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

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Subject: Shadowbox Studios Project, Draft Environmental Impact Report, SCH #2022030762, City of Santa Clarita Planning Division, Los Angeles County

Dear Ms. Iverson:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Santa Clarita Planning Division (City) for the Shadowbox Studios Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may

need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq*.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project Applicant obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The Project proposes to develop a full-service film and television studio campus on a 93.5-acre site and would consist of sound stages, workshops, warehouses, offices, and catering services. Upon completion, the campus would have an overall building area of approximately 1,285,800 square feet. The Project would involve the construction of 19 sound stages, a large support building, a parking structure, an office building, a catering building, and a mechanical building south of Placerita Creek.

Landscaping

The Project proposes to landscape approximately 13 percent of the Project site throughout the studio campus. The construction of the studio buildings and surrounding landscaping will include the removal of 13 of the 16 oak trees present on site. The Project would replace the removed trees with 450 trees of different non-oak varieties, and 211 oak trees throughout the campus.

The Project would also install a plant nursery along the entire length of the parking lot along the eastern boundary of the Project site to provide plants for use on the sound stages and as visual screening from the neighborhood. The Project would also include a small private park in the center of a courtyard, picnic areas, outdoor break areas, and a small dog park throughout the campus.

Access and Parking

A main parking structure would be installed in the southwestern corner of the Project site, with supplemental parking throughout the entire campus. An additional employee parking lot is proposed on the north side of Placerita Creek, which would be connected to the main campus by an all-weather bridge. The current design of this all-weather bridge will necessitate the

installation of piers within the streambed, as well as additional bank stabilization features. These stabilization features may include buried revetments, retaining walls, weirs, and other structures within Placerita Creek. The Project would also construct a clearly marked multi-purpose path along 12th, Arch, and 13th Street for the exclusive use of bicyclists and pedestrians.

Off-Site Improvements

The Project proposes additional off-site improvements including the widening of 13th Street Arch Street, and 12th Street; the installation of public hydrants; improvements to the railroad crossing at 13th Street; and the implementation of storm drain improvements to accommodate surface water runoff from Dockweiler Drive. These improvements also include the installation of a pedestrian and bike bridge from the Jan Heidt Newhall Metrolink Station on Railroad Avenue to the future extension of Dockweiler Drive across Newhall Creek.

Location: The Shadowbox Studios Project would be located in the southwestern portion of the City of Santa Clarita in the Newhall Community in Los Angeles County. The Project site is located at the northeastern corner of Railroad Avenue and 13th Street, bounded by 12th Street, Arch Street, and 13th Street on the south, a railroad right-of-way and Railroad Avenue on the west, Metropolitan Water District right-of-way on the east, and slopes maintained by the adjacent residential area to the north.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately avoiding and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts on Crotch's Bumble Bee (*Bombus crotchii*)

Issue: The Project may impact suitable habitat for Crotch's bumble bee (*Bombus crotchii*), a candidate CESA-listed species. The DEIR does not discuss or provide mitigation measures to reduce the impact to Crotch's bumble bee.

Specific impacts: The Project may result in the temporal and permanent loss of suitable nesting and foraging habitat of Crotch's bumble bee. Construction and ground-disturbing activities may cause death or injury of adults, eggs, and larvae; burrow collage; nest abandonment; and reduced nest success.

Why impacts would occur: A review of iNaturalist (iNaturalist 2023), shows over one hundred observations of Crotch's bumble bee throughout Los Angeles County. Furthermore, the Project site has a variety of habitats that have potential to provide foraging and overwintering sites for this candidate species. Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include, soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Ground disturbance and vegetation removal from the Project during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas within and adjacent to the Project site. In addition to potential habitat loss, human disturbance, heavy machinery, and construction activities may result in direct Crotch's bumble bee. The DEIR does not discuss the species or the Project's impact on Crotch's bumble bee. Additionally, the DEIR does not provide species-specific avoidance and minimization measures. Without avoidance, minimization, or mitigation measures, Project activities will result in significant impacts to Crotch's bumble bee.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. In addition, Crotch's bumble bee has a State ranking of S1/S2. This means

that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Lastly, Crotch's bumble bee is listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017). The Project's impact on Crotch bumble bee has yet to be mitigated. Accordingly, the Project continues to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: The DEIR should provide full disclosure of the presence of Crotch's bumble bee within the Project site. The DEIR should analyze the Project's impact on floral resources, nesting habitat, and overwintering habitat for Crotch's bumble bee. Conclusions made in regard to habitat quality and suitability should be substantiated by scientific and factual data, which may include maps, diagrams, and similar relevant information sufficient to permit full assessment of significant impacts by reviewing agencies. Potential direct and indirect impacts on Crotch's should be discussed in the DEIR. If the Project would impact Crotch's bumble bee and its associated habitat, the DEIR should provide measures to avoid and/or mitigate potential impacts to Crotch's bumble bee and habitat supporting the species.

Mitigation Measure #1: If the Project site has suitable foraging or nesting habitat for Crotch's bumble bee, the City should retain a qualified entomologist with the appropriate take authorization to conduct surveys to determine presence/absence. Surveys should be conducted within one year prior to vegetation removal and/or grading throughout the entire Project site by a qualified entomologist familiar with the species' behavior and life history. A minimum of three surveys should also be conducted during peak flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). The qualified entomologist should utilize a non-lethal survey methodology and obtain appropriate photo vouchers for species confirmation (CBBA 2023). During the surveys, the entomologist should flag inactive small mammal burrows and other potential nest sites to reduce the risk of take. Survey results, including negative findings, should be submitted to CDFW prior to obtaining appropriate permits. At minimum, a survey report should provide the following:

a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the

map show surveyor(s) track lines to document that the entire site was covered during field surveys.

b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals; and species searched.
c) Map(s) showing the location of nests/colonies.
d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).

Mitigation Measure #2: If Crotch's bumble bee is detected, the qualified entomologist should identify the location of all nests within and adjacent to the Project site. A 15-meter no disturbance buffer zone should be established around any identified nest(s) to reduce the risk of disturbance or accidental take. A qualified entomologist should expand the buffer zone as necessary to prevent disturbance or take.

Mitigation Measure #3: If Crotch's bumble bee is detected and impacts to Crotch's bumble bee cannot be feasibly avoided, the City should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the

Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.

Mitigation Measure #4: Any floral resource associated with Crotch's bumble bee that will be removed or damaged by the Project should be replaced at no less than 1:1. Floral resources should be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.

Comment #2: Impacts on Mountain Lion (*Puma concolor*)

Issue: The Project may impact suitable habitat for mountain lion (*Puma concolo*r), a candidate CESA-listed species. The DEIR does not discuss or provide mitigation measures to reduce the impact to mountain lion.

Specific impacts: The Project as proposed may impact mountain lion by grading and developing at least 93.5 acres of habitat. The Project may also impact mountain lion by restricting movement corridors, and increasing human presence and associated traffic, noise, and lighting.

Why impacts would occur: The Project is located within the range of the Southern California/Central Coast Evolutionary Significant Unit of mountain lion. As stated in the Biological Resources Assessment prepared for the DEIR, "Placerita Creek may provide movement pathways for mobile species such as mule deer and coyote."

Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap *et al*. 2019). Loss of wildlife connectivity is another the primary driver for the potential demise of the southern California mountain lion population (Yap *et al*. 2019). The SGSB mountain lion population likely has high risk of inbreeding depression and extinction given its low genetic diversity, low effective population size, and patterns of isolation due to roads and development creating movement barriers (Center for Biological Diversity 2019). Conserving and restoring habitat connectivity and corridors is essential for mitigating impacts to mountain lions.

This is especially critical in the face of climate change-driven habitat loss and increased frequency of fires (Yap *et al*. 2019).

Increased frequency of wildfires is also a threat to the survival of the Southern California/Central Coast ESU of mountain lion (Center for Biological Diversity 2019). Increased human activities next to open spaces with natural vegetation increase the likelihood that fires may start and spread to the adjacent Quigley Canyon Open Space. Fire could also result in injury or mortality of mountain lions (Center for Biological Diversity 2019). For instance, After the Woolsey Fire, the body of mountain lion P-64 was found dead with severely burned paws (Center for Biological Diversity 2019).

The DEIR does not discuss the species or the Project's impact on mountain lion. Additionally, the DEIR does not provide species-specific avoidance and minimization measures. Without avoidance, minimization, or mitigation measures, Project activities will result in significant impacts to mountain lion.

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

As to CEQA, the status of mountain lion as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA (CEQA Guidelines, §15380). No mitigation has been proposed for impacts on mountain lion from the Project from the standpoint of habitat loss and encroachment, as well as anthropogenic impacts discussed above.

Accordingly, the Project could have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW. In addition, the Project has a substantial adverse effect on the movement of resident or migratory wildlife species, resident or migratory wildlife corridors, or wildlife nursery sites.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #2: The City should revise the Project's CEQA document in order to provide additional analyses and information on the Project's impact and cumulative effects on mountain lion. The City should discuss the Project's potential impact on mountain lion from the standpoint of the following impacts:

1. Introducing new/additional barriers to dispersal;
2. Constraining wildlife corridors and pinch points leading to severed migration;
3. Provide an analysis of current landscape intactness (current level of development) around the Project site, and how the Project may impact habitat connectivity or impede mountain lion movement across the landscape to remaining adjacent habitats.
4. Use of herbicides, pesticides, and rodenticides.

A cumulative impact analysis should evaluate potential impacts on mountain lion including: the introduction of new/additional barriers to dispersal; constraint of wildlife corridors and pinch points leading to severed migration; habitat loss, fragmentation, and encroachment; and increased human-wildlife interactions.

Mitigation Measure #5: If take or adverse impacts to mountain lion cannot be avoided, the City should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 *et seq*.). The City should comply with the mitigation measures detailed in the take authorization issued by CDFW. The City should provide a copy of a fully executed take authorization prior to the City issuing the Project grading permits and related building permits.

Mitigation Measure #6: The City should prohibit use of any rodenticides and second-generation anticoagulant rodenticides on the property in perpetuity. The City should provide documentation and a plan that rodenticides and second-generation anticoagulant rodenticides will be prohibited.

Comment #3: Impacts on Coastal California Gnatcatcher (*Polioptila californica californica*)

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

Specific impacts: The Project could result in temporary or permanent impacts to coastal California gnatcatcher through alteration or loss of suitable nesting and foraging habitat. Project activities occurring during the breeding and nesting season could also result in the incidental loss of fertile eggs or nestlings.

Why impacts would occur: Coastal California gnatcatcher have potential to occur at the Project site. The DEIR offered protocol presence/absence surveys; however, the document did not offer mitigation for habitat that may be lost or altered due to the construction of the proposed Project. Habitat loss and fragmentation are key factors in population loss and species extinction in a multitude of species (Vandergast 2019).

Nesting sites for coastal California gnatcatcher are often found within sagebrush, buckwheat, or other scrub species located on gentle slopes or drainages (USFWS 1997). The Project site contains approximately 17.5 acres of appropriate coastal sage scrub vegetation which could be impacted by Project activities. Direct and indirect impacts may occur as a result of ground disturbance; vegetation clearing; use of construction equipment and vehicles; increased foot traffic; and introduction of invasive plant species. Species within the potentially impacted natural community include black sage (*Salvia mellifera*), California buckwheat (*Erigonum fasciculatum*), California sagebrush (*Artemisia californica*), big sagebrush (*Artemisia tridentata*), and ashy-leaved buckwheat (*Eriogonum cinereum)*. These plant species and natural communities are vital for the persistence of coastal California gnatcatcher within Los Angeles County. Moreover, the risk of local extirpation is heightened following major habitat disturbances such as fires and drought. Both disturbance events have increased in frequency and severity in southern California.

Evidence impact would be significant: The Project could result in impacts on coastal California gnatcatcher. As an ESA-listed species, gnatcatcher is considered an endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). An SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;

- 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/or,
- has 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 2022b).

CEQA provides protection not only for ESA and CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of coastal California gnatcatcher could require a mandatory finding of significance (CEQA Guidelines, § 15065). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

Thus, the Project may still have 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.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #8: CDFW recommends the continued survey for coastal California gnatcatcher to determine presence/absence within or adjacent to suitable or designated critical habitat in the Project site. The City should retain a qualified biologist with an appropriate USFWS permit to survey the Project site. 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 to be 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. CDFW recommends gnatcatcher surveys be conducted and USFWS notified (per protocol guidance) prior to issuance of a grading permit.

Mitigation Measure #9: If coastal California gnatcatcher is present, the City should consult with the USFWS to determine if the Project would result in take of coastal California gnatcatcher. Consultation with the USFWS, in order to comply

with the ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.

If a take permit from the USFWS is needed, the City should comply with the mitigation measures detailed in a take permit issued from USFWS.

Comment #3: Impacts on Streams and Associated Natural Communities

Issue: The Project may have a significant impact on streams and associated natural communities.

Specific impacts: The Project would result in permanent and/or temporal loss of streams and associated natural communities. Ground-disturbing activities resulting in erosion and earth movement that could impair streams, whether ephemeral, intermittent, or perennial. The Project may require streams to be channelized or diverted from their natural course of flow. The Project may require vegetation along streams to be removed or may degrade vegetation along streams through habitat modification (e.g., loss of water source, encroachment, and edge effects leading to introduction of non-native plants).

Why impacts would occur: According to pages 4.3-6 through 4.3-22 in the DEIR, the Project would impact Placerita Creek and two unnamed ephemeral drainages (western and eastern). A total of 12.08 acres of streambed and associated riparian habitat occur on the Project site. Approximately 4.4 acres of Placerita Creek would be impacted from the proposed Project activities and a combined total of 2.26 acres of permanent impacts to the unnamed ephemeral drainages.

The DEIR provides Mitigation Measure MM-BIO-5 that would require the City to propose compensatory mitigation for temporary and permanent impacts to land subject to the jurisdiction of CDFW at a minimum ratio of 1:1. However, the Project's impact on streams and associated natural communities has yet to be mitigated below a level of significance. First, the Project does not recommend the avoidance of impacts to any streams or propose a setback distance from the streams present on site. In Mitigation Measure MM-BIO-1, the proposed avoidance only pertains to the standard Best Management Practices (BMPs) to prevent hazardous substance leakages into wetlands. It is unclear if and how the Project would be configured to avoid streams and associated natural communities. Second, the construction of a bridge with piers within the streambed, and the installation of undescribed streambank stabilization measures are not sufficiently analyzed in order to fully understand whether these

activities may be considered a substantial impact on streams and associated natural communities. Within Section 4.9 (Hydrology and Water Quality) of the DEIR, there is no discussion specifically addressing how the potential bridge design and bank stabilization measures may permanently alter the existing drainage pattern of Placerita Creek. The introduction of these impervious surfaces to the existing hydrological processes may result in increased scour and deposition of sediment downstream. Additionally, the DEIR did not provide a jurisdictional delineation or impacts analysis for the modifications proposed to the Dockweiler Drive Extension Project, which includes the installation of a pedestrian and bike bridge from the Jan Heidt Newhall Metrolink Station on Railroad Avenue to the future extension of Dockweiler Drive. Lastly, MM-BIO-5 proposes compensatory mitigation at 1:1, which may be insufficient for significant impacts on a regionally diminishing resource that provides significant and essential habitat and migration corridors for wildlife. In addition, 1:1 may be insufficient for impacts on a Sensitive Natural Community adjacent to a stream. A higher ratio may be necessary to compensate for the rarity of the vegetation community, local significance of wetland features, and the uncertainties when creating or restoring vegetation communities and their complex abiotic interactions.

Evidence impacts would be significant: The Project may impact streams and associated natural communities. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 *et seq*. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake[1];
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires an LSA Agreement when a Project activity may substantially adversely affect fish and wildlife resources.

For reasons discussed above, the Project continues to have a substantial

[1] "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

adverse effect on state or federally protected wetland (e.g., marsh, vernal pool, and coastal) through direct removal, filling, hydrological interruption, or other means.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #5: CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/project applicant for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a Project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

CDFW recommends the City incorporate the following recommended mitigation measures into Mitigation Measure MM-BIO-5:

Mitigation Measure #11: The City should notify CDFW pursuant to Fish and Game Code section 1602 for construction and activities occurring near or impacting streams and associated natural communities. The City should notify CDFW prior to any ground-disturbing activities and vegetation removal, including staging, near streams. The notification to CDFW should provide the following information:

1) A stream delineation in accordance with the U.S. Fish and Wildlife Service wetland definition adopted by CDFW[2] (Cowardin et al. 1979);
2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation;

[2] Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and
4) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.

Mitigation Measure #12: If the Project would impact streams and associated natural communities, the City should obtain an LSA Agreement prior to any ground-disturbing activities and vegetation removal, including staging, near streams.

Mitigation Measure #13: The City should provide compensatory mitigation at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per an LSA Agreement.

Comment #4 Impacts on California Species of Special Concern

Issue: The Project may impact species of special concern (SSC).

Specific impacts: Project construction and activities, directly or through habitat modification, may result in direct injury or mortality (trampling, crushing), reduced reproductive capacity, population declines, or local extirpation of an SSC. Loss of foraging, breeding, or nursery habitat for an SSC may also occur as a result of the Project. Moreover, the installation of a bridge structure streambank stabilization of Placerita Creek may diminish on-site and downstream water quality. Increased sediment loads due to these activities may alter hydrologic and geomorphic processes.

Why impacts would occur: According to page 5-2 of the DEIR, the Project area has the potential to support SSC, which includes the following species: yellow warbler (*Setophaga petechia*), burrowing owl (*Athene cunicularia*), coastal California gnatcatcher (*Polioptila californica californica*), loggerhead shrike (*Lanius ludovicianus*), coastal whiptail (*Aspidoscelis tigris stejnegeri*); southern California legless lizard (*Anniella stebbinsi*); coast horned lizard (*Phrynosoma blainvillii*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*).

The Project would require ground disturbance and vegetation removal, likely using heavy equipment. These activities create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. Preconstruction clearance surveys were proposed within the DEIR. However, this measure only minimizes impacts from crushing and burial to species directly within the work area. Likewise, preconstruction clearance surveys may not be done to a level of detail necessary to locate SSC. SSC could be injured or killed due to lack of focus surveys. Impacts on reptiles of SSC are more likely to occur because these are cryptic species that are less mobile during certain times of the day and seek refuge and hide under structures. Further, the DEIR did not provide any mitigation measures to reduce levels of noise, human activity, dust, or ground vibrations to less than significant for SSC in the surrounding area.

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

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is ESA-listed, but not CESA-listed; meets the State definition of threatened or endangered but has not formally been listed;
- 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/or,
- has 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 2022b).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated, through appropriate disclosure of the proposed mitigation measures, below a level of significance.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #14: Species Surveys – The City should retain a qualified biologist(s) with experience surveying for each of the following species: coastal

California gnatcatcher, coastal whiptail, southern California legless lizard, burrowing owl, and coast horned lizard. The qualified biologist(s) should conduct species-specific and season-appropriate surveys where suitable habitat occurs in the Project site. Positive detections of SSC and suitable habitat at the detection location should be mapped. These locations would help to develop more species-specific and location-specific mitigation measures. If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected.

Burrowing Owl. Surveys for burrowing owl should follow the guidelines outlined in the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

Coastal California gnatcatcher. Surveys for coastal California gnatcatcher should follow the Coastal California Gnatcatcher Presence/Absence Survey Guidelines (USFWS 1997).

California legless lizard, coast horned lizard, and coastal whiptail. CDFW recommends the City conduct focus surveys for California legless lizard, coast horned lizard, and coastal whiptail. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for each species. Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Mitigation Measure #15: Relocation and Avoidance Plan – The City should retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan should describe all SSC that could occur within the Project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan should include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the Project site. The qualified biologist should submit a copy of a Wildlife Relocation and Avoidance Plan to CDFW for approval prior to any clearing, grading, or excavation work on the Project site.

Mitigation Measure #16: Worker Awareness Training – The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so.

Mitigation Measure #17: Biological Monitor – To avoid direct injury and mortality of SSC, the City should have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where a SSC is 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 should advise workers to proceed with caution. A qualified biologist should be on site daily during initial ground and habitat disturbing activities as well as vegetation removal. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.

Mitigation Measure #18: Scientific Collecting Permit – The City should retain a qualified biologist 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 2022d). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #4: Impacts on Streams and Associated Natural Communities).

Mitigation Measure #19: Injured or Dead Wildlife – If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the

carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Additional Recommendations

Recommendation #6: CDFW recommends the City revise Mitigation Measure MM-BIO-3 for nesting birds in order to mitigate the Project's impact on nesting birds and raptors below a level of significance. CDFW recommends the City incorporate the following underlined language:

> "Construction activities should occur outside of the bird breeding season (generally February 1 to August 31) to the extent practicable. If construction must occur within the bird breeding season, then no more than three days prior to initiation of ground disturbance and/or vegetation removal, a nesting bird preconstruction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 300-foot ~~100-foot~~ buffer (500 feet for raptors)~~, where feasible~~. If the Proposed Project is phased or construction activities stop for more than one week, a subsequent preconstruction nesting bird survey shall be required prior to each phase of construction.
>
> Preconstruction nesting bird surveys shall be conducted during the time of day when birds are active (typically early morning or late afternoon) and shall factor in sufficient time to perform this survey adequately and completely. A report of the nesting bird survey results, if applicable, shall be submitted to the property owner/developer for review and approval prior to ground and/or vegetation disturbance activities.
>
> If nests are found, their locations shall be flagged. An appropriate avoidance buffer for passerines is generally 300 feet and ~~100 feet and up to~~ 500 feet for raptors~~; however, the buffer distance may be modified by a qualified biologist depending upon the species and the proposed work activity~~. The avoidance buffer shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable material that is clearly visible to construction personnel and heavy equipment operators. Active nests shall be monitored periodically by a qualified biologist until it has been determined that the nest is no longer being used by either the young or adults. No ground disturbance shall occur within this buffer until the qualified biologist confirms that the

breeding/nesting is completed, and all the young have fledged. If no nesting birds are observed during preconstruction surveys, no further actions would be necessary."

Recommendation #7: CDFW recommends the City to provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the off-site improvements associated with the modifications to the Dockweiler Drive Extension Project. Emphasis should be placed upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. The DEIR should include the following information:

a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DPEIR should require individual projects to include measures to fully avoid and otherwise protect sensitive natural communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a State-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level (CDFW 2023);

b) 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 Natural Communities (CDFW 2018);

c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at future project areas and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;

d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by individual projects facilitated under the Project;

e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & Game 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 the use of future project areas should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species specific survey procedures should be developed in consultation with CDFW and the USFWS; and

f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the individual projects may warrant periodic updated surveys for certain sensitive taxa, particularly if buildout could occur over a protracted time frame, or in phases.

Recommendation #8: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (e.g., CNDDB), which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDB by completing and submitting CNDDB Field Survey Forms (CDFW 2022e). Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2022f).

Recommendation #9: CDFW recommends the City revise update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), enforceable through permit conditions, agreements, or other

legally-binding instruments [CEQA Guidelines, § 15126.4(a)(2)], and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The 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, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Nicole Leatherman, Environmental Scientist, at (858) 761-8020 or by email at Nicole.Leatherman@wildlife.ca.gov.

Sincerely,

DocuSigned by:
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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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

South Coast Region
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
REC-1-Impacts on Crotch's Bumble Bee	The DEIR should provide full disclosure of the presence of Crotch's bumble bee within the Project site. The DEIR should analyze the Project's impact on floral resources, nesting habitat, and overwintering habitat for Crotch's bumble bee. Conclusions made in regard to habitat quality and suitability should be substantiated by scientific and factual data, which may include maps, diagrams, and similar relevant information sufficient to permit full assessment of significant impacts by reviewing agencies. Potential direct and indirect impacts on Crotch's should be discussed in the DEIR. If the Project would impact Crotch's bumble bee and its associated habitat, the DEIR should provide measures to avoid and/or mitigate potential impacts to Crotch's bumble bee and habitat supporting the species.	Prior to finalizing CEQA document	The City
REC-2-Impacts on Mountain Lion	The City should revise the Project's CEQA document in order to provide additional analyses and information on the Project's impact and cumulative effects on mountain lion. The City should discuss the Project's	Prior to finalizing CEQA document	The City

	potential impact on mountain lion from the standpoint of the following impacts: 2. Introducing new/additional barriers to dispersal; 3. Constraining wildlife corridors and pinch points leading to severed migration; 5. Habitat loss, fragmentation, and encroachment; 6. Discuss the number or acreage of landscape linkages/landscape blocks within the Project area and adjacent areas. CDFW recommends referencing CDFW's Natural Landscape Blocks dataset (DS 621). 7. Discuss the acreage of mountain lion habitat suitability (a proxy for mountain lion permeability and use) within the Project area and adjacent areas. CDFW recommends referencing CDFW's Mountain Lion Habitat Suitability dataset (DS 2916) and Mountain Lion Predicted Habitat CWHW dataset (DS 2616). 8. Provide an analysis of current landscape intactness (current level of development) around the Project site, and how the Project may impact habitat connectivity or impede mountain lion movement across the landscape to remaining adjacent habitats. 9. Increased human presence, noise, and lighting; 10. Increased fire risk; and, 11. Use of herbicides, pesticides, and rodenticides. A cumulative impact analysis should evaluate potential impacts on mountain lion from multiple spatial scales		

	that should include the City of Santa Clarita, San Gabriel Mountains, range of the Central Coast South mountain lion population, and the range of the Southern California/Central Coast Evolutionarily Significant Unit of mountain lion. Impacts should include introducing new/additional barriers to dispersal; constraining wildlife corridors and pinch points leading to severed migration; habitat loss, fragmentation, and encroachment; and increasing human-wildlife interactions and impacts. Direct and indirect effects of a project shall be clearly identified and described, giving due consideration to both the sort-term and long-term effects. "The discussion should include […] physical changes, alteration to the ecological systems, and changes induced in population distribution, population concentration, and the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes […]" [CEQA Guidelines, § 15126.2(a)]. Also, an EIR "shall discuss cumulative impacts of a project." "A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts" [CEQA Guidelines, §§ 15064(h)(1), 15130].		
REC-3- Mountain Lion Mitigation	The Project's CEQA document should provide mitigation for mountain lion and justify how proposed mitigation would reduce the Project's impact on mountain lion to less than significant. CDFW	Prior to finalizing CEQA document	The City

	recommends the City recirculate the Project's CEQA document for more meaningful public review and assessment of the City's impact analysis and mitigation measures for mountain lion.		
REC-4-Issuance of Incidental Take Permit	Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an Incidental Take Permit for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an Incidental Take Permit. It is important that the take proposed to be authorized by CDFW's Incidental Take Permit be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an Incidental Take Permit. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an Incidental Take Permit.	Prior to finalizing CEQA document	The City
REC-5-CEQA document and CDFW's issuance of an LSA agreement	CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project applicant for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et	Prior to finalizing CEQA document	The City

	seq. and/or under CEQA, a Project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.		
REC-6-Impacts to Nesting Birds	CDFW recommends the City revise Mitigation Measure MM-BIO-3 for nesting birds per the language in the comment letter.	Prior to finalizing CEQA document	The City
REC-7-Baseline Biological Assessment and Impact Analysis	CDFW recommends the City to provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the off-site improvements associated with the modifications to the Dockweiler Drive Extension Project. Emphasis shall be placed upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. The DEIR should include the following information:	Prior to finalizing CEQA document	The City

	a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DPEIR should require individual projects to include measures to fully avoid and otherwise protect sensitive natural communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a State-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level (CDFW 2023); b) 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 Natural Communities (CDFW 2018); c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at future project areas and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should also be used		

	to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions; d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by individual projects facilitated under the Project; e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & Game 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 the use of future project areas should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species specific survey procedures should be developed in consultation with CDFW and the USFWS; and		

	f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the individual projects may warrant periodic updated surveys for certain sensitive taxa, particularly if buildout could occur over a protracted time frame, or in phases.		
REC-8- Submitting Data to CNDDB	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (e.g., CNDDB) which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDB by completing and submitting CNDDB Field Survey Forms (CDFW 2022e). Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2022f).	Prior to finalizing CEQA document	The City
REC-9- Mitigation and Monitoring Reporting Program	CDFW recommends the City revise update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e.,	Prior to finalizing CEQA document	The City

	responsible party, timing, specific actions, location), enforceable through permit conditions, agreements, or other legally-binding instruments [CEQA Guidelines, § 15126.4(a)(2)], and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The 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).		
MM-1-Impacts on Crotch's Bumble Bee – Surveys	If the Project site has suitable foraging or nesting habitat for Crotch's bumble bee, the City should retain a qualified entomologist with the appropriate take authorization to conduct surveys to determine presence/absence. Surveys should be conducted within one year prior to vegetation removal and/or grading throughout the entire Project site by a qualified entomologist familiar with the species' behavior and life history. A minimum of three surveys should also be conducted during peak flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). The qualified entomologist should utilize a non-lethal survey methodology and obtain appropriate photo vouchers for species confirmation (CBBA 2023). During the surveys, the entomologist should flag inactive small	Prior to any ground-disturbing activities and vegetation removal	The City

	mammal burrows and other potential nest sites to reduce the risk of take. Survey results, including negative findings, should be submitted to CDFW prior to obtaining appropriate permits. At minimum, a survey report should provide the following: a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys. b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals; and species searched. c) Map(s) showing the location of nests/colonies. d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).		
MM-2-Impacts on Crotch's	If Crotch's bumble bee is detected, the qualified entomologist should identify the location of all nests within and adjacent to the Project site. A 15-meter no	Prior to any and during ground-	The City

Bumble Bee – Entomologist	disturbance buffer zone should be established around any identified nest(s) to reduce the risk of disturbance or accidental take. A qualified entomologist should expand the buffer zone as necessary to prevent disturbance or take.	disturbing activities and vegetation removal	
MM-3-Impacts on Crotch's Bumble Bee – Take authorization	If Crotch's bumble bee is detected and impacts to Crotch's bumble bee cannot be feasibly avoided, the City should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a	Prior to any ground-disturbing activities and vegetation removal	The City

	CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.		
MM-4- Impacts on Crotch's Bumble Bee – Replacement Resources	Any floral resource associated with Crotch's bumble bee that will be removed or damaged by the Project should be replaced at no less than 1:1. Floral resources should be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.	Prior to any ground-disturbing activities and vegetation removal	The City
MM-5- Incidental Take Permit for Mountain Lion	If take or adverse impacts to mountain lion cannot be avoided, the City should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 *et seq*.). The City should comply with the mitigation measures detailed in the take authorization issued by CDFW. The City should provide a copy of a fully executed take authorization prior to the City issuing the Project grading permits and related building permits.	Prior to the issuance of grading permits.	The City

MM-6-Prohibit Use of Rodenticides	The City should prohibit use of any rodenticides and second-generation anticoagulant rodenticides on the property in perpetuity. The City should provide documentation and a plan that rodenticides and second-generation anticoagulant rodenticides will be prohibited.	Prior to the issuance of grading permits.	The City
MM-7-Trash Receptacles	The City should place all community trash receptacles in areas that would not create an unnatural food source that may attract nuisance wildlife and to minimize waste and pollution in natural areas and open space.		The City
MM-5-Impacts on CAGN – Protocol Surveys	CDFW recommends the continued survey for coastal California gnatcatcher to determine presence/absence within or adjacent to suitable or designated critical habitat in the Project site. The City should retain a qualified biologist with an appropriate USFWS permit to survey the Project site. 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 to be 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. CDFW recommends gnatcatcher surveys be conducted and USFWS notified (per protocol guidance) prior to issuance of a grading permit.	Prior to any ground-disturbing activities and vegetation removal	The City

MM-6-Impacts on CAGN – Take Permit	If coastal California gnatcatcher is present, the City should consult with the USFWS to determine if the Project would result in take of coastal California gnatcatcher. Consultation with the USFWS, in order to comply with the ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher. If a take permit from the USFWS is needed, the City should comply with the mitigation measures detailed in a take permit issued from USFWS.	Prior to any ground-disturbing activities and vegetation removal	The City
MM-7-Impacts on CAGN – Replacement Habitat	If the Project would result in permanent loss of habitat, the City should provide replacement habitat at no less than 2:1 for the total acreage of habitat that is impacted. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed by the City prior to any ground-disturbing activities or vegetation removal.	Prior to any ground-disturbing activities and vegetation removal	The City
MM-8-Lake and Streambed Alteration	The City should notify CDFW pursuant to Fish and Game Code section 1602 for construction and activities occurring near or impacting streams and associated natural communities. The City should notify CDFW prior	Prior to any ground-disturbing activities	The City

Notification – Streambeds	to any ground-disturbing activities and vegetation removal, including staging, near streams. The notification to CDFW should provide the following information: 1) A stream delineation in accordance with the U.S. Fish and Wildlife Service wetland definition adopted by CDFW[3] (Cowardin et al. 1979); 2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation; 3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and, 4) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under	and vegetation removal	

[3] Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

	pre-Project and post-Project conditions.		
MM-9-Lake and Streambed Alteration Agreement - Streambeds	If the Project would impact streams and associated natural communities, the City should obtain an LSA Agreement prior to any ground-disturbing activities and vegetation removal, including staging, near streams.	Prior to any ground-disturbing activities and vegetation removal	The City
MM-10-Compensatory Mitigation – Streambeds	The City should provide compensatory mitigation at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per an LSA Agreement.	Prior to any ground-disturbing activities and vegetation removal	The City
MM-11-SSC Surveys	The City should retain a qualified biologist(s) with experience surveying for each of the following species: coastal California gnatcatcher, coastal whiptail, southern California legless lizard, burrowing owl, and San Diego black-tailed jackrabbit. The qualified biologist(s) should conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Positive detections of SSC and suitable habitat at the detection location should be mapped. These locations would help to develop more species-specific and location-specific mitigation measures. If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected.	Prior to any ground-disturbing activities and vegetation removal	The City

	Burrowing Owl. Surveys for burrowing owl should follow the guidelines outlined in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). Coastal California gnatcatcher. Surveys for coastal California gnatcatcher should follow the Coastal California Gnatcatcher Presence/Absence Survey Guidelines (USFWS 1997). California legless lizard and coastal whiptail. CDFW recommends the City conduct focus surveys for California legless lizard and coastal whiptail. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for each species. Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.		
MM-12-Relocation and Avoidance Plan	The City should retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan should describe all SSC that could occur within the Project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan should include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the Project site. The qualified	Prior to any ground-disturbing activities and vegetation removal	The City

	biologist should submit a copy of a Wildlife Relocation and Avoidance Plan to CDFW for approval prior to any clearing, grading, or excavation work on the Project site.		
MM-13-WEAP	The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so	Prior to any ground-disturbing activities and vegetation removal	The City
MM-14-Biological Monitor	To avoid direct injury and mortality of SSC, the City should have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where a SSC is 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 should advise workers to proceed with caution. A qualified biologist should be on site daily during initial ground and habitat disturbing activities as well as vegetation removal. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.	During ground-disturbing activities and vegetation removal	The City

MM-15-Scientific Collecting Permit	The City should retain a qualified biologist 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 2022d). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #4: Impacts on Streams and Associated Natural Communities).	Prior to any ground-disturbing activities and vegetation removal	The City
MM-16-Injured or Dead Wildlife	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should	During ground-disturbing	The City

	be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	activities and vegetation removal	