

State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201

[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



March 24, 2023

Jorge Anaya  
City of Pomona Water Resources Department  
148 N Huntington Street  
Pomona, CA 91768  
[jorge.anaya@pomonaca.gov](mailto:jorge.anaya@pomonaca.gov)

**Subject: Mitigated Negative Declaration for Pedley Spreading Grounds Pond Enhancements Project, SCH# 2023030023, City of Pomona, Los Angeles County**

Dear Mr. Anaya:

The California Department of Fish and Wildlife (CDFW) has reviewed the Pedley Spreading Grounds Pond Enhancements (Project) Initial Study/Mitigated Negative Declaration (MND) from the City of Pomona (City). Supporting documentation for the Project includes the *Biological Resources Technical Report* (BRTR) dated October 19, 2022. CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

### **CDFW's Role**

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

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

Jorge Anaya  
City of Pomona  
Page 2 of 18

## Project Description and Summary

**Objective:** The proposed Project is a collaborative effort between the Cities of Pomona and Claremont to capture, treat, and infiltrate local urban runoff into the existing Pedley Spreading Grounds (PSG) to increase water supply through stormwater recharge and to decrease non-point source pollutants. The Project includes: grading of the existing PSG basins to enhance percolation, modifications to an existing stormwater junction diversion structure, construction of a new control vault to improve stormwater conveyance to the basins, new water quality pretreatment structure, inlet storm drain extensions, energy dissipater and riprap pads, stilling basin and equalizer structures, spillways, access ramps and roadway improvements, and Pedley Filtration Plant outlet interconnect piping and controls. Additionally, the Project includes implementation of improvements (pathway, plantings, educational signage, viewing area with benches, fencing, and a bike rack) at the Chaparral Park north of the spreading grounds.

**Location:** The Project is located in the City of Claremont, in Los Angeles County, California. The Project limits are Interstate 210 to the north, Claremont College to the south, Chaparral Elementary School to the east, and California Botanic Garden to the west. In general, the Project site is characterized as industrial within an urban area. Land use to the north is comprised of residential housing and Interstate 210, while uses to the south include residential, private university property, and State Route 66. Land uses to the east include residential, while to the west is private Claremont College property.

## 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 suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

## Specific Comments

### Comment #1: Crotch's Bumble Bee

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

**Specific impacts:** The BRTR states, "One sensitive species, Crotch's bumblebee (*Bombus crotchii*), has a high potential to occur on the proposed project site. Crotch bumblebee may occur on flowers in the proposed project site. This bumblebee is most likely to occur in the deerweed shrublands. If a Crotch's bumblebee occurs on site, it can fly away during construction. No significant impacts to Crotch's bumblebee are expected." However, even if the bee is capable of flying away, the Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

**Why impacts would occur:** Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead

Jorge Anaya  
 City of Pomona  
 Page 3 of 18

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 address any potential impacts to Crotch's bumble bee. Without sufficient avoidance, minimization, or mitigation measures, the Project activities may result in unmitigated temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

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

**Recommended Potentially Feasible Mitigation Measure(s):**

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

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

**Mitigation Measure #2:** 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.

Jorge Anaya  
City of Pomona  
Page 4 of 18

**Mitigation Measure #3:** If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly avoided during Project construction and activities, the City/qualified entomologist should coordinate with CDFW to obtain appropriate permits for incidental take of Crotch's bumble bee and provide appropriate mitigation for impacts to Crotch's bumble bee habitat. CDFW recommends the City mitigate for impacts to Crotch's bumble bee habitat at a ratio comparable to the Project's level of impacts.

## **Comment #2: Impacts to Species of Special Concern**

**Issue:** Project activities may impact several Species of Special Concern (SSC).

**Specific impact:** According to the MND, Southern California legless lizard (*Anniella stebbinsi*) and San Diego woodrat (*Neotoma lepida intermedia*) have a potential to occur within the Project site. Direct impacts to these and other SSC could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat.

**Why impacts would occur:** The MND states, "In compliance with mitigation measure BR-1, preconstruction clearance surveys will be implemented. However, legless lizard may not be detected during preconstruction surveys since they would primarily occur in underground burrows. Therefore, if a legless lizard is detected during construction, construction will halt and a qualified biologist will relocate the lizard." The MND goes on to state, "During preconstruction surveys, the site will be surveyed again for San Diego woodrat nests. If an individual woodrat occurs on site, away from its nest, it could move away from construction." Only a pre-construction survey has been recommended for potential impacts to these SSC. A general survey would be insufficient to detect multiple SSC that may potentially be on site. Focused surveys provide the greatest opportunity for the detection of a specific special status species. Focused surveys for SSC should be conducted according to protocols (if available) or times of the year/day when the species would most likely be active and detected. Project activities may potentially result in the loss or disturbance of foraging and nesting habitat for SSC. The MND does not provide any appropriate species-specific avoidance, minimization, or mitigation measures for impacts to these SSC. Without any protection measures, the Project may result in trampling or crushing of SSC. Vegetation removal and grading after false negative conclusions may trap wildlife hiding under refugia and in burrows. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat.

**Evidence impacts would be significant:** CEQA provides protection not only for State and federally listed species, but for any species including but not limited to California SSC, which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

## **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #4 – Scientific Collecting Permit:** The Project may require capture, handling, and relocation of wildlife. Pursuant to the [California Code of Regulations, title 14](#),

Jorge Anaya  
City of Pomona  
Page 5 of 18

[section 650](#), the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2023a). An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

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

**Mitigation Measure #5 - Species surveys:** The City should retain a qualified biologist with experience surveying for the specific SSC. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct surveys for where suitable habitat is present. Surveys should be conducted at a time of year/day when the species is active and identifiable, prior to activities. Project related activities include construction, equipment and vehicle access, parking, and staging. The surveys should include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey should be conducted so that 100 percent coverage of the Project site and surrounding areas is achieved.

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

**Mitigation Measure #6 - Protection Plan:** Where applicable, wildlife should be protected or allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife should be captured by only a qualified biologist with proper handling permits (see Mitigation Measure #4). The qualified biologist should prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring. The City/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and passive relocation procedures. Only a USFWS approved biologist should be authorized to capture and relocate ESA-listed species. A relocation plan should be submitted to CDFW for review and comment prior to implementing Project-related ground-disturbing activities.

**Mitigation Measure #7 - Worker Training:** The City, in consultation with a qualified biologist, should prepare worker environmental awareness training prior to implementation of Project ground-disturbing activities. The training should include effective, specific, enforceable, and

Jorge Anaya  
City of Pomona  
Page 6 of 18

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

**Mitigation Measure #8 - Injured or Dead Wildlife:** If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. The qualified biologist should contact the USFWS, CDFW, and the City by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report should be sent to the City, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

### **Comment #3: Impacts to Rare Plants**

**Issue:** According to the BRTR, the following rare plants may have moderate potential to be within the Project site: intermediate mariposa-lily (*Calochortus weedii* var. *intermedius*), lucky morning glory (*Calystegia felix*), white rabbit tobacco (*Pseudognaphalium leucocephalum*), and Sanford's arrowhead (*Sagittaria sanfordii*).

**Specific Impacts:** Project activities may lead to the potential loss of special status plant species. This may result in a population decline of the species, or local extirpation of a sensitive or special status plant without appropriate mitigation.

**Why impacts would occur:** The MND concludes that the species have a moderate probability to be on site. However, the mitigation provided is one general pre-construction survey to be conducted prior to site disturbing activities. A survey such as this may be insufficient to detect rare plants. If site disturbance will commence outside the blooming period for many rare plant species, surveys conducted may not capture rare population distribution and abundance. Therefore, the survey may underreport the potential presence of rare plants.

In addition, a general survey does not necessarily follow the protocol for surveying rare plants, which may also lead to false negative results. Therefore, the mitigation measure BR-1 provided may not fully prevent the net loss of rare plant species on site.

**Evidence impacts would be significant:** The rare plants with moderate potential to be on site have the following California Rare Plant Rank (CRPR), intermediate mariposa lily, CRPR 1B.2; lucky morning-glory, CRPR 1B.1; white rabbit tobacco, CRPR 2B.2; Sanford's arrowhead,



Jorge Anaya  
 City of Pomona  
 Page 7 of 18

CRPR 1B.2. Plants with a 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 (CNPS 2020). 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). California Native Plant Society's (CNPS) [Rare Plant Ranks](#) page includes additional rank definitions (CNPS 2020). Impacts to special status plants should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #9:** CDFW strongly recommends season-appropriate, focused rare plant surveys to sufficiently document the abundance and distribution of rare plants that may be present. CDFW recommends the surveys be conducted based on the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW, 2018). A qualified biologist should “conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting.”

**Mitigation Measure #10:** CDFW recommends the qualified botanist prepare a report summarizing survey methods and results. A final report should be submitted to CDFW for review prior to Project related ground-disturbing activities and the City's issuance of any grading permits. The survey report should provide the following information:

1. A description and map of the survey area. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys;
2. Field survey conditions that should include name(s) of qualified botanists(s) and brief qualifications, date and time of survey, survey duration, general weather conditions, survey goals, and species searched;
3. Map and quantify the total area of suitable rare plant habitat by species;
4. Map(s) showing the location of individual plants or populations by species, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation; and
5. A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population 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 #11:** CDFW recommends the City require the Project Applicant to compensate for the loss of individual plants and associated habitat acres. The Project Applicant should offset any loss of individual plants such that there is no net loss or at a ratio acceptable to CDFW. Mitigation proposed to offset loss of suitable habitat should be disclosed in the final

Jorge Anaya  
 City of Pomona  
 Page 8 of 18

CEQA document. The mitigation proposed should also be justified as to how it would reduce the Project's impact on individual plants to less than significant.

**Mitigation Measure #12:** CDFW recommends that mitigation occur at a CDFW-approved mitigation bank or an entity that has been approved to hold and manage mitigation lands. Mitigation bank credits should be purchased, approved, and fully executed prior to Project-related ground-disturbing activities and the City's issuance of any grading permits. If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to individual plants and habitat, then CDFW recommends setting aside replacement habitat. Replacement habitat should be protected in perpetuity under a conservation easement.

The conservation easement should be dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to Project-related ground disturbing activities and the City's issuance of grading permits.

### **Additional Comments and Recommendations**

**Recommendation #1 – Nesting Birds:** CDFW recommends modifying BR-2 on page 2-22 of the MND to include underlined language and remove language with strikethrough.

“To protect nesting birds that may occur within and in areas adjacent to the Project site, Project construction should occur outside of the nesting bird season or to the greatest extent possible. If initial site disturbance is scheduled to begin during the avian nesting season (February 1 through August 31; January 1 through August 31 for raptors), breeding and nesting bird surveys shall be conducted by a qualified biologist no more than 3 days prior to the start of site disturbance. If construction activities carry over into a second nesting season(s), the surveys shall be completed annually until the proposed project is complete. Surveys shall be conducted within 500 feet of all proposed project activities.[...]”

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 removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW should 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.

**Recommendation #2 - Data:** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2022b). This includes all documented occurrences of any 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



Jorge Anaya  
City of Pomona  
Page 9 of 18

update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

**Recommendation #3 - MMRP:** 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

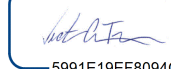
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying 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](mailto:Felicia.Silva@wildlife.ca.gov) or (562) 292-8105.

Sincerely,

DocuSigned by:



5991E19EF8094C3...  
For Erinn Wilson-Olgin  
Environmental Program Manager I

EC: CDFW  
Victoria Tang – Seal Beach – [victoria.tang@wildlife.ca.gov](mailto:victoria.tang@wildlife.ca.gov)  
Ruby Kwan-Davis – Seal Beach – [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)  
Felicia Silva – Seal Beach – [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)  
Julisa Portugal – Seal Beach – [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov)  
Andrew Aitken – Seal Beach – [andrew.aitken@wildlife.ca.gov](mailto:andrew.aitken@wildlife.ca.gov)  
Cindy Hailey – San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)  
CEQA Program Coordinator – Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

State Clearinghouse - [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

### References:

[CDFW] California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available from:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

Jorge Anaya  
City of Pomona  
Page 10 of 18

- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Accessed at:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.
- [CDFWa] California Department of Fish and Wildlife. 2022. Scientific Collecting Permit. Available from: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>
- CDFWb] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- [CNPS] California Native Plant Society. 2020. CNPS Rare Plant Ranks. Accessed at:  
<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>
- Goulson, D. 2010. Bumblebees: behavior, ecology, and conservation. Oxford University Press, New York. 317pp.
- Hatfield, R., Jepsen, S., Foltz Jordan, S., Blackburn, M., Code, Aimee. 2018. A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species.
- [MCV]. A Manual of California Vegetation, 2nd ed. (2022) Available from:  
<https://vegetation.cnps.org/>
- Thorp, Robbin W., Horning Jr, Donald S., and Dunning, Lorry L. 1983. Bumble Bees and Cuckoo Bumble Bees of California. Bulletin of the California Insect Survey 23.
- Williams, P. H., R. W. Thorp, L. L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey. 208pp.



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

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

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1- Impacts to Crotch bumble bee – surveys</b>	<p>Due to suitable habitat within the Project site, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history shall conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys shall be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1. Survey results, including negative findings, shall be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following:</p> <ul style="list-style-type: none"> <li>a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. The map will show surveyor(s) track lines to document that the entire site was covered during field surveys.</li> <li>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.</li> <li>c) Map(s) showing the location of nests/colonies.</li> <li>d) A description of physical (e.g., soil, moisture, slope) and</li> </ul>	Prior to Project construction and activities	City/Project Applicant

	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).		
<b>MM-BIO-2- Impacts to Crotch bumble bee – take permit</b>	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 Project construction and activities	City/Project Applicant
<b>MM-BIO-3- Impacts to Crotch bumble bee – take permit</b>	If Crotch’s bumble bee is detected and if impacts to Crotch’s bumble bee cannot be feasibly avoided during Project construction and activities, the City/qualified entomologist shall coordinate with CDFW to obtain appropriate handling permits for incidental take of Crotch’s bumble bee and provide appropriate mitigation for impacts to Crotch’s bumble bee habitat. The City shall mitigate for impacts to Crotch’s bumble bee habitat at a ratio comparable to the Project’s level of impacts.	Prior to Project construction and activities	City/Project Applicant
<b>MM-BIO-4- Impacts to Species of Special Concern – Scientific Collecting Permit</b>	Pursuant to the <a href="#">California Code of Regulations, title 14, section 650</a> , the City/qualified biologist shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.	Prior to Project construction and activities	City/Project Applicant
<b>MM-BIO-5- Species of Special Concern – survey</b>	The City shall retain a qualified biologist with experience surveying for the specific SSC. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist shall conduct surveys for where suitable habitat is present. Focused surveys shall be conducted during a time of day/year when SSC are	Prior to Project construction and activities	City/Project Applicant

	<p>evident and identifiable. The surveys shall include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey shall be conducted so that 100 percent coverage of the Project site and surrounding areas is achieved.</p> <p>If SSC are detected, the qualified biologist shall use visible flagging to mark the location where SSC was detected. The qualified biologist shall take a special-status wildlife species found on site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the USFWS shall also be notified. Additional avoidance and minimization measures may need to be developed with CDFW/USFWS, a photo of each location, map each location, and provide the specific species detected at that location. The qualified biologist shall provide a summary report of SSC surveys to the City before any Project-related ground-disturbing activities. The CDFW shall be notified and consulted regarding the presence of any</p>		
<p><b>MM-BIO-6-                  Impacts to                  Species of                  Special Concern                  – protection                  plan</b></p>	<p>Where applicable, wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife shall be captured by only by a qualified biologist with proper handling permits . The qualified biologist shall prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring. The City/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and passive relocation procedures. Only a USFWS approved biologist shall be authorized to capture and relocate ESA-listed species. A passive relocation plan shall be submitted to CDFW for review and comment prior to implementing Project-related ground-disturbing activities.</p>	<p>Prior to/During Project construction and activities</p>	<p>City/Project Applicant</p>

<p><b>MM-BIO-7- Impacts to Species of Special Concern – worker training</b></p>	<p>The City, in consultation with a qualified biologist shall prepare worker environmental awareness training prior to implementation of Project ground-disturbing activities. The training shall include effective, specific, enforceable, and feasible actions. The qualified biologist shall have prepared maps showing locations where SSC were detected and share this information to workers as part of training. The qualified biologist shall meet with the construction crew at the Project site at the onset of construction to educate the construction crew on the following: 1) a review of the Project boundaries; 2) all special-status species that may be present, their habitat, and proper identification; and 3) the specific mitigation measures that will be incorporated into the construction effort. The qualified biologist shall communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, shall immediately report the incident to the qualified biologist and/or onsite representative identified in the worker training.</p>	<p>Prior to/During Project construction and activities</p>	<p>City/Project Applicant</p>
<p><b>MM-BIO-8- Impacts to Species of Special Concern – dead/injured wildlife</b></p>	<p>If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. The qualified biologist shall contact the USFWS, CDFW, and the City by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report shall be sent to the City, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>	<p>During Project construction and activities</p>	<p>City/Project Applicant</p>



<p><b>MM-BIO-9-Rare Plant Survey</b></p>	<p>Season-appropriate, focused rare plant surveys shall be conducted to sufficiently document the abundance and distribution of rare plants that may be present. CDFW recommends the surveys be conducted based on the <a href="#"><u>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</u></a> (CDFW, 2018). A qualified biologist shall “conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting.”</p>	<p>During Project construction and activities</p>	<p>City/Project Applicant</p>
<p><b>MM-BIO-10-Survey Report</b></p>	<p>The qualified botanist shall prepare a report summarizing survey methods and results. A final report shall be submitted to CDFW for review prior to Project related ground-disturbing activities and the City’s issuance of any grading permits. The survey report shall provide the following information:</p> <ol style="list-style-type: none"> <li>1. A description and map of the survey area. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys;</li> <li>2. Field survey conditions that shall include name(s) of qualified botanists(s) and brief qualifications, date and time of survey, survey duration, general weather conditions, survey goals, and species searched;</li> <li>3. Map and quantify the total area of suitable rare plant habitat by species;</li> <li>4. Map(s) showing the location of individual plants or populations by species, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation; and</li> <li>5. A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each</li> </ol>	<p>During Project construction and activities</p>	<p>City/Project Applicant</p>

Jorge Anaya  
 City of Pomona  
 Page 16 of 18

	<p>rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).</p>		
<p><b>MM-BIO-11-Loss Offset</b></p>	<p>The City shall require the Project Applicant to compensate for the loss of individual plants and associated habitat acres. The Project Applicant shall offset any loss of individual plants such that there is no net loss or at a ratio acceptable to CDFW. Mitigation proposed to offset loss of suitable habitat shall be disclosed in the final CEQA document. The mitigation proposed shall also be justified as to how it would reduce the Project's impact on individual plants to less than significant.</p>	<p>During Project construction and activities</p>	<p>City/Project Applicant</p>
<p><b>MM-BIO-12-Mitigation Bank</b></p>	<p>Mitigation shall occur at a CDFW-approved mitigation bank or an entity that has been approved to hold and manage mitigation lands. Mitigation bank credits shall be purchased, approved, and fully executed prior to Project-related ground-disturbing activities and the City's issuance of any grading permits. If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to individual plants and habitat, then CDFW recommends setting aside replacement habitat. Replacement habitat shall be protected in perpetuity under a conservation easement.</p> <p>The conservation easement shall be dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to Project-related ground disturbing activities and the City's issuance of grading permits.</p>	<p>During Project construction and activities</p>	<p>City/Project Applicant</p>

<p><b>REC-1-Nesting Birds</b></p>	<p>CDFW recommends modifying BR-2 on page 2-22 of the MND to include <u>underlined</u> language and remove language with strikethrough.</p> <p><u>“To protect nesting birds that may occur within and in areas adjacent to the Project site, Project construction should occur outside of the nesting bird season or to the greatest extent possible. If initial site disturbance is scheduled to begin during the avian nesting season (February 1 through August 31; January 1 through August 31 for raptors), breeding and nesting bird surveys shall be conducted by a qualified biologist no more than 3 days prior to the start of site disturbance. If construction activities carry over into a second nesting season(s), the surveys shall be completed annually until the proposed project is complete. Surveys shall be conducted within 500 feet of all proposed project activities.[...]”</u></p> <p>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 removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW should 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 a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.</p>	<p>During Project construction and activities</p>	<p>City/Project Applicant</p>
<p><b>REC-2-Data</b></p>	<p>CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. The City shall ensure that all data concerning special status species within the Project site be submitted to the CNDDB</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>

Jorge Anaya  
City of Pomona  
Page 18 of 18

	<p>by completing and submitting <a href="#">CNDDDB Field Survey Forms</a>. This includes all documented occurrences of Catalina mariposa lily, and other SSC. The City shall ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry shall also list pending development as a threat and then update this occurrence after impacts have occurred. The City shall provide CDFW with confirmation of data submittal.</p>		
--	---	--	--