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SENT BY EMAIL ONLY

April 11, 2023

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**Subject: East San Gabriel Valley Area Plan, Draft Programmatic Environmental Impact Report, SCH #2022040512, Los Angeles County Department of Regional Planning, Los Angeles County**

Dear Ms. Kim:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Programmatic Environmental Impact Report (DPEIR) from the Los Angeles County Department of Regional Planning (DRP) for the East San Gabriel Valley Area Plan (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW's Role**

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

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

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## Project Description and Summary

**Objective:** The proposed Project is the implementation of the East San Gabriel Valley Area Plan (ESGVAP). The ESGVAP is a long-range policy document that aims to support growth, development, and maintenance of 24 unincorporated communities in the East San Gabriel Valley. The Project is an extension of the Los Angeles County General Plan with a focus on the characteristics and needs of 24 unincorporated communities. The Project will entail six elements and 15 community specific chapters with goals, policies, and actions that will be implemented and enforced. In addition, a general plan amendment, land use changes, zoning changes, and advanced planning amendments will be implemented through adoption of the ESGVAP. Zoning changes will be targeted within a one-mile radius of major transit stops and near high-quality transit corridors. To strengthen the unincorporated communities and successfully execute the Project, the following components will need to be implemented:

- Amend the Los Angeles General Plan to update, reorganize, and incorporate the existing Rowland Heights Community Plan and Hacienda Heights Community Plan as community chapters within the Project;
- Adjust the boundary of the ESGV Planning Area to include South El Monte, Pellissier Village, and North Whittier;
- Establish the proposed Project for the unincorporated communities in the ESGV Planning Area;
- Update existing zoning and land use designations to ensure consistency between the proposed Project and the General Plan land use policy map;
- Amend Title 22 to make changes to the existing zoning map;
- Incorporate the proposed rezoning as identified in the Housing Element 2021-2029;
- Rezone agricultural zones that are developed with residential uses from light agriculture to an appropriate residential zone;
- Reassess and revise the Rowland Heights Community Standards District to bring it into conformance with the proposed Project;
- Adjust the boundaries of Avocado Heights and the Trailside Ranch Equestrian Districts to create a consolidated equestrian district; and
- Establish an area-wide overlay to regulate height, ridgelines, and public communal space in new development.

There are three alternatives to the proposed Project. Alternative 1 proposes a No Project Alternative. Under Alternative 1, the existing conditions and planned development within the unincorporated communities will remain the same. No general plan amendment, land use changes, zoning changes, and advanced planning amendment will occur. Alternative 2 proposes a 0.5-Mile Transit Planning Radius Alternative. Under Alternative 2, the proposed changes described in the proposed Project will be implemented with the exception of a decreased transit planning radius. The transit planning radius will be reduced from a one-mile radius to a 0.5-mile radius. Alternative 3 proposes a 0.25-Mile Transit Planning Radius Alternative. Similar to Alternative 2, the proposed amendments for the 24 unincorporated communities will apply with the exception of a decreased transit planning radius. The transit centers and high-quality transit areas will be reduced to a 0.25-mile planning radius for both. As a result, the ESGV Planning Area will be reduced by approximately 75 percent under Alternative 3. The proposed Project and Alternatives do not approve any specific project-level development or construction activities.

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**Location:** The ESGV Planning Area encompasses 51.29 square miles of unincorporated communities within the easternmost portions of Los Angeles County. The Project site is generally located south of the Angeles National Forest, north of the Orange County border, east of Interstate 605, and west of the San Bernardino County line. The Project area is comprised of the following 24 unincorporated communities: Avocado Heights, Charter Oak, Covina Islands, East Azusa, East Irwindale, East San Dimas, Glendora Islands, Hacienda Heights, North Claremont, North Pomona, Northeast La Verne, Northeast San Dimas, Rowland Heights, South Diamond Bar, South San Jose Hills, South Walnut, Valinda, Walnut Islands, West Claremont, West Puente Valley, West San Dimas, Pellissier Village, unincorporated South El Monte, and unincorporated North Whittier.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist DRP 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 to Crotch's Bumble Bee

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

**Specific impacts:** Individual projects facilitated under the Project may result in temporal or permanent loss of suitable nesting and foraging habitat of Crotch's bumble bee. Construction and ground-disturbing activities of future projects may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

**Why impacts would occur:** According to the Appendix E California Natural Diversity Database (CNDDDB) Search Results, there are several recorded observations of Crotch's bumble bee within the ESGV Planning Area. In addition, over 100 observations of Crotch's bumble bee have been recorded on [iNaturalist](#) throughout Los Angeles County (iNaturalist 2023). Furthermore, the ESGV Planning Area 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 individual projects 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 mortality of Crotch's bumble bee. The DPEIR does not discuss the species and the Project's impact on Crotch's bumble bee. Additionally, the DPEIR

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does not provide species-specific avoidance and minimization measures. Without sufficient avoidance, minimization, or mitigation measures, buildout of the ESGVAP may result in significant impacts to Crotch's bumble bee.

**Evidence impacts 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. The Project may also reduce the number and range of the species without considering the likelihood that special-status species on adjacent and nearby natural lands may rely upon the habitat that occurs in the ESGV Planning Area. 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) Required for Individual Projects Facilitated by the ESGVAP:**

**Recommendation #1:** The DPEIR should provide full disclosure of the presence of Crotch's bumble bee within the ESGV Planning Area. The DPEIR 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 DPEIR. If individual projects facilitated by the Project would impact Crotch's bumble bee and its associated habitat, the DPEIR should provide measures to avoid and/or mitigate potential impacts to Crotch's bumble bee and habitat supporting the species.

**Mitigation Measure #1:** For individual projects that have suitable foraging or nesting habitat for Crotch's bumble bee, the project applicant 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

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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, project applicants 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 individual projects 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.

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## **Comment #2: Impact on Coastal California Gnatcatcher and Southwestern Willow Flycatcher**

**Issue:** Individual projects facilitated by the Project may impact designated critical habitat for coastal California gnatcatcher (*Polioptila californica californica*), an Endangered Species Act (ESA)-listed threatened species and a California Species of Special Concern (SSC). Individual projects may also impact critical habitat for southwestern willow flycatcher (*Empidonax traillii extimus*), an ESA-listed and CESA-listed species. The DPEIR does not provide mitigation measures to reduce impacts to these special-status species and their critical habitat.

**Specific impacts:** Individual projects that involve grading activities, vegetation removal, or habitat modification will result in permanent loss of critical habitat for coastal California gnatcatcher and southwestern willow flycatcher. Individual projects facilitated by the Project during breeding and nesting season may also result in nest abandonment, reproductive suppression, or incidental loss of fertile eggs or nestlings.

**Why impact would occur:** Figure 4.4-2 Designated Critical Habitats provided in the DPEIR demonstrates that critical habitat for special-status species exists within the ESGV Planning Area. Critical habitat for coastal California gnatcatcher is located within the center and southern portion of the ESGV Planning Area. For southwestern willow flycatcher, designated critical habitat is located in the upper western portion of the ESGV Planning Area. In addition to critical habitat, Appendix E lists several recorded observations of both avian species within the ESGV Planning Area. Moreover, the DPEIR states that, “Future projects could result in modification of designated critical habitat for coastal California gnatcatcher...”. Although these critical habitats occur primarily within protected Significant Ecological Areas (SEAs), construction activities from individual projects may result in impacts if they are located adjacent to these designated critical habitats. In addition, habitat supporting these species may occur outside of the designated critical habitat areas and could be adversely impacted depending on the location of individual projects. Despite the DPEIR identifying that buildout of the ESGVAP will result in impacts to critical habitat, the CEQA document does not present any mitigation measures to avoid or minimize these impacts. Furthermore, future construction activities could create elevated levels of noise, human activity, dust, and ground vibrations. These disturbances and stressors occurring near potential nests could cause coastal California gnatcatcher and southwestern willow flycatcher to abandon their nests, resulting in the loss of fertile eggs or nestlings. Removal of trees and shrubs within a project site may also result in direct loss of breeding habitat for both special-status species. Lastly, the DPEIR states that, “Due to the loss of common habitats and diminished resource availability, impacts to special-status species remain significant at the ESGVAP level”.

**Evidence impact would be significant:** The Project could result in impacts on coastal California gnatcatcher and southwestern willow flycatcher. As an ESA-listed species, both birds are considered an endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). The coastal California gnatcatcher is also designated as an SSC species. 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

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- 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 2023b).

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 and southwestern willow flycatcher 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.

The Project's impact on coastal California gnatcatcher and southwestern willow flycatcher 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 and USFWS.

#### **Recommended Potentially Feasible Mitigation Measure(s) Required for Individual Projects Facilitated by the ESGVAP:**

**Recommendation #2:** Take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CDFW recommends individual projects facilitated under this Project that may result in potential take, consult with USFWS, in order to comply with ESA, well in advance of any ground disturbing activities and/or vegetation removal that may impact coastal California gnatcatcher and southwestern willow flycatcher.

**Mitigation Measure #5:** Individual projects that are located within or adjacent to suitable or designated critical habitat for coastal California gnatcatcher should conduct surveys to determine presence/absence. The project applicant 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 (USFWS 1997). CDFW recommends gnatcatcher surveys be conducted and USFWS notified (per protocol guidance) prior to issuance of a grading permit.

**Mitigation Measure #6:** Individual projects that are located within or adjacent to suitable or designated critical habitat for southwestern willow flycatcher should conduct surveys to determine presence/absence. The project applicant should retain a qualified biologist with an appropriate USFWS permit to survey the project site during an appropriate time. The qualified biologist should conduct surveys according to [A Natural History Summary and Survey Protocol](#)

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[for the Southwestern Willow Flycatcher](#) (USGS 2010). CDFW recommends southwestern willow flycatcher surveys be conducted and CDFW/USFWS notified prior to issuance of a grading permit.

**Mitigation Measure #7:** If southwestern willow flycatcher is detected and impacts cannot be feasibly avoided, project applicants should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). Project applicants should provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

**Mitigation Measure #8:** For individual projects facilitated by the Project that will result in permanent loss of critical habitat for either species, the project applicant should provide replacement habitat at no less than 2:1 for the total acreage of impacted habitat. 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 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 project applicant prior to any ground-disturbing activities or vegetation removal.

### Comment #3: Impacts to Special-Status Plants and Sensitive Natural Communities

**Issue:** Individual projects facilitated by the Project may continue to have a significant impact on CESA and/or ESA-listed plants and sensitive natural communities.

**Specific Impacts:** Individual projects facilitated by the Project may result in the loss of individuals and populations of rare, threatened, and endangered plants including, but not limited to the following plant species listed in Table 1. In addition, individual projects could result in habitat modification or permanent loss of sensitive natural communities.

Table 1. Rare plants that may be impacted by individual projects.

Species Name	CESA status	ESA status	State Rare Rank	California Rare Plant Rank
White rabbit-tobacco ( <i>Pseudognaphalium leucocephalum</i> )			S2	2B.2
Thread-leaved brodiaea ( <i>Brodiaea filifolia</i> )	endangered	threatened	S2	1B.1
Southern Tarplant ( <i>Centromadia parryi</i> ssp. <i>australis</i> )			S2	1B.1
Slender mariposa-lily ( <i>Calochortus clavatus</i> var. <i>gracilis</i> )			S2/S3	1B.2
Many-stemmed dudleya ( <i>Dudleya multicaulis</i> )			S2	1B.2
Mesa horkelia ( <i>Horkelia cuneata</i> var. <i>puberula</i> )			S1	1B.1



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Intermediate mariposa-lily (*Calochortus weedii* var.  
*intermedius*)

S3 1B.2

**Why impacts would occur:** Although the ESGV Planning Area consists of a populated urban area, native habitats and rare plants may reside within the mountains, hillsides, undeveloped lands, and small pockets around development. Individual projects facilitated under the ESGVAP may result in direct removal of rare plants. In addition to direct removal of rare plants, the DPEIR states individual projects could result in "...removal of habitat for rare plants known to occur in the area such as many-stemmed dudleya...". Alongside direct removal and supporting habitat loss, edge effects may result upon buildout of the ESGVAP. Edge effects may include encroachment, human activity, and introduction of non-native plants and pests (e.g., Argentine ants). The ESGVAP proposes goals and policies to encourage individual projects to protect biological resources and habitats in the ESGV Planning Area. However, based on the goals listed in the ESGVAP, there are no specific actions or mitigation measures for individual projects to adhere to that would completely avoid impacts to rare plants.

In addition to rare plants being impacted, sensitive natural communities may also be impacted through implementation of the Project. According to the DPEIR, there will be no impacts to oak woodlands or other unique native woodlands since there is no proposed increases in zoning or land use within these woodlands. However, sensitive natural communities such as the California walnut (*Juglans californica*) woodland may still be impacted by grading or construction activities if they reside within individual project sites. Furthermore, the DPEIR states, "There is a potential for any of these sensitive natural communities or others that have not been reported or mapped (i.e., non-jurisdictional wetlands) to be affected by the construction of one or more of the projects undertaken to implement the ESGVAP." Impacts to sensitive natural communities through construction activities may also have a cascading adverse effect on wildlife that utilize these vegetation communities as forging and breeding habitat. The DPEIR concludes its impact analysis on sensitive natural communities by stating that "...impacts to sensitive natural communities would be significant and unavoidable". The DPEIR does not provide sufficient avoidance and minimization measures in an effort to reduce impacts from individual projects facilitated by the Project to a level below significance.

Lastly, the DPEIR lists the following vegetation communities as sensitive natural communities, California Walnut Woodland, Riversidian Alluvial Fan Sage Scrub, Canyon Live Oak Ravine Forest, Southern Coast Live Oak Riparian Forest, Southern Sycamore Alder Riparian Woodland, and Walnut Forest. These vegetation communities are identified using the Holland ecosystem classification system instead of using the state-wide accepted Manual of California Vegetation (MCV) description of the alliance or association. Although the names of these sensitive natural communities were derived from a CNDDDB search, the DPEIR should provide the MCV alliance or association to avoid mistaking one vegetation community with another. For example, the DPEIR lists California Walnut Woodland and Walnut Forest as two separate sensitive natural communities, however it is likely that both of these communities are the same alliance, *Juglans californica* which has a state rarity ranking of 3.2. If vegetation communities are misidentified, it may result in inaccurate disclosure of vegetation communities that may or may not be considered sensitive. Additionally, the DPEIR does not provide scientific names or the state rarity ranking for the alliance and/or association of each sensitive natural community. Without disclosing the appropriate alliance or association name, CDFW is unable to accurately determine what exact vegetation communities are sensitive and may be impacted by the Project.

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**Evidence impact would be significant:** Plants with a CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing (CNPS 2020). Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). California Native Plant Society's (CNPS) [Rare Plant Ranks](#) page includes additional rank definitions (CNPS 2023a). Impacts to special status plants should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

The State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish and G. Code, § 1940). This standard complies with the national vegetation classification system, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the MCV, found online at <http://vegetation.cnps.org/> (CNPS 2023). Since the DPEIR uses Holland ecosystem classification to identify vegetation communities, sensitive vegetation communities may be misidentified, resulting in potentially undisclosed Project impacts. CDFW considers natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 to be sensitive natural communities. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023a). Sensitive natural communities are threatened communities that have both regional and local significance.

Impacts to a sensitive natural community should be considered significant under CEQA unless impacts are clearly mitigated below a level of significance. Without appropriate mitigation, the Project may result in significant impacts on a sensitive natural community if individual projects facilitated by the Project's measures and actions would remove, encroach into, or disturb such resources. Accordingly, the Project continues to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on sensitive natural communities identified by CDFW.

### **Recommended Potentially Feasible Mitigation Measure(s) Required for Individual Projects Facilitated by the ESGVAP:**

**Recommendation #3:** The DPR should revise the DPEIR to identify vegetation communities using MCV alliance or association-based classification to determine the rarity ranking of vegetation communities potentially impacted by the Project. The DPEIR should also include the scientific name and state rarity ranking for each alliance/association. Recognized alliance and association names may be identified using [CDFW's Natural Communities List](#) (CDFW 2022).

**Mitigation Measure #9:** Individual project sites that may provide potential habitat to sensitive plants should conduct focused rare plant surveys. Season-appropriate focused surveys should be conducted by a qualified biologist to sufficiently document the abundance and distribution of rare plants that may be present. CDFW recommends the surveys be conducted based on the [Protocols for Surveys and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities](#) (CDFW 2018). A qualified biologist should "conduct botanical surveys in

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the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting.”

**Mitigation Measure #10:** For individual projects that result in impacts to rare plants, project applicants should mitigate the loss of individual plants and associated habitat acres. The project applicant should offset any loss of individual plants such that there is no net loss or at a ratio acceptable to CDFW. Mitigation should be completed prior to issuance of grading permits.

**Mitigation Measure #11:** If thread-leaved brodiaea is detected within an individual project site and impacts cannot be feasibly avoided, project applicants should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Additionally, Project applicants should provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

**Mitigation Measure #12:** Where an individual project results in the loss of a sensitive natural community, the project should offset the loss by no less than 2:1 of the total acreage lost. The number of replacement trees and acres should be higher if a project impacts large oak trees; impacts a woodland supporting rare, sensitive, or special status plants and wildlife; impacts a woodland adjacent to a watercourse; or impacts a woodland with a State Rarity ranking of S1, S2, or S3, or additional ranking of 0.1 or 0.2.

**Mitigation Measure #13:** Where an individual project results in the loss of loss of native woodlands, the project should remove large trees in phases to the maximum extent feasible. A phased removal plan should be provided as a condition of obtaining a grading permit or permit under the County’s Oak Tree Ordinance and/or Oak Woodlands Conservation Management Plan. Removing trees in phases minimizes impacts on wildlife, primarily nesting birds, resulting from the temporal loss of trees and to provide structurally diverse woodlands while any on or off-site site mitigation for impacts to woodlands occurs.

#### **Comment #4: Impacts on Bats**

**Issue:** The Project could impact several bat species, including but not limited to the pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops perotis californicus*), big free tailed bat (*Nyctinomops macrotis*), western yellow bat (*Lasiurus xanthinus*), pocketed free-tailed bat (*Nyctinomops femorosaccus*), and hoary bat (*Lasiurus cinereus*), which are designated as SSC. The DPEIR does not provide avoidance or mitigation measures to reduce impacts to bat species within the ESGV Planning Area.

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

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**Why impact would occur:** According to Appendix E of the DPEIR, there are several accounts of various bat observations within the ESGV Planning Area that have been recorded. Additionally, the DPEIR has deduced that individual projects may result in the removal of bat roosting habitat for special-status bats. The DPEIR does not include any avoidance and minimization measures despite the fact that impacts from individual projects may result in roosting habitat loss, disturbance, and potential mortality. Furthermore, without requiring individual projects to conduct focused surveys for bat detection, individual developments may impact unidentified bat species and their associated roosting sites within the Planning Area. In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Trees and crevices in buildings in and adjacent to the Project site could provide roosting habitat for bats. Bats can fit into very small seams, as small as a ¼ inch. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

**Evidence impact would be significant:** Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Additionally, the bat species listed above are considered Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

#### **Recommended Potentially Feasible Mitigation Measure(s) for Individual Projects Facilitated by the ESGVAP:**

**Mitigation Measure #14:** For individual projects that may occur near potential bat roosting habitat, a qualified bat specialist should conduct bat surveys within these areas (plus a 100-foot buffer as access allows). These surveys should identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings, should be provided to DRP. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to DRP prior to any project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

**Mitigation Measure #15:** The following tree removal process should occur for individual projects that support potential roosting sites. "If bats are not detected, but the bat specialist determines that roosting bats may be present, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should

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then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.”

**Mitigation Measure #16:** For individual projects that support maternity roosts, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist. Inspection of each tree should be no more than 7 days prior to tree disturbance to determine the presence or absence of roosting bats more precisely. Trees determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost and work should not occur between 30 minutes before sunset and 30 minutes after sunrise.

### **Additional Recommendations**

**Mitigation Measure BIO-4.4-2.** CDFW recommends DRP revise Mitigation Measure BIO-4.4-2 for nesting birds in order to mitigate the Project’s impact on nesting birds and raptors below a level of significance. CDFW recommends DRP remove the following language in strikethrough and incorporate the underlined language:

“Construction, ground-disturbing activities, and vegetation removal shall avoid the general avian nesting season of February 15 through September 15 (as early as January 1 for some raptors). If construction of future projects that contain or are immediately adjacent to suitable nesting habitat must occur during the general avian nesting season, a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist within 7 days prior to the start of construction activities to determine if any active nests or nesting activity is occurring on or within 500 feet of the project. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds. If an active nest is observed during the preconstruction nesting bird clearance survey, an adequate buffer shall be established by a qualified biologist around the active nest depending on sensitivity of the species and proximity to project impact areas. The qualified biologist will implement a minimum buffer of Typical buffer distances include up to 300-feet for passerines, and up to 500-feet for raptors, and 0.5 mile for special status species, if feasible but can be reduced as deemed appropriate by a monitoring biologist. On site construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest. Personnel working on a project, including all contractors working on site, should be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. Project activities may encroach into the buffer only at the discretion of the monitoring biologist. The buffer shall remain in place until young have fledged as determined by a qualified biologist, or the nest is no longer active as determined by the monitoring biologist.”

**Biological Baseline Assessment and Impact Analysis.** CDFW recommends the DPEIR require individual projects facilitated by the ESGVAP to provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative

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biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. The DPEIR 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 2023a);
- 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 (CNPS 2023b). 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.

**Evaluation of CDFW's Recommended Mitigation Measures.** The DRP concluded that the Project's impacts on biological resources are "significant and unavoidable" (e.g., sensitive natural communities, special status species, species of special concern). CDFW has provided DRP with recommended mitigation measures that are potentially feasible in order to reduce the Project's impact on biological resources to less than significant. If DRP determines/concludes

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that CDFW's recommendations are not feasible, CDFW would appreciate a written response why specific comments and suggestions were not accepted as part of the Project's environmental document (CEQA Guidelines, § 15088). Per CEQA Guidelines section 15091, "No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding."

**Data.** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] 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 CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023c). 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 2023d).

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

### **Filing Fees**

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Los Angeles County Department of Regional Planning and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

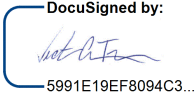
### **Conclusion**

We appreciate the opportunity to comment on the Project to assist the Los Angeles County Department of Regional Planning in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the Los Angeles County Department of Regional Planning has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines,

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§ 15073(e)]. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Sincerely,

DocuSigned by:  
  
5991E19EF8094C3...

Victoria Tang signing for

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW  
Erinn Wilson-Olgin, Seal Beach – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)  
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CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

OPR

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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



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

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

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
<b>MM-BIO-1 – Crotch's Bumble Bee Survey</b>	<p>For individual projects that have suitable foraging or nesting habitat for Crotch's bumble bee, the project applicant shall retain a qualified entomologist with the appropriate take authorization to conduct surveys to determine presence or absence. Surveys shall 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 shall also be conducted during peak flying season when the species is most likely to be detected above ground, between March 1 to September 1. The qualified entomologist shall utilize a non-lethal survey methodology and obtain appropriate photo vouchers for species confirmation. During the surveys, the entomologist shall flag inactive small mammal burrows and other potential nest sites to reduce the risk of take. Survey results, including negative findings, shall be submitted to CDFW prior to obtaining appropriate permits. At minimum, a survey report shall provide the following:</p> <p style="margin-left: 40px;">a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. The map shall show surveyor(s) track lines to document that the entire site was covered during field</p>	<p>One year prior to construction activities and vegetation removal</p>	<p>Project-level lead agency/Qualified Entomologist</p>

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	<p>surveys.</p> <p>b) Field survey conditions that shall 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.</p> <p>c) Map(s) showing the location of nests/colonies.</p> <p>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, shall 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).</p>		
<b>MM-BIO-2 – Crotch’s Bumble Bee Buffer Zone</b>	If Crotch’s bumble bee is detected, the qualified entomologist shall identify the location of all nests within and adjacent to the project site. A 15-meter no disturbance buffer zone shall be established around any identified nest(s) to reduce the risk of disturbance or accidental take. A qualified entomologist shall expand the buffer zone as necessary to prevent disturbance or take.	Prior to and during construction activities and vegetation removal	Project-level lead agency/ Qualified Entomologist
<b>MM-BIO-3 – CESA ITP for Crotch’s Bumble Bee</b>	If Crotch’s bumble bee is detected and impacts to Crotch’s bumble bee cannot be feasibly avoided, project applicants shall consult with CDFW and obtain appropriate take authorization from CDFW. Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options.	Prior to construction activities and vegetation removal	Project-level lead agency/ Individual Project Applicant
<b>MM-BIO-4 – Floral Resource and Nesting Habitat Replacement</b>	Any floral resource associated with Crotch’s bumble bee that will be removed or damaged by individual projects shall be replaced at no less than 1:1. Floral resources shall 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 shall be planted in the most centrally available	Prior to and during any construction activities.	Individual Project Applicant

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	location relative to identified nests. This location shall 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 shall be maintained in perpetuity and shall be replanted and managed as needed to ensure the habitat is preserved.		
<b>MM-BIO-5 – Coastal California Gnatcatcher Surveys</b>	Individual projects that are located within or adjacent to suitable or designated critical habitat for coastal California gnatcatcher shall conduct surveys to determine presence/absence. The project applicant shall retain a qualified biologist with an appropriate USFWS permit to survey the project site. The qualified biologist shall conduct surveys according to <a href="#">USFWS Coastal California Gnatcatcher (<i>Polioptila californica californica</i>) Presence/Absence Survey Guidelines</a> . 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 shall be followed for all surveys unless otherwise authorized by the USFWS in writing. CDFW recommends gnatcatcher surveys be conducted and USFWS notified (per protocol guidance) prior to the issuance of a grading permit.	Prior to issuance of a grading permit	Project-level lead agency/Qualified Biologist
<b>MM-BIO-6 – Southwestern Willow Flycatcher Survey</b>	Individual projects that are located within or adjacent to suitable or designated critical habitat for southwestern willow flycatcher shall conduct surveys to determine presence/absence. The project applicant shall retain a qualified biologist with an appropriate USFWS permit to survey the project site during an appropriate time. The qualified biologist shall conduct surveys according to <a href="#">A Natural History Summary and Survey Protocol for the Southwestern Willow Flycatcher</a> . Southwestern willow flycatcher surveys shall be conducted and CDFW/USFWS notified prior to issuance of a grading permit.	Prior to issuance of a grading permit	Project-level lead agency/Qualified Biologist

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<b>MM-BIO-7 – CESA ITP for Southwestern Willow Flycatcher</b>	<p>If southwestern willow flycatcher is detected and impacts cannot be feasibly avoided, project applicants shall consult with CDFW and obtain appropriate take authorization from CDFW. Project applicants shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.</p>	<p>Prior to construction activities and vegetation removal</p>	<p>Individual Project Applicant</p>
<b>MM-BIO-8 – Critical Habitat Replacement</b>	<p>For individual projects facilitated by the Project that will result in permanent loss of critical habitat for either species, the project applicant shall provide replacement habitat at no less than 2:1 for the total acreage of impacted habitat. Replacement habitat shall 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 endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed by the project applicant prior to any ground-disturbing activities or vegetation removal.</p>	<p>Prior to any ground-disturbing activities or vegetation removal</p>	<p>Project-level lead agency/ Individual Project Applicant</p>
<b>MM-BIO-9 – Rare Plant Surveys</b>	<p>Individual project sites that may provide potential habitat to sensitive plants shall conduct focused rare plant surveys. Season-appropriate focused surveys shall be conducted by a qualified biologist to sufficiently document the abundance and distribution of rare plants that may be present. Surveys shall be conducted based on the <a href="#">Protocols for Surveys and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</a>. A qualified biologist shall “conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting.”</p>	<p>Prior to any ground-disturbing activities or vegetation removal</p>	<p>Project-level lead agency/ Individual Project Applicant</p>
<b>MM-BIO-10 – Rare Plant Replacement</b>	<p>For individual projects that result in impacts to rare plants, project applicants shall mitigate the loss of individual plants and associated habitat acres. The project applicant shall offset any loss of individual plants such that there is no net loss or at a</p>	<p>Prior to issuance of grading permits</p>	<p>Project-level lead agency/ Individual Project Applicant</p>

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	ratio acceptable to CDFW. Mitigation shall be completed prior to issuance of grading permits.		
<b>MM-BIO- 11- CESA ITP for Thread-leaved brodiaea</b>	If thread-leaved brodiaea is detected within an individual project site and impacts cannot be feasibly avoided, project applicants shall consult with CDFW and obtain appropriate take authorization from CDFW. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options. Additionally, Project applicants shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.	Prior to finalizing ground disturbing activities and issuance of grading permits	Project-level agency/ Individual Project Applicant
<b>MM-BIO-12 - Sensitive Natural Communities Replacement</b>	Where an individual project results in the loss of a sensitive natural community, the project shall offset the loss by no less than 2:1 of the total acreage lost. The number of replacement trees and acres shall be higher if a project impacts large oak trees; impacts a woodland supporting rare, sensitive, or special status plants and wildlife; impacts a woodland adjacent to a watercourse; or impacts a woodland with a State Rarity ranking of S1, S2, or S3, or additional ranking of 0.1 or 0.2.	Prior to any ground-disturbing activities or vegetation removal	Project-level lead agency/ Individual Project Applicant
<b>MM-BIO-13- Phased Tree Removal</b>	Where an individual project results in the loss of loss of native woodlands, the project shall remove large trees in phases to the maximum extent feasible. A phased removal plan shall be provided as a condition of obtaining a grading permit or permit under the County's Oak Tree Ordinance and/or Oak Woodlands Conservation Management Plan. Removing trees in phases minimizes impacts on wildlife, primarily nesting birds, resulting from the temporal loss of trees and to provide structurally diverse woodlands while any on or off-site site mitigation for impacts to woodlands occurs.	Prior to issuance of grading permit and ground-disturbing activities	Project-level lead agency/ Individual Project Applicant
<b>MM-BIO-14- Bat Surveys</b>	For individual projects that may occur near potential bat roosting habitat, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows). These surveys shall identify potential habitat that could provide	Prior to any ground-disturbing activities or	Qualified Bat Specialist

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	<p>daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. A discussion of survey results, including negative findings, shall be provided to DRP.</p> <p>Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the project on bats and include species specific mitigation measures to reduce impacts to below a level of significance. Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to DRP prior to any project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.</p>	vegetation removal	
<b>MM-BIO- 15 - Bat Roosting Sites: Tree Removal Process</b>	<p>The following tree removal process shall occur for individual projects that support potential roosting sites. "If bats are not detected, but the bat specialist determines that roosting bats may be present, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape."</p>	Prior to any ground-disturbing activities or vegetation removal	Project-level lead agency/ Qualified Bat Specialist
<b>MM-BIO- 16 – Bat Maternity Roosts</b>	<p>For individual projects that support maternity roosts, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are ready to fly out of the roost (March 1 to September 30). If tree removal occurs during maternity season, trees identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist. Inspection of each tree shall be no more than 7 days prior to tree disturbance to determine the</p>	Prior to any ground-disturbing activities or vegetation removal	Project-level lead agency/ Qualified Bat Specialist

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	<p>presence or absence of roosting bats more precisely. Trees determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.</p>		
<p><b>MM-BIO-17 – Mitigation Measure BIO-4.4-2</b></p>	<p>Construction, ground-disturbing activities, and vegetation removal shall avoid the general avian nesting season of February 15 through September 15 (as early as January 1 for some raptors). If construction of future projects that contain or are immediately adjacent to suitable nesting habitat must occur during the general avian nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist within 7 days prior to the start of construction activities to determine if any active nests or nesting activity is occurring on or within 500 feet of the project. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds. If an active nest is observed during the preconstruction nesting bird survey, an adequate buffer shall be established by a qualified biologist around the active nest depending on sensitivity of the species and proximity to project impact areas. The qualified biologist will implement a minimum buffer of 300-feet for passerines, 500-feet for raptors, and 0.5 mile for special status species, if feasible. On site construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest. Personnel working on a project, including all contractors working on site, shall be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. Project activities may encroach into the buffer only at the discretion of the monitoring biologist. The buffer shall remain in place until young have fledged as determined by a qualified biologist, or the nest is no longer active.</p>	<p>Prior to finalizing CEQA document and ground-disturbing activities</p>	<p>DPR/Qualified Biologist</p>



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<p><b>MM-BIO-18 –                  Biological                  Baseline                  Assessment and                  Impact Analysis</b></p>	<p>The DPEIR shall require individual projects facilitated by the ESGVAP to provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis 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 DPEIR shall include the following information:</p> <p>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. The DPEIR shall 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 <a href="#">State-wide ranking</a> of S1, S2, S3 and S4 shall be considered sensitive and declining at the local and regional level;</p> <p>b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's <a href="#">Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</a>;</p> <p>c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at future project areas and within the neighboring vicinity. <a href="#">The Manual of California Vegetation</a>, second edition, shall also be used to inform this mapping and assessment. Adjoining habitat</p>	<p>Prior to issuance of grading permit and ground-disturbing activities</p>	<p>Project-level lead agency/                  Individual Project Applicant</p>
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	<p>areas shall 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;</p> <p>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;</p> <p>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. Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species. Seasonal variations in the use of future project areas shall 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 shall be developed in consultation with CDFW and the USFWS; and</p> <p>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.</p>		
<p><b>REC 1 – Analysis of Project’s Impact</b></p>	<p>The DPEIR should provide full disclosure of the presence of Crotch’s bumble bee within the ESGV Planning Area. The DPEIR should analyze the Project’s impact on floral resources,</p>	<p>Prior to finalizing CEQA document</p>	<p>DPR</p>

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<b>on Crotch's Bumble Bee</b>	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 DPEIR. If individual projects facilitated by the Project would impact Crotch's bumble bee and its associated habitat, the DPEIR should provide measures to avoid and/or mitigate potential impacts to Crotch's bumble bee and habitat supporting the species.		
<b>REC 2 – USFWS Consultation</b>	Take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. CDFW recommends individual projects facilitated under this Project that may result in potential take, consult with USFWS, in order to comply with ESA, well in advance of any ground disturbing activities and/or vegetation removal that may impact coastal California gnatcatcher and southwestern willow flycatcher.	Prior to finalizing Project-level CEQA document	Project-level lead agency/ Individual Project Applicant
<b>REC 3 – CESA Consultation</b>	If individual projects will impact thread-leaved brodiaea, early consultation with CDFW is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options.	Prior to finalizing Project-level CEQA document	Project-level lead agency/ Individual Project Applicant
<b>REC 4 - Evaluation of CDFW's Recommended Mitigation Measures</b>	The DRP concluded that the Project's impacts on biological resources are "significant and unavoidable" (e.g., sensitive natural communities, special status species, species of special concern). CDFW has provided DRP with recommended mitigation measures that are potentially feasible in order to reduce the Project's impact on biological resources to less than	Prior to finalizing CEQA document	DPR

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	<p>significant. If DRP determines/concludes that CDFW's recommendations are not feasible, CDFW would appreciate a written response why specific comments and suggestions were not accepted as part of the Project's environmental document. Per CEQA Guidelines section 15091, "No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding."</p>		
<b>REC 5 – Data</b>	<p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] 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 CNDDDB by completing and submitting <a href="#">CNDDDB Field Survey Forms</a> (CDFW 2023c). Information on special status native plant populations and sensitive natural communities, the <a href="#">Combined Rapid Assessment and Relevé Form</a> should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023d).</p>	Prior to finalizing CEQA document	Project-level lead agency/ Individual Project Applicant
<b>REC 6 - MMRP</b>	<p>The DEIR's proposed Biological Resources Mitigation Measures should be updated and conditioned to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. The City is welcome to coordinate with CDFW to further review and refine the project's mitigation measures.</p>	Prior to finalizing CEQA document	DPR