State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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March 24, 2023

Kevin Kearney
City of Bradbury
600 Winston Ave
Bradbury, CA 91008
kkearney@cityofbradbury.org

Subject: Comments on the Mitigated Negative Declaration for the City of Bradbury 2021-2029 6th Cycle Housing Element Update and Zoning Amendments Project, SCH # 2023020514, Los Angeles County

Dear Mr. Kearney:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) for the City of Bradbury 2021-2029 6th Housing Element Update and Zoning Amendments Project (Project) from the City of Bradbury (City). Associated documentation includes the 2021-2029 Housing Element (HEU). 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 authorization under the Fish and Game Code.

Project Description and Summary

Objective: The proposed Housing Element Update establishes programs, policies, and actions to further the goal of meeting the existing and projected housing needs of all family household levels of the community. It will also provide evidence of the City's ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029, as established by the Southern California Association of Governments. To meet the City's RHNA for lower income households, the City has primarily identified affordable housing opportunities through Accessory Dwelling Units (ADUs) and Single-Room Occupancy (SRO) developments. The City has also identified opportunity for affordable housing development at the City Hall site located at 600 Winston Avenue. The Housing Element includes a program to modify the Affordable Housing Overlay Zone (Chapter 88 of the City's Development Code) to allow for multi-family affordable housing at a density range of 20-35 units per acre, through application of the Overlay Zone to the City Hall site. The Affordable Housing Overlay Zone would be applied to the City Hall site either prior to or concurrent with adoption of the Housing Element. The Affordable Housing Overlay Zone already allows an emergency shelter as an allowable land use. As a result, this Initial Study Checklist includes an evaluation of development of a 18-unit multi-family affordable development, based on development on up to 0.55 acre of the City Hall site at a density of 35 dwelling units per acre and an emergency shelter for up to six persons on the rear parking lot portion of the City Hall site.

Location: The Project would apply to the entire geographic area located within the boundaries of the City of Bradbury, which encompasses 1.9 square miles. The City is located at the base of the San Gabriel Mountains below Angeles National Forest in Los Angeles County. It is bordered on the west by the City of Monrovia, and on the south and east by the City of Duarte.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other recommendations 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: Impacts to Oak Trees and Oak Woodland

Issue: The Project's proposed activity will cause impacts to oak woodlands.

Specific impact: The MND indicates that the Project will accommodate the "application of an Affordable Housing Overlay Zone on the City Hall site that would allow development of up to 18 multi-family residential units and an emergency shelter for six individuals, remove two individual oak trees and encroach upon 10 other oak trees through branch and root pruning."

Why impacts would occur: There is no proposed mitigation for impacts to the oak woodland,

including the removal of two trees, the understory associated vegetation, as well as the impacts through the encroachment activity for 10 oak trees. Any impacts to the critical root zone may jeopardize the health and persistence of the trees on site. Without enforceable compensatory mitigation, the Project will impact and result in a net loss of existing oak trees and their future recruitment both temporarily and permanently. As a result, the Project may result in a net loss of oak trees and oak woodlands.

Evidence impacts would be significant: Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. CDFW considers oak woodlands a sensitive vegetation community.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Prior to any Project ground-disturbing activities, the City should determine:

1) Acres of oak woodlands impacted and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine);
2) Mitigation ratios if the loss of any oaks are anticipated and total number and/or area of replacement trees and vegetation. The mitigation site should mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species should be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost;
3) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion);
4) Location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-Project function, density, percent basal, canopy, and vegetation cover of oak woodland impacted;
5) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration;
6) Location(s) of propagule source. Propagules should be collected or grown from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted; and
7) Species-specific planting methods (i.e., container).

Mitigation Measure #2: CDFW recommends the following measures be taken to protect any oak trees designated to have root systems pruned due to construction activities. These measures should be performed by a certified arborist or under the supervision of a certified arborist and/or qualified restoration professional. The exposed tap root, main roots, and any surface-feeding roots exceeding one inch in diameter should be wrapped in protective

moistened burlap during the excavation. Work should be done as quickly as possible to expose the roots for as little time as possible and the roots should be reburied with clean fill as soon as is feasible (no longer than a day or so, if possible). The burlap should be kept moist. Roots should be cut with sharpened, clean, disinfected tools (10% bleach solution) with every effort to avoid tearing the root and to avoid tearing the root surface. If a certified arborist or and/or qualified restoration professional determines work is being performed improperly, that individual(s) should stop work and determine the best course of action to avoid any tree damage or mortality before restarting work.

If any root disturbing activities are determined to have caused irreversible impacts that may eventually lead to decreased health or mortality of any oak tree, those activities and potential impacts should be documented immediately. All documentation should be summarized in a report provided to the City. Preserved oak trees that may succumb to impacts should be replaced with oak trees that are of the same species and variety.

Mitigation Measure #3: Placement of fill dirt, staging areas, chemicals, or debris should be away from any oak trees designated to be preserved.

Mitigation Measure #4: The City/Project proponent should work with a certified arborist and/or qualified restoration professional to select the most appropriate location for replacement oak trees. Oak trees should not be planted in areas that may be subject to future ground disturbance work that may impact replacement trees. Locations should have appropriate biological or physical factors required by oak trees to grow and persist where possible.

The City should work with a certified arborist and/or qualified restoration professional to acquire appropriately sized, locally sourced oak trees from a local native plant nursery that implements *Phytophthora*/Clean Nursery Stock protocols. This may reduce the probability of introducing oak trees contaminated with pests, diseases, and pathogens that could spread and infect native oak trees or habitats. A certified arborist and/or qualified restoration professional should inspect and potentially quarantine nursery stock before bringing them into the Project site and supervise the installation/transplanting of the oak trees.

The City should protect and monitor the survivorship of planted oak trees until the trees begin to produce seeds. The City should consult with the certified arborist and/or qualified restoration professional on a long-term maintenance plan to provide protective caging, shading, and irrigation. Oak trees should be protected from trampling, damage, or climbing. The City should also consult with the certified arborist and/or qualified restoration professional if coast live oak trees show symptoms of stress and determine the appropriate response to prevent mortality.

Mitigation Measure #5: The oak woodland restoration site should be monitored and managed for a minimum of 10 years to ensure success of the restoration effort. In addition, trees that have had roots pruned should also be monitored and evaluated to determine any decline in health. If a severe decline in health or mortality is seen in any of these trees, they should be removed and mitigated for.

Comment #2: Impacts to Streams

Issue: Development of potential sites facilitated by the Project could impact streams.

Specific impacts: According to Figure IV-3: Bradbury Sites Inventory in the HEU, several sites identified for housing needs are adjacent to identified streams. Development in these areas may result in erosion and earth movement that could impair streams. These impacts may occur in ephemeral, intermittent, or perennial streams. In addition, vegetation along streams may need to be removed or may be degraded through habitat modification (e.g., loss of water source, encroachment, and edge effects leading to introduction of non-native plants).

Why impacts would occur: According to Figure IV-3 of the HEU, vacant undeveloped parcels have been identified to meet housing needs in the City. At least two of these sites are adjacent to a canal. Development of these sites could affect riparian habitat during project construction and operation. Development on these and potentially other sites may result in ground-disturbing activities and vegetation removal. Ground-disturbing activities and vegetation removal could result in erosion. Siltation or runoff downstream could impair streams and herbaceous vegetation. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. Therefore, project sites that would impact vegetation adjacent to streams, but not the stream itself, may still impact the stream.

In addition, the MND does not recognize the potential need for Section 1602 Lake and Streambed Alteration Agreement, nor does it prescribe, require, or impose specific actions that would substantially mitigate for impacts on streams and associated natural communities. The MND does not require future development facilitated by the Project to undertake any measures to mitigate for impacts on streams and associated natural communities. As a result, the Project could result in unmitigated impacts.

Evidence impacts would be significant: CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. 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.

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources. The Project may result in significant impacts on streams and associated natural communities if development of sites identified by the Project or future projects would be in close proximity to these resources. Without appropriate mitigation, the Project continues to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on fish and wildlife resources, including rivers, streams, or lakes and associated natural communities identified by CDFW.

Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects Facilitated by the Housing Element:

Mitigation Measure #6: Project specific analyses should prepare a jurisdictional delineation and impact assessment provided along with the project's biological resources technical studies.

Mitigation Measure #7: If any river, stream, or lake are present and may be impacted, the project should be required to avoid impacts by implementing appropriate vegetative buffers and/or setbacks adjoining the stream or wetland feature to reduce impacts of the project on these resources.

Mitigation Measure #8: If avoidance is not feasible, the project applicant should be required to notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant should comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant should also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2023a).

Recommendation #1: CDFW recommends the MND require any projects to include an analysis of potential impacts in subsequent CEQA documents on biological resources resulting from any proposed water diversion. At a minimum, the analysis should evaluate a study reach that includes the channel downstream from a project site. The study reach should extend a minimum of one mile downstream or an appropriate distance determined by both a qualified biologist and hydrologist, whichever is greater. The analysis of the study reach should discuss changes in hydrology and hydraulics, including the following:

1. Under pre-project (i.e., baseline) conditions, the volume of water flow from both the project area and study reach during a) the wet (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). The analysis should clearly define above-average or below-average rainfall year.
2. Under proposed project conditions, the percent reduction in flow from both the project area and study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year.
3. A quantitative analysis comparing the flow from the project area and other tributaries into the study reach, and their relative contribution to the hydrograph of the study reach.
4. An analysis of potential project-related changes to river hydraulics in both concrete-lined and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change).

Recommendation #2: 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 lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's 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 aquatic and 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 #3: Impacts to Nesting Birds

Issue: Aerial photography indicates ornamental trees around sites inventoried that may provide habitat for nesting birds.

Specific impacts: Construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in trees adjacent to a project site.

Why impact would occur: The MND does not provide any avoidance or minimization measures for nesting birds. Without any protective measures, impacts to nesting birds could result from ground disturbing activities related to housing development. Impacts could result from noise disturbances, increased human activity, increased lighting, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under state laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects Facilitated by the Housing Element:

Mitigation Measure #9: To protect nesting birds that may occur on site or adjacent to the Project boundary, CDFW recommends that no construction occur from February 1 through September 15, as early as January 1 for some raptors.

Mitigation Measure #10: If avoidance during the nesting season is not feasible, a qualified biologist should complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the Lead Agency require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests.

These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Mitigation Measure #11: It should be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the permanent removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence of a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.

Comment #4: Biological Review

Issue: The MND does not indicate biological surveys will take place for site development under the HEU.

Specific impacts: Without appropriate biological surveys prior to development of residential areas, there is potential to impact biological resources. This may result in injury or death to unidentified wildlife or plant species as well as permanent impacts to their habitat.

Why impact would occur: Impacts to plant and wildlife species not previously known or identified to be on the Project site or within its vicinity have the possibility to occur. In addition, special status species that may exist on project sites or within its vicinity would go unidentified. 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. This may result in mortality, reduced reproductive capacity, population declines, or local extirpation of a sensitive or special status plant or wildlife species.

Evidence impact would be significant: Impacts to special status plant or wildlife 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 or wildlife 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).

Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects Facilitated by the Housing Element:

Mitigation Measure #12: The City should retain a qualified biologist to prepare Biological Resources Assessments for review and approval by the City and other necessary agencies. The assessment should include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. Surveys shall include

baseline surveys, protocol-level surveys, and tree inventories to confirm the presence of any special status species within or immediately adjacent to proposed impact areas. Surveys shall be conducted by qualified biologists and/or botanists in accordance with CDFW and/or United States Fish and Wildlife Services survey protocols for target species. Biological Resources Assessments should provide and include the following:

1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site should also be addressed. A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDB) should be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023b);
2. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Adjoining habitat areas should be included where project construction and activities could lead to direct or indirect impacts off site;
3. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The Manual of California Vegetation (MCV), second edition, should be used to inform this mapping and assessment;
4. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022);
5. A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and
6. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.

If biological resources are documented on the Project site, the Project proponent should comply with the applicable requirements of the regulatory agencies and should apply mitigation determined through the agency permitting process.

Additional Recommendations

Recommendation #3: 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 CNDDB Field Survey Forms (CDFW 2023c). This includes all documented occurrences of special status species. The City should 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 City should provide CDFW with confirmation of data submittal.

Recommendation #4: Mitigation and Monitoring Reporting Plan - Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (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 City of Lancaster 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 City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:
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For Erinn Wilson-Olgin
Environmental Program Manager I

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

References:

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[CDFWb] California Department of Fish and Wildlife. 2023. California Natural Diversity Database. Available from: https://wildlife.ca.gov/Data/CNDDB/Maps-andData#43018408-cnddb-in-bios

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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- Oak Woodland	Prior to any Project ground-disturbing activities, the City shall determine: 1) Acres of oak woodlands impacted and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); 2) Mitigation ratios if the loss of any oaks are anticipated and total number and/or area of replacement trees and vegetation. The mitigation site shall mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species shall be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost; 3) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion); 4) Location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-Project function, density, percent basal, canopy, and vegetation cover of oak woodland impacted;	Prior to Project construction and activities	City of Bradbury/Project Applicant

	5) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; 6) Location(s) of propagule source. Propagules shall be collected or grown from on-site sources or adjacent areas within the same watershed and shall not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted; and 7) Species-specific planting methods (i.e., container).		
MM-BIO-2- Oak Woodland	The following measures will be taken to protect any oak trees designated to have root systems pruned due to construction activities. These measures shall be performed by a certified arborist or under the supervision of a certified arborist and/or qualified restoration professional. The exposed tap root, main roots and any surface-feeding roots exceeding one inch in diameter shall be wrapped in protective moistened burlap during the excavation. Work shall be done as quickly as possible to expose the roots for as little time as possible and the roots shall be reburied with clean fill as soon as is feasible (no longer than a day or so, if possible). The burlap shall be kept moist. Roots shall be cut with sharpened, clean, disinfected tools (10% bleach solution) with every effort to avoid tearing the root and to avoid tearing the root surface. If a certified arborist or and/or qualified restoration professional determines work is being performed improperly, that individual(s) shall stop work and determine the best course of action to avoid any tree damage or mortality before restarting work. If any root disturbing activities are determined to have caused irreversible impacts that may eventually lead to decreased health or mortality of any oak tree, those activities and potential impacts shall be documented immediately. All documentation shall be summarized in a report provided to the City. Preserved oak trees that may succumb to impacts shall be replaced with oak trees	Prior to Project construction and activities	City of Bradbury/Project Applicant

MM-BIO-3-Oak Woodland	Placement of fill dirt, staging areas, chemicals, or debris shall be away from any oak trees designated to be preserved.	Prior to Project construction and activities	City of Bradbury/Project Applicant
MM-BIO-4-Oak Woodland	The City/Project proponent shall work with a certified arborist and/or qualified restoration professional to select the most appropriate location for replacement oak trees. Oak trees shall not be planted in areas that may be subject to future ground disturbance work that may impact replacement trees. Locations shall have appropriate biological or physical factors required by oak trees to grow and persist where possible. The City shall work with a certified arborist and/or qualified restoration professional to acquire appropriately sized, locally sourced oak trees from a local native plant nursery that implements *Phytophthora*/Clean Nursery Stock protocols. This may reduce the probability of introducing oak trees contaminated with pests, diseases, and pathogens that could spread and infect native oak trees or habitats. A certified arborist and/or qualified restoration professional shall inspect and potentially quarantine nursery stock before bringing them into the Project site and supervise the installation/transplanting of the oak trees. The City shall protect and monitor the survivorship of planted oak trees until the trees begin to produce seeds. The City shall consult with the certified arborist and/or qualified restoration professional on a long-term maintenance plan to provide protective caging, shading, and irrigation. Oak trees shall be protected from trampling, damage, or climbing. The City shall also consult with the certified arborist and/or qualified restoration professional if coast live oak trees show symptoms of stress and determine the appropriate response to prevent mortality.	Prior to Project construction and activities	City of Bradbury/Project Applicant
MM-BIO-5-Oak Woodland	The oak woodland restoration site shall be monitored and managed for a minimum of 10 years to ensure success of the restoration effort. In addition, trees that have had roots pruned	Prior to Project	City of Bradbury/Project Applicant

	shall also be monitored and evaluated to determine any decline in health. If a severe decline in health or mortality is seen in any of these trees, they shall be removed and mitigated for.	construction and activities	
MM-BIO-6-Impacts to Streams	Project specific analyses shall prepare a jurisdictional delineation and impact assessment provided along with the project's biological resources technical studies.	Prior to Project construction and activities	City of Bradbury/Project Applicant
MM-BIO-7-Impacts to Streams	If any river, stream, or lake are present and may be impacted, the project shall be required to avoid impacts by implementing appropriate vegetative buffers and/or setbacks adjoining the stream or wetland feature to reduce impacts of the project on these resources.	Prior to Project construction and activities	City of Bradbury/Project Applicant
MM-BIO-8-Impacts to Streams	If avoidance is not feasible, the project applicant shall be required to notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2023a).	Prior to Project construction and activities	City of Bradbury/Project Applicant
REC-1-Impacts to Streams	CDFW recommends the MND require any projects to include an analysis of potential impacts in subsequent CEQA documents on biological resources resulting from any proposed water diversion. At a minimum, the analysis should evaluate a study reach that includes the channel downstream from a project site. The study reach should extend a minimum of one mile downstream, or an appropriate distance determined by both a qualified biologist and hydrologist, whichever is greater. The analysis of the study reach should discuss changes in hydrology and hydraulics, including the following: 1. Under pre-project (i.e., baseline) conditions, the volume of water flow from both the project area and study reach during a)	Prior to Project construction and activities	City of Bradbury/Project Applicant

	the wet (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). The analysis should clearly define above-average or below-average rainfall year. 2. Under proposed project conditions, the percent reduction in flow from both the project area and study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year. 3. A quantitative analysis comparing the flow from the project area and other tributaries into the study reach, and their relative contribution to the hydrograph of the study reach. 4. An analysis of potential project-related changes to river hydraulics in both concrete-lined and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change).		
REC-2- Impacts to Streams	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 lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's 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 aquatic and 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	Prior to Project construction and activities	City of Bradbury/Project Applicant

	in perpetuity.		
MM-BIO-9-Nesting Birds	To protect nesting birds that may occur on site or adjacent to the Project boundary, CDFW recommends that no construction occur from February 1 through September 15, as early as January 1 for some raptors.	Prior to Project construction and activities	City of Bradbury/Project Applicant
MM-BIO-10-Nesting Birds	If avoidance during the nesting season is not feasible, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. The Lead Agency shall require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.	Prior to Project construction and activities	City of Bradbury/Project Applicant
MM-BIO-11-Nesting Birds	It shall be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the permanent removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the	Prior to Project construction and activities	City of Bradbury/Project Applicant

	occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.		
MM-BIO-12-Bio Review	The City shall retain a qualified biologist to prepare Biological Resources Assessments for review and approval by the City and other necessary agencies. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. Surveys shall include baseline surveys, protocol-level surveys, tree inventories to confirm the presence of any special status species within or immediately adjacent to proposed impact areas. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife and/or United States Fish and Wildlife Services survey protocols for target species. Biological Resources Assessments shall provide and include the following: 1. A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site shall also be addressed. A nine-quadrangle search of CDFW's California Natural Diversity Database (CNDDB) shall be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023b); 2. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Adjoining habitat areas shall	Prior to Project construction and activities	City of Bradbury/Project Applicant

	be included where project construction and activities could lead to direct or indirect impacts off site; 3. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The Manual of California Vegetation (MCV), second edition, shall be used to inform this mapping and assessment; 4. A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plants of California (CNPS 2022) as well as the Calflora's Information on Wild California Plants database (Calflora 2022); 5. A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and 6. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site. If biological resources are documented on the Project site, the Project proponent shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process."		
REC-4-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 CNDDB Field Survey Forms (CDFW 2023c). This includes all documented occurrences of special status species. The City should ensure the data has	Prior to Project construction and activities	City of Bradbury/Project Applicant

	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 City should provide CDFW with confirmation of data submittal.		