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SENT BY EMAIL ONLY

January 18, 2023

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Subject: Municipal Code Text Amendment 20-0005 San Dimas – MCTA 20-0005, Mitigated Negative Declaration, SCH #2022120594, City of San Dimas, Los Angeles County

Dear Mr. Fichtelman:

The California Department of Fish and Wildlife (CDFW) has reviewed an Initial Study/Mitigated Negative Declaration (MND) and Biological Resources Evaluation Report (BRE) from the City of San Dimas (City) for the Municipal Code Text Amendment 20-0005 San Dimas (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

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authorization under the Fish and Game Code.

Project Description and Summary

Objective: The San Dimas Municipal Code Chapter 18.518: Specific Plan 11 allows for unlimited grading for roadway access and excavation to construct foundations for primary residences and their respective garages. In addition, the municipal code allows up to 35% of building lot coverage for the residential lots. The proposed Project aims to amend the municipal code to expand the amount of grading for each residential lot within Planning Area I of SP-11. Planning Area I consists of 36 residential lots, of which 29 lots are developed with single family residences and seven are vacant. The proposed additional grading would be an additional 1,000 cubic yards per lot, for a total of 36,000 cubic yards throughout the 92-acre Project site. The increase in grading would permit property owners to grade backyards that include but is not limited to construction of swimming pools and decks. Specific amendments related to grading, retaining walls, and landscaping to the municipal code include the following:

- Requirements that any proposed grading and retaining walls follow the existing topographic contours present on site. The proposed grading cuts and/or retaining walls should not cut directly across contour lines;
- A limitation of retaining walls to a maximum exposed height of 12 feet per wall and a maximum combined exposed height of 24 feet. This language is consistent with existing retaining wall height limit standards used in other hillside areas;
- A requirement that if more than one retaining wall will be constructed directly adjacent to another, the two walls must be separated by half the height of the taller of the two adjacent walls;
- Requirements to use gravity type retaining walls unless on-site conditions prohibit their use;
- Wall materials that must be either slump stone or split-face stone with a tan or earth tone color; and
- Landscape and irrigation standards, which require the planting of trees at the base of the lowest retaining wall and drought-tolerant shrubs at the base of every wall. Installation of permanent irrigation shall be required to ensure that the required landscaping survives and is healthy enough to provide screening.

Project implementation does not change the land use or operation of existing and future residences. Property owners that intend to implement the proposed Project would require a grading permit.

Location: Planning Area I within SP-11 is approximately 92 acres located in the southwest portion of the City of San Dimas, Los Angeles County. The Project site is bounded by Puente Street to the north, East Covina Hills Road to the south, North Rancho El Encino Drive to the west, and East Via Verde Street to the east. Planning Area I has 36 residential lots with their respective Assessor's Parcel Numbers.

Comments and Recommendations

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

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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: Impacts to Crotch's Bumble Bee

Issue: The Project may impact suitable habitat for Crotch's bumble bee (*Bombus crotchii*), a candidate CESA-listed species.

Specific impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat of Crotch's bumble bee. 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: According to the BRE, there is a moderate potential for Crotch's bumble bee to occur within the Project site. The BRE states that the Project site contains "...suitable shrublands with buckwheat and other suitable plants that create favorable conditions for this species."

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 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 provide specific avoidance and minimization measures directly related to Crotch's bumble bee. Without sufficient species-specific avoidance, minimization, or mitigation measures impacts to Crotch's bumble bee may occur.

Evidence impacts 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). Lastly, 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).

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Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Crotch's bumble bee surveys – 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 throughout the entire Project site (Lots 1 – 36) to ensure no missed detection of Crotch's bumble bee occurs. Surveys should also 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 #2: Avoidance Plan – If Crotch's bumble bee is detected, the City 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 should be submitted to the City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.

Mitigation Measure #3: Incidental Take Permit – If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided, the Project Applicant should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project Applicant should comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Applicant should provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

Comment #2: Impacts to Monarch Butterfly

Issue: The Project may impact monarch butterfly (*Danaus plexippus* population 1 – California overwintering population).

Specific impacts: The Project could impact monarch butterfly by grading overwintering habitat. Project construction and grading activities may result in potential abandonment of overwintering sites, reduced health, injury, or mortality.

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Why impacts would occur: According to the BRE, the Project site contains suitable habitat for monarch butterfly. During field surveys of the Project site, monarch butterfly was detected and recorded. Given the positive detection of monarch butterfly and suitable habitat, the Project site may support overwintering sites for this species.

The most vulnerable element of the monarch annual cycle may be the overwintering stage (Xerces Society 2017). Protection of overwintering habitat is critical to supporting the migratory phenomenon and conserving the species. Overwintering groves have specific microclimatic conditions that support monarch populations (Fisher et al. 2018). Project construction and activities (e.g., grading, paving, and excavating) could alter microclimatic conditions at potential overwintering sites by increasing levels of human presence, noise, and dust accumulating on the surface of the leaves of vegetation. Alteration of an overwintering site and surrounding areas could reduce the suitability of an overwintering site for monarchs (Weiss et al. 1991). Accordingly, the Project could potentially significantly impact monarchs by reducing overwintering habitat or altering habitat climatic conditions.

Evidence impacts would be significant: The western migratory monarch population that overwinters along the California coast has declined by more than 99 percent from an estimated 4 million butterflies just twenty years ago (CDFW 2021; Marcum and Darst 2021). Habitat loss and fragmentation, including grove senescence, are among the primary threats to the population (Thogmartin et al. 2017). Given the precipitous decline of monarch butterfly, monarch butterfly is currently slated to be listed in 2024 under the Endangered Species Act (CDFW 2021). Monarch butterfly is included on CDFW's [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) list and identified as a Species of Greatest Conservation Need in California's [State Wildlife Action Plan](#) (CDFW 2017; CDFW 2015). Additionally, Fish and Game Code section 1002 prohibits the take or possession of wildlife for scientific research, education, or propagation purposes without a valid Scientific Collection Permit issued by CDFW. This applies to handling monarch butterfly, removing them from the wild, or otherwise taking them for scientific or propagation purposes, including captive rearing. Fish and Game Code section 1021 directs CDFW to take feasible actions to conserve monarch butterfly and the habitats they depend upon for successful migration. Lastly, Fish and Game Code section 1374 directs the Monarch Butterfly and Pollinator Rescue Program, administered by the Wildlife Conservation Board, to recover and sustain populations of monarch butterfly.

Monarch butterfly meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). The reduction in the number of monarch butterfly, either directly or indirectly through habitat loss, would constitute a significant impact absent appropriate mitigation. The Project's impact on monarch butterfly has yet to be mitigated below a significant level. Accordingly, the Project continues 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):

Recommendation #1: Overwintering Habitat Management – CDFW recommends avoiding or minimizing the cutting or trimming of trees and vegetation within core overwintering habitat except for specific grove management purposes, and/or human health and safety purposes. Any management activities in overwintering habitat should be conducted between March 16 and

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September 14 in coordination with a qualified biologist. CDFW recommends the City consider overwintering habitat management recommendation provided by the USFWS in [Western Monarch Butterfly Conservation Recommendations](#) (USFWS 2021).

Recommendation #2: Pesticide Use – CDFW recommends the City avoid or minimize the use of pesticides within one mile of overwintering groves, particularly when monarchs may be present. Non-chemical weed control techniques should be used when possible. If pesticides are used, applications should be conducted from March 16 through September 14, when possible. Whenever possible, targeted application herbicide methods should be used, large-scale broadcast applications should be avoided, and precautions should be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, should not be used any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants should not be used.

Recommendation #3: Planting Native Species – CDFW encourages landscaping using locally occurring native trees and shrubs to benefit native wildlife such as insect pollinators. Insect pollinators such as the monarch butterfly and native bees have declined drastically relative to 1980s levels and have had an especially drastic decline since 2018 (Goulson et al. 2015; Marcum and Darst 2021). Habitat loss may be a primary driver of monarch decline in the west (Crone et al. 2019). CDFW recommends planting native flowering species over non-native ornamental species where possible. Tropical milkweed (*Asclepias currasavica*) should never be included in landscaping.

Recommendation #4: Resources – CDFW recommends the following resources for information on monarchs and overwintering habitat:

- [Western Monarch Butterfly Conservation Plan](#) (WAFWA 2019);
- [Overwintering Site Management and Protection](#) (Western Monarch Count 2021);
- [Protecting California's Butterfly Groves](#) (Xerces Society 2017);
- [Managing Monarch Habitat in the West](#) (Xerces Society 2021a);
- [Monarch Butterfly Nectar Plant Lists for Conservation Plantings](#) (Xerces Society 2018);
- [Tropical Milkweed](#) (Wheeler 2018); and,
- CDFW's [Monarch Butterfly](#) webpage page (CDFW 2021a).

Recommendation #5: Monarch Butterfly Data – CDFW recommends the City contribute monarch and overwintering habitat data to databases such as the California Natural Diversity Database. Report milkweed and monarch observations from all life stages, including breeding butterflies, to the [Monarch Milkweed Mapper](#) or via the [project portal](#) in the iNaturalist smartphone app.

Mitigation Measure #4: Overwintering Monarch Survey – Prior to starting Project ground-disturbing activities and vegetation removal during the overwintering period of September 15 through March 15, a qualified biologist should conduct multiple surveys for overwintering monarchs where overwintering habitat has been identified. Monitoring should be done as frequently as possible during the overwintering season to capture changing distributions through the season and in response to storm events.

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Mitigation Measure #5: Monarch Impact Avoidance – If overwintering monarchs are present, the City should consult with a qualified biologist and CDFW to determine appropriate no-disturbance/no-work buffers prior to starting Project construction and activities. Project construction and activities may only start after all overwintering monarchs have departed the overwintering site as determined by a qualified biologist.

Mitigation Measure #6: Overwintering Habitat Preservation – Given that suitable overwintering habitat is present, CDFW recommends the City should preserve overwintering habitat. If the City must remove overwintering habitat and other structural components or flora integral to maintaining microclimate conditions, the City should coordinate with CDFW prior to starting any activities that may impact overwintering habitat.

Comment #3: Impacts to Water Features

Issue: The Project as proposed may impact drainages, open channels, and additional hydrological features throughout the Project site.

Specific Impact: The Project site contains drainages, open channels, freshwater forested shrub, freshwater pond, and riverine features that may be negatively impacted by ground-disturbing activities such as grading, clearing, disking, excavation, and paving.

Why Impact Would Occur: According to the MND, hydrological features including vegetated riverine wetlands, and potential drainages were observed during field surveys. Additionally, the MND states that, “The BSA contains waters of the U.S and State; water which drains from the site into gutters or storm drains ultimately discharge into Walnut Creek.” As residential lots are cleared and graded for permanent development, water features may be drastically altered or filled in depending on the individual Project. Ground-disturbing activities may also lead to erosion issues, sedimentation, altered bank stabilization, drainage removal, and reduced water availability for vegetative communities and plant species. Moreover, alteration and changes to the drainage patterns throughout the Project site may also adversely impact riparian habitat. Riparian habitat may be reduced as a result of redirecting water flow and runoff to different areas, which may also lead to a cascading impact on wildlife that utilize riparian vegetation. Additionally, Project implementation may directly affect water sources that occur within areas adjacent to the Project site or within the conservation easement areas. Based on Table 4.4-2 in the MND, an assessment for impacts to water features is not being enforced to all residential lots and only to certain residential lots that would extend impacts to the remaining parcel. This would result in undisclosed impacts to water features or streams on residential lots that are not subject to BIO-17: Jurisdiction Delineation Habitat Assessment or as needed Survey.

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 water features and the hydrology pattern of the Project site. 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):

Recommendation #6: CEQA – 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

Mitigation Measure #7: Surveys – CDFW recommends the City require mitigation measure BIO-17: Jurisdictional Delineation Habitat Assessment or as needed Survey to be conducted prior to issuance of grading permits for Lots 1 through 36.

Mitigation Measure #8: LSA – If avoidance of water features and Project redesign is not feasible, CDFW recommends the City 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 #9: LSA Notification – 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.

Comment #4: Impacts to Biological Resources Throughout Project Site

Issue: Several biological mitigation measures listed in the MND are being applied to certain lots rather than the Project site as a whole.

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Specific impacts: Project ground-disturbing activities (e.g., grading, vegetation clearing, paving, etc.) may result in the following impacts: direct loss or alteration of habitat, injury or mortality of wildlife, reduced local population of various species, and reduced reproduction activity. Since biological mitigation measures BIO-1 through BIO-18 does not apply to all lots, Project impacts may occur to lots that do not include those specific measures.

Why impacts would occur: The Project site encompasses 36 lots over a span of 92 acres that provides suitable habitat for a myriad of species. According to the BRE, the Project site "...supports an assortment of wildlife and provides foraging, nesting, breeding, and cover habitat to reptiles, birds (year-round residents, seasonal residents, migrants), and mammals." The Project site has 11 land cover types, some of which are considered locally and regionally rare (e.g., California walnut groves, Coast live oak woodland). In addition to sensitive vegetation communities, there are nine plant sensitive species that have a moderate potential to occur within the Project site. Moreover, 17 bird species, seven mammal species, and one invertebrate species were observed during field surveys. The MND has provided 18 biological mitigation measures to avoid and minimize impacts to a variety of species. However, the mitigation measures are not being applied to the Project site as a whole but only to certain lots as demonstrated in Table 4.4-2 of the MND.

Vegetation communities present on the Project site are California walnut groves, California buckwheat scrub, California sagebrush-black sage scrub, Coast live oak woodland, and Coast prickly pear scrub, pepper tree groves, and upland mustards or star-thistle fields. These vegetation communities are crucial to the Project site as they provide a variety of benefits for wildlife such as nesting habitat, roosting sites, food source, and refuge. Grading and additional construction activities will result in permanent removal of a portion or an entire vegetation community within each residential lot. In addition to direct removal, vegetation may experience adverse impacts from construction-related fugitive dust, erosion, sedimentation, and soil compaction. These impacts may alter the conditions within each residential lot resulting in unsuitable habitat for these vegetation communities to thrive. Although certain vegetation communities have been designated as rare or sensitive, all vegetation communities contribute to the biological quality and diversity of the 92-acre Project site. In an attempt to retain the environmental integrity of the Project site, mitigation measures that directly relate to vegetation communities, individual trees, and plant species should be applied to all residential lots.

Birds and bats are aerial species that are not confined to specific areas. Although these species have specific habitat preferences, both are known to fly and utilize a variety of vegetation communities as needed. Birds such as least Bell's vireo (*Vireo bellii pusillus*), California gnatcatcher (*Poliophtila californica*), and cactus wren (*Campylorhynchus brunneicapillus*) are known to use coastal sage scrub, coast live oak woodland, and Coast prickly pear scrub respectively for nesting habitat, but that does not exclude them from utilizing other vegetation types for foraging or perching. Furthermore, burrowing owl generally find suitable habitat in open fields or grassland. However, if no suitable habitat is available, burrowing owl (*Athene cunicularia*) have been known to utilize small crevices in pipes, cracks in debris piles, or other construction-related structures or materials. Similar to birds, bat species are not confined to certain residential lots and can utilize various trees or man-made structures as roost sites. Bats may also use certain areas within the Project site solely for the purpose of foraging if prey is in abundance. Mitigation measures that directly relate to aerial species should apply to all lots within the Project site regardless of what land cover type is present. If habitat assessment and pre-construction surveys are not conducted for every lot, there is a possibility that special-status

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species (e.g., species of special concern, CESA-listed, or ESA-listed) may go undetected and consequently impacted by the Project. In addition to surveys, without a biological monitor required for every residential lot that will have Project-related construction activities, the Project may not be able to ensure all avoidance measures are being enforced, resulting in incidental disturbance and impacts to wildlife species.

Similar to aerial species, mammals, large and small, do not adhere to staying within designated lot lines. Mammals such as coyotes (*Canis latrans*), mountain lion (*Puma concolor*), and raccoons (*Procyon lotor*) have most likely utilized the entire Project site as a large hunting, foraging, and movement area. Although the Project site contains residences, the BRE notes that, "Species that are less restricted in movement and/or are well-adapted to urbanized areas such as raccoon, skunk, coyote, and mountain lion likely move through areas of the BSA." Given the fact that the Project site as a whole is being utilized as a wildlife movement corridor, the mitigation measures intended to avoid and minimize impacts to mammals and wildlife in general are not consistently being applied to all residential lots. Therefore, for residential lots that do not have appropriate surveys and mitigation measures, the Project may result in missed detections and adverse impacts. Adverse Project-related impacts that may occur towards the Project site and biological resources within it include loss of breeding, foraging, or sheltering habitat, reduction of productivity, injury or mortality by heavy machinery, entrapment, and increase of human activity.

Evidence impacts would be significant: Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Impacts on ESA listed species and SSC requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). ESA-listed species are considered rare, threatened, and endangered species under CEQA Guidelines section 15380. CDFW considers impacts to ESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. Take under ESA is more broadly defined than take under CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

Additionally, plants with a California Rare Plant Rank (CRPR) of 1B and 2B meets the definition of endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380; CNPS 2022). Plants with a CRPR of 4 may meet the definition of endangered, rare, or threatened species. Impacts on rare plants could require a mandatory finding of significance. Sensitive Natural Communities are communities that are of limited distribution State-wide or within a county or region and are often vulnerable to environmental effects of projects. 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 S3 ranking indicates there are 21 to 100 viable occurrences of this community in existence in California, S2 has six to 20 occurrences, and S1 has fewer than six viable occurrences (Sawyer et al. 2009). Impacts to Sensitive Natural Communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance.

Moreover, an SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

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- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022b).

Impacts on SSC could require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). CEQA provides protection not only for ESA and CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #10: Biological Mitigation Measures – The City should implement the following biological mitigation measures listed below to all areas of the Project site (Lots 1 through 36) to ensure that impacts to wildlife and biological resources are avoided and/or minimized.

- BIO-1: Vegetation Community Replacement Plan
- BIO-3: General Vegetation and Wildlife Avoidance
- BIO-4: Focused Botanical Surveys
- BIO-5: Habitat Assessment for LBV & SWFL
- BIO-6: Focused CAGN Surveys
- BIO-7: Focused Cactus Wren Surveys
- BIO-8: Pre-construction Mountain Lion Avoidance
- BIO-9: Pre-construction Wildlife Surveys
- BIO-10: 14-Day Pre-construction BUOW Survey
- BIO-11: Pre-construction Bat Surveys
- BIO-13: Worker Environmental Awareness Program (WEAP)
- BIO-14: Biological Monitor
- BIO-17: Jurisdiction Delineation Habitat Assessment Survey
- BIO-18: Significant Tree Protection Measures

CDFW appreciates that Mitigation Measures BIO-2, BIO-12, BIO-15, and BIO-16 have been listed in the MND to be required for all residential lots within the Project site.

Additional Recommendations

Landscaping. The Project may involve drought-tolerant landscaping. CDFW recommends the City require the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or

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near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly those listed 'Moderate' or 'High' by the [California Invasive Plant Council](#) (Cal-IPC 2022). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] 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 Online Field Survey Form](#) (CDFW 2022a). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2022c). The City should ensure that the Project applicant has submitted data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project applicant should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the MND's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

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

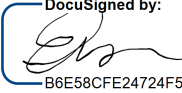
Conclusion

We appreciate the opportunity to comment on the Project to assist the City of San Dimas in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of San Dimas 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

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contact Julisa Portugal, Environmental Scientist, at Julisa.Portugal@wildlife.ca.gov or (562) 330-7563.

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Crotch's 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 throughout the entire Project site (Lots 1 – 36) to ensure no missed detection of Crotch's bumble bee occurs. Surveys shall also 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, shall be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following:</p> <ol 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. 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 shall 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 	<p>Prior to the Project-related ground-disturbing activities and issuance of grading permit.</p>	<p>City of San Dimas/ Designated Biologist</p>

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	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).		
MM-BIO-2-Avoidance Plan	If Crotch's bumble bee is detected, the City 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 City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumble bee.	Prior to the Project-related ground-disturbing activities.	City of San Dimas/ Project Applicant
MM-BIO-3-Incidental Take Permit	If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided, the Project Applicant shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project Applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Applicant shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.	Prior to the Project-related ground-disturbing activities.	City of San Dimas/ Project Applicant
MM-BIO-4-Overwintering Monarch Survey	Prior to starting Project ground-disturbing activities and vegetation removal during the overwintering period of September 15 through March 15, a qualified biologist shall conduct multiple surveys for overwintering monarchs where overwintering habitat has been identified. Monitoring shall be done as frequently as possible during the overwintering season to capture changing distributions through the season and in response to storm events.	Prior to the Project-related ground-disturbing activities and issuance of grading permit.	City of San Dimas/ Designated Biologist

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MM-BIO-5- Monarch Impact Avoidance	If overwintering monarchs are present, the City shall consult with a qualified biologist and CDFW to determine appropriate no-disturbance/no-work buffers prior to starting Project construction and activities. Project construction and activities may only start after all overwintering monarchs have departed the overwintering site as determined by a qualified biologist.	Prior to the Project-related ground-disturbing activities.	City of San Dimas/ Project Applicant
MM-BIO-6- Overwintering Habitat Preservation	Given that suitable overwintering habitat is present, CDFW recommends the City shall preserve overwintering habitat. If the City must remove overwintering habitat and other structural components or flora integral to maintaining microclimate conditions, the City shall coordinate with CDFW prior to starting any activities that may impact overwintering habitat.	Prior to the Project-related ground-disturbing activities.	City of San Dimas/ Project Applicant
MM-BIO-7- Surveys	CDFW recommends the City require mitigation measure BIO-17: Jurisdictional Delineation Habitat Assessment or as needed Survey to be conducted prior to issuance of grading permits for Lots 1 through 36.	Prior to the Project-related ground-disturbing activities and issuance of grading permit.	City of San Dimas/ Designated Biologist
MM-BIO-8- LSA	If avoidance of water features and Project redesign is not feasible, CDFW recommends the City 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.	Prior to the Project-related ground-disturbing activities.	City of San Dimas/ Project Applicant
MM-BIO-9- LSA Notification	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 shall also include an analysis	Prior to the Project-related ground-disturbing activities.	City of San Dimas/ Project Applicant

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	<p>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</p>		
<p>MM-BIO-10- Biological Mitigation Measures</p>	<p>The City shall implement the following biological mitigation measures listed below to all areas of the Project site (Lots 1 through 36) to ensure that impacts to wildlife and biological resources are avoided and/or minimized.</p> <ul style="list-style-type: none"> • BIO-1: Vegetation Community Replacement Plan • BIO-3: General Vegetation and Wildlife Avoidance • BIO-4: Focused Botanical Surveys • BIO-5: Habitat Assessment for LBV & SWFL • BIO-6: Focused CAGN Surveys • BIO-7: Focused Cactus Wren Surveys • BIO-8: Pre-construction Mountain Lion Avoidance • BIO-9: Pre-construction Wildlife Surveys • BIO-10: 14-Day Pre-construction BUOW Survey • BIO-11: Pre-construction Bat Surveys • BIO-13: Worker Environmental Awareness Program (WEAP) • BIO-14: Biological Monitor • BIO-17: Jurisdiction Delineation Habitat Assessment Survey • BIO-18: Significant Tree Protection Measures <p>CDFW appreciates that Mitigation Measures BIO-2, BIO-12, BIO-15, and BIO-16 have been listed in the MND to be required for all residential lots within the Project site.</p>	<p>Prior to finalizing CEQA document</p>	<p>City of San Dimas</p>

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<p>REC-1- Overwintering Habitat Management</p>	<p>CDFW recommends avoiding or minimizing the cutting or trimming of trees and vegetation within core overwintering habitat except for specific grove management purposes, and/or human health and safety purposes. Any management activities in overwintering habitat should be conducted between March 16 and September 14 in coordination with a qualified biologist. CDFW recommends the City consider overwintering habitat management recommendation provided by the USFWS in Western Monarch Butterfly Conservation Recommendations.</p>	<p>Prior to Project ground-disturbing activities</p>	<p>City of San Dimas/ Project Applicant</p>
<p>REC-2 – Pesticide Use</p>	<p>CDFW recommends the City avoid or minimize the use of pesticides within one mile of overwintering groves, particularly when monarchs may be present. Non-chemical weed control techniques should be used when possible. If pesticides are used, applications should be conducted from March 16 through September 14, when possible. Whenever possible, targeted application herbicide methods should be used, large-scale broadcast applications should be avoided, and precautions should be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, should not be used any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants should not be used.</p>	<p>Prior to and during Project ground-disturbing activities</p>	<p>City of San Dimas/ Project Applicant</p>
<p>REC 3 – Planting Native Species</p>	<p>CDFW encourages landscaping using locally occurring native trees and shrubs to benefit native wildlife such as insect pollinators. Insect pollinators such as the monarch butterfly and native bees have declined drastically relative to 1980s levels and have had an especially drastic decline since 2018. Habitat loss may be a primary driver of monarch decline in the west. CDFW recommends planting native flowering species over non-native ornamental species where possible. Tropical milkweed (<i>Asclepias currasavica</i>) should never be included in landscaping.</p>	<p>Prior to finalizing landscape plans</p>	<p>City of San Dimas/ Project Applicant</p>

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REC 4 - Resources	<p>CDFW recommends the following resources for information on monarchs and overwintering habitat:</p> <ul style="list-style-type: none"> • Western Monarch Butterfly Conservation Plan; • Overwintering Site Management and Protection; • Protecting California's Butterfly Groves; • Managing Monarch Habitat in the West; • Monarch Butterfly Nectar Plant Lists for Conservation Plantings; • Tropical Milkweed; and, • CDFW's Monarch Butterfly webpage page. 	Prior to finalizing CEQA document	City of San Dimas
REC 5 – Monarch Butterfly Data	<p>CDFW recommends the City contribute monarch and overwintering habitat data to databases such as the California Natural Diversity Database. Report milkweed and monarch observations from all life stages, including breeding butterflies, to the Monarch Milkweed Mapper or via the project portal in the iNaturalist smartphone app.</p>	Prior to and during Project ground-disturbing activities	City of San Dimas/ Designated Biologist
REC 6 - CEQA	<p>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.</p>	Prior to finalizing CEQA document	City of San Dimas/ Project Applicant
REC 4- Landscaping	<p>CDFW recommends the Project Applicant use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project Applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly those listed 'Moderate' or</p>	Prior to finalizing CEQA document	City of San Dimas/ Project Applicant

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	<p>'High' by the California Invasive Plant Council. These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.</p>		
<p>REC 5 – Data</p>	<p>Please report any special status species detected by completing and submitting CNDDB Online Field Survey Form. Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program. The City should ensure that the Project Applicant has submitted the data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant should provide CDFW with confirmation of data submittal.</p>	<p>Prior to finalizing CEQA document</p>	<p>City of San Dimas/ Designated Biologist</p>