



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



May 13, 2022

Mr. Michael Conger  
County of Ventura  
800 S. Victoria Avenue L#1740  
Ventura, CA 93009  
[Michael.Conger@ventura.org](mailto:Michael.Conger@ventura.org)



**Subject: Sandefer Residents Planned Development, Mitigated Negative Declaration, SCH No. 2022040259; City of Thousand Oaks, Ventura County**

Dear Mr. Conger:

The California Department of Fish and Wildlife (CDFW) has reviewed Ventura County's (County) Mitigative Negative Declaration (MND) for the Sandefer Residents Planned Development (Project). The County, as Lead Agency, prepared a MND pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the 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 or be subject to Fish and Game Code.

### **CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game 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). CDFW is also directed to provide 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 (Public 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 & Game Code, § 1600 et seq.). To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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## **Project Description and Summary**

**Objective:** The County of Ventura is proposing the development of two single-family residential units in the community of Lake Sherwood. The property is comprised of three lots and the two residences will be built adjacent to each other on adjoining lots. The lots comprise 0.82 acres of land and the development area totals 0.35 acres. The development will include a retaining wall around the properties that will total 456 linear feet and vary from ten to six feet in height. Development of the area will result in the removal of 1-2 protected coast live oaks (*Quercus agrifolia*) and the encroachment into the tree protected zones (TPZ) of several other coast live oaks.

**Location:** Development will be in the Lake Sherwood community in an unincorporated area of Ventura County. The Project site is surrounded by scattered open space and residential units. Lake Sherwood is immediately south of the development.

## **Comments and Recommendations**

CDFW offers the comments and recommendations below to assist the County in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct and indirect impacts on fish and wildlife biological resources based on the planned activities of this proposed Project. CDFW recommends the measures below be included in a science-based monitoring program with adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097). Additional comments or other suggestions may also be included to improve the document.

### **Specific Comments**

#### **Comment #1: Impacts to San Diego Desert Woodrat (*Neotoma lepida intermedia*)**

**Issue:** Project activities may impact San Diego desert woodrat (woodrat), a Species of Special Concern (SSC).

**Specific Impacts:** Ground-clearing and construction-activities could lead to the direct mortality of a listed species or SSC. The loss of occupied habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact if absent of appropriate mitigation.

**Why impacts would occur:** An undisclosed number of woodrat middens have been identified on the Project site. Threats to this species are largely caused by loss of habitat in California. Populations may be impacted by habitat loss to agricultural and urban development, isolation and fragmentation of habitats, and wildfires, especially in cactus areas. A large percentage of desert woodrat habitat has been lost in southern California due to increased fire frequency and severity. Additionally, climate change has increased stressors on the woodrat and individuals may not reproduce during harsh drought years (RCA 2021).

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**Evidence impacts would be significant:** CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

**Mitigation Measure #1:** To disclose impacts to woodrat within the MND, CDFW recommends focused surveys within the Project(s) area. Additional surveys will more reliably determine what species are present so CDFW can make informed recommendations as to avoidance, minimization, and mitigation measures. Thirty days prior to construction activities in grassland and scrub vegetation a qualified biologist should conduct a survey within the proposed construction disturbance zone and within 200 feet of the disturbance zone for woodrat. A biologist with a California Department of Fish and Wildlife Scientific Collecting Permit, should survey suitable habitat for woodrats within areas that will be subject to land clearing activities, and within 50 feet of areas that will be subject to land clearing activities 14 days prior to the initiation of land clearing or construction activities. If the qualified biologist does not find any nests, then no further action is required.

**Mitigation Measure #2:** If active woodrat nests are identified within the disturbance zone or within 100 feet of the disturbance zone, a fence should be erected around the nest site (50-foot buffer). Adequate space should be provided for sufficient foraging habitat at the discretion of the qualified biologist in consultation with CDFW. If young are present, clearing and construction within the fenced area should be postponed or halted until young have left the nest. Relocation or disturbance of wood rat midden areas should not occur during the peak nesting season (October-August). The biologist should serve as a construction monitor during those periods when disturbance activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur.

Avoidance is the preferred method of mitigation; the following steps should be taken:

1. Wildlife exclusion fencing that does not pose an entanglement hazard should be installed around land clearing activities where middens are detected within 50 feet of the project footprint.
2. Middens located within 25 feet of land clearing activities should be roped off and clearly marked with high visibility flagging. The barrier will not be placed more than 15 feet from the midden.

**Mitigation Measure #3:** If the minimum fencing distance cannot be achieved and the middens cannot be protected and/or avoided, the qualified biologist in consultation with CDFW, will select the location of artificial midden sites according to the following instructions:

1. The entire midden site, including the aboveground midden and the below ground basement area, will be carefully examined to ensure that no adults or young are present before the midden is dismantled and the basement filled in.
2. The midden will be dismantled by hand, removing the materials layer by layer. All salvageable midden materials will be relocated and incorporated (as needed) or placed adjacent to the artificial midden. Each occupied nest will then be disturbed by a qualified wildlife biologist until all woodrats leave the nest and seek refuge off site. These

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disturbances will be followed by a period of one night without further disturbance to allow woodrats to vacate the nest; and

3. To ensure that the maximum number of individuals are relocated humane trapping should also be employed. Trapping should occur over the course of three nights during August-September when woodrats are most active. The traps should be baited with oatmeal, peanut butter, and apple and will contain synthetic batting for use as nesting material. Traps will be checked the following morning within 1 hour following sunrise (if temperatures are mild enough to allow them to be left in traps overnight). Traps containing woodrats will be placed facing the entrance of relocated middens and opened, allowing the woodrats to leave the traps on their own accord. Each release site will be monitored for approximately 1 hour after each woodrat is released to determine the short-term success rate of the artificial middens.
4. Midden locations should include but not be limited to cactuses, dense understory and overstory cover (ideally 90 percent cover), and near a tree or other "core element" (e.g., a stump, large log, rock, rock outcrop), and outside of drainage channels. Artificial middens should be placed in a clustered pattern relative to adjacent natural middens (when present) and no further than 550 feet of the project footprint. Relocated nests should not be spaced closer than 100 feet apart, unless a qualified wildlife biologist has determined that a specific habitat can support a higher density of nests. The applicant should document all woodrat nests moved and provide a written report to CDFW. Artificial middens should be installed at a 2:1 ratio.

All woodrat relocation should be conducted by a qualified biologist in possession of a scientific handling and collecting permit. The relocation or disturbance of wood rat midden areas are prohibited during the peak nesting season (October 1-May 31). The Permittee should conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities and construction in such a way as to minimize impacts to woodrats (CDFW 2022).

#### **Comment #2: Survey Protocols for Special-Status Wildlife:**

**Issue:** Surveys are needed to confirm/deny presence of special-status birds and reptiles.

**Specific Impacts:** Ground clearing, and construction activities could lead to the direct mortality of a listed species or species of special concern. The loss of occupied habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact if absent of appropriate mitigation.

**Why impacts would occur:** The proposed Project may impact special status species. As such, we recommend including special-status protocol survey language as avoidance, minimization and/or mitigation measure(s). A lack of protocol surveys will likely lead to impacts to a variety of sensitive species. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival.

**Evidence impact would be significant:** CDFW considers impacts to CESA-listed species and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

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**The following mitigation measures are suggested by CDFW for impacts to nesting birds:**

**Mitigation Measure #1:** To protect nesting passerine birds that may occur on-site, CDFW recommends that no construction should occur from February 1 through September 15. If construction is unavoidable during February 1 through September 15, surveys should be conducted for nesting bird activity within 7 days prior to Project activities. Surveys should be conducted by a qualified biologist to determine presence of active bird nests of special status bird species. Surveys will occur in the construction zone and within 500 feet of the site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.

**Mitigation Measure #2:** If any nests of passerine birds are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 300-foot radius during project construction. If active nests are found, all construction must be postponed or halted until the biologist determined the nest is vacated, juveniles have fledged, and no evidence of a second nesting attempt is observed. The biologist should serve as a construction monitor during periods of construction occur near the active nest areas to ensure that no inadvertent impacts occur.

**The following mitigation measures are suggested by CDFW for impacts to raptors:**

**Mitigation Measure #1:** To protect nesting birds of prey that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction should occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist should complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

**Mitigation Measure #2:** CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of Project, due to the presence of suitable habitat.

**The following mitigation measures are suggested by CDFW for impacts to reptiles:**

**Mitigation Measure #1:** To disclose impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species likely to occur within a Project(s) area. Additional surveys will more reliably determine what species are present so CDFW can make informed

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recommendations as to avoidance, minimization, and mitigation measures. 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 #2:** Prior to any Project activities, a relocation plan (Plan) should be developed by a qualified biologist familiar with the respective reptile in consultation with CDFW. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for the species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals; and the County coordinate with CDFW and/or the U.S. Fish and Wildlife Service (USFWS) prior to any ground disturbing activities within potentially occupied habitat.

### **Comment #3: Spreading Invasive Pests and Diseases**

**Issue:** CDFW is concerned that the MND does not describe procedures for disposal of removed trees which may be infested with invasive pests and disease.

**Specific impacts:** The Project proposes to remove an unspecified amount of vegetation. Improper disposal of vegetation may result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks and other trees in California which support a high biological diversity including special status species. The environmental document should address the presence or absence of goldspotted oak borer (*Agrilus auroguttatus*), Polyphagus shot-hole borer (*Euwallacea* sp.), and thousand canker fungus (*Geosmithia morbida*) in on-site trees and, if present, describe how any effected trees would be disposed of as part of the Project.

**Why impacts would occur:** Within the Arborist Report are the results of the tree surveys conducted in 2018 and 2020. Within report the arborist graded the trees from A-F for both health and vigor. In addition, the arborist also noted if signs of insects/mites presence were observed. Of the six coast live oaks that were assessed, five showed signs of insect presence. Tree number 91, which is planned to be removed, revealed presence of insect borers in the trunk. Thus, the Project may remove tree species that could host insect pests and diseases. Trees will be removed and presumably hauled to off-site locations for disposal thereby potentially exposing off-site oak and other tree species to infestation and disease.

**Evidence impact would be significant:** The Project may have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. The Project may result in a substantial adverse 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 or USFWS that are dependent on habitats susceptible to insect and disease pathogens.

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**Mitigation Measure #1:** CDFW recommends the County/Applicant work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (<https://thousandcankers.com/>), Polyphagous shot hole borer (<https://ucanr.edu/sites/eskalenlab/?file=index.html>), and goldspotted oak borer (<http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease.

**Mitigation Measure #2:** If invasive pests and/or diseases are detected, the County/Applicant should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management plan should be submitted to CDFW for review and included as an appendix in the final environmental document.

#### **Comment #4: Impacts to Non-Game Mammals and Wildlife**

**Issue:** Wildlife may still move through the Project site during the daytime or nighttime. CDFW is concerned that any wildlife potentially moving through or seeking temporary refuge on the Project site may be directly impacted during Project activities and construction. Any final fence, or other design features, design should allow for wildlife movement.

**Specific impacts:** Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. This could result in wildlife and bird mortality. Furthermore, depending on the final fencing design, the Project may cumulatively restrict wildlife movement opportunity.

**Why impacts would occur:** Direct impacts to wildlife may occur from: ground disturbing activities (e.g., staging, access, excavation, grading); wildlife being trapped or entangled in construction materials and erection of restrictive fencing; and wildlife could be trampled by heavy equipment operating in the Project site.

**Evidence impact would be significant:** Mammals occurring naturally in California are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1).

**Recommended Potentially Feasible Mitigation Measure(s):** CDFW recommends the following four mitigation measures to avoid and minimize direct impacts to wildlife during Project construction and activities.

**Mitigation Measure #1:** If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide

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(<https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf>) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards.

**Mitigation Measure #2:** To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility should be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

**Mitigation Measure #3:** Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

### **Additional Recommendations**

Fuel Modification. If the Project includes fuel modification, CDFW recommends that the final environmental document include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

### **Filing Fees**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County 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 County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County 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 Angela Castanon, Environmental Scientist, at [Angela.Castanon@wildlife.ca.gov](mailto:Angela.Castanon@wildlife.ca.gov)

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Sincerely,

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

ec: CDFW

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

**References:**

- CDFW. 2022. Standard Mitigation Measure- SD Desert Woodrat. 2022. Unpublished.  
Hinshaw, J.M., Holmstead, G.L., Cypher, B.L., Anderson D.C. 1998. Effects of Simulated Field Disturbance and Topsoil Salvage on *Eristrium Hooveri*. Accessed from: <http://www.jstor.org/stable/41425279>
- [RCA] Regional Conservation Authority, Western Riverside County. 2021. Species of the Month: San Diego Desert Woodrat. Accessed from: [PowerPoint Presentation \(wrc-rca.org\)](http://wrc-rca.org/PowerPoint%20Presentation)
- [TCD] Thousand Cankers Disease. 2021. What is Thousand Cankers? Available from: <https://thousandcankers.com/>
- [UCCE] UC California Cooperative Extension. 2022. Eskalen's Lab. Available from: <https://ucanr.edu/sites/eskalenlab/?file=index.html>
- [UCIPM] UC Integrated Pest Management Program. 2021. Goldspotted Oak Borer. Available from: <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>



State of California – Natural Resources Agency  
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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. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

| <b>Biological Resources (BIO)</b>                                |  |  |                                 |
|--|--|--|---------------------------------|
| <b>Mitigation Measure (MM) or Recommendation (REC)</b>           |  | <b>Timing</b>                                | <b>Responsible Party</b>        |
| <b>MM-BIO-1-<br/>Impacts to San<br/>Diego Desert<br/>Woodrat</b> | To disclose impacts to San Diego desert woodrat (woodrat) within the MND, CDFW recommends focused surveys for species likely to occur within a Project(s) area. Additional surveys will more reliably determine what species are present so CDFW can make informed recommendations as to avoidance, minimization, and mitigation measures. Thirty days prior to construction activities in grassland and scrub vegetation a qualified biologist should conduct a survey within the proposed construction disturbance zone and within 200 feet of the disturbance zone for woodrat. A County-approved biologist with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, should survey suitable habitat for woodrats within areas that will be subject to land clearing activities, and within 50 feet of areas that will be subject to land clearing activities 14 days prior to the initiation of land clearing or construction activities. If the qualified biologist does not find any nests, then no further action is required. | Prior to Project construction and activities | County of Ventura/<br>Applicant |
| <b>MM-BIO-2-<br/>Impacts to San</b>                              | If active woodrat nests are identified within the disturbance zone or within 100 feet of the disturbance zone, a fence should be erected around the nest site adequate to provide the woodrat sufficient foraging habitat at the discretion of the qualified biologist in  | Prior to Project construction and activities | County of Ventura/<br>Applicant |

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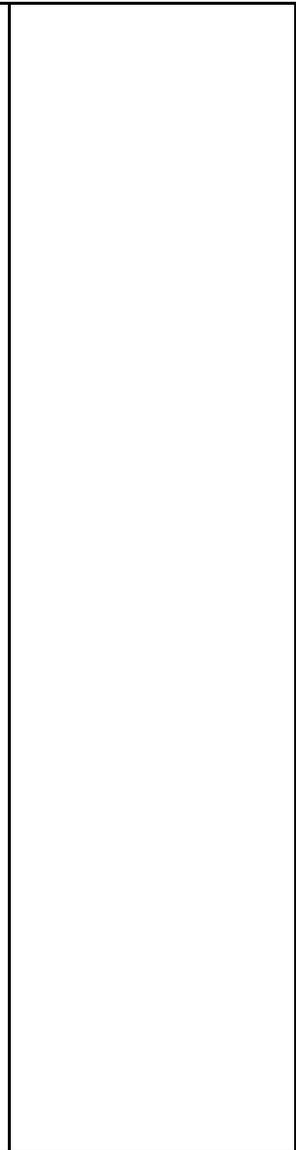
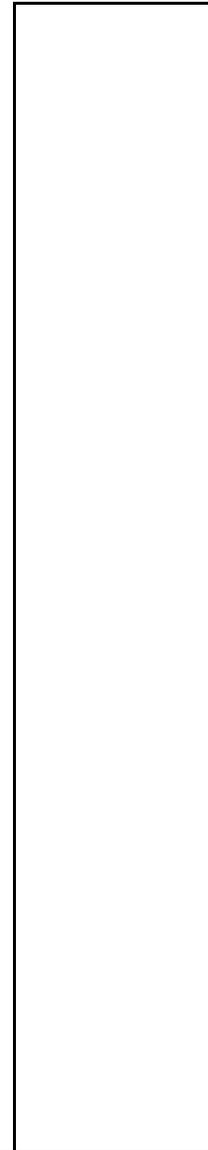
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| <p><b>Diego Desert Woodrat</b></p>                          | <p>consultation with CDFW. If young are present, clearing and construction within the fenced area will be postponed or halted until young have left the nest. The relocation or disturbance of wood rat midden areas are prohibited during the peak nesting season (October-August). The biologist should serve as a construction monitor during those periods when disturbance activities will occur near active nest areas to ensure that no inadvertent impacts to these nests will occur. Avoidance is the preferred method of mitigation; the following steps should be taken:</p> <ol style="list-style-type: none"> <li>1. Wildlife exclusion fencing that does not pose an entanglement hazard should be installed around land clearing activities where middens are detected within 50 feet of the project footprint.</li> <li>2. Middens located within 25 feet of land clearing activities should be roped off and clearly marked with high visibility flagging. The barrier will not be placed more than 15 feet from the midden.</li> </ol> |   |   |
| <p><b>MM-BIO-3- Impacts to San Diego Desert Woodrat</b></p> | <p>If the minimum fencing distance cannot be achieved and the middens cannot be protected and/or avoided, the qualified biologist in consultation with CDFW, will select the location of artificial midden sites according to the following instructions:</p> <ol style="list-style-type: none"> <li>1. The entire midden site, including the aboveground midden and the below ground basement area, will be carefully examined to ensure that no adults or young are present before the midden is dismantled and the basement filled in.</li> <li>2. The midden will be dismantled by hand, removing the materials layer by layer. All salvageable midden materials will be relocated and incorporated (as needed) or placed adjacent to the artificial midden. Each occupied nest will then be disturbed by a qualified wildlife biologist until all woodrats leave the nest and seek refuge off site. These</li> </ol>  | <p>Prior to Project construction and activities</p> | <p>County of Ventura/<br/>Applicant</p> |

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- disturbances will be followed by a period of one night without further disturbance to allow woodrats to vacate the nest; and
3. To ensure that the maximum number of individuals are relocated humane trapping should also be employed. Trapping should occur over the course of three nights during August-September when woodrats are most active. The traps should be baited with oatmeal, peanut butter, and apple and will contain synthetic batting for use as nesting material. Traps will be checked the following morning within 1 hour following sunrise (if temperatures are mild enough to allow them to be left in traps overnight). Traps containing woodrats will be placed facing the entrance of relocated middens and opened, allowing the woodrats to leave the traps on their own accord. Each release site will be monitored for approximately 1 hour after each woodrat is released to determine the short-term success rate of the artificial middens.
  4. Midden locations should include but not be limited to cactuses, dense understory and overstory cover (ideally 90 percent cover), and near a tree or other "core element" (e.g., a stump, large log, rock, rock outcrop), and outside of drainage channels. Artificial middens should be placed in a clustered pattern relative to adjacent natural middens (when present) and no further than 550 feet of the project footprint. Relocated nests should not be spaced closer than 100 feet apart, unless a qualified wildlife biologist has determined that a specific habitat can support a higher density of nests. The applicant should document all woodrat nests moved and provide a written report to CDFW. Artificial middens should be installed at a 2:1 ratio.

All woodrat relocation should be conducted by a qualified biologist



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|   |   |   |   |
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|   | <p>in possession of a scientific handling and collecting permit. The relocation or disturbance of wood rat midden areas are prohibited during the peak nesting season (October 1-May 31). The Permittee should conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities and construction in such a way as to minimize impacts to woodrats (CDFW 2022).</p> <p>All woodrat relocation should be conducted by a qualified biologist in possession of a scientific handling and collecting permit. The relocation or disturbance of wood rat midden areas are prohibited during the peak nesting season (October 1-May 31). The Permittee should conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities and construction in such a way as to minimize impacts to woodrats.</p> |   |   |
| <p><b>MM-BIO-4-<br/>Surveys for<br/>Nesting Birds</b></p>               | <p>To protect nesting passerine birds that may occur on-site, CDFW recommends that no construction should occur from February 1 through September 15. If construction is unavoidable during February 1 through September 15, surveys should be conducted for nesting bird activity within 7 days prior to Project activities. Surveys should be conducted by a qualified biologist to determine presence of active bird nests of special status bird species. Surveys will occur in the construction zone and within 500 feet of the site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.</p>  | <p>Prior to<br/>Project<br/>construction<br/>and activities</p> | <p>County of Ventura/<br/>Applicant</p> |
| <p><b>MM-BIO-5-<br/>Surveys for<br/>Nesting<br/>Passerine Birds</b></p> | <p>If any nests of passerine birds are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 300-foot radius during project construction. If active nests are found, all construction must be postponed or halted until the biologist determined the nest is vacated, juveniles have fledged, and no evidence of a second nesting attempt is observed. The biologist should serve as a construction monitor during periods of construction occur near the active nest areas to ensure that no inadvertent impacts occur.</p>  | <p>Prior to<br/>Project<br/>construction<br/>and activities</p> | <p>County of Ventura/<br/>Applicant</p> |

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| <p><b>MM-BIO-6-<br/>Surveys for<br/>Nesting Raptors</b></p>            | <p>To protect nesting birds of prey that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction should occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist should complete surveys for nesting bird activity the orders <i>Falconiformes</i> and <i>Strigiformes</i> (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.</p> | <p>Prior to Project construction and activities</p> | <p>County of Ventura/<br/>Applicant</p> |
| <p><b>MM-BIO-7-<br/>Surveys for<br/>Nesting Raptors</b></p>            | <p>CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish &amp; G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully-protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of Project, due to the presence of suitable habitat.</p>   | <p>Prior to Project construction and activities</p> | <p>County of Ventura/<br/>Applicant</p> |
| <p><b>MM-BIO-8-<br/>Impacts to<br/>Special-Status<br/>Reptiles</b></p> | <p>To disclose impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species likely to occur within a Project(s) area. Additional surveys will more reliably determine what species are present so CDFW can make informed recommendations as to avoidance, minimization, and mitigation measures. Surveys should typically be scheduled during the summer months (June and July) when these animals are most</p>  | <p>Prior to Project construction and activities</p> | <p>County of Ventura/<br/>Applicant</p> |

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|   | 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.  |   |                                 |
| <b>MM-BIO-9-<br/>Impacts to<br/>Special-Status<br/>Reptiles</b> | Prior to any Project activities, a relocation plan (Plan) should be developed by a qualified biologist familiar with the respective reptile in consultation with CDFW. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for the species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals; and the County coordinate with CDFW and/or USFWS prior to any ground disturbing activities within potentially occupied habitat.  | Prior to<br>Project<br>construction<br>and activities | County of Ventura/<br>Applicant |
| <b>MM-BIO-10-<br/>Invasive Pests<br/>and Diseases</b>           | CDFW recommends the County/Applicant work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus ( <a href="https://thousandcankers.com/">https://thousandcankers.com/</a> ), Polyphagous shot hole borer ( <a href="https://ucanr.edu/sites/eskalenlab/?file=index.html">https://ucanr.edu/sites/eskalenlab/?file=index.html</a> ), and goldspotted oak borer ( <a href="http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html">http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html</a> ). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease. | Prior to<br>Project<br>construction<br>and activities | County of Ventura/<br>Applicant |

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| <b>MM-BIO-11-<br/>Invasive Pests<br/>and Diseases</b>                   | If invasive pests and/or diseases are detected, the County/Applicant should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management plan should be submitted to CDFW for review and included as an appendix in the final environmental document.  | Prior to<br>Project<br>construction<br>and activities            | County of Ventura/<br>Applicant |
| <b>MM-BIO-12-<br/>Impacts to Non-<br/>Game Mammals<br/>and Wildlife</b> | If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide ( <a href="https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf">https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf</a> ) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards. | Prior to/<br>During<br>Project<br>construction<br>and activities | County of Ventura/<br>Applicant |
| <b>MM-BIO-13-<br/>Impacts to Non-<br/>Game Mammals<br/>and Wildlife</b> | To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility should be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way.<br><br>It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.  | During<br>Project<br>construction<br>and activities              | County of Ventura/<br>Applicant |

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| <b>MM-BIO-14-<br/>Impacts to Non-<br/>Game Mammals<br/>and Wildlife</b> | Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.  | Prior to/During construction and activities  | County of Ventura/<br>Applicant |
| <b>REC-1-<br/>Fuel<br/>Modification</b>                                 | If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants. | Prior to Project construction and activities | County of Ventura/<br>Applicant |
| <b>REC-2-<br/>Mitigation and<br/>Monitoring</b>                         | Per Public Resources Code section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.   | Prior to construction and activities         | County of Ventura/<br>Applicant |