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SUBJECT: TOPANGA LAGOON RESTORATION PROJECT, DRAFT ENVIRONMENTAL IMPACT REPORT, SCH#2022050478; LOS ANGELES, CA

Dear John Ota:

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

CDFW's Role

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq*).

Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: CDPR

Objective: The proposed Project is a multi-agency effort to expand the Topanga Creek and Topanga Lagoon ecosystem, replace the existing Pacific Coast Highway (PCH) bridge, and relocate several beach facilities on Topanga Beach. A recreational trail system through the Project would also be developed. The proposed Project would involve development of the Gateway Corner, which includes the construction of new visitor services at the northwest corner of the intersection of PCH and Topanga Canyon Boulevard (TCB). Development at the Gateway Corner is anticipated to consist of five one-story structures to support a park office, an employee house, a maintenance and storage facility, restrooms, and interpretive pavilion. Additionally, a new pedestrian undercrossing under the PCH bridge, beach access stairs, improved bus stop areas, and would be constructed in all build alternatives. Three build alternatives and a no project alternative are proposed in the DEIR.

Alternative 1: No Project/No Build – Managed Decline– Alternative 1 would result in no changes to the current conditions within the Project area. The Project area would remain the same and consist of 3.6 acres of wetted area, 21.4 acres of riparian/transitional upland habitat, and 4.18 acres of Topanga beach.

Alternative 2: Maximum Lagoon Habitat – Alternative 2 would result in the maximum increase in lagoon, wetland, and associated vegetative habitats. Following buildout, the Project area would consist of 9.5 wetted acres, 23 acres of restored riparian/transitional upland habitat, and beach expansion to 4.39 acres with an additional acre outside the immediate lagoon area. On the outer edge of the lagoon, approximately 13.6 acres would be graded to recontour the creek and widen the lagoon. Restoration would entail recontouring the western side of the lagoon with more natural side channels to accommodate sea level rise and storm surge conditions. Additionally, the existing PCH bridge would be replaced with a new bridge that spans approximately 460 feet and would retain the current bridge alignment. Roughly 0.33 acres of the lagoon would be temporarily disturbed during bridge activities.

The total area graded would be 17.22 acres with no excavation proposed in the regulated waters and wetlands. A total of approximately 335,000 cubic yards (CY) of soil would be removed from the Project area. Contaminated soil and construction debris

would be hauled off-site for disposal at appropriate landfills. Non-contaminated soil material is also proposed to be reused for nourishment of the nearshore and would be hauled to a designated nearshore deposition location in the ocean. The nearshore deposition location would cover up to 35 acres.

Approximately 8,400 gallons of wastewater would be generated per day under this alternative. The Project proposes three options available for Alternative 2, however, the Project would move forward with one wastewater management option. Option 1 consists of an on-site subsurface drip irrigation (SDI) system. The SDI system would be installed on State Parks property along TCB. Construction of the SDI system would require a pipe and pump system with treatment works to move effluent from the sources to the receiver site. Option 2 consists of on-site seepage pits. Construction of seepage pits would require a pipe and pump system with treatment works to move effluent to the dispersal site. The pipe alignment between the treatment works and the dispersal site would be located outside of Caltrans right of way, on the west shoulder of TCB. The dispersal site would be located on the east side of TCB on State Parks property. Option 3 consists of constructing an off-site sewer connection. This option would involve construction of an extension of the Los Angeles County Sanitation Districts public sewer from existing facilities to facilities associated with Topanga Beach, motel structures, and gateway corner.

Alternative 3: Limited Lagoon Habitat Expansion – In Alternative 3, expansion of Topanga lagoon and riparian/transitional upland habitat on the west side of Topanga Creek would not be as extensive as Alternative 2. Following buildout, the Project area would consist of 7.7 wetted acres, 23.7 acres of restored riparian/transitional upland habitat, and expansion of the beach to 4.42 acres with an additional acre outside of the lagoon area. Due to retention of structures, only the western side of Topanga creek and Topanga lagoon would be expanded for habitat creation. Grading of 12.8 acres of the outer edge of the lagoon would occur. The PCH bridge would also be deconstructed and expanded as detailed in Alternative 2. Approximately 0.33 acres of the lagoon would be temporarily disturbed during bridge activities. The total area graded would be 15.3 acres with no excavation proposed in the regulated waters and wetlands. A total of approximately 245,000 CY of soil would be removed from the Project area. Construction debris would be hauled off-site, and soil would be hauled-off site or reused for nearshore nourishment as described in Alterative 2. Approximately 12,400 gallons per day of wastewater would be generated from State Parks facilities. Waste management available for this alternative would be option 2 and option 3.

Alternative 4: **Maximum Managed Retreat** – Alternative 4 would result in 7.6 wetted acres of lagoon restoration, 23.7 acres of riparian/transitional upland habitat restored, and beach expansion of 4.56 acres with an additional acre outside of the lagoon area. Grading activities would occur on 14.4 acres of the outer edge of the lagoon. The PCH would be realigned to move northward, curving the freeway inland over the lagoon and expanding the beach area to its maximum amount. In addition to realignment of PCH,

the existing PCH bridge would be demolished and replaced with the same bridge length proposed in Alternative 2 and 3. A total of approximately 249,000 CY of soil would be removed from the Project area. Construction debris would be hauled off-site, and soil would be hauled-off site or reused for nearshore nourishment as described in Alterative 3. Approximately 11,500 gallons per day of wastewater would be generated from State Parks facilities. Waste management options 2 and 3 are available for this alternative.

Location: The Project area, located within the Santa Monica Mountains National Recreation Area and west of the intersection of TCB and State Route 1 PCH, covers 91 acres, of which 35 acres are in the ocean. It encompasses Topanga State Park, Topanga Lagoon, and Topanga Beach, located on the coastal slope of the Santa Monica Mountains in unincorporated Los Angeles County.

Timeframe: Construction and demolition activities within the Project area is anticipated to commence in 2027 and continue for approximately 60 months.

Biological Setting: The Project area encompasses five core areas: Topanga State Park, Topanga Creek, Topanga Lagoon, Topanga Beach, and the marine zone. Topanga Creek drains an 18-square-mile watershed and conveys flow into Topanga Lagoon. Topanga Lagoon is a naturally bar-built lagoon, disconnected from the ocean by a sand berm. During heavy storms the sand berm becomes breached, which allows seawater to flow into the lagoon and facilitates fish passage. The PCH bridge will be expanded to accommodate restoration and expansion of the Topanga Lagoon. Topanga Beach supports a large run of California grunion (*Leuresthes tenuis*). The nearshore deposit site (e.g., marine zone) is located in the ocean and encompasses approximately 35 acres.

A suite of biological field surveys were completed between June 2019 through November 2023, and findings were compiled in a Biological Resources Assessment (BRA) report. Baseline conditions of the Project area are outlined in the BRA. Roughly 18.51 acres were delineated as subject to Fish and Game Code Section 1600. Approximately 21.79 acres of coastal wetlands and waters within the Project area is subject to the California Coastal Act. If soil is placed in the nearshore deposition site, it would impact approximately 35 acres subject to the Rivers and Harbors Act.

In regard to the vegetation composition within the Project area, a total of 25 vegetation communities were identified. Sensitive vegetation communities observed within the Project area include California Sycamore Woodland (*Platanus racemosa* woodland; 8.98 acres) with red willow (Salix laevigata), arroyo willow (*Salix lasiolepis*), and mulefat (*Baccharis salicifolia*) understory, California black walnut woodland (*Juglans californica* woodland; 0.03 acre), California black walnut and laurel sumac woodland (*Juglans california – Malosma laurina* woodland; 0.15 acre), California Brittlebush-California sagebrush shrubland association (*Encelia californica-Artemisia californica*; 0.51 acre), Ashyleaf buckwheat association (*Eriogonum cinereum*; 0.96 acre), Lemonade berry

shrubland association (*Rhus integrifolia*; 3.96 acres), Purple sage- ashyleaf buckwheat association (*Salvia leucophylla- Eriogonum cinereum*; 0.53 acre), and giant wildrye grassland (*Elymus condensatus*; 0.18 acre). In regard to plant species, a total of 253 plant species were recorded during terrestrial and freshwater field surveys. For special-status plant species, southern California black walnut trees were identified.

Over 100 wildlife species were observed during terrestrial and freshwater Project surveys, of which 24 species were identified as special-status. A total of 13 special-status species were confirmed to be present on-site and the remaining eight special-status species have a moderate to high potential to be present during Project activities. Special-status wildlife species observed within the Project area or have a moderate to high potential to be present during Project activities include, but are not limited to, tidewater goby (*Eucyclogobius newberryi*; Endangered Species Act (ESA)-listed endangered), arroyo chub (Gila orcuttii; California Species of Special Concern (SSC)), southern steelhead (*Onchorynchus mykiss irideus*, population 10; ESA-listed endangered, and CESA candidate), Monarch butterfly overwintering population, two striped gartersnake (*Thamnophis hammondii*; SSC), yellow warbler (Setophaga petechia; SSC), western red bat (*Lasiurus blossevillii*; SSC), San Diego desert woodrat (*Neotoma lepida intermedia*; SSC), Crotch's bumble bee (*Bombus crotchii*; CESA candidate), and mountain lion (*Puma concolor*; CESA candidate). CDPR has incorporated 15 biological mitigation measures and three marine mitigation measures to avoid, minimize, and/or mitigate adverse Project impacts.

Project History: CDFW has coordinated with CDPR as part of the Technically Advisory Committee for the Project. A Notice of Preparation (NOP) comment letter was submitted to CDPR on June 22, 2022.

COMMENTS AND RECOMMENDATIONS

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

Comment #1: Human-Wildlife Interface

Issue: The Project may increase human and wildlife interactions through the incorporation of a recreational trail system through the Project area.

Specific impacts: Development of a trail system throughout the Project area is proposed under all build alternatives and would impact wildlife. Impacts to wildlife could

result in mortality or injury, increased human disturbance in areas supporting habitat, reproductive suppression during breeding season, or population decline of a special-status species.

Why impact would occur: The DEIR states that, "[a]n interpretive trail would be developed to allow visitors to meander through the restored transitional upland areas…" (page 2-18). Increased human foot traffic in the Project area would result in increased noise levels in sensitive areas, increased trash or pet waste, and introduction of unnatural food sources via trash and trash receptacles. Outdoor recreation may also cause distress on individual wildlife, resulting in energetic costs to the animal and decline in the animals' behavior and fitness. Because components of the recreational trails are not clearly defined in the DEIR, sensitive habitats such as terrestrial and aquatic breeding grounds may be encroached upon and disturbed. Wildlife species of all sizes, including monarch butterflies, San Diego desert woodrat, and mountain lion have been recorded within and adjacent to the Project area. Although mountain lions were not observed denning in the Project area, they, "[a]re known and anticipated to use the site occasionally" (page 3.3-47). If not designed appropriately, the creation of recreational trails would lead to an increase in human-wildlife interactions that may result in harm to wildlife and/or humans.

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

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: Trails Plan – CDPR should develop a Trails Management Plan and submit it for review and approval by CDFW and the USFWS (hereafter referred to as the Wildlife Agencies) prior to Project implementation. The Plan should include, at a minimum:

a. refined location of the trails system, including maps and figures;
b. a discussion of the location of the Topanga Creek crossing associated with the trails system, and how the crossing will be achieved;
c. analysis of any impacts to sensitive upland habitats and/or CESA-listed species which could occur as a result of cutting new trails;
d. description of trail materials (i.e., paved asphalt, gravel, etc.) and/or level of access;
e. allowable and prohibited trail uses; and

f. best management practices (BMP), including but not limited to:
    a. public information signage which focuses on educating and informing the public about wildlife, and advise on proper avoidance measures to reduce human-wildlife conflicts;
    b. trash receptacles to be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas;
    c. prohibition of electric bicycles; and
    d. pets should always be kept on leash and on the trails at all times. Trail users should also be encouraged to clean up after their dogs.

Comment #2: Nearshore Sediment Placement Impacts

Issue: Nearshore sediment placement could cause potential burial of sensitive marine species and their rocky bottom habitats via direct sediment placement or subsequent littoral drift causing substantial adverse effects.

Specific Impact: Several types of Habitat Areas of Particular Concern (HAPC) occur at the Project site, including rocky reefs, seagrass (e.g., surfgrass), and potential canopy kelp. Los Angeles waters support commercially and recreationally important fish and invertebrate species such as California halibut (*Paralichthys californicus*), California spiny lobster (*Panulirus interruptus*), and the important forage fish Northern anchovy (*Engraulis mordax*). Nearshore sediment placement activities could impact HAPC and the species that inhabit them via direct burial/smothering, increased turbidity, and/or decreased light availability. Additionally, the installation and operation of a nearshore nourishment pipeline, an increase in vessel traffic, and anchoring would directly impact HAPC if these habitats exist within the work area footprint.

Why impact would occur: After the Project's proposed nearshore sediment placement, the primary effect pathway of potential burial/smothering, increased turbidity, and or decreased light availability to rocky reef, seagrass, and algal communities is indirect. The Draft EIR does not address how the potential indirect effects, as a result of the nearshore sediment placement, would be monitored and/or mitigated for post construction to avoid and minimize impacts to HAPC.

Evidence impact would be significant: HAPC, a subset of Essential Fish Habitat, are habitats of special importance to fish populations due to their rarity, vulnerability to development and anthropogenic degradation, and/or ability to provide key ecological functions. Rocky reefs, seagrass, and canopy kelp (e.g., giant kelp) have been designated as groundfish HAPC by the Pacific Fisheries Management Council under the Magnuson-Stevens Fishery Conservation and Management Act.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #2: HAPC - CDFW appreciates the Project's inclusion of Mitigation Measure MAR-1 (Marine Resources Protection Measures), which ensures that pipeline installation, vessel traffic, anchoring, and nearshore sediment placement avoid HAPC to the greatest extent feasible. CDFW recommends that the Final EIR should quantify the amount of rocky reef, seagrass, and canopy kelp that could be lost due to the Project and potential alternatives. If impacts cannot be avoided, compensatory mitigation may be required. Additionally, CDFW recommends that post-construction monitoring of the nearshore sediment placement should occur to ensure HAPC's are not impacted. CDFW recommends consulting with CDFW and NOAA Fisheries on the Final EIR's impact analysis and all proposed mitigation measures for HAPC prior to release of the Final EIR.

Comment #3: Impacts on Southern Steelhead

Issue: The Project may impact southern steelhead during steelhead migration season.

Specific impacts: Project activities (e.g., expansion, recontouring, demolition, etc.) associated with the lagoon, creek, and other wetted areas would have an impact on aquatic species, especially southern steelhead.

Why impact would occur: Biological Mitigation Measure 4 through Mitigation 6 in the DEIR are intended to minimize impacts to aquatic fish species known to inhabit the Project area. While CDFW appreciates the effort to reduce significant impacts to this species, we believe that the measures as written could be refined to further reduce impacts to steelhead. Mitigation Measure 4 states that work would preferentially occur outside of the steelhead migration season of December through March. Although December to March is the primary window for returning adult steelhead, the time frame should be expanded to account for weather variability and migrating smolts. Stream connectivity and beach berm conditions in the Topanga watershed is highly influenced by seasonal rainfall and dictates when migration occurs. In any given year during Project activities, a heavy rain event may occur in the proposed time frame, or the area may experience rainfall as early as October or as late as April. Additionally, the Project should consider downstream-migrating smolts, who generally migrate to the ocean between March through May (Booth 2020). Furthermore, CDFW 2023 (unpublished; available upon request) data from work on Topanga Creek demonstrates that smolts migrating downstream were observed and recorded in January through June. Project activities conducted in months outside of the proposed time frame may result in incidental take and/or disruption of migration.

Evidence impact would be significant: Southern steelhead are designated as a candidate species under CESA and afforded full protection. Southern steelhead also meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on southern steelhead may require a mandatory finding

of significance because the Project would have the potential to threaten to eliminate a plant or animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065). The reduction in the number of southern steelhead, either directly or indirectly through habitat loss, would constitute a significant impact absent appropriate mitigation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by Wildlife Agencies.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #3: Project Scoping - Given that a Lake and Streambed Alteration Agreement is required for the Project, CDFW would like to the opportunity to be included during formal consultation with USFWS and National Marine Fisheries Service (NMFS) as it pertains to work in wetted areas and impacts on fish species. CDPR should revise Mitigation Measures 4 through 6 in the DEIR to include scoping with CDFW during formal federal consultation process, so that all Project requirements are in alignment with each other.

Mitigation Measure #1: BIO-4: Fish Protection Measures During Work in Wetted Areas - Mitigation Measure BIO-4 Fish Protection Measures During Work in Wetted Areas shall be revised to incorporate the underlined language and omit language in strikethrough:

Formal consultation with CDFW/USFWS/NMFS will further refine these measures and the Project shall comply with all permit requirements. The following measures shall be implemented to protect and minimize impacts on tidewater goby and steelhead trout, their critical habitat, and other special-status aquatic species during construction:

1. Cofferdam, sediment curtain, and/or another method approved by CDFW/NMFS/USFWS shall be used to cordon off the area (approximately 0.33 acre) around the existing bridge abutment to both exclude fish and wildlife and to contain construction debris and runoff within the work area. Final construction design shall meet all permit conditions and be developed by the contractor in coordination with State Parks.

    a. The cofferdam shall not be fully dewatered until the supervising biologist determines that no fish remain within the area. The supervising biologist shall have appropriate handling permits and experience with dewater and fish relocation activities. This includes experience with aquatic species associated with the lagoon, creek, and wetted areas.
        i. Dewatering shall be done slowly with supervision to ensure that any fish trapped in the area can be captured and relocated, reducing the

risk of injury or stress.

ii. Pumps shall be properly screened to prevent fish from entering the intake.

iii. Dewatering and flow diversion shall comply with permit requirements from CDFW, USFWS, and NMFS.

iv. Once the supervising biologist has confirmed that the work area is isolated, all fish are excluded, and there is no risk of entraining fish, then the pump screen may be removed.

v. Water removed from the work area shall be directed to an adjacent holding area according to permit requirements before being infiltrated into the existing fill or release into the lagoon or ocean downstream of the work area.

vi. Water quality testing including turbidity, temperature, salinity, dissolved oxygen, pH, and conductivity, nutrients (and potentially metals if required) shall be monitored and documented at the start, middle and end of each day.

b. Blocking nets providing a buffer area outside the work zone shall remain in place until all work is completed, and the coffer dam removed.
   i. Blocking nets shall be inspected at least three times a day (start, middle, end) or more if requested by the supervising biologist. If fish are impinged on the net, or weather/flow conditions change significantly, the supervising biologist can increase inspection efforts.

c. Silt curtains may also be installed inside the blocking nets to further reduce potential for water quality impacts.

2. All construction activities within or directly adjacent to the lagoon, creek, and wetted areas will occur preferentially outside of the steelhead migration season (November – June) ~~December through March)~~. In the event, this time frame cannot be avoided, measures shall be implemented with the approval of NMFS and CDFW to avoid impacts such as allowing passage through a protected portion of the work area and implementation of additional BMPs to buffer fish from adjacent work, such as use of silt curtains within the wetted edge and silt fence along the dry edge, etc.).
3. If fish upstream are observed in distress, a fish kill occurs, or spills occur, the supervising biologist shall immediately contact the contractor to stop work, contact the relevant agencies, and work with the contractor to correct the problem.
4. Upon completion of the removal of the old bridge within the coffer dam area, water quality shall be tested within the work area before removal of the walls. Flow shall be restored slowly, and fish shall remain excluded upstream of the work area pending confirmation that water parameters are suitable for direct release into the lower lagoon.

Comment #4: Impacts on Crotch's Bumble Bee

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

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

Why impacts would occur: There is a high potential for Crotch's bumble bee to be utilize the Project area for nesting and foraging opportunities. The DEIR has included Mitigation Measure BIO-3 to avoid and minimize impacts to Crotch's bumble bee. The measure describes that a 15-meter no disturbance buffer should be placed around any identified nests. If a buffer zone is not appropriately sized, any active nests may be encroached upon or destroyed. Moreover, Project activities in close proximity to an active nest may result in incidental take of individual larva or eggs within the nest. In addition to a small buffer zone, surveys conducted for Crotch's bumble bee should follow CDFW's Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023). Following the most recent survey protocol allows a qualified biologist to avoid incidental take of the species during surveying efforts.

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

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #2: BIO-3: Crotch's Bumble Bee Measures - Mitigation Measure BIO-3 Crotch's Bumble Bee Measures shall be revised to incorporate the underlined language and omit language in strikethrough:

The following measures shall be implemented to protect and minimize impacts on Crotch's bumble bees:

1. Surveys for Crotch's bumblebee shall be conducted within one year of vegetation removal/ground disturbance by a qualified entomologist with the appropriate permits and familiarity ~~familiar~~ with the identification, behavior, and life history of the species. The qualified entomologist shall conduct surveys adhering to CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. ~~A minimum of three surveys during peak flying season shall be conducted when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983), non-lethal survey~~

~~methodology shall be used and photo vouchers for species confirmation will be obtained (CBBA 2023).~~ At minimum, a survey report shall 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.
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.

2. If Crotch's bumble bee is detected, the following shall be implemented:
    a. The qualified entomologist shall:
        i. Identify the location of all nests within and adjacent to the Project site.
        ii. Provide a survey report to CDFW ~~summary~~ of the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. This shall include native plant composition (e.g., density, cover, and abundance) within affected habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).
        iii. An Avoidance Plan shall be developed with specific avoidance measures that will be implemented prior to and during Project activities. The Avoidance Plan shall be submitted to CDFW prior to Project activities for review. Upon CDFW approval of an Avoidance Plan, the qualified entomologist shall demarcate an appropriate ~~Establish a 15-meter~~ no disturbance buffer zone around all ~~any~~ identified nest(s) to reduce the risk of disturbance or accidental take. The buffer zone will be expanded as necessary to prevent disturbance or take to the extent feasible.
    b. If complete avoidance ~~of the buffer zone~~ is not feasible, consultation with CDFW shall occur to ~~identify any additional measures needed to avoid impact on the species, confirm allowable activities within the buffer zone, and~~ determine if take authorization from CDFW is required.
    c. Floral resources associated with Crotch's bumble bee that require removal during restoration activities shall be replaced at a 1:1 ratio and with guidance from CDFW. Floral resources will be planted within 200 meters of the original plant location or in the most centrally available location relative to identified Crotch's bumble bee nests and be located no more than 1.5 kilometers from the nest sites.
    d. The Habitat Restoration and Adaptive Management Plan will include native and local plant species preferred by Crotch's bumblebee within the plant palette to further support the existence and expansion of the species on-site.

Comment #5: Impacts on Monarch Butterfly

Issue: The Project may continue to impact the monarch butterfly overwintering site within the Project area.
Specific impacts: The Project intends to apply aerial pesticides near an area that supports a monarch butterfly overwintering population. Permanent or temporary impacts to overwintering habitat could result in local population decline or local extirpation of monarch butterflies.

Why impact would occur: According to the BRA, multiple monarch butterfly clusters with approximately 90 to 100 individuals each were observed north of Topanga Creek. To avoid impacts to overwintering monarchs, CDPR incorporated Mitigation Measure BIO-2: Monarch Butterfly Measures in the DEIR. The measure states that aerial pesticide or pesticides that are harmful to butterflies shall be avoided within 200 feet of overwintering sites when monarch overwintering is occurring (page 3.3-73). Use of pesticides, insecticides, and herbicides have detrimental consequences that may result in degradation of overwintering habitat, direct harm/injury to individual Monarchs, and population decline. Moreover, aerial application of pesticides is not an effective application method since chemical droplets cannot be controlled and may unintentionally drift onto surrounding habitat, posing a potential threat to nearby wildlife and natural resources. In addition, the buffer proposed in the measure may not be adequate to protect an overwintering population. According to USFWS's Western Monarch Butterfly Conservation Recommendations, use of pesticides should be avoided within 500 feet of overwintering sites (USFWS 2023). Aerial application of pesticides within 200 feet of overwintering sites would continue to have adverse impact on Monarch butterflies and overwintering habitat.

Evidence impact would be significant: The monarch butterfly is included on CDFW's Terrestrial and Vernal Pool Invertebrates of Conservation Priority list and identified as a Species of Greatest Conservation Need in California's State Wildlife Action Plan (CDFW 2017; CDFW 2015). Additionally, Fish and Game Code section 1002 prohibits the take or possession of wildlife for scientific research, education, or propagation purposes without a valid Scientific Collection Permit issued by CDFW. This applies to handling monarchs, removing them from the wild, or otherwise taking them for scientific or propagation purposes, including captive rearing. Fish and Game Code section 1021 directs CDFW to take feasible actions to conserve monarch butterflies and the habitats they depend upon for successful migration. Lastly, Fish and Game Code section 1374 directs the Monarch Butterfly and Pollinator Rescue Program, administered by the Wildlife Conservation Board, to recover and sustain populations of monarch butterflies.

The monarch butterfly meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on the monarch butterfly may require a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant or animal community and/or substantially reduce the

number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065). The reduction in the number of monarch butterflies, either directly or indirectly through habitat loss, would constitute a significant impact absent appropriate mitigation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by Wildlife Agencies.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #3: BIO-2 Monarch Butterfly Measures - Mitigation Measure BIO-2 Monarch Butterfly Measures shall be revised to incorporate the underlined language and omit language in strikethrough:

The following measures shall be implemented to protect and minimize impacts on overwintering monarchs:

1. During the overwintering season (October 15–March 15) prior to the start of restoration activities, a qualified biologist shall conduct a roosting monarch survey every two weeks to monitor the size of the population and map the locations of roosting monarchs. Roosting monarch surveys shall follow the Xerces Society monarch count protocol.
2. To prevent disturbance of monarchs during the overwintering season by construction personnel or work activity, roosting trees will be flagged, and snow fencing, or a similar technique shall be used to cordon off monarch roost trees at a reasonable distance of at least 25 feet away from the qualified biologist ~~roosting monitor~~. The qualified biologist ~~monitor~~ shall determine the placement of the fencing to protect the monarchs while allowing work to continue.
3. While work is occurring in the Project vicinity during the overwintering season, the qualified biologist ~~monitor~~ shall visit the property a minimum of two times per week to verify protection measures remain in place and document that roosting monarchs are not disturbed by work activities. The qualified biologist ~~monitor~~ shall have authority to stop work if monarchs show signs of unnatural disturbance. If monarchs are being disturbed or affected, protection measures shall be relocated by the qualified biologist ~~monitor~~ in consultation with the foreman.
4. Work crew shall be educated on the monarch protection measures and how the measures apply to their work.
5. During the overwintering season when monarchs are present, activities that could result in vibration and thus movement of monarch clusters, shall be avoided within 500 ~~200~~ feet of occupied trees. A qualified biologist can modify the buffer with approval of the regulatory agencies if adjacent activities are determined not be disturbing.

6. ~~Aerial pesticide applications or pesticides~~ ~~that are harmful to butterflies~~ shall not be utilized during and after the Project. If pesticide application shall occur, the pesticide shall not be harmful to Monarch butterflies and shall not be applied ~~avoided~~ within ~~200~~ 500 feet of overwintering sites when monarch overwintering is occurring. Application of pesticides shall be conducted by a qualified biologist through non-harmful methods and shall occur outside of overwintering season when Monarchs are likely present. Small cut and paint efforts or directed spot spraying when it is not windy will be allowed if required to control invasive Arundo treatments or other highly invasive species to avoid invasive regrowth in the Project area. All weed treatments shall be under the supervision of a qualified biologist to ensure no impacts on monarchs occur. Any weed treatments shall be under the supervision of a Qualified Applicator Certificate and conducted per State Parks and California Department of Pesticide Regulation guidelines.
7. Monarch nectary plants shall be incorporated into the plant palette of the HRAMP near potential overwintering sites.

Comment #6: Impacts on Bats

Issue: The Project may continue to impact bats, especially maternity roosts.

Specific impacts: The Project proposes to remove trees, vegetation, the PCH bridge, and structures (e.g., motel, beach facilities) which may impact maternity roosts in the Project area.

Why impact would occur: Three bat species were documented during focused surveys. Project impacts on bat species 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. 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).

Mitigation Measure BIO-10 in the DEIR outlines measures to minimize impacts on roosting bats; however, the measure does not have any specific conditions in the event that maternity roosts are identified prior to Project activities. If construction or demolition activities occur during maternity season, mature and vulnerable young bats may be negatively impacted. Impacts to the year's young may result in direct harm, abandonment of the maternity roost site, and decrease in the young's survivability (Caltrans 2021). The incorporation of maternity roost specific measures would alleviate Project impacts to the year's young and parental bats.

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, several bat species 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 Measures

Mitigation Measure #4: Measure BIO-10 Bat Roost Measures - CDPR shall revise Mitigation Measure BIO-10 Bat Roost Measures to incorporate the underlined language and omit language in strikethrough:

The most suitable bat roosting habitats on the Proposed Project are along the PCH bridge, within the motel, lease or lifeguard and public restroom building, and within oak, palms, and other large, mature trees. Rock crevices could also be used. Bats are their most vulnerable during their maternity roosting period (March 1 to August 31) ~~(May 1 to October 31)~~ and during hibernation periods (November 1 to February 31). ~~(December 1 to March 31).~~ The following measures shall be implemented to protect and minimize impacts on protected and roosting bats:

1. When feasible, disturbance to suitable bat roosting habitat shall be scheduled ~~in November and April, or otherwise~~ outside of sensitive hibernation and maternity roosting periods.
2. Within two weeks prior to disturbance of potential bat roosting sites (large trees, structures, rocky crevices), a qualified bat specialist shall conduct a visual and acoustic pre-construction survey of the Proposed Project area and surrounding 200 feet for possible roosting habitat. Surveys shall be conducted during the daytime and nighttime when bat species are detectable. Surveys shall be conducted by a qualified bat specialist with the appropriate handling permits and familiarity in identifying bat species and roosting habitat. The bat specialist shall document all survey results and prepare a summary report to CDFW.
3. In the event no roosting bats are present within the survey area, one-way exclusion devices shall be installed prior to structure demolition to exclude bat use and avoid their potential harm.
4. If potential roosting sites are identified, an additional survey to pinpoint roosting locations shall ~~should~~ occur within seven days prior to disturbing activities. The ~~biologist~~ bat specialist, in coordination with CDFW, shall refine a 200-foot or other agreed-upon buffer to keep in place during construction until the roosting site is confirmed to be no longer in use for hibernation ~~or dependent young~~. Night lighting for construction shall not be directed towards these roost sites.
5. If maternity roosts are identified, roosting locations shall be recorded within seven days prior to Project activities. Maternity roosts shall be demarcated with an appropriate buffer as agreed upon by CDFW and CDPR. Work shall occur outside of the maternity season. Trees and structures that are determined to

support maternity roosts shall be left in place until the end of the maternity season and the young are flying and foraging on their own. Work near a maternity roost shall not occur between 30 minutes before sunset and 30 minutes after sunrise.

6. Large tree cutting or removal shall be supervised by a qualified bat specialist ~~biologist~~ to document the presence or absence of bats that might be affected. Trees that are known to be bat roosts shall not be buckled or mulched immediately. A period of at least 24 hours shall elapse prior to such operations to allow bats to escape. A local bat rehabilitation facility shall be available in the event tree-felling results in unanticipated injury to any bat. If an individual bat is injured, the bat specialist shall inform CDFW in writing within 24 hours of the incident.
7. If bat roosts are affected during construction, the Project applicant shall provide replacement roosts within similar habitat and with a gap no greater than 3.8 centimeters and interior surface comparable to that of the original roost. The replacement roost shall be swabbed with bat guano and urine collected from the original roost. For the replacement roost to be considered effective, the same bat species that was affected by construction shall be observed utilizing the replacement roost in numbers that are comparable to the original roost. Replacement roosts that are occupied shall be left in placed during and after the Project.

Additional Comments

Acknowledgement. CDFW appreciates that CDPR has incorporated comments and recommendations from the NOP into the DEIR and looks forward to continued coordination with CDPR on this Project.

Alternative 2. CDFW supports Alternative 2 as the environmentally superior alternative and believes it should be the preferred alternative for the Project. The DEIR states that Alternative 3 would result in the fewest environmental effects and is considered the environmentally superior alternative (page 6-19). When evaluating the Project objectives, both Alternative 2 and 3 would meet all the objectives. However, Alternative 2 would provide the maximum lagoon habitat and restoration areas within the Project area. As a result of maximum lagoon expansion, fish passage for tidewater goby and southern steelhead would improve to its fullest potential under Alternative 2. Additionally, the DEIR notes that, "…local species would be increasingly stressed by changes in temperatures and rainfall patterns. Diversity and abundance would likely decrease. Endangered species could be extirpated" (page 2-8). Given that extirpation of endangered species may result over time as climate change and sea level rise increases, CDPR should proceed with the alternative that would afford endangered species the fullest resiliency to climate change. Alternative 3 would provide the least resilience to sea level rise as the Project area would retain much of the fill material on the east side of the creek. Furthermore, Alternative 3 proposes to retain the most motel

structures than other alternatives proposed. While the motel structures have historical value, retention of these structures does not benefit wildlife species and natural resources within the Project area. CDFW strongly recommends that CDPR consider Alternative 2 as the preferred alternative since it maximizes the lagoon habitat, increases fish passage opportunity, increases habitat along Topanga Creek, and provides long term coastal resiliency through lagoon expansion.

Living Shoreline Elements. Under all build alternatives, the Project would incorporate bioengineered stabilization and living shoreline elements. The DEIR further states that living shorelines would typically feature temporary fencing and native vegetation (page 2-16). While living shoreline elements may provide biological benefits, the DEIR does not provide sufficient information for CDFW to determine if this component of the Project may have adverse effects on wildlife and natural resources. CDFW recommends CDPR provide a full description of what living shoreline elements would be incorporated as part of the Project. CDPR should also provide the specific location(s) of where the living shoreline elements would be placed along the beach in the selected alternative. Moreover, CDPR should assess if any adverse impacts would occur as a result of constructing living shoreline elements in the Project area.

Best Management Practices. To enhance the general BMPs outlined in the DIER, CDPR should revise Mitigation Measure BIO-7 General BMPs for Biological Resources to incorporate the underlined language and omit language in strikethrough:

To minimize temporary and limited turbidity or water pollution impacts from adjacent ground disturbing activities, the following BMPs shall be implemented at a minimum. If more stringent measures are identified in the Project permits and Storm Water Pollution Prevention Plan (SWPPP), they will also be implemented.

1. Siltation fences, or other suitable material, shall be installed at the edge of the work areas to be graded to avoid movement of soil into wetted areas.
2. Vegetation removal shall be conducted so that materials are not permitted to fall into wetted areas.
3. Stockpiles shall be located a minimum distance of 100 feet ~~away~~ from the lagoon and creek corridor and shall ~~will~~ be contained by standard BMPs such as wattles, tarps, or burlap to ensure materials are not moved into the creek due to wind, rain, gravity, or flooding.
4. No equipment maintenance or refueling shall be permitted within 100 feet to avoid accidental spills from entering the lagoon and/or creek.
5. Soil shall be stabilized in bare areas with mulch, straw matting, hydroseeding (i.e., weed free hydroseed mix) or other approved methods as described in the Restoration Plan to avoid movement of soils into wetted areas.
6. Ground disturbing activities and vegetation removal shall not occur during rain events. Within 24 hours of a projected likely rain event, the site will be “buttoned up” with appropriate BMPs such as covers over stockpiles and wattle installation

at graded area boundaries and along slopes so that soil and Project materials will not wash into adjacent areas.

7. Access roadways shall be periodically swept (paved) or wetted down (unpaved) to minimize soil movement into adjacent areas due to wind.
8. Construction lighting shall be directed away from non-work areas and directed downward to avoid adversely affecting adjacent species and their movement corridors.

Rodenticides. The DEIR does not describe the use of rodenticides during or after the Project. However, because various mammals have been observed within the Project area, CDFW recommends CDPR prohibits the use of rodenticides and second-generation anticoagulant rodenticides within the Project area in perpetuity.

CESA. Several CESA protected species (e.g., southern steelhead, Crotch's bumble bee) are either present within the Project area or have the potential of being present during Project activities. 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). While CDFW appreciates the avoidance and minimization measures CDPR has incorporated into the DEIR to avoid take of special status species, incidental take may still occur. Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that CDPR 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 & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required 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 of a CESA ITP.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting CNDDB Online Field Survey Form (CDFW 2024). CDPR should ensure that data was submitted data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a

threat and then update this occurrence after impacts have occurred. The Project proponent should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the DEIR's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist CDPR 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). CDPR 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 CDPR 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 CDPR 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

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

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

Sincerely,

DocuSigned by:
5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

ec: California Department of Fish and Wildlife
Jennifer Turner
Christian Romberger
Eric Wilkins
Leslie Hart
Steve Gibson
Ruby Kwan-Davis
Frida Diaz-Barriga

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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**
MM-BIO-1 – Measure BIO-4 Fish Protection Measures During Work in Wetted Areas	Formal consultation with CDFW/USFWS/NMFS will further refine these measures and the Project shall comply with all permit requirements. The following measures shall be implemented to protect and minimize impacts on tidewater goby and steelhead trout, their critical habitat, and other special-status aquatic species during construction: 5. Cofferdam, sediment curtain, and/or another method approved by CDFW/NMFS/USFWS shall be used to cordon off the area (approximately 0.33 acre) around the existing bridge abutment to both exclude fish and wildlife and to contain construction debris and runoff within the work area. Final construction design shall meet all permit conditions and be developed by the contractor in coordination with State Parks. d. The cofferdam shall not be fully dewatered until the supervising biologist determines that no fish remain within the area. The supervising biologist shall have appropriate handling permits and experience with dewater and fish relocation	Prior to and during construction activities and vegetation removal in wetted areas	Project Proponent/ Supervising Biologist

	activities. This includes experience with aquatic species associated with the lagoon, creek, and wetted areas. vii. Dewatering shall be done slowly with supervision to ensure that any fish trapped in the area can be captured and relocated reducing the risk of injury or stress. viii. Pumps shall be properly screened to prevent fish from entering the intake. ix. Dewatering and flow diversion shall comply with permit requirements from CDFW, USFWS, and NMFS. x. Once the supervising biologist has confirmed that the work area is isolated, all fish are excluded, and there is no risk of entraining fish, then the pump screen may be removed. xi. Water removed from the work area shall be directed to an adjacent holding area according to permit requirements before being infiltrated into the existing fill or release into the lagoon or ocean downstream of the work area. xii. Water quality testing including turbidity, temperature, salinity, dissolved oxygen, pH, and conductivity, nutrients (and potentially metals if required) shall be monitored and documented at the start, middle and end of each day. e. Blocking nets providing a buffer area outside the		

	work zone shall remain in place until all work is completed and the coffer dam removed. j. Blocking nets shall be inspected at least three times a day (start, middle, end) or more if requested by the supervising biologist. If fish are impinged on the net, or weather/flow conditions change significantly, the supervising biologist can increase inspection efforts. f. Silt curtains may also be installed inside the blocking nets to further reduce potential for water quality impacts. 6. All construction activities within or directly adjacent to the lagoon, creek, and wetted areas will occur preferentially outside of the steelhead migration season (November – June). In the event, this time frame cannot be avoided, measures shall be implemented with the approval of NMFS and CDFW to avoid impacts such as allowing passage through a protected portion of the work area and implementation of additional BMPs to buffer fish from adjacent work, such as use of silt curtains within the wetted edge and silt fence along the dry edge, etc.). 7. If fish upstream are observed in distress, a fish kill occurs, or spills occur, the supervising biologist shall immediately contact the contractor to stop work, contact the relevant agencies, and work with the contractor to correct the problem. 8. Upon completion of the removal of the old bridge within the coffer dam area, water quality shall be tested within the work area before removal of the walls. Flow shall		

	be restored slowly, and fish shall remain excluded upstream of the work area pending confirmation that water parameters are suitable for direct release into the lower lagoon.		
MM-BIO-2 – Measure BIO-3 Crotch's Bumble Bee Measures	The following measures shall be implemented to protect and minimize impacts on Crotch's bumble bees: 1. Surveys for Crotch's bumblebee shall be conducted within one year of vegetation removal/ground disturbance by a qualified entomologist with the appropriate permits and familiarity with the identification, behavior, and life history of the species. The qualified entomologist shall conduct surveys adhering to CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. At minimum, a survey report shall 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. 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. 2. If Crotch's bumble bee is detected, the following shall be implemented: a. The qualified entomologist shall: i. Identify the location of all nests within	Prior to and during construction activities and vegetation removal	Project Proponent / Qualified Entomologist

	and adjacent to the Project site. ii. Provide a survey report to CDFW of the physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. This shall include native plant composition (e.g., density, cover, and abundance) within affected habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species). iii. An Avoidance Plan shall be developed with specific avoidance measures that will be implemented prior to and during Project activities. The Avoidance Plan shall be submitted to CDFW prior to Project activities for review. Upon CDFW approval of an Avoidance Plan, the qualified entomologist shall demarcate an appropriate no disturbance buffer zone around all identified nest(s) to reduce the risk of disturbance or accidental take. The buffer zone will be expanded as necessary to prevent disturbance or take to the extent feasible. b. If complete avoidance is not feasible, consultation with CDFW shall occur to determine if take authorization from CDFW is required.		

	c. Floral resources associated with Crotch's bumble bee that require removal during restoration activities shall be replaced at a 1:1 ratio and with guidance from CDFW. Floral resources will be planted within 200 meters of the original plant location or in the most centrally available location relative to identified Crotch's bumble bee nests and be located no more than 1.5 kilometers from the nest sites. d. The Habitat Restoration and Adaptive Management Plan will include native and local plant species preferred by Crotch's bumblebee within the plant palette to further support the existence and expansion of the species on-site.		
MM-BIO-3 – Measure BIO-2 Monarch Butterfly Measures	The following measures shall be implemented to protect and minimize impacts on overwintering monarchs: 1. During the overwintering season (October 15–March 15) prior to the start of restoration activities, a qualified biologist shall conduct a roosting monarch survey every two weeks to monitor the size of the population and map the locations of roosting monarchs. Roosting monarch surveys shall follow the Xerces Society monarch count protocol. 2. To prevent disturbance of monarchs during the overwintering season by construction personnel or work activity, roosting trees will be flagged, and snow fencing or a similar technique shall be used to cordon off monarch roost trees at a reasonable	Prior to construction activities and vegetation removal	Project Proponent / Qualified Biologist

	distance of at least 25 feet away from the qualified biologist. The qualified biologist shall determine the placement of the fencing to protect the monarchs while allowing work to continue. 3. While work is occurring in the Project vicinity during the overwintering season, the qualified biologist shall visit the property a minimum of two times per week to verify protection measures remain in place and document that roosting monarchs are not disturbed by work activities. The qualified biologist shall have authority to stop work if monarchs show signs of unnatural disturbance. If monarchs are being disturbed or affected, protection measures shall be relocated by the qualified biologist in consultation with the foreman. 4. Work crew shall be educated on the monarch protection measures and how the measures apply to their work. 5. During the overwintering season when monarchs are present, activities that could result in vibration and thus movement of monarch clusters, shall be avoided within 500 feet of occupied trees. A qualified biologist can modify the buffer with approval of the regulatory agencies if adjacent activities are determined not be disturbing. 6. Pesticides shall not be utilized during and after the Project. If pesticide application shall occur, the pesticide shall not be harmful to Monarch butterflies and shall not be applied within 500 feet of overwintering sites when monarch overwintering is occurring. Application of pesticides shall be		

	conducted by a qualified biologist through non-harmful methods and shall occur outside of overwintering season when Monarchs are likely present. Small cut and paint efforts or directed spot spraying when it is not windy will be allowed if required to control invasive arundo treatments or other highly invasive species to avoid invasive regrowth in the Project area. All weed treatments shall be under the supervision of a qualified biologist to ensure no impacts on monarchs occur. Any weed treatments shall be under the supervision of a Qualified Applicator Certificate and conducted per State Parks and California Department of Pesticide Regulation guidelines. 7. Monarch nectary plants shall be incorporated into the plant palette of the HRAMP near potential overwintering sites.		
MM-BIO-4 – Measure BIO-10 Bat Roost Measure	The most suitable bat roosting habitats on the Proposed Project are along the PCH bridge, within the motel, leasee or lifeguard and public restroom building, and within oak, palms, and other large, mature trees. Rock crevices could also be used. Bats are their most vulnerable during their maternity roosting period (March 1 to August 31) and during hibernation periods (November 1 to February 31). The following measures shall be implemented to protect and minimize impacts on protected and roosting bats: 1. When feasible, disturbance to suitable bat roosting habitat shall be scheduled outside of sensitive hibernation and maternity roosting periods. 2. Within two weeks prior to disturbance of potential	Prior to and during construction activities and vegetation removal	Project Proponent/ Bat Specialist

	bat roosting sites (large trees, structures, rocky crevices), a qualified bat specialist shall conduct a visual and acoustic pre-construction survey of the Proposed Project area and surrounding 200 feet for possible roosting habitat. Surveys shall be conducted during the daytime and nighttime when bat species are detectable. Surveys shall be conducted by a qualified bat specialist with the appropriate handling permits and familiarity in identifying bat species and roosting habitat. The bat specialist shall document all survey results and prepare a summary report to CDFW. 3. In the event no roosting bats are present within the survey area, one-way exclusion devices shall be installed prior to structure demolition to exclude bat use and avoid their potential harm. 4. If potential roosting sites are identified, an additional survey to pinpoint roosting locations shall occur within seven days prior to disturbing activities. The bat specialist, in coordination with CDFW, shall refine a 200-foot or other agreed-upon buffer to keep in place during construction until the roosting site is confirmed to be no longer in use for hibernation. Night lighting for construction shall not be directed towards these roost sites. 5. If maternity roosts are identified, roosting locations shall be recorded within seven days prior to Project activities. Maternity roosts shall be demarcated with an appropriate buffer as agreed upon by CDFW and CDPR. Work shall occur outside of the maternity season. Trees and structures that are determined to		

	support maternity roosts shall be left in place until the end of the maternity season and the young are flying and foraging on their own. Work near a maternity roost shall not occur between 30 minutes before sunset and 30 minutes after sunrise. 6. Large tree cutting or removal shall be supervised by a qualified bat specialist to document the presence or absence of bats that might be affected. Trees that are known to be bat roosts shall not be buckled or mulched immediately. A period of at least 24 hours shall elapse prior to such operations to allow bats to escape. A local bat rehabilitation facility shall be available in the event tree-felling results in unanticipated injury to any bat. If an individual bat is injured, the bat specialist shall inform CDFW in writing within 24 hours of the incident. 7. If bat roosts are affected during construction, the Project applicant shall provide replacement roosts within similar habitat and with a gap no greater than 3.8 centimeters and interior surface comparable to that of the original roost. The replacement roost shall be swabbed with bat guano and urine collected from the original roost. For the replacement roost to be considered effective, the same bat species that was affected by construction shall be observed utilizing the replacement roost in numbers that are comparable to the original roost. Replacement roosts that are occupied shall be left in placed during and after the Project.		
REC 1 – Trails Plan	CDPR should develop a Trails Management Plan and submit it for review and approval by CDFW and the	Prior to Project implementation	Project proponent

	USFWS (hereafter referred to as the Wildlife Agencies) prior to Project implementation. The Plan should include, at a minimum: a. Refined location of the trails system, including maps and figures; b. A discussion of the location of the Topanga Creek crossing associated with the trails system, and how the crossing will be achieved; c. Analysis of any impacts to sensitive upland habitats and/or CESA-listed species which could occur as a result of cutting new trails; d. Description of trail materials (i.e., paved asphalt, gravel, etc.) and/or level of access; e. Allowable and prohibited trail uses; and, f. Best management practices, including but not limited to: a. Public information signage which focuses on educating and informing the public about wildlife, and advise on proper avoidance measures to reduce human-wildlife conflicts; b. Trash receptacles to be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas; c. Prohibition of electric bicycles; Pets should always be kept on leash and on the trails at all times. Trail users should also be encouraged to clean up after their dogs.		

REC 2 – HAPC	CDFW recommends that the Final EIR should quantify the amount of rocky reef, seagrass, and canopy kelp that could be lost due to the Project and potential alternatives. If impacts cannot be avoided, compensatory mitigation may be required. Additionally, CDFW recommends that post-construction monitoring of the nearshore sediment placement should occur to ensure HAPC's are not impacted. CDFW recommends consulting with CDFW and NOAA Fisheries on the Final EIR's impact analysis and all proposed mitigation measures for HAPC prior to release of the Final EIR.	Prior to finalizing CEQA document	Project Proponent/ Lead Agency
REC 3 – Project Scoping	CDPR should revise Mitigation Measures 4 through 6 in the DEIR to include scoping with CDFW during formal federal consultation process, so that all Project requirements are in alignment with each other.	Prior to Project implementation	Project Proponent
REC 4 - Alternative 2	CDFW strongly recommends that CDPR consider Alternative 2 as the preferred alternative since it maximizes the lagoon habitat, increases fish passage opportunity, increases habitat along Topanga Creek, and provides long term coastal resiliency through lagoon expansion.	Prior to finalizing CEQA document	Project Proponent/ Lead Agency
REC 5 – Living Shoreline Elements	CDFW recommends CDPR provide a full description of what living shoreline elements would be incorporated as part of the Project. CDPR should also provide the specific location(s) of where the living shoreline elements would be placed along the beach in the selected alternative. Moreover, CDPR should assess if any adverse impacts would occur as a result of constructing living shoreline elements in the Project area.	Prior to finalizing CEQA document	Project Proponent/ Lead Agency

REC 6 – Best Management Practices	To minimize temporary and limited turbidity or water pollution impacts from adjacent ground disturbing activities, the following BMPs shall be implemented at a minimum. If more stringent measures are identified in the Project permits and Storm Water Pollution Prevention Plan (SWPPP), they will also be implemented. 1. Siltation fences, or other suitable material, shall be installed at the edge of the work areas to be graded to avoid movement of soil into wetted areas. 2. Vegetation removal shall be conducted so that materials are not permitted to fall into wetted areas. 3. Stockpiles shall be located a minimum distance of 100 feet from the lagoon and creek corridor and shall be contained by standard BMPs such as wattles, tarps, or burlap to ensure materials are not moved into the creek due to wind, rain, gravity, or flooding. 4. No equipment maintenance or refueling shall be permitted within 100 feet to avoid accidental spills from entering the lagoon and/or creek. 5. Soil shall be stabilized in bare areas with mulch, straw matting, hydroseeding (i.e., weed free hydroseed mix) or other approved methods as described in the Restoration Plan to avoid movement of soils into wetted areas. 6. Ground disturbing activities and vegetation removal shall not occur during rain events. Within 24 hours of a projected likely rain event, the site will be “buttoned up” with appropriate BMPs such as covers over stockpiles and wattle installation at	Prior to and during construction activities and vegetation removal	Project proponent

	graded area boundaries and along slopes so that soil and Project materials will not wash into adjacent areas. 7. Access roadways shall be periodically swept (paved) or wetted down (unpaved) to minimize soil movement into adjacent areas due to wind. 8. Construction lighting shall be directed away from non-work areas and directed downward to avoid adversely affecting adjacent species and their movement corridors.		
REC 7 – Rodenticides	CDFW recommends CDPR prohibits the use of rodenticides and second-generation anticoagulant rodenticides within the Project area in perpetuity.	During and after the Project	Project proponent
REC 8 – Data	Please report any special status species detected by completing and submitting CNDDB Online Field Survey Form. CDPR should ensure that the Project proponent has submitted the data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project proponent should provide CDFW with confirmation of data submittal.	Prior to finalizing CEQA document	Project Proponent/ Lead Agency