



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

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



November 8, 2023

Vincent Gonzalez  
City of Sierra Madre  
232 West Sierra Madre Boulevard  
Sierra Madre, CA 91024  
[VGonzalez@cityofsierramadre.com](mailto:VGonzalez@cityofsierramadre.com)

**SUBJECT: GINKGO STONEHOUSE RESIDENTIAL PROJECT (PROJECT); NOTICE OF PREPARATION (NOP); SCH #2023100084**

Dear Vincent Gonzalez:

The California Department of Fish and Wildlife (CDFW) has received a Notice of Preparation of a Draft Environmental Impact Report (DEIR) from the City of Sierra Madre (City) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

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

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law, of any species protected under the California Endangered Species Act (CESA) (Fish & Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code §1900 et. sea.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

## **Project Description Summary**

**Proponent:** Ginkgo Stonehouse, LLC

**Objective:** The Project proposes the development of nine single-family residential detached lots on nine acres of land. Approximately four acres within the Project area are considered non-buildable and prohibit the construction of vertical structures, but would allow for landscaping, hardscaping, and fencing. Existing residential structures and accessory infrastructure would be demolished prior to grading activities. Following grading activities, residential building pads with associated infrastructure would be constructed, in addition to development of a new public street, driveways, walkways, a fire access road, retaining walls, drainage system, and utility connections to East Grand View Avenue. It is anticipated that three custom homes would be constructed each year over the span of three years.

**Location:** The Project area is located northwest of the intersection Stonehouse Road and East Grand View Avenue in the City of Sierra Madre, California, and is bound by the San Gabriel Mountains to the north, Liliano Drive/ Stonehouse Road to the east, East Grand View Avenue to the south, and Acacia Street to the west. The Assessor's Parcel Numbers associated with the Project area include 5764-001-017 and 5764-001-018.

**Biological Setting:** The Project area is located at the base of the San Gabriel Mountains within the northern region of Los Angeles County. The topography of the Project area is a mix of flat land and hillside, bordered by residential development to the east, west, and south. Findings from a general biological assessment of the Project area were not provided in the NOP. Sensitive species that have been identified through databases to occur within the City and are of potential concern for the Project include mountain lion (*Puma concolor*, CESA candidate species), slender-horned spineflower (*Dodecahema leptoceras*; CESA listed-endangered; Endangered Species Act (ESA) listed-endangered), western mastiff bat (*Eumops perotis*; California Species of Special Concern (SSC)), southern California legless lizard (*Anniella stebbinsi*; SSC), and raptors and migratory birds.

## **Comments and Recommendations**

CDFW offers the recommendations below to assist the City in adequately identifying the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, §21061; CEQA Guidelines, §§15003(i), 15151]. CDFW looks forward to commenting on the DEIR when it is available.

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## Specific Comments

1. Impacts on Mountain Lion. The Project area is located within the range of mountain lions inhabiting the San Gabriel mountains, and mountain lions have been observed in proximity to the Project area. Mountain lions typically require areas of undisturbed habitat and can inhabit a variety of habitat types, including but not limited to riparian woodlands, oak woodlands, streams, and chaparral. Based on aerial imagery, the hillside portion of the Project site may contain chaparral and oak woodland, which can serve as foraging habitat for mountain lions. Additionally, CDFW's [Mountain Lion Predicted Habitat Model – CWHR M165](#) indicates that the Project area may provide moderate habitat for mountain lion (CDFW 2016). The DEIR should analyze and discuss the Project's temporary, permanent, and cumulative impacts on mountain lion and their foraging habitat. If the Project would impact mountain lions or their foraging habitat, the DEIR should provide measures to offset the loss of habitat. We request the opportunity to review and approve mitigation plans intended to offset Project impacts to mountain lions and their habitat.
2. Sensitive Species Inventory. According to [California Natural Diversity Database](#) (CNDDDB), sensitive species may be present in or adjacent to the Project area (CDFW 2023a). The DEIR should include discussion and analysis, including appropriate seasonal surveys, for the following species:
  - a) Slender-horned Spineflower. CDFW recommends the Project proponent retain a qualified biologist to conduct a rare plant survey according to CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Findings of the rare plant survey should be included in the DEIR. Furthermore, the DEIR should analyze and discuss the Project's temporary and permanent impact on rare plants during and after Project activities, including whether take authorization and compensatory mitigation are necessary.
  - b) Western Mastiff Bat. The Project proponent should retain a qualified bat specialist to identify potential daytime, nighttime, wintering, and hibernation roost sites and conduct bat surveys within these areas (plus a 100-foot buffer as access allows) to identify roosting bats and any maternity roosts. Acoustic recognition technology should be used to maximize detection of bats. Positive detections of bats and roost locations should be mapped, and findings should be included in the DEIR.
  - c) Southern California Legless Lizard. Southern California legless lizard has been observed in 2018 within a mile of the Project area. Additionally, it has been noted that this species can be found in several natural communities such as valley-foothill, chaparral, and coastal scrub, which may be present in the Project area (CDFW 2000). It is possible for southern California legless lizards to be present during Project activities. CDFW recommends the DEIR thoroughly discuss the potential for impacts to these species, assume their presence, and include a mitigation measure or measures which provide compensatory mitigation for Project impacts on SSC.

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3. Nesting Birds and Raptors. CDFW recommends the DEIR include a measure to fully avoid impacts to nesting birds and raptors. To the extent feasible, no construction, ground-disturbing activities (e.g., mobilizing, staging, and excavating), and vegetation removal should occur during the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs. If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the DEIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, a qualified biologist should conduct nesting bird and raptor surveys to identify nests. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW generally recommends a minimum 100-foot no disturbance buffer around active passerine nests. For raptors, the no disturbance buffer should be expanded to 500 feet. Reductions in the nest buffer may occur in consideration of site-specific features such as ambient levels of human activity, screening vegetation, or other factors.

### General Comments

1. Biological Baseline Assessment. The DEIR should provide an adequate biological resources assessment, including a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area and where the Project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project area. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.
  - a) Information on the regional setting is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)], or common habitats that have become greatly reduced because of ongoing development. The DEIR should include measures to fully avoid or otherwise offset impacts to Sensitive Natural Communities or native/naturalized communities that support regional sensitive species from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. In particular, plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023b).
  - b) 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

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- 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site.
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project area and within the neighboring vicinity. The [Manual of California Vegetation Online](#) should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
  - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project area. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the Project area. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)].
  - e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on 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 a project area should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's Survey and Monitoring Protocols and Guidelines for established survey protocol for select species. Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS.
  - f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build-out could occur over a protracted timeframe or in phases.
2. Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range,

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distribution, population trends, and connectivity).

3. Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
  - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends the City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
  - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the DEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
4. Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The DEIR should address the following.
  - a) A discussion regarding Project-related indirect impacts on biological resources, including 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.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.
  - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)].



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- c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures.
  - d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project area. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included.
  - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.
  - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the DEIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)] including the amount of development which has occurred within the City and adjacent lands, and the amount of development forecasted/expected to occur.
5. Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance, and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. Consideration may also be given to the purchase of credits from a conservation bank supporting similar habitat as that being impacted; the bank should have been approved by CDFW.
6. Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset

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the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

7. Scientific Collecting Permits. 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). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2023c). Pursuant to the California Code of Regulations, title 14, section 650, the 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.
8. Environmental Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023d). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023e).
9. Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects using feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Mitigation measures must be feasible, effective, implemented, and fully enforceable by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). In preparation of an environmental document, CDFW recommends that the City prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear so that a measure is fully enforceable and implemented successfully via a mitigation, monitoring, and reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6).

## Conclusion

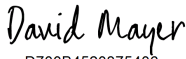
We appreciate the opportunity to comment on the NOP for the Ginkgo Stonehouse Residential Project to assist the City in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please



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

Sincerely,

DocuSigned by:  
  
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David Mayer  
Environmental Program Manager  
South Coast Region

ec: CDFW  
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)

OPR  
State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## References

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