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NOV 7 2022

STATE CLEARING HOUSE

November 7, 2022

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**Subject: Mitigated Negative Declaration for Bosaki-Newman Residence (R2015-00089)
 Project, SCH #2022100146, Los Angeles County Department of Regional
 Planning, Los Angeles County**

Dear Mr. Taylor:

The California Department of Fish and Wildlife (CDFW) has reviewed the Bosaki-Newman Residence (R2015-00089) (Project) Initial Study/Mitigated Negative Declaration (MND) from the Los Angeles County Department of Regional Planning (LACDRP). Supporting documentation for the Project includes the *Biological Assessment* (BA) dated June 8, 2017, and the *Habitat Restoration, Monitoring, & Maintenance Plan* (HRMMP) dated June 8, 2017. CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

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Project Description and Summary

Objective: The Project proposal is to construct a new single-story with basement, 7,809 square-foot single-family residence that is 18-foot-tall, attached 554-square-foot garage, detached 531-square-foot playroom, accessory swimming pool and spa, retaining walls, fences, 862-foot-long access driveway, and on-site wastewater treatment system. The Project proposal also includes the restoration of deteriorated habitat areas. The proposed total grading of 6,512 cubic yards includes 4,002 cubic yards of cut and 2,510 cubic yards of fill, with 1,492 cubic yards to be exported. The proposed Project will restore an unofficial trail that is not a part of the mapped National Park Service trail system. This will establish a route that will officially serve as a dedicated public trail connection to and from Charmlee Wilderness Park.

Location: The Project site is located at 2181 Encinal Canyon Road in Los Angeles County on the southern flank of the Santa Monica Mountains towards its western end. It is located approximately 1.5 miles north of Pacific Coast Highway and about 1 mile south of the Decker Canyon Road - Lechusa Road intersection.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the LACDRP in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental 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).

Specific Comments

Comment #1: Biological Surveys

Issue: MND analysis and conclusions rely on outdated biological surveys.

Specific impacts: The biological surveys conducted for the BA may no longer represent the current state of the Project site and the inventory of biological species that may be present. Therefore, Project implementation, including grading, vegetation clearing, road construction, and road maintenance, may result in direct mortality, population declines, or local extirpation of sensitive plant and wildlife species that were not previously known or identified.

Why impact would occur: The Project has utilized biological surveys from 2015, 2016, and 2017; however, it is especially relevant to recognize that the Project site conditions have changed due to the occurrence of the Woolsey fire (November 2018). Impacts to species not previously known or identified to be on the Project site or within its vicinity have the possibility to occur. In addition, impacts to species already identified may have changed since surveys were conducted. This may result in mortality, reduced reproductive capacity, population declines, or local extirpation of a sensitive or special status plant or wildlife species. These changes on site due to fire have not been accounted for, which may lead to a net loss of rare or special status plants or wildlife.

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Fire is a natural and essential part of the life cycle of the plant communities of the Santa Monica Mountains. Slopes that formerly supported dense chaparral shrubs are known to bloom annual species in the spring following a fire. These annuals play an important role in helping protect vulnerable chaparral slopes from erosion following fires when little regrowth of shrubs has occurred (Rundel, P.W. & Gustafson, R. 2005).

In addition, the heat of fires helps stimulate long-lived seeds often found in the soil beneath canopies. Several short-lived shrubs and semi-woody species can become established in large numbers after fire from seed stored in the soil. One such species that has been found to be significant in areas post-fire is deerweed (*Acmispon glaber*). The BA indicated the presence of deerweed on the Project site. Although not an Environmentally Sensitive Habitat Area (ESHA), the abundance of deerweed is significant because it adds large amounts of nitrogen to chaparral soils that have often lost this element in gases released by the heat of fire. Without deerweed to supply this nitrogen, frequent fires could deplete the amount of nitrogen available for plants in soil (Rundel, P.W. & Gustafson, R. 2005). With this renewed supply of nitrogen, rare plants may have established in the Project site post-fire and went undetected absent a post-fire survey. Project construction and activities such as vegetation clearing, operating large equipment (e.g., loaders, dozers, drilling rigs, and cranes), and ground disturbance (e.g., staging, access, grading, excavating, drilling) may have undisclosed direct impacts on sensitive or special status plant species and indirect impacts by modifying or removing habitat.

Evidence impact would be significant:

Impacts to special status plant 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 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 USFWS. Additionally, plants that have a CNPS California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS [Rare Plant Ranks](#) page for additional rank definitions.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends LACDRP provide a report that documents the methods and results of a supplementary spring-time field survey under existing conditions. The report should provide the most accurate picture of existing conditions and document any post-fire physical or biological changes. The report should include the following information at a minimum:

- a) A list of data sources accessed to include at a minimum:
 - a. [California Natural Diversity Database \(CNDDDB\)](#) provided by the CDFW.
 - b. [Information on Wild California Plants](#) database provided by Calflora.
 - c. [Inventory of Rare and Endangered Plants of California](#) database provided by the CNPS.

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- b) A detailed map of the Project site with a 500-foot buffer. Staging area(s), access point(s), and ingress/egress routes should be clearly shown on the map.
- c) A brief description of field survey conditions that should include name(s) of qualified biologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; and survey goals.
- d) A description of survey methods.
- e) A detailed description of post-fire physical and biological conditions, including current soil composition; changes to topography; a list of any new native, non-native/invasive, and ornamental grasses, forbs, shrubs, vines, ferns, and trees present post-fire; a list of any new wildlife present post-fire; any new habitat structures that could support wildlife with emphasis on special status wildlife species (e.g., logs, pools, burrows in drylands); and any changes to the alignment, channel width, bed composition, stream bank vegetation, or stream bank stability along drainages on site.
- f) A list of sensitive plants and wildlife species evaluated that could now potentially occur in a post-fire landscape. The report should also include a comprehensive list of all species identified for the nine quadrangles queried in the CNDDDB and plants identified from the CNPS and Calflora databases.
- g) Updated map of vegetation communities at the alliance level using the [Manual of California Vegetation](#) (MCV 2022) and CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#).
- h) If sensitive and/or special status plants are found, the biological assessment should include a detailed map showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location.

Mitigation Measure #2: If sensitive and/or special status plants are found, the MND should provide species-specific measures to fully avoid impacts to those plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training. For unavoidable Project impacts, LACDRP should require a species-specific mitigation plan that describes the following at a minimum:

- a) identify the impact and level of impact (e.g., acres or individual plants impacted);
- b) location of on-site mitigation and adequacy of the location(s) to serve as mitigation;
- c) assessment of appropriate reference sites;
- d) if applicable, scientific [Genus and species (subspecies/variety if applicable)] and common names of plants being used for restoration; 5) location(s) of propagule source;
- e) species-specific planting methods (i.e. container or seed);
- f) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); and
- g) long-term monitoring; and adaptive management techniques. Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.

Recommendation #1: CDFW recommends the LACDRP include rare plant survey results [including negative findings (i.e., no detections)] to the biological assessment report, and the report provided as an appendix to the MND. If new significant effects to rare plants are identified

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and mitigation measures or project revisions must be added to the MND, CDFW recommends recirculating the environmental document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).

Comment #2: Mountain Lion (*Puma concolor*)

Issue: The Project may impact mountain lions due to the Project site occurring within the range of mountain lion habitat.

Specific impacts: The BA states, “Several mountain lions range across the Santa Monica Mountains; the ranges of some individuals encompass the property.” The Project as proposed may impact the southern California mountain lion population by temporarily and permanently increasing human presence, traffic, and noise.

Why impacts would occur: Mountain lions may occur within the Project footprint or in areas immediately adjacent to the Project. The Project may increase human presence (e.g., new development, public trail access), traffic, and noise as well as potential artificial lighting during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020).

The MND does not address mountain lions or the Project’s potential impact on their habitat or range within the vicinity. Therefore, the Project may have significant impacts on this CESA-protected species because no avoidance, minimization, or mitigation measures have been proposed. This will lead to undisclosed and unmitigated direct and indirect, permanent or temporal losses, of habitat for mountain lion.

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #3: Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings should be submitted to CDFW prior to

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initiation of Project activities. The survey report should include a map of potential denning sites. The survey report should include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.

Mitigation Measure #4: If potential habitat for natal dens are identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

Mitigation Measure #5: If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the LACDRP should consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 *et seq.*).

Recommendation #2: CDFW recommends the LACDRP evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The LACDRP should analyze the change (i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the LACDRP provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the LACDRP recirculate the document with these analyses included.

Comment #3: Crotch’s Bumble Bee

Issue: Project activities may impact suitable habitat for Crotch’s bumble bee (*Bombus crotchii*).

Specific impacts: The BA states, “crotch bumble bee (*Bombus crotchii*) [occurs] less than 1 mile to the southeast. The biologists expect the species to occur at the property including areas within the proposed development area and fuel modification zones.” The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impacts would occur: Crotch’s bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by

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Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. The MND does not address any potential impacts to Crotch's bumble bee, nor does it mention Crotch's bumble bee. Without sufficient avoidance, minimization, or mitigation measures, the residence development and trail restoration activities may result in undisclosed and unmitigated temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without taking into account the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #6: Due to suitable habitat within the Project site, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report should provide the following:

- a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.
- b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.
- c) Map(s) showing the location of nests/colonies.
- d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

Mitigation Measure #7: If Crotch's bumble bee is detected, the LACDRP in consultation with a qualified entomologist should develop a plan to fully avoid impacts to Crotch's bumble bee. The plan should include effective, specific, enforceable, and feasible measures. An avoidance plan

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should be submitted to the LACDRP prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.

Mitigation Measure #8: If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided during Project construction and activities, the LACDRP/qualified entomologist should coordinate with CDFW to obtain appropriate handling permits for incidental take of Crotch's bumble bee and provide appropriate mitigation for impacts to Crotch's bumble bee habitat. CDFW recommends the LACDRP mitigate for impacts to Crotch's bumble bee habitat at a ratio comparable to the Project's level of impacts.

Comment #4: Impacts to Drainages

Issue: The Project as proposed may impact drainage or erosional features that CDFW considers a stream.

Specific Impact: The Initial Study states, "The proposed driveway will be located within the 100-foot stream buffer." In addition, Figure 2 of the HRMMP depicts a trail to be restored is adjacent/crossing over Drainage 4.

Why Impact Would Occur: Installation of new materials to restore the trail, whether granite or native earth, may alter hydrologic and geomorphic processes, potentially impacting Drainage 4 on site and drainages located downstream of the Project. Moreover, construction of a new trail may increase foot traffic as it would allow for easier access to pedestrians. This foot traffic may cause indirect impacts to drainages, such as compaction of soil in or around the drainage as well as the likelihood for deposition or debris and refuse in the area that may end up in the drainages. Impacts to drainages may also occur outside of the Project boundary upstream where there is hydrologic connectivity.

Impacts on drainages from the trail restoration were not mentioned in the MND. A wider expanse of vegetation removal may be associated with the trail restoration, which would impact the surrounding vegetation community. Moreover, potential loss of natural drainage patterns and soils due to installation of new trail materials and an increase in human presence on the trail may result in direct or indirect, temporary or permanent adverse impacts to multiple drainages on site and downstream. Flow through the drainage with new trail materials may cause erosion and increased sediment aggradation downstream as well as result in potential loss of vegetation communities. Additionally, Project implementation may directly affect water quality downstream. Lastly, these actions may also result in changes to the stream, altering hydrologic and geomorphic processes that may impact plant and wildlife species.

Evidence Impact Would Be Significant: Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

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The Project may adversely affect the existing hydrology pattern of the Project site. This may occur through the alteration of flows in stream, which absent specific mitigation, could result in substantial erosion or siltation on or off site of the Project. In addition, associated riparian plant communities are present downstream of the Project site. Accordingly, impacts to sensitive or rare riparian plant communities may occur. In addition, the Project may substantially adversely affect the existing stream pattern and geomorphologic processes of the Project site through the alteration of drainages on site. Direct filling of drainages would impact sensitive vegetation communities and wildlife habitat downstream. No jurisdictional delineation was conducted so it is unclear the extent or number of drainages that may be impacted as well as the habitat that exists downstream. 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 CDFW.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #9: CDFW recommends fully avoiding impacts to any drainages on site. If feasible, CDFW recommends the LACDRP consider Project alternatives that could incorporate the drainages into the planned development so the trail would avoid rather than traverse any drainages. This would prevent depositing new materials into the drainages as well as preventing the need for bridge installation. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible. CDFW recommends taking an interdisciplinary approach to involve landscape architects, engineers, and wildlife biologists, and hydrologists to develop design alternatives that could fully avoid impacts to waters and vegetation communities on and off site.

Mitigation Measure #10: If avoidance and redesign is not feasible, CDFW recommends the LACDRP notify CDFW pursuant under Fish and Game Code, section 1600 et seq. The Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2022a).

Mitigation Measure #11: CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report should also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.

Mitigation Measure #12: CDFW recommends BMPs be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent should prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All

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fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site should be free of nonnative plant materials. Fiber rolls or erosion control mesh should be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Recommendation #3: CDFW's issuance of an 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 CEQA document from the County for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA 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.

To compensate for any on- and off-site impacts to wetlands or riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Comment #5: Impacts to Bat Species

Issue: The Project may impact several bat species, including pallid bat (*Antrozous pallidus*), silver haired bat (*Lasionycteris noctivagans*), and western small-footed myotis (*Myotis ciliolabrum*).

Specific impacts: The BA states, "Pallid bat, silver-haired bat, and western small-footed myotis are expected to occur within the California Live Oak Woodland and are expected to forage over the proposed development area and fuel modification zones and other areas of the property." The pallid bat, silver-haired bat, and western small-footed are both designated California Species of Special Concern (SSC). Project activities include ground disturbing activities that may disturb areas that provide foraging habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, and grading), and vibrations caused by heavy equipment.

Why impacts would occur: The removal of vegetation may potentially result in the loss or disturbance of foraging and roosting habitat for bats. Construction activities will temporarily increase the disturbance levels as well as human activity in the Project area. Moreover, the trail installation will create a permanent increase in human presence in the Project area. Lastly, general biological reconnaissance surveys were conducted during daytime hours. Therefore, there is potential bats present on site that would go undetected. This may cause the Project to impact individuals not previously known to reside in or around the Project area. Bats would require more species-specific and specific time-of-day surveys.

Evidence impacts 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). Several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of California

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Species of Special Concern could require a mandatory finding of significance by the LACDRP (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #13: Prior to construction activities, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings should be provided to the LACDRP. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the LACDRP prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

Mitigation Measure #14: 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 yet ready to fly out of the roost (March 1 to September 30).

Comment #6: Impacts to Species of Special Concern

Issue: Project activities may impact several SSC.

Specific impact: Southern California legless lizard (*Anniella stebbinsi*), coast patch-nosed snake (*Salvadora hexalepis virgulata*), and San Bernardino ringneck snake (*Diadophis punctatus modestus*) have a potential to occur within the Project site. Direct impacts to these and other SSC could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat.

Why impacts would occur: The trail restoration may potentially result in the loss or disturbance of foraging and nesting habitat for SSC. Moreover, focused surveys for reptile SSC were not conducted to see if these or other reptile species may be found in the area. The MND does not provide any appropriate species-specific avoidance, minimization, or mitigation measures for impacts to these SSC. Without any protection measures, the Project may result in trampling or crushing of SSC. Vegetation removal and grading after false negative conclusions may trap wildlife hiding under refugia and burrows. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat.

Evidence impacts would be significant: CEQA provides protection not only for State and federally listed species, but for any species including but not limited to California SSC, which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare,

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threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the LACDRP (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #15 – Scientific Collecting Permit: The Project may require capture, handling, and relocation of wildlife. Pursuant to the [California Code of Regulations, title 14, section 650](#), the LACDRP/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2022b). An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).

Mitigation Measure #16 – Species surveys: The LACDRP should retain a qualified biologist with experience surveying for the reptile species of special concern. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct surveys for where suitable habitat is present. Pre-construction surveys should be conducted no more than one week prior to initial Project-related ground-disturbing activities. Surveys should occur no more than three days prior to activities. Project related activities include construction, equipment and vehicle access, parking, and staging. The surveys should include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey should be conducted so that 100 percent coverage of the Project site and surrounding areas is achieved.

If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected. The qualified biologist should take a photo of each location, map each location, and provide the specific species detected at that location. The qualified biologist should provide a summary report of SSC surveys to the LACDRP before any Project-related ground-disturbing activities. CDFW should be notified and consulted regarding the presence of any special-status wildlife species found on site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the USFWS should also be notified. Additional avoidance and minimization measures may need to be developed with CDFW/USFW.

Mitigation Measure #17 – Protection Plan: Where applicable, wildlife should be protected or allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife should be captured by only a qualified biologist with proper handling permits (see Mitigation Measure #1). The qualified biologist should prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols should be implemented during Project

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construction and activities/biological construction monitoring. The LACDRP/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and passive relocation procedures. Only a USFWS approved biologist should be authorized to capture and relocate ESA-listed species. A relocation plan should be submitted to CDFW for review and comment prior to implementing Project-related ground-disturbing activities.

Mitigation Measure #18 – Worker Training: The LACDRP, in consultation with a qualified biologist, should prepare worker environmental awareness training prior to implementation of Project ground-disturbing activities. The training should include effective, specific, enforceable, and feasible actions. The qualified biologist should have prepared maps showing locations where SSC were detected and share this information to workers as part of training. The qualified biologist shall meet with the construction crew at the Project site at the onset of construction to educate the construction crew on the following: 1) a review of the Project boundaries; 2) all special-status species that may be present, their habitat, and proper identification; and 3) the specific mitigation measures that will be incorporated into the construction effort. The qualified biologist should communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, should immediately report the incident to the qualified biologist and/or onsite representative identified in the worker training.

Mitigation Measure #19 – Injured or Dead Wildlife: If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. The qualified biologist should contact the USFWS, CDFW, and the LACDRP by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report should be sent to the LACDRP, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Comment #7: Habitat Restoration, Mitigation, and Monitoring Plan (HRMMP)

Issue: Activities in the HRMMP included may result in impacts to other in-situ vegetation, wildlife, and drainages on site.

Specific impact: The HRMMP states, “An operator shall then use a bulldozer to carefully lift blocks of topsoil with vegetation and lilies intact. The blocks will then be placed by machine or hand (depending on weight) into the excavated holes on the receptor sites.” The use of heavy machinery, such as a bulldozer, in restoration activities may cause secondary impacts. These may include soil compaction, crushing of vegetation, displacement or potential mortality of wildlife, and impacts to drainage 4 (see Comment #4).

Why impacts would occur: The activities associated with habitat restoration may temporarily disturb or permanently remove other vegetation in situ of the restoration area. In addition, it is unclear if any restoration activities may impact any Catalina mariposa lilies in that location.

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Without identifying secondary impacts on the restoration sites due to the restoration activities, the Project may result in further unmitigated impacts to rare plants as well as other wildlife and vegetation communities. Finally, there is no contingency plan in the event restoration is unsuccessful.

Evidence impacts would be significant: Catalina mariposa lily has a State Rarity ranking of 4.2. CDFW considers plant communities, alliances, and associations with a State ranking of S1, S2, and S3 as sensitive and declining at the local and regional level. An S4.2 ranking has limited distribution and is fairly threatened in California ([CNPS](#)). Given the State rarity ranking, 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 CDFW and/or USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #20: CDFW recommends LACDRP require the development of a contingency plan in the event restoration is unsuccessful.

Recommendation #4: CDFW recommends LACDRP require the Project Applicant to conduct an assessment of activities associated with trail restoration and the impacts they may have on vegetation and wildlife in situ of proposed areas. The MND should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant and not cause secondary impacts.

Recommendation #5: CDFW recommends LACDRP recirculate the MND after the assessment to disclose information on the restoration site and potential impacts on those biological resources within that area considering the current mitigation for Catalina mariposa lily and purple sage scrub.

Additional Comments and Recommendations

Recommendation #6 – MND MMRP Table: The MND states, “all recommendations/requirements of the May 25, 2017, FBC report and ERB recommendations will be required to be incorporated to mitigate potential impacts to special status species in accordance with the requirements of the LCP.” The majority of these recommendations, avoidance, and mitigation measures have not been included in the MMRP table presented for the MND. The Project may result in a total net loss to rare plants, special status wildlife species, and drainages on site without the inclusion of the twelve remaining measures as listed in the BA. CDFW recommends the LACDRP ensure the final MND includes all avoidance, minimization, and mitigation measures presented in the BA.

Recommendation #7 – Data: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database 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 [CNDDDB Field Survey Forms](#) (CDFW 2022c). This includes all documented occurrences of mountain lion, San Diego desert woodrat, and potential occurrences of Crotch’s bumble bee, and other special status species. The LACDRP should

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ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The LACDRP should provide CDFW with confirmation of data submittal.

Recommendation #8 - MMRP: Per Public Resources Code section 21081.6(a)(1), CDFW has provided the LACDRP 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). A final MMRP shall 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 LACDRP 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 & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the LACDRP in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the LACDRP 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 Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
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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 shall 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-Biological Survey	<p>LACDRP shall provide a report that documents the methods and results of a supplementary spring-time field survey under existing conditions. The report shall provide the most accurate picture of existing conditions and document any post-fire physical or biological changes. The report shall include the following information at a minimum:</p> <ul style="list-style-type: none"> a) A list of data sources accessed to include at a minimum: <ul style="list-style-type: none"> a. California Natural Diversity Database (CNDDDB) provided by the CDFW. b. Information on Wild California Plants database provided by Calflora. c. Inventory of Rare and Endangered Plants of California database provided by the CNPS. b) A detailed map of the Project site with a 500-foot buffer. Staging area(s), access point(s), and ingress/egress routes shall be clearly shown on the map; c) A brief description of field survey conditions that shall include name(s) of qualified biologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; and survey goals; d) A description of survey methods; e) A detailed description of post-fire physical and biological 	Prior to Project construction and activities	LACDRP/Project Applicant

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	<p>conditions, including current soil composition; changes to topography; a list of any new native, non-native/invasive, and ornamental grasses, forbs, shrubs, vines, ferns, and trees present post-fire; a list of any new wildlife present post-fire; any new habitat structures that could support wildlife with emphasis on special status wildlife species (e.g., logs, pools, burrows in drylands); and any changes to the alignment, channel width, bed composition, stream bank vegetation, or stream bank stability along drainages on site.</p> <p>f) A list of sensitive plants and wildlife species evaluated that could now potentially occur in a post-fire landscape. The report shall also include a comprehensive list of all species identified for the nine quadrangles queried in the CNDDDB and plants identified from the CNPS and Calflora databases.</p> <p>g) Updated map of vegetation communities at the alliance level using the Manual of California Vegetation (MCV 2022) CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.</p> <p>h) If sensitive and/or special status plants are found, the biological assessment shall include a detailed map showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location.</p>		
<p>MM-BIO-2-Sensitive/Special status plants</p>	<p>If sensitive and/or special status plants are found, the MND shall provide species-specific measures to fully avoid impacts to those plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker</p>	<p>Prior to Project construction and activities</p>	<p>LACDRP/Project Applicant</p>

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	<p>education and training. For unavoidable Project impacts, LACDRP shall require a species-specific mitigation plan that describes the following at a minimum:</p> <ul style="list-style-type: none"> a) identify the impact and level of impact (e.g., acres or individual plants impacted); b) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; c) assessment of appropriate reference sites; d) if applicable, scientific [Genus and species (subspecies/variety if applicable)] and common names of plants being used for restoration; 5) location(s) of propagule source; e) species-specific planting methods (i.e. container or seed); f) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); g) long-term monitoring; and adaptive management techniques. Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species 		
REC-1-Sensitive/Special status plants	<p>CDFW recommends the LACDRP include rare plant survey results [including negative findings (i.e., no detections)] to the biological assessment report, and the report provided as an appendix to the MND. If new significant effects to rare plants are identified and mitigation measures or project revisions must be added to the MND, CDFW recommends recirculating the environmental document so CDFW may provide additional comments on avoidance, minimization, and mitigation measures (CEQA Guidelines, § 15073.5).</p>	Prior to Project construction and activities	LACDRP/Project Applicant
MM-BIO-3-Impacts to	<p>Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist</p>	Prior to Project	LACDRP/Project Applicant

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<p>Mountain lion - surveys</p>	<p>knowledgeable of mountain lion species ecology shall survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys shall be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings shall be submitted to CDFW prior to initiation of Project activities. The survey report shall include a map of potential denning sites. The survey report shall include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.</p>	<p>construction and activities</p>	
<p>MM-BIO-4- Impacts to Mountain lion – avoiding natal dens</p>	<p>If potential habitat for natal dens are identified impacts to mountain lions shall be fully avoided, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist shall conduct a survey for mountain lion natal dens. The survey area shall include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW shall be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work shall cease. No work shall occur within a 2,000-foot buffer from a natal den. A qualified biologist shall notify CDFW to determine the appropriate course of action. CDFW shall also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion shall occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.</p>	<p>Prior to Project construction and activities</p>	<p>LACDRP/Project Applicant</p>

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MM-BIO-5- Impacts to Mountain lion – take permit	If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction or over the life of the Project, the LACDRP will consult CDFW to determine if a CESA ITP is required.	Prior to Project construction and activities	LACDRP/Project Applicant
REC-2- Impacts to Mountain lion - surveys	The LACDRP should evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The LACDRP should analyze the change (i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the LACDRP provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. Finally, CDFW also recommends the LACDRP recirculate the document with these analyses included.	Prior to Project construction and activities	LACDRP/Project Applicant
MM-BIO-6- Impacts to Crotch bumble bee – surveys	<p>Due to suitable habitat within the Project site, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history shall conduct surveys to determine the presence/absence of Crotch’s bumble bee. Surveys shall be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1. Survey results, including negative findings, shall be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following:</p> <ul style="list-style-type: none"> a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch’s bumble bee. The map will show surveyor(s) track lines to document that the entire site was covered during field surveys. b) Field survey conditions that shall include name(s) of 	Prior to Project construction and activities	LACDRP/Project Applicant

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	<p>qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.</p> <p>c) Map(s) showing the location of nests/colonies.</p> <p>d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).</p>		
MM-BIO-7- Impacts to Crotch bumble bee – take permit	If Crotch's bumble bee is detected, the LACDRP in consultation with a qualified entomologist shall develop a plan to fully avoid impacts to Crotch's bumble bee. The plan shall include effective, specific, enforceable, and feasible measures. An avoidance plan shall be submitted to the LACDRP prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.	Prior to Project construction and activities	LACDRP/Project Applicant
MM-BIO-8- Impacts to Crotch bumble bee – take permit	If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided during Project construction and activities, the LACDRP/qualified entomologist shall coordinate with CDFW to obtain appropriate handling permits for incidental take of Crotch's bumble bee and provide appropriate mitigation for impacts to Crotch's bumble bee habitat. The LACDRP shall mitigate for impacts to Crotch's bumble bee habitat at a ratio comparable to the Project's level of impacts.	Prior to Project construction and activities	LACDRP/Project Applicant
MM-BIO-9- Impacts to Drainages - LSAA	CDFW recommends fully avoiding impacts to any drainages on site. If feasible, CDFW recommends the LACDRP consider Project alternatives that could incorporate the drainages into the planned development so the trail would avoid rather than traverse any drainages. This would prevent depositing new materials into the drainages as well as preventing the need for bridge installation.	Prior to Project construction and activities	LACDRP/Project Applicant

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	Design alternatives shall attempt to retain as much surface flow and natural hydrologic processes as possible.		
MM-BIO-10- Impacts to Drainages - LSAA	If avoidance and redesign is not feasible, then the LACDRP shall notify CDFW pursuant to Fish and Game Code, section 1600 <i>et seq.</i> (Lake and Streambed Alteration Agreement).	Prior to Project construction and activities	LACDRP/Project Applicant
MM-BIO-11- Impacts to Drainages- LSAA	The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report shall also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.	Prior to Project construction and activities	LACDRP/Project Applicant
MM-BIO-12- BMPs	The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report shall also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.	Prior to Project construction and activities	LACDRP/Project Applicant
REC-3-LSAA	CDFW's issuance of an 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 CEQA document from the County for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 <i>et seq.</i> and/or under CEQA, the CEQA	Prior to Project construction and activities	LACDRP/Project Applicant

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	<p>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.</p> <p>To compensate for any on- and off-site impacts to wetlands or riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.</p>		
MM-BIO-13- Impacts to bat species	<p>Prior to construction activities, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings shall be provided to the LACDRP. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to the LACDRP prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.</p>	<p>Prior to Construction and/or ground disturbing activities</p>	<p>LACDRP/Project Applicant</p>
MM-BIO-14- Impacts to bat species	<p>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 are present but are yet ready to fly out of the roost (March 1 to September 30).</p>	<p>Prior to Construction and/or ground disturbing activities</p>	<p>LACDRP/Project Applicant</p>

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<p>MM-BIO-15- Impacts to Species of Special Concern – Scientific Collecting Permit</p>	<p>Pursuant to the California Code of Regulations, title 14, section 650, the LACDRP/qualified biologist shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.</p>	<p>Prior to Project construction and activities</p>	<p>LACDRP/Project Applicant</p>
<p>MM-BIO-16- Species of Special Concern – survey</p>	<p>The LACDRP shall retain a qualified biologist with experience surveying for each of the following California Species of Special Concern: San Diego desert woodrat, southern grasshopper mouse; and California legless lizard. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist shall conduct surveys for where suitable habitat is present. Pre-construction surveys shall be conducted no more than one week prior to initial Project-related ground-disturbing activities. Surveys for desert woodrat shall occur no more than three days prior to activities. Project related activities include construction, equipment and vehicle access, parking, and staging. Focused surveys shall consist of daytime surveys and nighttime surveys no more than one month from the start of any ground-disturbing activities. The surveys shall include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey shall be conducted so that 100 percent coverage of the Project site and surrounding areas is achieved.</p> <p>If SSC are detected, the qualified biologist shall use visible flagging to mark the location where SSC was detected. The qualified biologist shall take a special-status wildlife species found on site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the USFWS shall also be notified. Additional avoidance and minimization measures may need to be developed with CDFW/USFW a photo of each location, map each location, and provide the specific species detected at that location. The qualified biologist shall</p>	<p>Prior to Project construction and activities</p>	<p>LACDRP/Project Applicant</p>

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	provide a summary report of SSC surveys to the LACDRP before any Project-related ground-disturbing activities. The CDFW shall be notified and consulted regarding the presence of any		
MM-BIO-17- Impacts to Species of Special Concern – protection plan	Where applicable, wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife shall be captured by only by a qualified biologist with proper handling permits . The qualified biologist shall prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring. The LACDRP/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and passive relocation procedures. Only a USFWS approved biologist shall be authorized to capture and relocate ESA-listed species. A passive relocation plan shall be submitted to CDFW for review and comment prior to implementing Project-related ground-disturbing activities.	Prior to/During Project construction and activities	LACDRP/Project Applicant
MM-BIO-18- Impacts to Species of Special Concern – worker training	The LACDRP in consultation with a qualified biologist shall prepare worker environmental awareness training prior to implementation of Project ground-disturbing activities. The training shall include effective, specific, enforceable, and feasible actions. The qualified biologist shall have prepared maps showing locations where SSC were detected and share this information to workers as part of training. The qualified biologist shall meet with the construction crew at the Project site at the onset of construction to educate the construction crew on the following: 1) a review of the Project boundaries; 2) all special-status species that may be present, their habitat, and proper identification; and 3) the specific mitigation measures that will be incorporated into the construction effort. The qualified biologist shall communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist	Prior to/During Project construction and activities	LACDRP/Project Applicant

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	has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, shall immediately report the incident to the qualified biologist and/or onsite representative identified in the worker training.		
MM-BIO-19- Impacts to Species of Special Concern – dead/injured wildlife	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. The qualified biologist shall contact the USFWS, CDFW, and the LACDRP by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report shall be sent to the LACDRP, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project construction and activities	LACDRP/Project Applicant
MM-BIO-20- Contingency Plan	The MND shall determine a contingency plan if restoration is unsuccessful.	Prior to Construction and/or ground disturbing activities	LACDRP/Project Applicant
REC-4-Habitat Restoration	CDFW recommends LACDRP require the Project Applicant to conduct an assessment of activities associated with habitat restoration and the impacts they may have on vegetation and wildlife in situ of proposed areas. The MND should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant and not cause secondary impacts.	Prior to Construction and/or ground disturbing activities	LACDRP/Project Applicant

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REC-5-MND Recirculation	CDFW recommends LACDRP recirculate the MND after the assessment to disclose information on the restoration site and potential impacts on those biological resources within that area considering the current mitigation for Catalina mariposa lily and purple sage scrub.	Prior to Construction and/or ground disturbing activities	LACDRP/Project Applicant
REC-6-MMRP Table	CDFW recommends the LACDRP recirculate the MND to include all avoidance, minimization, and mitigation measures presented in the BA for more meaningful public review and assessment.	Prior to Construction and/or ground disturbing activities	LACDRP/Project Applicant
REC-7-Data	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. The LACDRP shall ensure that all data concerning special status species within the Project site be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms . This includes all documented occurrences of Catalina mariposa lily, and other SSC. The LACDRP shall ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry shall also list pending development as a threat and then update this occurrence after impacts have occurred. The LACDRP shall provide CDFW with confirmation of data submittal.	Prior to Project construction and activities	LACDRP/Project Applicant