

State of California – Natural Resources Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF FISH AND WILDLIFE

CHARLTON H. BONHAM, Director

South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

October 5, 2022

Mr. Scott Kolwitz
City of Thousand Oaks
2100 Thousand Oaks Boulevard
Thousand Oaks, CA 91362
SKolwitz@toaks.org



Subject: 1100 Rancho Conejo Life-Science Campus, Mitigated Negative Declaration, SCH No. 2022090077; City of Thousand Oaks, Ventura County

Dear Mr. Kolwitz:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Thousand Oaks (City) Mitigated Negative Declaration (MND) for the 1100 Rancho Conejo Life-Science Campus (Project). The City, as Lead Agency, prepared a MND pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife or be subject to Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; 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

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Objective: The Project as proposed will include the demolition of all existing on-site structures and the redevelopment of the 18.99-acre parcel. Development will include three multi-story buildings and one, one-story amenity building totaling 325,324 square feet. The total development area would be 351,164 square feet with inclusion of accessory structures. Surface parking will surround the buildings and include 854 parking stalls. As part of the Project 54 trees will be removed, 13 will be encroached upon, and 10 trees are recommended for on-site relocation. It is anticipated that 39,000 cubic yards of fill grading will be required. As stated within the MND, exterior lighting will be designed to minimize upward-directed spillover. Likewise, exterior and interior lighting will be minimized in duration and amount in accordance with local, state, and federal regulations. Landscaping will include native plants within the low or very low water usage category. Other features proposed within the Project include a central courtyard, emergency generators, and infrastructure developments. An access road for vehicles and pedestrians is also proposed along Ventu Park Road. Project activities are anticipated to take 36 months.

Location: The Project is located at 1100 Rancho Conejo Boulevard within the City of Thousand Oaks. Land uses surrounding the project include industrial and mixed use to the west, residential to the east, and open spaces to the north.

Comments and Recommendations

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

Specific Comments

Comment #1: Impacts to Bats

Issue: The Project may impact Species of Special Concern (SSC) western mastiff bat (*Eumops perotis californicus*), SSC pallid bat (*Antrozous pallidus*), and Yuma myotis (*Myotis yumanensis*).

Specific impacts: Project activities have potential to directly impact bats which may be roosting in on-site buildings scheduled for demolition. Demolition of on-site buildings may result in direct mortality to bats.

Why impacts would occur: The MND did not provide any mitigation measures to avoid, minimize, or mitigate potential impacts to bats. In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts, and forage in sources of open water such as ponds and lakes (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Species such as the pallid bat and Yuma myotis are well known to use man-made structures (e.g. buildings) to roost. The Project did not conduct bat roosting surveys or nighttime

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emergence surveys to confirm or deny presence. Crevices in buildings and facilities in the Project site could provide roosting habitat. Without proper surveys to assess presence of bats the Project may continue to have significant impacts to biological resources.

Evidence impact would be significant: 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). Several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065). CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.

Mitigation Measure #2: CDFW recommends a qualified bat specialist conduct bat roosting surveys within the Project site to locate potential bat roosting sites. These assessments will determine baseline conditions of potential roosting areas present throughout the study area to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites.

Mitigation Measure #3: To prevent project delays and possible "take," CDFW also recommends nighttime emergence surveys of day roosts during seasons when bats are most mobile (April 1 to September 30). Emergence surveys should be performed shortly after dusk to identify any bats that emerge from a potential roost site. CDFW recommends using acoustic recognition technology to maximize detection of bats. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).

Survey methodology and results, including negative findings, should be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

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Mitigation Measure #4: If maternity roosts are found, CDFW recommends the following mitigation measures:

1. If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30).
2. If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost and work should not occur between 30 minutes before sunset and 30 minutes after sunrise.
3. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees should be removed using the two-step removal method. Segments of the tree which do not offer any roosting habitat should be removed. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly with heavy machinery two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be left in place for at least a 24-hour period and inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by using lights, fans, and placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

Mitigation Measure #5: If presence is confirmed within on-site buildings or structures CDFW recommends humane evacuation. Humane evacuation is performed using fans, lights, one-way exclusionary devices, and other humane means to make roost sites less suitable for bats. Humane evacuation prompts bats to escape before demolition of structures and lessens the probability of direct mortality. An appropriate amount of time (4-7 nights) should be given to allow for the maximum number of individuals to escape. Additional measures can be taken to maximize survival such as partial demolition where the structure is demolished gradually, providing another opportunity for evacuation. In the absence of presence/absence data CDFW recommends a conservative approach to minimize mortality of bat species.

Comment #2: Impacts to Sensitive Native Communities

Issue: The Project as proposed will impact sensitive native plant communities.

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Specific impacts: Mitigation measures offered within the MND are not sufficient to lower impacts to less than significant for on-site sensitive natural communities.

Why impacts would occur: Project implementation will include the removal of 0.45 acres of S3 ranked *Encelia californica* alliance. An S3 ranking indicates there are 21-80 occurrences of this community in existence in California (Sawyer 2008), removing this community may extirpate it from the local area. Mitigation measures provided within the environmental document did not offer appropriate avoidance, minimization, or mitigation for the permanent loss of this sensitive community. Neither mitigation ratios nor payment of in-lieu fees were offered within the MND to mitigate permanent impacts. Within the MND it states, "With implementation of MM-BIO-3, impacts to sensitive vegetation communities would be reduced to less than significant...[T]he applicant shall incorporate a minimum of 1.0 acres of a combination of California native shrub and California native perennial understory species known to occur in the Thousand Oaks area into the Project's Landscape Plan..." Landscaping is not appropriate mitigation for permanent impacts to sensitive natural communities. Landscaping will not replace the value or function of habitat. Although the alliance community is surrounded by development, it may offer a usable habitat fragment for surrounding species. Species may use this fragment to collect resources or as refuge. Likewise, transient species may utilize it as a steppingstone while traveling. With continuous development within Southern California urban areas are becoming increasingly less permeable to wildlife.

Evidence impact would be significant: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer 2008).

Inadequate avoidance, minimization, and mitigation measures for impacts to these CEQA locally sensitive vegetation communities 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 U.S Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends avoiding any sensitive natural communities found on the Project site. If avoidance is not feasible, the Project should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. Plant alliances ranked S3 should be mitigated for at a minimum 3:1 ratio. Replacement communities should adhere to the [membership rules](#) (CNPS 2022a) of their associated alliance and include the appropriate trees, understory species, shrubs, vines, forbs, and herbs.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

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Mitigation Measure #2: Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/nonnative cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria should include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria should be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer should be compared to the success criteria of the reference site, as well as the alliance criteria in the [Manual of California Vegetation](#) (MCV) (CNPS 2022b) ensuring one species or layer does not disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw 1998). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

Mitigation Measure #3: If on-site restoration is not possible, compensation for the loss of the *Encelia californica* communities may be accomplished by off-site restoration of in-kind habitat. 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. For proposed preservation and/or restoration, a plan should be developed and include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. 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.

Comment #3: Impacts to Nesting Birds

Issue: The proposed Project may impact nesting birds.

Specific impacts: Buffer zones proposed for nesting bird species should be increased to reduce potential impacts from increased noise, light, dust, vibration, and human activity.

Why impacts would occur: In mitigation measure BIO-2 within the MND it states, "If active nests are found, a no-construction buffer shall be established at a minimum of 50 feet for non-raptor bird species and 200 feet for raptor species..." Buffers proposed may not be sufficient avoidance, minimization, or mitigation to reduce impacts related to increased noise, vibration, light, or dust to nesting birds. Substantial noise may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55-60 dB (Barber et al. 2009). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). Moreover, increased ambient lighting levels can increase predation risks and

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disorientation and disrupt normal behaviors of wildlife in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004). Likewise, Project activities may force species to areas less suited for their survival.

Evidence impact would be significant: The Migratory Bird Treaty Act (MBTA) (Fish & Game Code, §§ 3503, 3503.5, 3513) prohibits the take (e.g killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the USFWS.

CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & Game Code, §§ 3511, 4700, 5050, 5515).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the Applicant revise Mitigation Measure BIO-2 for nesting birds in order to mitigate the Project's impact to below a level of significance or, the Project may continue to have a substantial adverse effect, on species protected under the MBTA or on a species identified as a candidate, sensitive, or special status species by CDFW. CDFW recommends the Applicant incorporate the following underlined language:

"If active nests are found, a no-construction buffer shall be established at a minimum of ~~50~~ 100 feet for ~~non-raptor bird~~ non-special status species, 200 feet for special status passerine species, and ~~200~~ 300 feet for raptor species (this distance may be greater depending on the bird species and construction activity, as determined by the qualified biologist) around the nest site where it overlaps with work areas. Tree and vegetation clearing and construction within the no-construction buffer shall be postponed or halted, ~~at the discretion of the qualified biologist~~ until the nest becomes inactive or the juveniles have fledged. In addition, all active nests shall be mapped with a GPS unit. Nest locations with associated buffers overlain shall be plotted on aerial photographs to provide regularly updated maps to inform the Project manager/engineer and construction crew of areas to avoid. The qualified biologist shall also serve as a construction monitor during the breeding season to ensure that there are no inadvertent impacts to nesting birds.

Follow-up active nest surveys shall be conducted by a qualified biologist no less than every 14 days following identification of an active bird nest until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. A bird nest monitoring report shall be completed and submitted to the City of Thousand Oaks within 48 hours of each survey."

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

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

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

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

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

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. CDFW recommends the City consider permeable fencing as part of its mitigation for Project-related impacts. Wildlife impermeable fencing is fencing that prevents or creates a barrier for the passage of wildlife from one side to the other. [Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide](#) (LACRP 2020) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards.

Mitigation Measure #2: To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility should be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way.

It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

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

Additional Recommendations

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

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do not allow for the introduction of invasive Argentine ants.

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

Filing Fees

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

Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Angela Castanon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov

Sincerely,

DocuSigned by:

Steve Gibson

614D9A782D93439...
Steve Gibson for Erinn Wilson-Olgin
Environmental Program Manager I

EC: CDFW
Steve Gibson – Los Alamitos – Steve.Gibson@wildlife.ca.gov
Emily Galli – Fillmore – Emily.Galli@wildlife.ca.gov
Susan Howell – San Diego – Susan.Howell@wildlife.ca.gov
CEQA Program Coordinator – Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse - state.clearinghouse@opr.ca.gov

References:

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State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

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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. A final MMRP should reflect results following additional plant and wildlife surveys and the Project’s final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Impacts to Bats- ITP	Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project’s CEQA document addresses all the Project’s impact on CESA endangered, threatened, and/or candidate species. The Project’s CEQA document shall also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW’s ITP be described in detail in the Project’s CEQA document. Also, biological mitigation monitoring and reporting proposals shall be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project’s impact on a CESA endangered, threatened, and/or candidate	Prior to Project construction and activities	City of Thousand Oaks/ Applicant

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	species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.		
MM-BIO-2- Impacts to Bats	A qualified bat specialist conduct bat roosting surveys within the Project site to locate potential bat roosting sites. These assessments will determine baseline conditions of potential roosting areas present throughout the study area to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-3- Impacts to Bats	To prevent project delays and possible "take," CDFW also recommends nighttime emergence surveys of day roosts during seasons when bats are most mobile (April 1 to September 30). Emergence surveys shall be performed shortly after dusk to identify any bats that emerge from a potential roost site. Use of acoustic recognition technology to maximize detection of bats is recommended. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004). Survey methodology and results, including negative findings, shall be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-4- Impacts to Bats	If maternity roosts are found - 1. If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats	Prior to Project construction and activities	City of Thousand Oaks/ Applicant

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	<p>are present but are not yet ready to fly out of the roost (March 1 to September 30).</p> <ol style="list-style-type: none"><li data-bbox="575 358 1394 954">2. If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology shall be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.<li data-bbox="575 992 1394 1425">3. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees shall be removed using the two-step removal method. Segments of the tree which do not offer any roosting habitat shall be removed. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly with heavy machinery two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be left in place for at least a 24-hour period and inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior		
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	to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by using lights, fans, and placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.		
MM-BIO-5- Impacts to Bats	If presence is confirmed within on-site buildings or structures humane evacuation is recommended. Humane evacuation is performed using fans, lights, one-way exclusionary devices, and other humane means to make roost sites less suitable for bats. Humane evacuation prompts bats to escape before demolition of structures and lessens the probability of direct mortality. An appropriate amount of time (4-7 nights) shall be given to allow for the maximum number of individuals to escape. Additional measures can be taken to maximize survival such as partial demolition where the structure is demolished gradually, providing another opportunity for evacuation. In the absence of presence/absence data a conservative approach to minimize mortality of bat species is recommended.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-6- Impacts to Sensitive Plant Communities	Avoiding any sensitive natural communities found on the Project site is the preferable method of mitigation. If avoidance is not feasible, the Project shall mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. Plant alliances ranked S3 shall be mitigated for at a minimum 3:1 ratio. Replacement communities shall adhere to the membership rules (CNPS 2022b) of their associated alliance and include the appropriate trees, understory species, shrubs, vines, forbs, and herbs. All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan prior to any ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency	Prior to Project construction and activities	City of Thousand Oaks/ Applicant

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	<p>actions shall success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation shall have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).</p>		
<p>MM-BIO-7- Impacts to Sensitive Plant Communities</p>	<p>Success criteria shall be based on the specific composition of the vegetation communities being impacted. Success shall not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/nonnative cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria shall be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in MCV ensuring one species or layer does not disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.</p> <p>CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw 1998). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to</p>	<p>Prior to Project construction and activities</p>	<p>City of Thousand Oaks/ Applicant</p>

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	CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.		
MM-BIO-8- Impacts to Sensitive Plant Communities	If on-site restoration is not possible, compensation for the loss of the <i>Encelia californica</i> communities may be accomplished by off-site restoration of in-kind habitat. Areas proposed as mitigation lands shall be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. For proposed preservation and/or restoration, a Plan shall be developed and include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. Issues that shall 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 shall be set aside to provide for long-term management of mitigation lands.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-9- Impacts to Nesting Birds	The Applicant shall revise Mitigation Measure BIO-2 for nesting birds as stated in the above comment.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-10- Impacts to Non- Game Mammals and Wildlife	If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide (https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf) (LACRP 2020) offers additional information on permeable fencing as well as design	Prior to Project construction and activities	City of Thousand Oaks/ Applicant

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	standards..		
MM-BIO-11- Impacts to Non- Game Mammals and Wildlife	<p>To avoid direct mortality, a qualified biological monitor shall be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way.</p> <p>It shall be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.</p>	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
MM-BIO-12- Impacts to Non- Game Mammals and Wildlife	Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.	Prior to Project construction and activities	City of Thousand Oaks/ Applicant
REC-1- Fuel Modification	If the Project includes fuel modification, the final environmental shall include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan shall be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.	During construction and activities	City of Thousand Oaks/ Applicant
REC-2-	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan. A final MMRP shall	Prior to Project construction and activities	City of Thousand Oaks/ Applicant

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Mitigation and Monitoring Reporting Plan	reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.		
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