State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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February 20, 2024

Dennis Santos
City of Long Beach
Long Beach Utilities Department
1800 East Wardlow Road
Long Beach, CA 90807
Dennis.Santos@lbwater.org

Subject: Mitigated Negative Declaration for the Haynes Generating Station Recycled Water Pipeline Project, Los Angeles County (SCH #2024010488)

Dear Dennis Santos:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) for the Haynes Generating Station Recycled Water Pipeline Project (Project) from the City of Long Beach Utilities Department (City). 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 plants

pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project Applicant obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The City proposes to construct a continuous recycled water (RW) pipeline to serve the Los Angeles Department of Water & Power's Haynes Generating Station, located in the City of Long Beach. The Project would be constructed within previously disturbed areas that now support numerous structures and subsurface utilities, City and state roadways, and associated landscaping. The RW pipeline would be constructed primarily within and adjacent to the existing roadway. Additional construction would occur within Caltrans' right-of-way. The majority of the RW pipeline would be installed via the traditional method of open-cut trenching. A small section of the Project would be placed within micro-tunnel steel casing that would be constructed under State Route 22 (SR 22).

Location: The pipeline will start at the intersection of Atherton Street and Studebaker Road in Long Beach, CA 90815. The pipeline will follow South along Studebaker Frontage Road; Studebaker Road; Studebaker Access Road/SR 22 off-ramp; and south to east along College Park Drive (crossing the San Gabriel River). The pipeline will then go south and cross beneath SR 22 to the LADWP Haynes Generating Station in Seal Beach, CA 90740.

Biological Setting: The Project is primarily located within/beneath existing roadways and adjacent to developed/landscaped areas (e.g., medians). The immediate vicinity is comprised of commercial, industrial, recreational, and residential uses. Special status species with potential suitable habitat in the Project area include Crotch's bumble bee (*Bombus crotchii*; CESA Candidate-listed), burrowing owl (*Athene cunicularia*; California Special Species of Concern (SSC)), and monarch butterfly (*Danaus plexippus*; federal Endangered Species Act (ESA) Candidate-listed). Migratory birds also have the potential to nest in the Project area. The pipeline will cross the San Gabriel River along the College Park Drive bridge.

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

Specific Comments

Comment #1: Impacts to Crotch's Bumble Bee

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

Specific impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impacts would occur: Table 8 of the MND (p. 40) identifies suitable habitat for Crotch's bumble bee within the Project area. The MND does not discuss the Project's direct, indirect, or cumulative impacts on Crotch's bumble bee. Without sufficient species-specific minimization or mitigation measures, impacts to Crotch's bumble bee may occur.

As with any flying species, Crotch's bumble bee may fly throughout the Project area and use suitable nesting habitat and floral resources. As for nesting habitat, Crotch's bumble bee primarily nest in late February through late October in small, abandoned mammal burrows (underground), but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), 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 within and/or adjacent to the Project site. Habitat loss resulting from the proposed Project also removes potential foraging habitat for this species in the broader landscape, as urban development continues to eliminate large tracts of native vegetation.

Evidence impacts would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may 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 considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Lastly, Crotch's bumble bee is listed as an invertebrate of

conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The MND shall be amended to include focused surveys for Crotch's bumble bee, conducted by a qualified entomologist familiar with the species behavior and life history of the species. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2024a). Focused surveys shall be conducted throughout the entire Project site during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. If Crotch's bumble bee is detected within the Project area**,** the Project applicant shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 *et seq*). The Project applicant shall have a fully executed take authorization prior to any ground disturbance and vegetation removal. If an ITP through CESA will be pursued, then the amended MND shall also include details of impacts to the species and compensatory mitigation including land protection instruments and in-perpetuity funding.

Comment #2: Impacts to Monarch Butterflies

Issue: The Project may impact monarch butterfly (population 1 – California overwintering population) and monarch butterfly overwintering habitat.

Specific impacts: The Project could remove and impact potential overwintering habitat for monarch butterflies. The MND states (p. 35), "[s]uitable roosting habitat and nectar sources are located within the Project area due to the presence of flowering landscaped vegetation and large, landscaped eucalyptus trees between SR 22 and College Park Drive at the southern limits of the Project alignment. Minor vegetation removal, including removal of one eucalyptus tree, is anticipated at the southern limits of the Project alignment within the City of Seal Beach." Vegetation removal and tree trimming could have a negative effect on monarch butterflies by causing injury or mortality; reducing health and vigor; and reducing reproductive success. Permanent or temporary impacts on overwintering habitat could result in local population decline or local extirpation of monarch butterflies.

Why impact would occur: In western North America, monarch overwintering sites are distributed along the California coast from Mendocino County to the Mexican border, and south into Baja California, Mexico (Xerces Society 2017). Monarch butterflies cluster in large groups in forested groves along the California coast. The Project site could provide an overwintering grove for monarch butterflies because of its location

relative to the coast, proximity to known overwintering sites, and support of wintering trees.

The Project may require trees and other vegetation to be removed or trimmed in order to facilitate Project activities. Removing trees during the overwintering period could have direct impacts on monarch butterflies, potentially resulting in injury or mortality; reduced health and vigor; and reduced success during spring and summer migration to breeding sites. Furthermore, removing trees could reduce or eliminate overwintering habitat, potentially leading to local population decline or local extirpation of monarch butterflies.

Evidence impact would be significant: The MND states (p. 35), "[d]ue to ample amounts of suitable roosting trees and nectar sources in the surrounding vicinity, construction of the Project would have a less than significant impact on the monarch butterfly." Suitable habitat in this area is constrained to a very narrow band of trees. Although the Project is only proposing to remove one tree (and trim others), disturbance within a corridor this narrow could affect monarch migration/behavior. In addition, indirect impacts to this area, such as noise, fugitive dust, and anthropogenic disturbances, should be evaluated. The reduction in the number of monarch butterflies, either directly or indirectly, could constitute a significant impact absent appropriate mitigation. Inadequate avoidance and mitigation measures may result in the Project continuing to have adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and/or U.S. Fish and Wildlife Service (USFWS). Monarch numbers have dropped by 99 percent from an estimated 4 million butterflies just twenty years ago (CDFW 2024b). Given the precipitous decline of monarch butterflies, the monarch butterfly is currently slated to be listed in 2024 under the Endangered Species Act (CDFW 2024b). The monarch butterfly is included on CDFW's Terrestrial and Vernal Pool Invertebrates of Conservation Priority list and identified as a Species of Greatest Conservation Need in California's State Wildlife Action Plan (CDFW 2017; CDFW 2015). Additionally, Fish and Game Code, section 1002 prohibits the take or possession of wildlife for scientific research, education, or propagation purposes without a valid Scientific Collection Permit issued by CDFW. This applies to handling monarchs, removing them from the wild, or otherwise taking them for scientific or propagation purposes, including captive rearing. Fish and Game Code, section 1021 directs CDFW to take feasible actions to conserve monarch butterflies and the habitats they depend upon for successful migration. Lastly, Fish and Game Code, section 1374 directs the Monarch Butterfly and Pollinator Rescue Program, administered by the Wildlife Conservation Board, to recover and sustain populations of monarch butterflies.

The monarch butterfly meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on monarch butterfly may require a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant or animal community and/or substantially reduce the

number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #2: CDFW recommends the City retain a qualified biologist to conduct an overwintering grove habitat and impact assessment for the Project site. The qualified biologist should conduct season appropriate surveys to determine if the Project site supports overwintering groves/monarch population. The assessment should provide information on where overwintering habitat is located; what Project activities would impact overwintering habitat; what are the impacts (e.g., number and species of trees removed); where impacts would occur; and measures to avoid, minimize, or mitigate for those potential impacts. CDFW recommends the City require an assessment to be performed prior to finalizing the Project's environmental document.

Mitigation Measure #3: If the Project site does not support overwintering habitat, the City should avoid and minimize impacts on monarch butterflies by enhancing native, insecticide-free nectar sources; avoid planting any additional tropical milkweeds; and avoid using pesticides, insecticides, and soil fumigants.

Recommendation #1: CDFW recommends the following resources for information on managing monarch overwintering habitat:

- Western Monarch Butterfly Conservation Plan (WAFWA 2019);
- Overwintering Site Management and Protection (Western Monarch Count 2021);
- Protecting California's Butterfly Groves (Xerces Society 2017);
- Managing Monarch Habitat in the West (Xerces Society 2021);
- Monarch Butterfly Nectar Plant Lists for Conservation Plantings (Xerces Society 2018);
- Tropical Milkweed (Wheeler 2018); and,
- CDFW's Monarch Butterfly webpage page (CDFW 2024b).

Recommendation #2: If the Project site supports an overwintering grove/population of monarch butterflies, the City shall protect, manage, enhance, and restore potential overwintering habitat on the Project site. The City shall prepare a long-term Monarch Butterfly Overwintering Habitat Management Plan in consultation with a qualified biologist. The Monarch Butterfly Overwintering Habitat Management Plan shall provide actions to protect, manage, enhance, and restore overwintering habitat. At a minimum, these actions shall include:

- *Protect*: Trees shall not be removed in overwintering groves unless a tree poses a safety risk. The critical root zone (CRZ) of trees that are not targeted for removal shall be protected. Impacts to a tree's CRZ could result in injury or mortality of the tree causing additional loss of trees and canopy. Shrubs shall not be removed in overwintering groves. Shrubs shall be maintained to provide a buffer to preserve the microclimate conditions of the overwinter habitat.

- *Manage*: Management activities, such as tree trimming and mowing, shall be conducted in groves from March 15 through September 15 outside of the estimated timeframe when monarchs are likely present in the southern California coast.
- *Enhance*: Enhance native, insecticide-free nectar sources by planting fall/winter blooming forbs or shrubs within overwintering groves.
- *Restore*: Any trees removed as part of the Project shall be replaced with trees at no less than 2:1. Native insecticide-free trees shall be planted such as Monterey pine (*Pinus radiata*), Monterey cypress (*Cupressus macrocarpa*), Coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), Douglas fir (*Pseudotsuga menzesii*), Torrey pine (*Pinus torreyana*), western sycamore (*Platanus racemosa*), bishop pine (*Pinus radiata*) and others, as appropriate for location.
- *Pesticides*: Use of pesticides shall be avoided, particularly when monarchs may be present. If pesticides are used, applications shall be conducted from March 15 through September 15, when possible. Herbicide shall not be applied on blooming flowers. Herbicide shall be applied during young plant phases, when plants are more responsive to treatment, and when monarchs and other pollinators are less likely to be nectaring on the plants. Whenever possible, targeted application herbicide methods shall be used, large-scale broadcast applications shall be avoided, and precautions shall be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, should not be used any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants should not be used. Non-chemical weed control techniques should be used when possible.
- *Tropical milkweed and pathogens*: Non-native tropical milkweed should not be planted in order to minimize the spread of the pathogen *Ophryocystis elektroscirrha* (OE), and to encourage natural monarch migration. OE can build up on tropical milkweed because these plants are evergreen, and they do not die back in the winter. OE can be debilitating and/or lethal to monarchs. If possible, tropical milkweed should be removed and replaced with native, insecticide-free nectar plants suitable for the location.

Comment #3: Impacts to Streams

Issue: Project activities require the RW pipeline to be attached to the existing bridge on College Park Drive that crosses the San Gabriel River.

Specific impacts: According to page 44 of the MND, “[w]hile the pipe is being attached to the existing bridge, the contractor would employ methods to prevent material or debris from falling into the San Gabrial River; however, incidental debris may enter the watercourse however it is not intended to be significant, and no mitigation is required beyond the methods employed by the contractor”. In addition, development on the

banks may result in erosion and earth movement that could impair streams. Vegetation along these drainages may also need to be removed or may be degraded through habitat modification (e.g., encroachment and edge effects leading to introduction of non-native plants).

Why impacts would occur: Development over and/or adjacent to the stream may result in ground-disturbing activities and vegetation removal. The MND does not include "methods to prevent material or debris from falling into the San Gabriel River." Ground-disturbing activities and vegetation removal could result in erosion. Siltation or runoff downstream could impair streams.

In addition, the MND does not recognize the potential need for a Fish and Game Code, section 1602 Lake and Streambed Alteration (LSA) Agreement. As a result, the Project could result in unmitigated impacts to streams and associated habitat.

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 an 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):

Mitigation Measure #4: The City shall prepare a jurisdictional delineation and impact assessment for impacts to the San Gabriel River, including impacts to banks of the River.

Mitigation Measure #5: The City will be required to notify CDFW pursuant to Fish and Game Code, section 1602 and may need to obtain an LSA Agreement from CDFW prior

to obtaining a grading permit. The City shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The City shall also provide compensatory mitigation for any impacted stream and associated natural community. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2024c).

Recommendation #3: 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.

Additional Recommendations

Recommendation #4 – Burrowing Owls: The southern limits of the Project area contain suitable habitat for burrowing owl in the form of a landscaped area between College Park Drive and SR 22 and an open bare ground south of SR 22. Burrowing owls are known to inhabit anthropogenically altered habitat such as roadside shoulders and urban parks. The MND states, "disturbance to unpaved surfaces would result from installing the RW pipeline from where the Project alignment extends south of College Park Drive (Seal Beach)." Project activities may result in impacts to burrowing owls. The MND should be amended to include focused surveys for burrowing owl, per CDFW protocols. Burrowing owl protocol surveys should be conducted by a qualified biologist on the Project site and within 500 feet of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variations by geographic location and climatic conditions. CDFW recommends the City amend MM BIO-02 and MM BIO-03 to exclude the ~~strikethrough~~ and include the <u>underlined</u> language:

> "MM BIO-2: Burrowing Owl Survey. A qualified biologist will be employed to ~~complete a pre-construction survey for burrowing owls 96 hours prior to ground disturbing activities~~ <u>conduct breeding season burrowing owl surveys. CDFW protocol states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15,</u> occurring in all suitable habitat for the burrowing owl. Surveys will be needed

along the portion of the Project alignment in the City of Seal Beach, California and south of College Park Drive including the landscaped area within SR 22 ROW and the HGS property. If active burrows (occupied by burrowing owl[s]) are identified, no Project activities will take place within ~~100~~ 200 feet of an active burrow (occupied by burrowing owl[s]).

MM BIO-3 Burrowing Owl Mitigation Plan. The Project applicant should then prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project applicant shall contact CDFW to develop appropriate mitigation/management procedures. The Project applicant should submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits. No work should be conducted within the burrow until the offspring have fledged and left the burrow. Personnel working on the Project, including all contractors working on site, should be instructed on the presence of burrowing owls, restricted areas, and adherence to the buffer zone. No work should occur within the buffer zone. The specific buffer zone should be established in coordination with CDFW.

~~MM BIO-3: Burrowing Owl Relocation. If a burrowing owl or active burrows (occupied by burrowing owl[s]) cannot be avoided, a qualified biologist holding a permit from the U.S. Fish and Wildlife Service will be employed to relocate burrowing owl(s) from the Project area, as appropriate."~~

Recommendation #5 – Data: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Special status species information should be submitted to the CNDDB by completing the Online Field Survey Form (CDFW 2024d). To submit information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Releve Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2024e). The City should ensure all pertinent data has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting the Project's environmental document. 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.

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 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, Senior Environmental Scientist (Specialist), at (562) 292-8105 or by email at Felicia.Silva@wildlife.ca.gov

Sincerely,

DocuSigned by:
Heather A. Pert
DF423498814B441...

Heather Pert
Environmental Program Manager
South Coast Region

ec: CDFW
Baron Barrera – Senior Environmental Scientist (Supervisory)
Felicia Silva – Senior Environmental Scientist (Specialist)
Cindy Hailey – Staff Services Analyst

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

References:

[CDFW]California Department of Fish and Wildlife. 2024a. Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

[CDFW] California Department of Fish and Wildlife. 2024b. Monarch butterflies. Available from: https://wildlife.ca.gov/Conservation/Invertebrates/Monarch-Butterfly

[CDFW] California Department of Fish and Wildlife. 2024c. Lake and Streambed Alteration Program. Available from: https://wildlife.ca.gov/Conservation/LSA

[CDFW] California Department of Fish and Wildlife. 2024d. Submitting Data to the CNDDB. Available from: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data

[CDFW] California Department of Fish and Wildlife. 2024e. Natural Communities — Submitting Information. Available from: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit

[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

[CDFW] California Department of Fish and Wildlife. 2015. State Wildlife Action Plan: A Conservation Legacy for Californians. Available from: https://wildlife.ca.gov/SWAP/Final

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.

[WAFWA] Western Association of Fish and Wildlife Agencies. 2019/ Western Monarch Butterfly Conservation Plan 2019-2069. Available from: https://wafwa.org/wpdmpackage/western-monarch-butterfly-conservation-plan-2019-2069/?ind=1602171186650&filename=WAFWA_Monarch_Conservation_Plan.pdf&wpdmdl=13048&refresh=60f9defee81e21626988286

Western Monarch Count. 2021. Overwintering Site Management and Protection. Available from: https://www.westernmonarchcount.org/overwintering-site-management-and-protection/

Western Monarch Count. 2021. Find an Overwintering Site. Available from: https://www.westernmonarchcount.org/find-an-overwintering-site-near-you/

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.

Xerces Society. 2021. Managing Monarch Habitat in the West. Available from: https://xerces.org/monarchs/western-monarch-conservation/habitat

Xerces Society. 2018. Monarch butterfly nectar plant lists for conservation plantings. Available from: https://xerces.org/sites/default/files/publications/18-003_02_Monarch-NectarPlant-Lists-FS_web%20-%20Jessa%20Kay%20Cruz.pdf

Xerces Society. 2017. Protecting California's Butterfly Groves. Management Guidelines for Monarch Butterfly Overwintering Habitat. Available from: https://www.westernmonarchcount.org/wp-content/uploads/2014/11/2017-040_ProtectingCaliforniaButterflyGroves.pdf

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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.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1-Crotch's Bumble Bee	The MND shall be amended to include focused surveys for Crotch's bumble bee, conducted by a qualified entomologist familiar with the species behavior and life history of the species. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2024a). Focused surveys shall be conducted throughout the entire Project site during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. If Crotch's bumble bee is detected within the Project area, the Project applicant shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 *et seq*). The Project applicant shall have a fully executed take authorization prior to any ground disturbance and vegetation removal. If an ITP through CESA will be pursued, then the amended MND shall also include details of impacts to the species and compensatory mitigation including land protection instruments and in-perpetuity funding.	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant/ City of Long Beach
MM-BIO-2-Monarch Biologist	The City shall retain a qualified biologist to conduct an overwintering grove habitat and impact assessment for the Project site. The qualified biologist shall conduct season appropriate surveys to determine if the Project site supports overwintering groves/monarch population. The assessment shall provide information on where overwintering habitat is located; what Project activities would impact overwintering habitat; what are the impacts	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant/ City of Long Beach

	(e.g., number and species of trees removed); where impacts would occur; and measures to measures to avoid, minimize, or mitigate for those potential impacts. CDFW recommends the City require an assessment to be performed prior to finalizing the Project's environmental document.		
MM-BIO-3-Monarch Avoidance	If the Project site does not support overwintering habitat, the City shall avoid and minimize impacts on monarch butterflies by enhancing native, insecticide-free nectar sources; avoid planting any additional tropical milkweeds; and avoid using pesticides, insecticides, and soil fumigants.	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant/ City of Long Beach
REC-1-Monarch Resources	CDFW recommends the following resources for information on managing monarch overwintering habitat: • Western Monarch Butterfly Conservation Plan (WAFWA 2019); • Overwintering Site Management and Protection (Western Monarch Count 2021); • Protecting California's Butterfly Groves (Xerces Society 2017); • Managing Monarch Habitat in the West (Xerces Society 2021); • Monarch Butterfly Nectar Plant Lists for Conservation Plantings (Xerces Society 2018); • Tropical Milkweed (Wheeler 2018); and, CDFW's Monarch Butterfly webpage page (CDFW 2024b).	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant/ City of Long Beach
REC-2-Monarch Butterfly	If the Project site supports an overwintering grove/population of monarch butterflies, the City shall protect, manage, enhance, and restore potential overwintering habitat on the Project site. The City shall prepare a long-term Monarch Butterfly Overwintering Habitat Management Plan in consultation with a qualified biologist. The Monarch Butterfly Overwintering Habitat Management Plan shall provide actions to protect, manage, enhance, and restore overwintering habitat. At a minimum, these actions shall include: • *Protect*: Trees shall not be removed in overwintering groves	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant/ City of Long Beach

	unless a tree poses a safety risk. The critical root zone (CRZ) of trees that are not targeted for removal shall be protected. Impacts to a tree's CRZ could result in injury or mortality of the tree causing additional loss of trees and canopy. Shrubs shall not be removed in overwintering groves. Shrubs shall be maintained to provide a buffer to preserve the microclimate conditions of the overwinter habitat. • *Manage*: Management activities, such as tree trimming and mowing, shall be conducted in groves from March 15 through September 15 outside of the estimated timeframe when monarchs are likely present in the southern California coast. • *Enhance*: Enhance native, insecticide-free nectar sources by planting fall/winter blooming forbs or shrubs within overwintering groves. • *Restore*: Any trees removed as part of the Project shall be replaced with trees at no less than 2:1. Native insecticide-free trees shall be planted such as Monterey pine (*Pinus radiata*), Monterey cypress (*Cupressus macrocarpa*), Coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), Douglas fir (*Pseudotsuga menzesii*), Torrey pine (*Pinus torreyana*), western sycamore (*Platanus racemosa*), bishop pine (*Pinus radiata*) and others, as appropriate for location. • *Pesticides*: Use of pesticides shall be avoided, particularly when monarchs may be present. If pesticides are used, applications shall be conducted from March 15 through September 15, when possible. Herbicide shall not be applied on blooming flowers. Herbicide shall be applied during young plant phases, when plants are more responsive to treatment, and when monarchs and other pollinators are less likely to be nectaring on the plants. Whenever possible, targeted application herbicide methods shall be used, large-scale broadcast applications shall be		

	avoided, and precautions shall be taken to limit off-site movement of herbicides (e.g., drift from wind and discharge from surface water flows). Neonicotinoids or other systemic insecticides, including coated seeds, shall not be used any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Soil fumigants shall not be used. Non-chemical weed control techniques shall be used when possible. • *Tropical milkweed and pathogens*: Non-native tropical milkweed shall not be planted in order to minimize the spread of the pathogen *Ophryocystis elektroscirrha* (OE), and to encourage natural monarch migration. OE can build up on tropical milkweed because these plants are evergreen, and they do not die back in the winter. OE can be debilitating and/or lethal to monarchs. If possible, tropical milkweed shall be removed and replaced with native, insecticide-free nectar plants suitable for the location.		
MM-BIO-4-Jurisdictional delineation	The City shall prepare a jurisdictional delineation and impact assessment for impacts to the San Gabriel River, including impacts to banks of the River.	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant/ City of Long Beach
MM-BIO-5-LSA Notification	The City will be required to notify CDFW pursuant to Fish and Game Code section 1602 and may need to obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The City shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The City shall also provide compensatory mitigation for any impacted stream and associated natural community. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2024c).	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant/ City of Long Beach
REC-3-CEQA Compliance	CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW	Prior to Project-related	Project Applicant/ City of Long Beach

	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.	ground-disturbing activities and vegetation removal	
REC-4- Burrowing Owls	The southern limits of the Project area contain suitable habitat for burrowing owls in the form of a landscaped area between College Park Drive and SR 22 and an open bare ground south of SR 22. Burrowing owls are known to inhabit anthropogenically altered habitat such as roadside shoulders and urban parks. The MND states, "disturbance to unpaved surfaces would result from installing the RW pipeline from where the Project alignment extends south of College Park Drive (Seal Beach)." Project activities may result in impacts to burrowing owl. The MND should be amended to include focused surveys for burrowing owl, per CDFW protocols. Burrowing owl protocol surveys should be conducted by a qualified biologist on the Project site and within 500 feet of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variations by geographic location and climatic conditions. CDFW recommends the City amend MM BIO-02 and MM BIO-03 to exclude the ~~strikethrough~~ and include the <u>underlined</u> language:	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant/ City of Long Beach

	"MM BIO-2: Burrowing Owl Survey. A qualified biologist will be employed to ~~complete a pre-construction survey for burrowing owls 96 hours prior to ground disturbing activities~~ conduct breeding season owl surveys. CDFW protocol states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15, occurring in all suitable habitat for the burrowing owl. Surveys will be needed along the portion of the Project alignment in the City of Seal Beach, California and south of College Park Drive including the landscaped area within SR 22 ROW and the HGS property. If active burrows (occupied by burrowing owl[s]) are identified, no Project activities will take place within ~~100~~ 200 feet of an active burrow (occupied by burrowing owl[s]). MM BIO-3 Burrowing Owl Mitigation Plan. The Project applicant should then prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project applicant should contact CDFW to develop appropriate mitigation/management procedures. The Project applicant should submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits. No work should be conducted within the burrow until the offspring have fledged and left the burrow. Personnel working on the Project, including all contractors working on site, should be instructed on the presence of burrowing owls, restricted areas, and adherence to the buffer zone. No work should occur within the buffer zone. The specific buffer zone should be established in coordination with CDFW. ~~MM BIO-3: Burrowing Owl Relocation. If a burrowing owl or active burrows (occupied by burrowing owl[s]) cannot be~~		

	~~avoided, a qualified biologist holding a permit from the U.S. Fish and Wildlife Service will be employed to relocate burrowing owl(s) from the Project area, as appropriate.~~"		
REC-5-Data	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Special status species information should be submitted to the CNDDB by completing the Online Field Survey Form (CDFW 2024d). To submit information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Releve Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2024e). The City should ensure all pertinent data has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting the Project's environmental document. 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.	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant/ City of Long Beach