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City of Thousand Oaks
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Subject: Thousand Oaks General Plan Update, Notice of Preparation, SCH No. 2022060087; City of Thousand Oaks, Ventura County

Dear Mr. Holt:

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 Thousand Oaks (City) for the Thousand Oaks General Plan Update and the Climate and Environmental Action Plan (CEAP), collectively and herein referred to as the "Project." Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. 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; Public 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.

Project Description and Summary

Objective: The City is preparing the DEIR to comply with California State Government Code, section 65302, which requires each city to adopt a comprehensive, long-term general plan for the physical development of their community and provide a list of topics that must be addressed. The Project's list of topics include: Land Use; Circulation; Housing; Economic Development; Open Space, Parks, and Recreation; Conservation; Safety; and Noise. As part of the DEIR, the City will also assess potential environmental impacts associated with their CEAP, including strategies to reduce greenhouse gas (GHG) emissions. The DEIR will be used as a long-term planning tool, which subsequent, future projects may tier from.

Location: The Project would apply to the geographic limits of the City of Thousand Oaks, which is located at the southeastern edge of Ventura County within the Conejo Valley. The City is surrounded by Mountclef Ridge to the north, Simi Hills to the east, Santa Monica Mountains to the south, and Conejo Mountain to the west. The Project area encompasses approximately 56 square miles (35,840 acres), of which 15,250 acres is protected open space. The City also contains approximately 1,900 acres of unincorporated Ventura County, which is comprised of four clusters: Casa Conejo, Lynn Road, Rolling Oaks, and Lynn Ranch.

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) Climate and Environmental Action Plan. The City will analyze potential environmental impacts associated with the Project as part of the DEIR. As part of this analysis, CDFW recommends the City analyze how projected climate change will affect biological resources within the Project footprint. Future proposed projects (that tier off of the Project) should consider climate variability and change throughout all phases of the project(s), from initial project design through operations and maintenance. Increased habitat and/or species vulnerability due to climate change includes (but is not limited to) the following stressors:

a. Shifting fire frequency;
b. Drought impacts;
c. Shifts in vegetation types and distribution;
d. Increased temperatures;
e. Increased duration and frequency of heat waves;
f. Fog reduction or marine layer coverage; and,
g. Reduction in elevational or spatial habitat buffers from the effects of climate change.

The following are 1) examples of impacts to habitats and wildlife likely to occur as a result of climate change and 2) types of analysis CDFW recommends the City incorporate into their CEAP/DEIR to accurately capture these long-term impacts:

a. CDFW recommends the City analyze how projected climate conditions will affect special status plant and animal species distribution within the City (e.g., range, distribution, changes in habitat acreage, and loss of resources). These determinations should aid the City in determining and developing appropriate avoidance, minimization, and mitigation measures.

b. CDFW suggests the City analyze shrinking wetted habitats (e.g., marshes, wetlands, and riparian areas within the City) as a result of climate change. Future climate projections indicate higher temperatures, higher evaporation rates, and less frequent but more intense rain fall events are expected (Oakley 2019). These conditions will likely be exacerbated by greater water needs, increased energy use, and slower ground water recharge. Marsh, wetland, and riparian habitats provide important food, nesting habitat, cover, and/or migration corridors for wildlife (see Specific Comments 8 & 9). The City should determine the rate at which these habitats are contracting in relation to future climate projections and resource use. Considerations should be made for surface water levels, water temperature, and shifts in vegetation types and distribution.

c. CDFW recommends the City analyze how projected climate conditions will affect wildlife connectivity, habitat fragmentation, critical habitats, and open spaces within the City and adjacent habitats (see Specific Comment 2 & 3). Projected climate-driven faunal movement routes and changes to existing vegetation types over time should be considered. Food and water sources, migration routes, breeding, and sheltering areas that may be disconnected as a result of the Project and/or climate change should be considered when developing mitigation concepts.

   Conserving habitats and maintaining linkages between habitats may facilitate geographic shifts by species to higher elevations in response to climatic and temperature changes. Regional linkages of connected, preserved lands promote habitat and species resilience and reduce stressors associated with climate change, expanding urbanization, and invasive species. Enhancing species resiliency to changing environmental stressors may aid in preventing or reducing local extirpation.

   The City should also determine what species will be most affected by the loss of habitat and diminishing linkage areas associated with projected climate conditions. The DEIR should include land use strategies within the planning areas that complement existing linkages and expand native habitat abundance and diversity. Preliminary suggestions include but are not limited to: enhancing riparian areas and other open space areas; preserving, enhancing, and increasing urban habitats; and assessing culverts, bridges, underpasses, and other structures for connectivity potential/improvements.

2) 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; Banyan Park, Lynn Oaks Park, Spring Meadow Park, El Parque de la Paz, Old Meadows Park, Triunfo Park, Evenstar Park, Oak Canyon Community Park, Sunset Hills Park, Arroyo Conejo Open Space, Los Robles Open Space, Lang Ranch Open Space, North Ranch Open Space, Conejo Ridge Open Space, and all open spaces labeled *Parks, Golf Courses, and Open Space* within Figure 3 of the NOP titled *Endorsed Land Use Map*.

a. CDFW recommends the City analyze and discuss the Project's direct and indirect impacts on sensitive habitats/open space within the Project area. The Project (and subsequent projects) could result in loss of sensitive habitats/open space due to fuel modifications and introduction of non-native, invasive plants facilitated by the Project. 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 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 spaces into developed areas. CDFW also recommends the DEIR provide alternatives that would not encroach onto sensitive habitats/open spaces, particularly conservation easements. Pursuant to CEQA Guidelines (CEQA Guidelines, §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).

c. If avoidance is not feasible, CDFW recommends the DEIR provide measures to mitigate for impacts to sensitive habitats/open spaces. There should be no net loss of sensitive habitats/open spaces. CDFW recommends the DEIR provide measures where any future development facilitated by the Project mitigates (if avoidance is infeasible) for Project-level impacts on sensitive habitats/open spaces 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 spaces.

3) Impacts on Wildlife Corridors and Habitat Connectivity. According to the California Essential Habitat Connectivity dataset available in BIOS, the Project area supports continuous natural habitat blocks along the eastern side of the City. These areas support native biodiversity and areas essential for ecological connectivity (CDFWa 2022). Additionally, according to the Ventura County's GIS viewer, sections of the Santa Monica-Sierra Madre wildlife corridor overlap with the City of Thousand Oaks along northern, eastern, and western borders (Ventura County 2022). This corridor is especially valuable because it is one of the few coastal to inland connections remaining in the South Coast ecoregion (South Coast Wildlands 2008). 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 (see Specific Comment 1).

a. CDFW recommends the City analyze whether the Project would impact wildlife corridors (see Specific Comment 1-c & General Comment 4-b). 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 areas where development is proposed. Technical detail such as data, maps, diagrams, and similar relevant information should be provided to permit full assessment if 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 & 9). CDFW also recommends the DEIR provide measures where any future development facilitated by the Project mitigates (if avoidance is infeasible) for Project-level impacts on wildlife corridors not previously identified in the DEIR.

   Within the City of Thousand Oaks, the 101 freeway and State Route 23 create two major impediments to wildlife movement into Simi Hills and the Santa Susana Mountains (South Coast Wildlands 2008). CDFW recommends an evaluation of crossing structures (culverts, bridges, and overpasses) which may provide habitat connectivity and wildlife passage. Evaluation criteria can include presence of vegetation, light visibility at entrances, openness ratio, and suitable habitat nearby. These evaluations and criteria have been used by the Ventura County Planning Division (along with other agencies) in an effort to delineate wildlife corridors along the South Coast. The City may consider consulting Caltrans, the Ventura County Planning Division, CDFW, South Coast Wildlands, or the National Park Service (NPS) to implement methodologies to more effectively protect wildlife corridors. Improvements to urbanized linkage structures can include cleaning tunnels and culverts of sediment build up in conjunction with installing wildlife-proof fencing with escape gates to direct wildlife towards culverts and overpasses (South Coast Wildlands 2008). Additional information regarding wildlife corridor management practices can be found at https://vcrma.org/en/biological-resources. Moreover, project(s) planning should incorporate wildlife passage into early design.

4) Sensitive Bird Species. A review of the California Natural Diversity Database (CNDDB) indicates nearby occurrences of special status bird species including: coastal California gnatcatcher (*Polioptila californica var. californica);* CESA-listed and Endangered Species Act (ESA)-listed least Bell's vireo (*Vireo bellii pusillus*); Species of Special Concern (SSC) yellow warbler (*Setophaga petechia*); ESA-listed willow flycatcher (*Emipidonax traili*i); fully protected white-tailed kite (*Elanus leucurus*); CESA-listed and SSC tricolored blackbird (*Agelaius tricolor*);

and SSC yellow warbler (*Setophaga petechia*). Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, nestlings, or 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 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. 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.

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 will result in the removal of native, protected, and non-native trees. Some species of raptors have adapted to and exploit 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 trees (Cooper et al. 2020). According to eBird, there are multiple observations of red-tailed hawks and Copper'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). 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 and permanent loss of habitat within a Project site. Depending on the status of the species impacted, replacement habitat should increase with the occurrence of a California SSC. Replacement habitat acreage should further increase with the occurrence of a CESA-listed 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 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 & Game Code, § 4150; Cal. Code of Regs., § 251.1). Project(s) construction and activities, including (but not limited to) ground disturbance, vegetation removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and roosts.

b. CDFW recommends project level, biological-resource surveys provide a thorough discussion and adequate disclosure of potential impacts to bats and their roosts associated with Project construction and activities including (but not limited to) ground disturbance (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) Crotch's Bumble Bee. CDFW recommends the DEIR discuss the Project's potential impacts on Crotch's bumble bee (*Bombus crotchii*). Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare. Crotch's bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State. Crotch's bumble bee is listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFWb 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of Crotch's bumble bee could require a mandatory finding of significance by the City or a project proponent (CEQA Guidelines, § 15065).

8) 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 or Streambed Alteration Program webpage for information about LSA Notification (CDFWc 2022).

a. The Project area supports 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.

9) 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 (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 the 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 the 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).

10) 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 are 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.

11) 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/. Likewise, CDFW recommends non-hybridized varieties of native plants.

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 (Public 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 based on *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFWc 2018);

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 CNDDB in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDB Field Survey Forms be completed and submitted to CNDDB to document survey results. Online forms can be obtained and submitted at https://wildlife.ca.gov/Data/CNDDB/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 SSC and California Fully Protected Species (Fish & Game Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in 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);

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; and

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 (Public 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 (Public Resources Code, § 21081.6). CDFW recommends that the City prepare mitigation measures that are specific, detailed (e.g., 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; Public Resources Code, § 21081.6). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of 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. 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,

d. 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.

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 & Game 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, subds. (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's 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 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 the Project's 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).

11) Alternative Energy. Review of future proposed large-scale wind or solar projects should consider potential harmful impacts to birds and bats that might result from a variety of causes, such as: injury and mortality from collision with wind turbines, solar panels or mirrors, guy wires, and fencing. The potential effects of project features such as roadways and fences on predator avoidance should be analyzed. Project plans should incorporate established standards for setbacks, height restrictions to minimize impacts to avian and bat species in locations in proximity to sensitive habitat lands including wildlife concentration points. Projects should consider strategies for deterrence of birds and bats from the area, such as anti-perching mechanisms, sound deterrents, and modification of night lighting to be less attractive to insects and thus foraging birds and bats. Proposed wind projects should consider the California Energy Commission and CDFW's "California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development."

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

Sincerely,

DocuSigned by:
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