the removal of nonnative elements within disturbed habitat areas of the project site or depict creation areas, planting/restoration methods and success criteria. In addition, this plan must provide details as to its implementation, maintenance, and future monitoring including the following components:

- description of existing sensitive plant communities on the Project site;
- summary of permanent impacts to the sensitive community based on approved Project design;
- proposed mitigation location areas, with description of existing conditions prior to mitigation implementation;
- detailed description of restoration or enhancement goals;
- description of implementation schedule, site preparation, erosion control measures, planting plans, and plant materials;
- provisions for mitigation site maintenance and control on non-native invasive plants; ~~and~~
- monitoring plan, including performance standards, adaptive management measures, and an irrigation schedule; ~~and~~
- monitoring reporting to the City of Santa Clarita

Alternatively, mitigation for sensitive plant community impacts may be achieved through off-site restoration or enhancement at a ratio no less than 3:1 ~~4:1~~ and may include the purchase of mitigation credits at an agency-approved off-site mitigation bank ~~or an in-lieu fee program~~ within Los Angeles County acceptable to the City.

### **Comment #3: Impacts on Crotch's Bumble Bee**

**Issue:** The Project may impact Crotch's bumble bee.

**Specific impacts:** Project activities may result in temporal or permanent loss of suitable nesting and foraging habitat of Crotch's bumble bee. Ground-disturbing activities may result in death/injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.

**Why impacts would occur:** There is a moderate potential for Crotch's bumble bee to be utilize the Project site for nesting and foraging opportunities. The DEIR has included

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Mitigation Measure BIO-1 to avoid and minimize impacts to Crotch's bumble bee; however, the measure is not in alignment with most recent CDFW survey protocol and best available science. Without revision, the measure may not avoid or mitigate impacts to Crotch's bumble bee below to below significant

. **Evidence impact would be significant:** Crotch's bumble bee is designated as a candidate species under CESA and afforded full protection. Crotch's bumble bee also meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on Crotch's bumble bee may require a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant or animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065).

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

**Mitigation Measure #5: Mitigation Measure-BIO-1: Crotch's Bumble Bee -** Mitigation Measure BIO-1 Crotch's Bumble Bee shall be revised to incorporate the underlined language and omit language in strikethrough:

~~A pre-construction surveys~~ Surveys for Crotch bumble bee shall ~~must~~ be conducted within one year of Project ground-disturbing activities. ~~the construction footprint before starting of initial vegetation removal or initial grading activities occurring during the Crotch bumble bee nesting period (February 1 through October 31). The survey must confirm that no nests/hives for Crotch bumble bee are located within the construction area. The pre-construction surveys~~ Surveys shall ~~must~~ include 1) a habitat assessment and 2) focused surveys, both of which shall adhere to ~~will be based on recommendations described in the "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species," released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023, or the most current at the time of construction.~~

The habitat assessment ~~must, at a minimum,~~ shall include historical and current species occurrences; document potential habitat onsite including foraging, nesting, and/or overwintering resources; and identify which plant species are present. ~~For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and man-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. If nesting resources are present in the Project site impact area, focused surveys will be conducted.~~

~~The focused survey will~~ Focused surveys shall be performed by a qualified entomologist biologist with the appropriate handling permits and familiarity with identification, behavior, and life history of the species. ~~expertise in surveying for bumble bees and include~~ Surveys shall include at least three survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of



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these surveys must coincide with the Colony Active Period (April 1 through August 31 for Crotch bumble bee). Surveys ~~shall may~~ occur between one hour after sunrise and two hours before sunset. Surveys ~~shall will~~ not be conducted during wet conditions (e.g., foggy, rain, or drizzling) ~~and surveyors will wait at least one hour following rain.~~ Optimal surveys are when there are sunny to partly sunny skies that are greater than 60° Fahrenheit. ~~Surveys may be conducted earlier if other bees or butterflies are flying.~~ Surveys may not be conducted when it is windy (i.e., sustained winds greater than 8 mph). ~~Within non-developed habitats, the~~ The qualified entomologist shall ~~biologist must~~ look for nest/hive resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the ~~qualified entomologist~~ biologist must watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative individual must be identified to species to determine if it is Crotch bumble bee or one of the common, unregulated species. ~~Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them depending on their proximity to one another.~~ It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).

Identification shall include the qualified entomologist ~~will include trained biologists~~ netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. ~~The bee must be placed in a clear container for observation and photographic documentation if able. The bee will be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee identifying characteristics cannot be adequately captured in the container due to movement, the container will be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee must be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly. The bumble bee must be released into the same area from which it was captured upon completion of identification.~~

If Crotch bumble bee nests are not detected, no further mitigation is required, and no additional surveys ~~would be needed if construction begins within 14 days of the last survey for a given phase area.~~ If construction in a given phase area does not start within a year ~~14 days of the last survey,~~ surveys shall be repeated. ~~or if construction in a given~~

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~~phase area stops for 14 days or longer, surveys would be repeated if construction re-commences between February 1 and October 31.~~

~~The mere presence of foraging Crotch bumble bees would not require implementation of additional minimization measures because they can forage up to 10 kilometers from their nests. If nest resources occupied by Crotch bumble bee are detected within the construction area, no construction activities can occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest as the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.~~

~~A~~Following the habitat assessment and focused surveys, a written survey report shall be submitted to the City and CDFW prior to Project activities within 30 days of the ~~pre-construction survey~~. The report shall ~~will~~ include survey methods, weather conditions, a description and map of the survey area, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch bumble bee nest sites or individuals observed. The survey report shall ~~will~~ include the qualifications/resumes of the surveyor(s) and approved entomologist biologist(s) for identification of photo vouchers, detailed habitat assessment, and photo vouchers. If Crotch bumble bee nests are observed, the qualified entomologist shall provide the location of all nests within and adjacent to the Project site. The survey report shall also include the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. This shall include native plant composition (e.g., density, cover, and abundance) within affected habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species). The qualified entomologist shall also draft an Avoidance Plan with specific avoidance measures that will be implemented prior to and during Project activities. The Avoidance Plan shall be submitted to CDFW prior to Project activities for review. Upon CDFW approval of an Avoidance Plan, the qualified entomologist shall demarcate an appropriate buffer zone around all identified nest(s). ~~survey report must also include recommendations for avoidance, and the location information will be submitted to the California Natural Diversity Database (CNDDDB) at the time of, or before, submittal of the survey report.~~

~~If the above measures are followed, it is assumed that the project need not to obtain authorization from CDFW through the California Endangered Species Act Incidental Take Permit process. If complete avoidance of Crotch's bumble bee is not feasible, the Project proponent shall continue consultation with CDFW to determine if take authorization from CDFW is required. ~~the nest resources cannot be avoided during the nesting period, as outlined in this measure, the project applicant will consult with CDFW~~~~

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~~regarding the need to obtain an Incidental Take Permit.~~ Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch bumble bee may supersede measures provided in this CEQA document.

In the event an Incidental Take Permit is needed, the Project proponent shall provide mitigation for direct impacts to Crotch bumble bee will be fulfilled through compensatory mitigation at a minimum 24:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation will shall be accomplished either through off-site conservation and the Project proponent shall provide an endowment determined through the Incidental Take Permit process, or through a CDFW-approved mitigation bank. ~~If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record will take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.~~

#### **Comment #4: Impacts on Arroyo Toad**

**Issue:** The Project may impact supporting habitat for arroyo toad.

**Specific impacts:** Project construction and activities, directly or through habitat modification, may result in direct injury or mortality (e.g., trampling, crushing). Additionally, loss of foraging, burrows, or breeding habitat may occur.

**Why impact would occur:** Arroyo toad is a semi-aquatic species that utilizes watercourses for breeding and surrounding upland habitat for foraging and burrowing. Projects within the Santa Clara River have the potential to directly impact breeding habitat for this species. The DEIR and BRTR state that marginal habitat is provided within the Project site; however, the species were not observed during general surveys. Detection of arroyo toad is challenging given that they may spend most of their time underground as they enter aestivation and bury themselves in burrows in upland areas. Additionally, multiple surveys should be conducted in nighttime and daytime during breeding season for confirmed presence and/or absence (USFWS 1999). Given that the Project would conduct work near and within the Santa Clara River and the site supports habitat for arroyo toad, focused surveys should be conducted. If the Project proceeds without focused surveys, arroyo toads may go undetected. Project activities may result in direct harm to individual arroyo toad and breeding and burrowing habitat may be removed.

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**Evidence impact would be significant:** Arroyo toad is afforded full protection under ESA. Arroyo toad also meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on arroyo toad may require a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant or animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065). The reduction in the number of arroyo toads, either directly or indirectly through habitat loss, would constitute a significant impact absent appropriate mitigation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by Wildlife Agencies

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

**Recommendation #2: ESA Consultation** – Consultation with the USFWS for possible take of arroyo toad or critical habitat for this species is recommended at the earliest possible opportunity, to avoid unauthorized incidental take. Take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

**Mitigation Measure #6: Arroyo Toad Focused Surveys** - The Project proponent shall retain a qualified biologist to conduct focused surveys according to USFWS's [Survey Protocol for the Arroyo Toad](#) (USFWS 1999). Findings should be submitted to the City prior to Project activities for review and approval. If presence of arroyo toad is confirmed, the Project proponent shall consult with USFWS to obtain the appropriate permit and determine sufficient compensatory mitigation prior to issuance of City permits.

**Comment #5: Impacts on California Species of Special Concern**

**Issue:** The Project may impact supporting habitat for coastal whiptail and California legless lizard.

**Specific impacts:** Direct impacts to these SSC could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; trampling or crushing from construction equipment, vehicles, and foot traffic. Project ground disturbing activities such as vegetation removal will also result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings.

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**Why impact would occur:** The DEIR and BRTR state that the Project site provides marginal habitat for both SSC species. Although these species were not observed during the general survey, it should not exclude the possibility of these species being present during Project activities given that marginal habitat is present. Moreover, it was mentioned in CDFW's NOP comment letter that California legless lizards have been observed within a mile of the Project site. Without appropriate avoidance or minimization measures, the Project may continue to impact SSC through direct harm and/or loss of occupied habitat.

**Evidence impact would be significant:** A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- if the species is listed as threatened or endangered under ESA-, but not CESA-, threatened, or endangered;
- if the species meets the State definition of threatened or endangered but has not formally been listed;
- if the species is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and,
- if naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA-threatened or -endangered status (CDFW 2024a).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). The MND does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

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

**Mitigation Measure #7: Biological Monitor** - To avoid direct injury and mortality of SSC, the Project proponent shall have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected and allowed to move away on its own in a passive manner. In areas where an SSC was found, work may only occur in these areas after a qualified biologist has determined it is

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safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.

**Mitigation Measure #8: SSC Compensatory Mitigation** - For SSC that have been confirmed and/or are expected to occur within the Project site, the Project proponent shall provide compensatory mitigation for temporary and permanent loss of any habitat supporting SSC. There shall be no net loss of habitat supporting SSC [CEQA Guidelines, § 15370(e)]. Compensatory mitigation shall be provided within the Project boundary at no less than 2:1. If on-site mitigation is not achievable, the Project proponent shall provide off-site mitigation at no less than 3:1. Location of the off-site mitigation shall be approved by CDFW. Mitigation shall provide appropriate habitat (depending on the species), refugia, and habitat structures that supports that species (e.g., woody material, rocks, brush piles, pools, burrows). Any proposed mitigation area/plan shall include a discussion on the territory size; nesting, breeding, foraging, and refuge locations; invasive, non-native plant and wildlife species present; food availability; and how all life cycle functions will be mitigated. Any mitigation plan for SSC shall be distributed and approved by CDFW prior to issuance of City permits. The replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.

#### **Comment #6: Spreading Invasive Pests and Diseases**

**Issue:** Project activities will result in tree removal which may serve as a host for invasive pests and diseases.

**Specific impacts:** The Project may result in the spread of tree insect pests and diseases into areas not currently exposed to these stressors. This could result in expediting the loss of southern California black walnut and oak trees within the Project site.

**Why impact would occur:** The Project intends to remove several trees, retain oak and southern California black walnut trees, and plant 450 new trees. Removal of trees and introduction of new trees may result in the spread of diseases and pests. One such pathogen is *Phytophthora ramorum* which causes a disease known as sudden oak death. Sudden oak death has become the most common cause of mortality of oak and other native trees (Phytosphere 2015). Mortality rates of oak trees are greater than 50 percent in some areas impacted by sudden oak death (Phytosphere 2012). Oak trees also serve as a suitable host to the polyphagous shot hole borer (*Euwallacea* spp.). The polyphagous shot hole borer has a symbiotic relationship with a fungus that results in a

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tree disease known as Fusarium dieback. The distribution of the polyphagous shot hole borer has been recorded throughout southern California including Los Angeles County (UCR 2024a). In addition to the polyphagous shot hole borer, the gold spotted oak borer (*Agrilus auroguttatus*) is a buprestid beetle that has been associated with attacking oak trees and is responsible for major oak mortality within southern California (UCR 2024b). Moreover, thousand cankers disease is another type of tree disease that is the result of an insect-fungus complex caused by the walnut twig beetle (*Pityophthorus juglandis*) and a canker fungus (*Geosmithia morbida*). Thousand cankers disease is known to primarily impact black walnut trees (TCD 2024). Additionally, southern California black walnut trees are highly susceptible to *Phytophthora* spp. crown rot (Esser 1993). In addition to direct impacts to trees, tree dieback can have cascading impacts on the habitat and ecosystem, particularly avian distribution, and abundance (Monahan and Koenig 2005).

Diseases such as sudden oak death can spread via equipment and transport of infected material. These fragments can be spread to new locations if equipment and tools are not disinfected or cleaned before moving to the next work location. Infected material that is transported off site for disposal may expose trees and plant communities to pests and disease. This could result in expediting the loss of walnut trees, oak trees, and other native trees and plant communities within and adjacent to the Project site.

**Evidence impact would be significant:** The Project may have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by CDFW that may be susceptible to insect and disease pathogens. Southern California black walnut trees and California walnut groves meet the definition of endangered, rare, or threatened Species under CEQA (CEQA Guidelines, § 15380). Oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4. Moreover, coast live oak trees are designated as protected trees per the City's [Oak Tree Preservation and Protection Guidelines](#) (CSC 1990).

### **Recommended Potentially Feasible Mitigation Measures**

**Mitigation Measure #9: Infectious Tree Disease Management Plan - CDFW** recommends that the City incorporate a measure in the DEIR to alleviate the spread of invasive pests and diseases by implementing the following:

- Prior to tree removal, a certified arborist should evaluate trees for infectious tree diseases including but not limited to sudden oak death, thousand cankers disease, and Fusarium dieback disease.
- Prior to tree removal, a certified arborist should evaluate trees for pests including but not limited to thousand canker fungus, walnut twig beetle, polyphagous shot hole borer, and gold spotted oak borer.

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- If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist should prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list should provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees should not be transported from the Project site without first being treated using best available management practices described in the Infectious Tree Disease Management Plan or list of preventative measures.
- If possible, all tree material, especially infected tree material, should be left on site. The material could be chipped for use as ground cover or mulch. Pruning and power tools should be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.

### **Additional Comments**

**Scientific Collecting Permit.** CDFW recommends the Project proponent retain a qualified biologist(s) with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2024b).

**Landscaping.** The Project proposes landscaping throughout the Project site. CDFW recommends the FEIR provide the Project's landscaping plant palette and replacement tree species list. CDFW recommends the Project proponent use only native species found in naturally occurring vegetation communities within or adjacent to the Project area. The Project proponent should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the Project proponent restrict use of any species, particularly 'moderate' or 'high' listed by the [California Invasive Plant Council](#) (Cal-IPC 2024). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

**Wildlife Friendly Fencing.** Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link fencing). CDFW recommends the City require the Project proponent to provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the FEIR for



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potential impacts on biological resources and wildlife movement. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value in order to protect biological resources, habitat, and wildlife movement. CDFW recommends [A Landowner's Guide to Wildlife Friendly Fences](#) for information wildlife-friendly fences (MFWP 2012).

**Data.** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDDB Online Field Survey Form](#) (CDFW 2024c). The Project proponent should ensure that data was 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 proponent should provide CDFW with confirmation of data submittal.

**Mitigation and Monitoring Reporting Plan.** CDFW recommends updating the DEIR'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).

### **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 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).

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## Conclusion

CDFW appreciates the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Questions regarding this letter or further coordination should be direct to Julisa Portugal, Environmental Scientist, at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Sincerely,

DocuSigned by:



60045495F8794C3  
Victoria Tang

Environmental Program Manager  
South Coast Region

ec: California Department of Fish and Wildlife  
Jennifer Turner  
Steve Gibson  
Frederic Rieman  
Andrew Aitken  
Frida Diaz-Barriga

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

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

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1 – Public Education</b>	The Project proponent shall install appropriate public information signage at trailheads and/or along trails to: 1) educate and inform the public about wildlife present in the area; 2) advise on proper avoidance measures to reduce human-wildlife conflicts; 3) advise on proper use of open space trails in a manner respectful to wildlife (e.g., dogs on leash, proper waste disposal); and, 4) provide local contact information to report injured or dead wildlife. Signage shall be written in language(s) understandable to all those likely to recreate and use the trails. Signs shall not be made of materials harmful to wildlife such as spikes or glass.	During Project activities	Project Proponent
<b>MM-BIO-2- Trash</b>	Trash receptacles shall be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.	During Project activities	Project Proponent
<b>MM-BIO-3- Dogs</b>	The Project proponent shall prohibit dogs from known sensitive habitat within the Project site. Pets shall always be kept on leash and on trails. Trail users shall be encouraged to clean up after their dogs.	During Project activities	Project Proponent
<b>MM-BIO– 4 – Mitigation Measure BIO-4</b>	Before the Building Official issues a grading permit, impacts to sensitive plant communities (e.g., Fremont cottonwood/mulefat forest, Fremont cottonwood forest, and California sycamore woodland) must be mitigated	Prior to issuance of grading permit	Project proponent/ Lead Agency

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<p><b>Sensitive Plant Communities</b></p>	<p>through restoration of remaining on-site sensitive plant communities at a minimum ratio of 2:1 or the creation of new sensitive plant communities within the newly created channel area. A habitat mitigation and monitoring plan must be prepared by a City-approved biologist or restoration ecologist and submitted for review and approval by the City and CDFW before the Public Works Director, or designee, issues a grading permit. The mitigation and monitoring plan must focus on the removal of nonnative elements within disturbed habitat areas of the project site or depict creation areas, planting/restoration methods and success criteria. In addition, this plan must provide details as to its implementation, maintenance, and future monitoring including the following components:</p> <ul style="list-style-type: none"> <li>• description of existing sensitive plant communities on the Project site;</li> <li>• summary of permanent impacts to the sensitive community based on approved Project design;</li> <li>• proposed mitigation location areas, with description of existing conditions prior to mitigation implementation;</li> <li>• detailed description of restoration or enhancement goals;</li> <li>• description of implementation schedule, site preparation, erosion control measures, planting plans, and plant materials;</li> <li>• provisions for mitigation site maintenance and control on non-native invasive plants; and</li> </ul>		
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	<ul style="list-style-type: none"> <li>• monitoring plan, including performance standards, adaptive management measures, and an irrigation schedule; and,</li> <li>• monitoring reporting to the City of Santa Clarita</li> </ul> <p>Alternatively, mitigation for sensitive plant community impacts may be achieved through off-site restoration or enhancement at a ratio no less than 3:1 and may include the purchase of mitigation credits at an agency-approved off-site mitigation bank within Los Angeles County acceptable to the City.</p>		
<p><b>MM-BIO-5 –                  Measure BIO-1                  Crotch’s Bumble                  Bee</b></p>	<p>Surveys for Crotch bumble bee shall be conducted within one year of Project ground-disturbing activities. Surveys shall include 1) a habitat assessment and 2) focused surveys, both of which shall adhere to the “Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species,” released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023, or the most current at the time of construction.</p> <p>The habitat assessment shall include historical and current species occurrences; document potential habitat onsite including foraging, nesting, and/or overwintering resources; and identify which plant species are present. Focused surveys shall be performed by a qualified entomologist with the appropriate handling permits and familiarity with identification, behavior, and life history of the species. Surveys shall include at least three survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The</p>	<p>Prior to and during construction activities and vegetation removal</p>	<p>Project Proponent / Qualified Entomologist</p>

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	<p>timing of these surveys must coincide with the Colony Active Period (April 1 through August 31 for Crotch bumble bee). Surveys shall <del>may</del> occur between one hour after sunrise and two hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling). Optimal surveys are when there are sunny to partly sunny skies that are greater than 60° Fahrenheit. Surveys may not be conducted when it is windy (i.e., sustained winds greater than 8 mph). The qualified entomologist shall look for nest/hive resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the qualified entomologist must watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative individual must be identified to species to determine if it is Crotch bumble bee or one of the common, unregulated species. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).</p> <p>Identification shall include the qualified entomologist netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National</p>		
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	<p>Protocol Framework for the Inventory and Monitoring of Bees.</p> <p>If Crotch bumble bee nests are not detected, no further mitigation is required, and no additional surveys. If construction in a given phase area does not start within a year of the last survey, surveys shall be repeated.</p> <p>Following the habitat assessment and focused surveys, a written survey report shall be submitted to the City and CDFW prior to Project activities. The report shall include survey methods, weather conditions, a description and map of the survey area, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of entomologist(s) for identification of photo vouchers, detailed habitat assessment, and photo vouchers. If Crotch bumble bee are observed, the qualified entomologist shall provide the location of all nests within and adjacent to the Project site. The survey report shall also include the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. This shall include native plant composition (e.g., density, cover, and abundance) within affected habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species). The qualified entomologist shall also draft an Avoidance Plan with specific avoidance measures that will be implemented prior to and during Project activities. The Avoidance Plan shall be submitted to CDFW prior to</p>		
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	<p>Project activities for review. Upon CDFW approval of an Avoidance Plan, the qualified entomologist shall demarcate an appropriate buffer zone around all identified nest(s).</p> <p>If complete avoidance of Crotch’s bumble bee is not feasible, the Project proponent shall continue consultation with CDFW to determine if take authorization from CDFW is required. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch bumble bee may supersede measures provided in this CEQA document.</p> <p>In the event an Incidental Take Permit is needed, the Project proponent shall provide compensatory mitigation at a minimum 2:1 habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished through off-site conservation and the Project proponent shall provide an endowment determined through the Incidental Take Permit process.</p>		
<p><b>MM-BIO-6 –                  Arroyo Toad                  Focused Surveys</b></p>	<p>The Project proponent shall retain a qualified biologist to conduct focused surveys according to USFWS’s Survey Protocol for the Arroyo Toad. Findings should be submitted to the City prior to Project activities for review and approval. If presence of arroyo toad is confirmed, the Project proponent shall consult with USFWS to obtain the appropriate permit and determine sufficient compensatory mitigation prior to issuance of City permits.</p>	<p>Prior to construction activities and vegetation removal</p>	<p>Project Proponent / Qualified Biologist/ Lead Agency</p>

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<p><b>MM-BIO-7 –                  Biological                  Monitor</b></p>	<p>To avoid direct injury and mortality of SSC, the Project proponent shall have a qualified biologist on site to move out of harm’s way wildlife of low mobility that would be injured or killed. Wildlife shall be protected and allowed to move away on its own in a passive manner. In areas where an SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.</p>	<p>Prior to and during construction activities and vegetation removal</p>	<p>Project Proponent/                  Qualified Biologist</p>
<p><b>MM-BIO-8 - SSC                  Compensatory                  Mitigation</b></p>	<p>For SSC that have been confirmed and/or are expected to occur within the Project site, the Project proponent shall provide compensatory mitigation for temporary and permanent loss of any habitat supporting SSC. There shall be no net loss of habitat supporting SSC. Compensatory mitigation shall be provided within the Project boundary at no less than 2:1. If on-site mitigation is not achievable, the Project proponent shall provide off-site mitigation at no less than 3:1. Location of the off-site mitigation shall be approved by CDFW. Mitigation shall provide appropriate habitat (depending on the species), refugia, and habitat structures that supports that species (e.g., woody material, rocks, brush piles, pools, burrows). Any proposed mitigation area/plan shall include a discussion on the territory size; nesting, breeding, foraging, and refuge locations; invasive, non-native plant and wildlife species</p>	<p>Prior to Project activities</p>	<p>Project proponent</p>

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	<p>present; food availability; and how all life cycle functions will be mitigated. Any mitigation plan for SSC shall be distributed and approved by CDFW prior to issuance of City permits. The replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.</p>		
<p><b>MM-BIO-9 – Invasive Tree Disease Management Plan</b></p>	<p>The Project proponent shall conduct the following:</p> <ul style="list-style-type: none"> <li>• Prior to tree removal, a certified arborist should evaluate trees for infectious tree diseases including but not limited to sudden oak death, thousand cankers disease, and Fusarium dieback disease.</li> <li>• Prior to tree removal, a certified arborist should evaluate trees for pests including but not limited to thousand canker fungus, walnut twig beetle, polyphagous shot hole borer, and goldspotted oak borer.</li> <li>• If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist should prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list should provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees should not be transported from the Project site without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of</li> </ul>	<p>Prior to Project activities</p>	<p>Project proponent/ Lead Agency</p>

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	<p>preventative measures.</p> <ul style="list-style-type: none"> <li>If possible, all tree material, especially infected tree material, should be left on site. The material could be chipped for use as ground cover or mulch. Pruning and power tools should be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.</li> </ul>		
<b>REC 1 – Asphalt Alternatives</b>	CDFW recommends that the Project use alternatives to hydrocarbon-based asphalt paving.	Prior to finalizing CEQA document	Project Proponent/ Lead Agency
<b>REC 2 – ESA Consultation</b>	Consultation with the USFWS for possible take of arroyo toad or critical habitat for this species is recommended at the earliest possible opportunity, to avoid unauthorized incidental take. Take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.	Prior to Project implementation	Project Proponent
<b>REC 3 – Scientific Collecting Permit</b>	CDFW recommends the Project proponent retain a qualified biologist(s) with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. 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. 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	Prior to Project implementation	Project Proponent/ Qualified Biologist

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	capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities. Please visit CDFW's Scientific Collection Permits webpage for information.		
<b>REC 4 - Landscaping</b>	CDFW recommends the FEIR provide the Project's landscaping plant palette and replacement tree species list. CDFW recommends the Project proponent use only native species found in naturally occurring vegetation communities within or adjacent to the Project area. The Project proponent should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the Project proponent restrict use of any species, particularly 'moderate' or 'high' listed by the California Invasive Plant Council. These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.	Prior to finalizing CEQA document and during Project activities	Project Proponent/ Lead Agency
<b>REC 5 – Fencing</b>	CDFW recommends the City require the Project proponent to provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the FEIR for potential impacts on biological resources and wildlife movement. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value in order to protect biological resources, habitat, and wildlife movement. CDFW recommends A Landowner's Guide to Wildlife Friendly Fences for information wildlife-friendly fences.	Prior to finalizing CEQA document and during Project activities	Project Proponent/ Lead Agency
<b>REC 6 – Data</b>	Please report any special status species detected by completing and submitting CNDDDB Online Field Survey Form. The City should ensure that the Project proponent	Prior to finalizing CEQA document	Project Proponent/ Lead Agency

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	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 proponent should provide CDFW with confirmation of data submittal.		
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