



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 7, 2023

Jon Campo, Principal Planner
 Marin County Open Space District
 3501 Civic Center Drive, Suite 260
 San Rafael, CA 94903
JCampo@MarinCounty.org

Subject: Roy's Redwoods Restoration Project, Mitigated Negative Declaration,
 SCH No. 2023020117, Marin County

Dear Mr. Campo:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the Marin County Open Space District (District) for the Roy's Redwoods Restoration Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the MND to inform the District, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA) or Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Description: The Project's purpose is to implement the District's Road and Trail Management Plan and Marin County Parks Inclusive Access Plan and reduce environmental impacts on sensitive resources by reducing sedimentation and erosion. The Project would upgrade, realign, and decommission portions of existing trails. The Project is also intended to improve hydrologic conditions and increase groundwater infiltration and storage through habitat restoration activities designed to create a wetland/channel complex in Upper Larsen Creek.

Approximately 6,170 linear feet of existing trail would be upgraded, 1,400 linear feet of trail realigned, and 6,465 linear feet of trail decommissioned. Eight boardwalks would be built in areas hydrologically connected to Upper Larsen Creek; one steel footbridge and two pedestrian log crossings would be placed crossing Upper Larsen Creek.

The Project would restore degraded channel reaches by repairing headcuts and constructing rock and log grade control structures, partially fill an incised channel of Upper Larsen Creek, relocate logs on the forest floor to slow overland water flow, and install approximately 10 wood structures in Upper Larsen Creek.

The Project would restore approximately 77,170 square feet (1.77 acres) of land impacted by heavy visitor use through decompaction of soil, duff and woody debris replacement, and revegetation with native plants. It would also include parking and site access improvements, relocating a portable toilet and trash cans, and installing signage.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Location: Roy's Redwoods Open Space Preserve, approximately 2,250 feet north of the intersection of Sir Francis Drake Boulevard and Nicasio Valley Road in Marin County, with an approximate Latitude 38.020856 °N, Longitude -122.660173 °W.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA either during construction or over the life of the Project. **The Project has the potential to impact northern spotted owl (NSO, *Strix occidentalis caurina*), a CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. **As described in the MND (pages 27 to 30), the Project would impact the main stem, western, northern, and southern tributaries of Upper Larson Creek, and areas hydrologically connected to Upper Larson Creek; therefore, an LSA Notification pursuant to Fish and Game Code section 1602 would be required, as further described below.** CDFW would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds of prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District in adequately identifying 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 document. Based on the Project's avoidance of significant impacts on biological resources with

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implementation of mitigation measures, including those CDFW recommends below and in **Attachment 1**, CDFW concludes that an MND is appropriate for the Project.

I. Project Description and Related Impact Shortcoming

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or the U.S. Fish and Wildlife Service (USFWS)?

And,

Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Comment 1: Permits for Stream and Wetland Impacts, Pages 27 to 30 and Page 33

Issue: The MND states that the Project would impact Upper Larson Creek (pages 27 to 30) and therefore, requires an LSA Notification pursuant to Fish and Game Code section 1600 et seq. (page 33). However, the MND does not include a mitigation measure requiring an LSA Notification and compliance with the LSA Agreement, if issued, or permits from the Regional Water Quality Control Board (RWQCB) and U.S. Army Corps of Engineers (USACE) for impacts to streams or wetlands.

Specific impacts, why they may occur, and evidence impact would be potentially significant: The Project would result in impacts to stream habitat and to habitats hydrologically connected to Upper Larsen Creek including wetland habitat. CDFW appreciates the restoration components of the Project; however, impacts to these sensitive habitats would still occur. Riparian habitat is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When riparian habitat is substantially altered, riparian functions become impaired, thereby likely substantially adversely impacting aquatic and terrestrial species. More than 90 percent of California's historic wetlands have been lost to development and other human activity. Wetlands are a critical natural resource that protect and improve water quality and provide habitat for fish and wildlife. Absent the above permits which include measures to avoid and minimize impacts to streams, hydrologically connected habitat, wetlands, and associated species, impacts to Upper Larson Creek, hydrologically connected habitat, and wetlands would be potentially significant.

Recommended Mitigation Measure: To reduce potential impacts to riparian habitat, other hydrologically connected habitat, and wetlands to less-than-significant, and comply with Fish and Game Code section 1600 et seq. and the Clean Water Act, CDFW recommends including the mitigation measure below.

Lake and Streambed Alteration Notification and other Resource Agency Permits. The Project shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. using the Environmental Permit Information Management System (see: <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>) for Project activities affecting lakes or streams, associated riparian or otherwise hydrologically connected habitat, and any connected wetlands, and shall comply with the LSA Agreement, if issued. Projects shall also obtain and comply with applicable permits from the RWQCB and USACE pursuant to the Clean Water Act and Porter-Cologne Water Quality Control Act.

II. Environmental Setting and Related Impact Shortcoming

MANDATORY FINDINGS OF SIGNIFICANCE Does the Project have the potential to threaten to eliminate a plant or animal community, or substantially reduce the number or restrict range of a rare or endangered plant or animal?

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Comment 2: NSO, listed as threatened under CESA and the federal Endangered Species Act (ESA), Pages 102 and A-15.

Issue: The MND identifies that NSO may nest near the Project (page 102); however, avoidance of NSO is limited to implementation of the Best Management Practice (BMP) Special-Status Wildlife-4: Avoidance and Protection of NSO (pages 102 and A-15). This BMP consists of several elements including a requirement for surveys within potential habitat and limiting work in occupied habitat during the NSO breeding and nesting season “to the greatest extent possible” (page A-15). Limiting work in occupied habitat to the greatest extent possible is not sufficient to protect NSO. In the discussion of impacts to NSO (page 102) and the text of the BMP (page A-15), the distance at which construction impacts such as noise would affect NSO is not quantified. Further, the BMP is not an enforceable mitigation measure.

Specific impacts, why they may occur, and evidence impact would be potentially significant: Noise from road use, generators, and other equipment may disrupt the hunting ability of NSO, which primarily use hearing to hunt, within 0.25 miles of the Project site. Also, exposure to vehicle noise has been shown to increase stress hormone levels in NSO, which was particularly evident in males during times when they were exclusively responsible for feeding their mates and nestlings (Hayward et al. 2011).

NSO populations have declined significantly in California primarily as a result of destruction of forest habitat from logging, development, and wildfire (CDFW 2016). As a habitat specialist, NSO are primarily threatened by further loss, fragmentation, and degradation of their forest habitats, which is further complicated by their low reproductive rate and limited ability to disperse (Shuford and Gardali 2008). A more recent but also serious threat is invasion of their range by barred owls (*Strix varia*) which can outcompete and potentially kill NSO and hybridize with them (CDFW 2016).

Consistent with CEQA Guidelines, section 15380, the status of the NSO as a threatened species pursuant to the federal ESA (16 U.S.C. § 1531 et seq.) and under the CESA (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA.

Based on the foregoing, if NSO are nesting within 0.25 miles of the Project site, Project impacts may substantially reduce the number of NSO which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an adequate environmental setting, to comply with CESA, and to reduce impacts to NSO to less-than-significant, CDFW recommends including the below mitigation measure.

Northern Spotted Owl Surveys. No Project activities within 0.25 miles of potential NSO nesting habitat shall occur between February 1 to July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the *U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012 (see: <https://www.fws.gov/sites/default/files/documents/survey-protocol-for-northern-spotted-owl.pdf>). Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW’s written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of*

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Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

Would the Project have a substantial adverse 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?

Comment 3: Marin checker lily (*Fritillaria lanceolata* var. *tristulis*), California Rare Plant Rank (CRPR)² 1B.1; Congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*), CRPR 1B.2; Tamalpais lessingia (*Lessingia micradenia* var. *micradenia*), CRPR 1B.2; Marin manzanita (*Arctostaphylos virgata*), CRPR 1B.2; and other special-status plants, Page 92 and 100.

Issue: The discussion of special-status plants on page 92 states that “a number” of special-status plants have the potential to occur, but that no special-status plants were located during site visits and surveys. The MND states that no impacts to special-status plants would occur because none were found in the study area (page 100). However, it is not clear if surveys and site visits were conducted during the appropriate bloom periods for all potentially occurring special-status plants and if surveys followed accepted protocols. Additionally, both annual and perennial plants may have occupied the Project site following the surveys conducted in 2016 and site visits in 2020.

According to the California Natural Diversity Database (CNDDDB 2023), Marin checker lily has three occurrences within 5 miles of the Project location with the closest occurrence 0.7 miles southeast of the Project, congested-headed hayfield tarplant has five occurrences within 5 miles of the Project location with the closest occurrence 0.7 miles southeast of the Project, Tamalpais lessingia has seven occurrences within 5 miles with the closest occurrence being 0.4 miles east-northeast of the Project site, and Marin manzanita has nine occurrences within 5 miles of the Project location with the closest occurrence 1.2 miles southwest of the Project site.

Specific impact, why the impact would occur, and evidence impact would be potentially significant: Special-status plants may be impacted by ground-disturbing activities and vegetation removal. For example, vehicle, equipment, and foot traffic may bury, excavate, crush, trample, or disturb special-status plants. Soil disturbance may result in permanent loss of special-status plants.

Plants with a CRPR of 1B are rare throughout their range, endemic to California, and are seriously or fairly threatened. Most plants that are ranked 1B have declined significantly over the last century (CNPS 2023). Marin checker lily has the additional threat rank of 0.1, indicating that over 80 percent of its occurrences are threatened; the other plants discussed above have the additional threat rank of 0.2, indicating that 20 to 80 percent of their occurrences are threatened (CNPS 2023).

Impacts to special-status plants including, but not limited to, Marin checker lily, Congested-headed hayfield tarplant, Tamalpais lessingia, and Marin manzanita may result in local population declines or extirpation of a species. Insufficient mitigation may result in prolonged temporal or permanent impacts to a special-status plant species' range, distribution, and population in the State. Therefore, if special-status plants occur

² CRPR rank definitions are available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>).

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on or adjacent to the Project site where they may be impacted, impacts to special-status plants would be potentially significant.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to special-status plants such as Marin checker lily, Congested-headed hayfield tarplant, Tamalpais lessingia, and Marin manzanita to less-than-significant, CDFW recommends including the below mitigation measure.

Pre-Project Special-Status Plant Surveys. Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (see: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>). The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.

III. Editorial Comments and/or Suggestions

Comment 4: Policies and BMPs, Pages 37, 38, 99, 113, and Appendix A

While the MND lists applicable policies and BMPs that will be incorporated into the design and implementation of the Project, CDFW recommends that the MND list applicable policies and BMPs as mitigation measures to ensure they are enforceable.

Comment 5: Special-Status Species Table

CDFW recommends that a list or table of all special-status species with the potential to occur at the Project be included in the MND or publicly available biological report. This list or table should include the source of information about each potentially occurring special-status species (e.g., CNDDDB), and discussion of why or why not the species has potential to occur at the Project or adjacent to the Project where the species may be indirectly impacted by, for example, visual or auditory disturbances, or hydrological modifications (e.g., will not occur due lack of salt marsh habitat at or near the Project).

ENVIRONMENTAL 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 and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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ENVIRONMENTAL DOCUMENT FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order 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

CDFW appreciates the opportunity to comment on the MND to assist the District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alex Single, Environmental Scientist, at (707) 799-4210 or Alex.Single@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:

B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023020117)

REFERENCES

- California Native Plant Society, Rare Plant Program. 2023. Rare Plant Inventory (online edition, v9.5). Website <https://www.rareplants.cnps.org> [accessed 27 February 2023].
- CDFW. 2016. A status review of the northern spotted owl (*Strix occidentalis caurina*) in California. Report to the Fish and Game Commission, California Department of Fish and Wildlife, Sacramento, CA, USA.
- CDFW. 2023. California Natural Diversity Database (CNDDDB) Management Framework. California Department of Fish and Wildlife. Sacramento, CA. Website <https://wildlife.ca.gov/Data/BIOS> [accessed 27 February 2023].
- Hayward, L. S., A. E. Bowles, J. C. Ha, and S. K. Wasser. 2011. Impacts of acute and long-term vehicle exposure on physiology and reproductive success of the northern spotted owl. *Ecosphere* 2:65.
- Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.
- USFWS. 2020. Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California.

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ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
BIO-3	<p><i>Lake and Streambed Alteration Notification and other Resource Agency Permits.</i> The Project shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. using the Environmental Permit Information Management System (see: https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS) for Project activities affecting lakes or streams, associated riparian or otherwise hydrologically connected habitat, and any connected wetlands, and shall comply with the Streambed Alteration Agreement, if issued. Projects shall also obtain and comply with applicable permits from the RWQCB and USACE pursuant to the Clean Water Act and Porter-Cologne Water Quality Control Act.</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>
BIO-4	<p><i>Northern Spotted Owl Surveys.</i> No Project activities within 0.25 miles of potential NSO nesting habitat shall occur between February 1 to July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012 (see: https://www.fws.gov/sites/default/files/documents/survey-protocol-for-northern-spotted-owl.pdf). Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between February 1 and July 31 each year.</p> <p>Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to NSO and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.</p> <p>If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA. pursuant to the federal ESA.</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>
BIO-5	<p><i>Pre-Project Special-Status Plant Surveys.</i> Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present,</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

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	<p>botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 <i>Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities</i> (see: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline). The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.</p>		
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