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**Governor's Office of Planning & Research**

June 16, 2022

**Jun 16 2022**

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**STATE CLEARINGHOUSE**

**Subject: Moorpark General Plan Update, Notice of Preparation, SCH No. 2022050327;  
City of Moorpark, Ventura County**

Dear Mr. Spondello:

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

**CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust 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 City of Moorpark is comprehensively updating its General Plan. The last update of the City of Moorpark's General Plan took place in 1986, with a limited update in 1992. The State of California requires each city to adopt a comprehensive, long-term general plan for the physical development of a community and provides a list of topics that must be addressed. The City of Moorpark's 2050 General Plan Update (Project) is an effort undertaken by the City to update the existing General Plan for the next 30 years through 2050. The updated General Plan will consist of 8 elements: Land Use; Circulation; Housing; Economic Development; Open Space, Parks, and Recreation; Conservation; Safety; and Noise. Efforts will be taken to bring all elements into compliance with state laws and mandates. As part of the Project, land use designations will be updated to add 5,488 residential units and ~110 acres of nonresidential areas to the City of Moorpark.

**Location:** The Project would apply to the entire geographic area located within the boundaries of the City of Moorpark. The City of Moorpark is located in the near the southeastern portion of the Ventura County boundary. The city comprises about 12.5 square miles and is surrounded by the cities of Thousand Oaks to the south, Simi Valley to the southeast, Fillmore to the north, and Camarillo to the southwest.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

## COMMENTS AND RECOMMENDATIONS

### Specific Comments

1) Sensitive Habitats and Open Space Sites. Sensitive habitats/open space in the Project area are present in the form of parks and reserves, including, but not limited to; Monte Vista Nature Park, Miller Park, Peach Hill Park, Mountain Meadows City Park, Arroyo Vista Community Park, Tierra Rejada Park, Mammoth Highlands Park, and all open spaces labeled OS within Figure 4 of the NOP titled *Proposed General Plan*.

- a. CDFW recommends the City analyze and discuss the Project's direct impacts on sensitive habitats/open space within the Project area. The Project could result in loss of sensitive habitats/open space due to fuel modifications and introduction of non-native, invasive plants facilitated by the Project (collectively, indirect impacts). The DEIR should disclose the acreage of sensitive habitats and open space that would be lost as a result of any subsequent development from the proposed Project, including all areas subject to fuel modifications and grading to accommodate development. CDFW also recommends the City analyze and discuss the Project's potential impacts on conserved lands adjacent to the Project area.
- b. CDFW recommends the Project avoid developing and encroaching onto sensitive habitats/open space. Encroachment onto sensitive habitats/open space creates an abrupt transition between two different land uses. Encroachment onto sensitive

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habitats/open space could affect environmental and biological conditions and increase the magnitude of edge effects on biological resources. CDFW recommends the DEIR provide alternatives to the Project that would not result in conversion of sensitive habitats/open space into developed areas. CDFW also recommends the DEIR provide alternatives that would not encroach onto sensitive habitats/open space, particularly conservation easements. Pursuant to CEQA Guidelines section 15126.6, a DEIR “shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasible attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives.” Furthermore, a DEIR “shall include sufficient information about alternatives to allow meaningful evaluation, analysis, and comparison with the proposed project” (CEQA Guidelines, § 15126.6) (see General Comment #6).

- c. If avoidance is not feasible, CDFW recommends the DEIR provide measures to mitigate for impacts to sensitive habitats/open space. There should be no net loss of sensitive habitats/open space. CDFW recommends the DEIR provide measures where any future development facilitated by the Project mitigates (avoids first if feasible) for project-level impacts on sensitive habitats/open space not previously identified in the DEIR. CDFW recommends the DEIR provide a measure where any future development facilitated by the Project establishes unobstructed vegetated buffers and setbacks. The DEIR should provide standards for an effective buffer and setback; however, the buffer and setback distance should be increased at a project-level as needed. The DEIR should provide justifications for the effectiveness of all proposed mitigation measures. The DEIR should provide sufficient information and disclosure to facilitate meaningful public review, analysis, and comment on the adequacy of proposed mitigation measures to offset Project-related impacts on sensitive habitats/open space.

2) Impacts on Wildlife Corridors and Habitat Connectivity. According to the California Essential Habitat Connectivity dataset available in BIOS, the Project area supports some continuous natural habitat blocks in the eastern side of the City. These areas support native biodiversity and areas essential for ecological connectivity between them (CDFWa 2022). Additionally, according to the Ventura County’s GIS viewer, two sections of the Santa Monica-Sierra Madre wildlife corridors transect the City of Moorpark from north to south (Ventura County 2022). The western segment of the Santa Monica-Sierra Madre corridor that runs directly to the east of the Moorpark Highlands residential area is especially impacted. South of this development is the 118 overpass and riparian habitat associated with Arroyo Simi. Further development should be avoided to maintain this important linkage area. The Project could impact the ecological integrity and function of wildlife corridors and steppingstones supporting resident and transient wildlife movement. Habitat fragmentation could threaten the viability of remaining natural resources. Maintaining wildlife corridors and habitat connectivity is essential for wildlife survival and is increasingly important considering habitat loss and climate change.

- a. CDFW recommends the City analyze whether the Project would impact wildlife corridors (see General Comment 4). Impacts include (but are not limited to) habitat loss and fragmentation, narrowing of a wildlife corridor, and introduction of barriers to wildlife movement. CDFW recommends such an analysis be supported by studies to document wildlife activity and movement through Project area where development is proposed.

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Technical detail such as data, maps, diagrams, and similar relevant information should be provided to permit full assessment of significant environmental impacts by reviewing agencies and members of the public (CEQA Guidelines, §15147).

- b. CDFW recommends the Project avoid developing and encroaching onto wildlife corridors. A minimum half-mile buffer is recommended around wildlife corridors to maintain the integrity of these connectivity areas. If avoidance is not feasible, CDFW recommends the DEIR provide measures to mitigate for the Project's significant impacts on wildlife corridors (see General Comments 8 and 9). CDFW also recommends the DEIR provide measures where any future development facilitated by the Project mitigates (avoids first if feasible) for project-level impacts on wildlife corridors not previously identified in the DEIR.

3) Coastal California Gnatcatcher. The Project area contains large areas of critical habitat for the coastal California gnatcatcher (*Poliioptila californica californica*), a California Species of Special Concern (SSC) and Endangered Species Act (ESA)-listed species (USFWS 2022). Populations of coastal California gnatcatchers in the Ventura County area have been found to be genetically isolated from other populations within their range (Vandergast 2019). This lack of genetic mixing between other geographical populations is likely due to fragmentation and loss of suitable habitat between Ventura County and the remainder of their range across southern California (Vandergast 2019). Genetic isolation paired with lack of suitable habitat makes coastal California gnatcatchers in Ventura County more susceptible to local extirpation (Vandergast 2019). CDFW recommends the DEIR discuss the Project's potential impacts on coastal California gnatcatcher and their habitat. The DEIR should provide measures to avoid those impacts or measures to mitigate for impacts if avoidance is not feasible.

4) Sensitive Bird Species. A review of the California Natural Diversity Database (CNDDDB) indicates nearby occurrences of special status bird species including: coastal California gnatcatcher (*Poliioptila californica var. californica*); CESA-listed and ESA-listed least Bell's vireo (*Vireo bellii pusillus*); SSC yellow warbler (*Setophaga petechia*), ESA-listed willow flycatcher (*Empidonax trailii*), fully protected white-tailed kite (*Elanus leucurus*), and SSC yellow-breasted chat (*Icteria virens*). Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees and shrubs directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

- a. CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
- b. Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect

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protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on-site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

5) Loss of Bird and Raptor Nesting Habitat. The biggest threat to birds is habitat loss and conversion of natural vegetation into another land use such as development (e.g., commercial, residential, industrial). Urban forests and street trees, both native and some non-native species, provide habitat for a high diversity of birds (Wood and Esaian 2020). Several prospective Projects within the City of Moorpark will result in the removal of native, protected, and non-native trees. These projects include but are not limited to: Hitch Ranch, Beltramo Ranch, Everett Street Terrace, and the Civic Center Master Plan. Some species of raptors have adapted to and exploited urban areas for breeding and nesting (Cooper et al. 2020). For example, raptors (*Accipitridae*, *Falconidae*) such as red-tailed hawks (*Buteo jamaicensis*) and Cooper's hawks (*Accipiter cooperii*) can nest successfully in urban sites. Red-tailed hawks commonly nest in ornamental vegetation such as eucalyptus (Cooper et al. 2020). According to eBird, there are multiple observations of red-tailed hawks and Cooper's hawks throughout the City.

- a. CDFW recommends the DEIR provide measures where future development facilitated by the Project avoids removal of any native trees, large and dense-canopied native and non-native trees, and trees occurring in high density (Wood and Esaian 2020) (See general comment 4-C). CDFW also recommends avoiding impacts to understory vegetation (e.g., ground cover, subshrubs, shrubs, and trees).
- b. If impacts to trees cannot be avoided, trees should be replaced to compensate for the temporal or permanent loss habitat within a Project site. Depending on the status of the bird or raptor species impacted, replacement habitat acres should increase with the occurrence of a California Species of Special Concern. Replacement habitat acres should further increase with the occurrence of a CESA-listed threatened or endangered species.
- c. CDFW recommends planting native tree species preferred by birds. This includes coast live oak (*Quercus agrifolia*) and California sycamore (*Platanus racemosa*) (Wood and Esaian 2020). CDFW recommends Audubon Society's Plants for Birds for more information on selecting native plants and trees beneficial to birds (Audubon Society 2022).

6) Bats. Numerous bat species are known to roost in trees and structures throughout Ventura County (Remington and Cooper 2014). In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts. Accordingly, CDFW recommends the DEIR provide measures where future infill development facilitated by the Project avoids potential impacts to bats.

- a. 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). Project construction and activities, including (but not limited to) ground disturbance, vegetation

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removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and roosts.

- b. CDFW recommends a project-level biological resources survey provide a thorough discussion and adequate disclosure of potential impacts to bats and roosts from Project construction and activities including (but not limited to) ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal. If necessary, to reduce impacts to less than significant, a project-level environmental document should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].

7) Lake and Streambed Alteration (LSA) Agreements. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.* CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA Notification (CDFWb 2022).

- a. The Project area support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the environmental document. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW (Cowardin et al. 1970). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.
- b. In Project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes. Therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages. The environmental document should provide a justification for the effectiveness of the chosen distance for the setback.
- c. Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the environmental document.

8) Wetlands Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's policies. The Wetlands Resources policy

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(<http://www.fgc.ca.gov/policy/>) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
- b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this state that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this state; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & Game Code, § 5650).

9) Tree Disease Management Plan. Project activities may include tree removal and new trees as a part of landscaping activities. This may have the potential to spread tree pests and diseases throughout the Project site and into adjacent habitat not currently exposed to these stressors. Pests and diseases include (but not limited to): sudden oak death (*Phytophthora ramorum*), thousand canker fungus (*Geosmithia morbida*), Polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agrilus auroguttatus*) (Phytosphere Research 2012; TCD 2020; UCANR 2020; UCIPM 2013). This could result in expediting the loss of native trees and woodlands. CDFW recommends the DEIR include an infectious tree disease management plan or a list of preventative measures, developed in consultation with an arborist, to describe how it will be implemented to avoid or reduce the spread of tree insect pests and diseases.

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10) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DEIR stipulate that no invasive plant material be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

## General Comments

1) Disclosure. A DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the appropriateness of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

2) Biological Baseline Assessment. CDFW recommends providing 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. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. The DEIR should include the following information:

- a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should 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.  
<https://www.wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>;
- b. A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities;
- c. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. The Manual of California Vegetation (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer, 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site. 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 the Project. CDFW's CNDDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey

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Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>;

- e. The DEIR should provide columns for each element and approximate acres potentially impacted by critical habitat type. CDFW recommends using “None” or the number zero to indicate no impacts and, provide a brief discussion why there would be no impacts to demonstrate that impacts were evaluated;
- f. 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 & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area 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 United States Fish and Wildlife Service (USFWS); and
- g. 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 two years as long as there was not a prevailing drought during the time of the botanical survey. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- h. Presence/absence determinations of wildlife and rare plants in the Project area, specifically areas that would be impacted due to Project implementation (e.g., existing facilities), should be determined based on recent surveys. CDFW recommends the DEIR provide any recent survey data.

3) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental impact report shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.

- a. Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). A public agency shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures (Pub. Resources Code, § 21081.6). CDFW recommends that the City prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of

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proposed mitigation measures.

- b. Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the environmental document should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the environmental document should provide an adequate, complete, and detailed disclosure about a project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

4) Biological Direct, Indirect, and Cumulative Impacts. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:

- a. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
- b. A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & Game Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
- c. A discussion regarding impacts to loss of bird nesting habitat. Several proposed projects in the area (Hitch Ranch, Beltramo Ranch, Civic Center Master Plan, and Everette St. Terrace) will include removal of both native and non-native trees which could be utilized by passerine birds and raptors. The Project should analyze the cumulative impact, if any, in regards to loss of potential nesting habitat;
- d. An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
- e. A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

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5) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subs. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

6) Moving out of Harm's Way. The proposed Project may result in impacting habitats on and/or adjacent to the Project site that may support wildlife. To avoid direct mortality, CDFW recommends that a qualified biological monitor approved by CDFW 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. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

7) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from a project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

8) Compensatory Mitigation. An environmental document should include mitigation measures for adverse Project related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due

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diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

9) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an environmental document should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

10) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:

- a. A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
- b. A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. Potential impacts to wildlife movement areas should also be evaluated, avoided, or mitigated consistent with applicable requirements of the City's sub-area plan (SAP).

## Conclusion

We appreciate the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources. 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)

Sincerely,

DocuSigned by:



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ec: CDFW

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