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December 23, 2024

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SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE MAJOR MODIFICATION CASE NO. PL21-0051 TO CONDITIONAL USE PERMIT, CASE NO. LU10-0069 PROJECT, SCH NO. 2024110821, VENTURA COUNTY, CA

Dear Jennifer Trunk:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from Ventura County Resource Management Agency, Planning Division (County) for the Major Modification Case No. PL21-0051 to Conditional Use Permit, Case No. LU10-0069 (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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, CDFW appreciates 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 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 (Fish & G. Code, § 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 fish and wildlife resources.

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

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CDFW may also act 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. As proposed, for example, the Project may be subject to CDFW's 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 law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Camp Hess Kramer, Inc.

Objective: The objective of the Project is to authorize the reconstruction and continued operation of a camp through a Major Modification, Case No. PL21-0051, to Conditional Use Permit, Case No. LU10-0069 request. Primary Project activities include the replacement, restoration, and reconstruction of damaged buildings, bridges, and outdoor activity areas. Additionally, trails, wastewater and electrical infrastructure, storm drainage facilities, and lighting will be repaired, replaced, or constructed. Approximately eight storm drains and other water quality treatment features, such as infiltration basins, are proposed to be constructed along the Little Sycamore Creek.

The Project also includes restoration of the Little Sycamore Creek. The restoration activities encompass a 2.87-acre area, including approximately 1.5 acres of vegetation removal to complete 4,329 linear feet of restoration work. Approximately 11,137 cubic yards of flood-deposited sediment and debris would be excavated to reestablish and widen the channel, lay back banks, and create floodplain features. Construction of in-stream channel grade control structures, bank reconstruction, installation of biotechnical stabilization features, and revegetation are part of the restoration activities.

Location: The Project is in an unincorporated area of Ventura County at 11495 and 11677 Pacific Coast Highway (PCH), Malibu CA 90265. The Project area is approximately 187 acres in total and covers three parcels. It is in the coastal foothills of the Santa Monica Mountains and less than one mile north of the Pacific Ocean. Little Sycamore Creek lies parallel to Yerba Buena Road and several ephemeral drainages terminate there. Ellice Street is perpendicular to Yerba Buena Road and runs parallel to PCH within the Project area. Camp Fire Road is also included within the Project area.

Biological Setting: The Project is surrounded by open space with residential development at the terminus of Yerba Buena Road and Ellice Street. The Project area contains biological resources that are considered Environmentally Sensitive Habitat

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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Areas (ESHA) and will be impacted by Project activities directly and indirectly. Additionally, 184 protected trees are proposed to be removed.

Stantec conducted field surveys in 2020, 2021, and 2022. The compiled results were included in the Initial Study Biological Assessment. Focused botanical surveys within the Project area and a 500-ft buffer were conducted in May and July 2021. Tree surveys were conducted in 2020, 2022, and 2023 and focused surveys for roosting monarch butterflies occurred in winter 2023 and 2024. The vegetation communities present in the Project area include California sycamore woodland (*Platanus racemosa* - *Quercus agrifolia*; State Rarity S3), coast live oak woodland (*Quercus agrifolia*; State Rarity S3), laurel sumac scrub (*Malosma laurina*), bush mallow scrub (*Malacothamnus fasciculatus*), California brittle - ashyleaf buckwheat scrub (*Encelia californica* – *Eriogonum cinereum*; State Rarity S3), eucalyptus woodland (*Eucalyptus* spp. *Ailanthus altissima* - *Robinia psuedoacacia*), and Quailbush scrub (*Atriplex lentiformis*). Southern California black walnut (*Juglans californica*; California Rare Plant Rank (CRPR) 4.2) is the only sensitive plant species observed on site. During the focused surveys for monarch butterflies, more than 100 individual monarch butterflies (*Danaus plexippus plexippus*; Endangered Species Act (ESA) candidate species) were observed roosting at several locations in the Project area. No other special-status species were observed during field surveys.

Sensitive species that are of potential concern for the Project include, but are not limited to, coastal whiptail (*Aspidoscelis tigris stejnegeri*; Species of Special Concern (SSC)), coast horned lizard (*Phrynosoma blainvilli*; SSC), San Diego desert woodrat (*Neotoma lepida intermedia*; SSC), Blochman's dudleya (*Dudleya blochmaniae* ssp. *blochmaniae*; CRPR 1B.1), Braunton's milk-vetch (*Astragalus brauntonii*; ESA endangered species; CRPR 1B.1), and chaparral ragwort (*Senecio aphanactis*; CRPR 2B.2).

The MND provides mitigation measure BIO-1 through BIO-20 relating to ESHA fencing, fauna pre-construction surveys, woodrat nest avoidance and relocation, nesting bird surveys, monarch butterfly winter roost surveys and management plan, noise management, tree protection plan per the County's ordinance, tree health monitoring, non-native and invasive plant species management, best management practices, washout area management, pesticide and pest management, updated focused rare plant surveys, Little Sycamore Creek mitigation, CDFW Streambed Alteration Agreement, compensatory mitigation for ESHA, conservation easement, outdoor lighting, and wildlife corridor fencing.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

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COMMENT # 1: Impacts to San Diego Desert Woodrat

Issue: The mitigation measure for woodrat may be improved to reduce potential impacts due to Project activities.

Specific impact: Direct impacts to woodrats 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. Additionally, relocation of species may result in adverse impacts during trapping and/or transit.

Why impact would occur: The County acknowledges the potential presence of this SSC species and provides mitigation measure BIO-3, which describes pre-construction surveys, avoidance measures, and relocation of the middens. Based on the mitigation measure, a pre-construction survey would occur 14 days prior to activities; however, this window may allow species to return to the Project area and go undetected until Project activities commence. CDFW recommends the pre-construction survey be conducted within three days prior to the initiation of ground disturbing activities to further avoid adverse effects to woodrats. Moreover, actively relocating species out of the Project area may result in incidental injury or physical distress, especially during the transit process. While relocation activities may be warranted, species should be given the opportunity to move out of harm's way on their own accord.

Evidence impact would be significant: A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

1. if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
2. if the species is listed as threatened or endangered under ESA-, but not CESA-, threatened, or endangered;
3. if the species meets the State definition of threatened or endangered but has not formally been listed;
4. if the species is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and
5. if naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or -endangered status (CDFW 2024c).

CEQA provides protection not only for CESA-listed species, but for any species including, but not limited to, SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special-status species will result in the Project

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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 #1: Woodrat Nest Avoidance and Relocation - The County should revise mitigation measure BIO-3 to incorporate the underlined language and omit the language in strikethrough:

Purpose: In order to minimize impacts to special-status woodrats, land clearing and construction activities shall be regulated.

Requirement: The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and construction in such a way as to minimize impacts to woodrats. This can be accomplished by implementing ~~one of the following options~~ procedures:

1. Surveys: Conduct site-specific surveys prior to land clearing or construction activities. A County-approved qualified biologist with a CDFW Scientific Collecting Permit shall survey suitable habitat for special-status woodrats within areas that will be subject to land clearing activities, and within 50 feet of areas, that will be subject to land clearing activities ~~14 days~~ three days prior to the initiation of land clearing or construction activities. If the biologist does not find any nests, then no further action is required.
2. Avoidance Measures:
 - a. If the County-approved qualified biologist finds active woodrat nests, the Permittee shall implement a 50-foot radius buffer area around the nests in which land clearing activities will be avoided.
 - b. Wildlife exclusion fencing shall be installed around land clearing activities where middens are detected within 50 feet of the project footprint. Orange snow fencing is not considered a wildlife exclusion fence and is prohibited in areas where middens are found.
3. Relocation of Middens: If the minimum fencing distance cannot be achieved and the middens cannot be protected and/or avoided, the County-approved qualified biologist in consultation with CDFW will select the location of artificial midden sites. The relocation or disturbance of wood rat midden areas are prohibited during the peak nesting season (November 1 through March 15). Woodrat middens will be relocated according to the following instructions:

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- a. Artificial Midden Ratio: Artificial middens shall be installed at a 2:1 ratio for less than 5 middens impacted. If more than 5 middens are impacted in the population, the qualified biologist shall consult with the Planning Division to determine the appropriate ratio.
 - b. Artificial Midden Location: Midden locations shall include but not be limited to downed woody debris, cactuses, dense understory and overstory cover (ideally 90 percent cover), or other "core element" (e.g., a stump, large log, rock, rock outcrop), and outside of drainage channels. Artificial middens shall be placed in a clustered pattern relative to adjacent natural middens (when present) and no further than 550 feet of the project footprint.
 - c. Dismantling of Natural Middens: The entire midden site, including the aboveground midden and the below ground basement area, will be carefully examined to ensure that no adults or young are present before the midden is dismantled and the basement filled in.
 - d. Trapping: If woodrats are present a trapping effort will be initiated. The trapping will consist of two to three live traps per active midden site being set each evening for 3 days. The traps will be baited with oatmeal, peanut butter, and apple and will contain synthetic batting for use as nesting material. Traps will be checked the following morning within 1 hour following sunrise. Traps containing woodrats will be placed facing the entrance of relocated middens and opened, allowing the woodrats to leave the traps on their own accord. Each release site will be monitored for approximately 1 hour after each woodrat is released to determine the short-term success rate of the artificial middens.
 - e. Dismantling Middens: To provide refuge for woodrats that may become displaced, piles of sticks/vegetation/slash shall be placed between the midden site to be dismantled and the new artificial midden site, 3 days prior to dismantling. The midden will be dismantled by hand, removing the materials layer by layer. All salvageable midden materials will be relocated and incorporated (as needed) or placed adjacent to the artificial midden.
 - f. Post-Midden Relocation: The qualified biologist will perform a survey to determine if the woodrat has reoccupied the project footprint following the implementation of the midden relocation measures.
4. Woodrat Presence and Activity After Midden Relocation: If newly constructed middens are found inside the project footprint following the commencement of land clearing activities, the trapping effort noted in section 4(d) above) shall be implemented.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from the County-approved qualified biologist that includes a map, physical description of middens (e.g., size, width, and materials), a photo of each of the

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midden, and a plan for avoidance or relocation of the midden in accordance with the requirements set forth in this mitigation measure. Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with the qualified biologist(s) who will monitor avoidance and relocation efforts. Following the completion of land clearing activities, the Permittee shall submit to CDFW and the Planning Division a Mitigation Monitoring Report from the qualified biologist(s) that documents the actions implemented to avoid or relocate woodrat nests, a map of the natural and artificial midden locations, trapping and relocation procedures, and the results of the relocation effort.

Timing: Prior to issuance of a Zoning Clearance for grading, the Permittee shall submit the Survey Report and signed contract to the Planning Division. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities. The County-approved qualified biologist shall conduct the survey within ~~14 days~~ three days prior to the initiation of land clearing activities and follow all relocation timing protocols set forth in this condition (above).

Monitoring and Reporting: The Planning Division reviews for adequacy, and maintains in the project file, the signed contract, Survey Report, and Mitigation Monitoring Report. If the Planning Division confirms that the required surveys and relocation measures were not implemented in compliance with the requirements of this condition, then enforcement actions may be enacted in accordance with § 8183-5 of the Ventura County Coastal Zoning Ordinance.

COMMENT # 2: Impacts on SSC

Issue: The mitigation measure for special-status wildlife species may be improved to ensure adequate surveys occur prior to the start of construction.

Specific impact: Direct impacts to SSC could result from Project activities, such as ground disturbance, vegetation clearing, and trampling or crushing from construction equipment, vehicles, and foot traffic.

Why impact would occur: The Project area contains suitable habitat for several SSC that have the potential to occur in the Project area, including coastal whiptail and coast horned lizard. On-site oak woodlands and scrub habitats provide suitable habitat and biological function for these SSC. The MND acknowledges the potential presence of SSC and provides a general pre-construction survey and relocation. Based on the mitigation measure, the pre-construction survey would occur 14 days prior to activities; however, this window may allow species to return to the Project area and go undetected until Project activities commenced. CDFW recommends the pre-construction survey be conducted within three days prior to the initiation of ground disturbing activities to further avoid adverse effects to SSC. Moreover, relocation attempts may disturb, distress, or injure SSC during the transit process. Although relocation may be necessary, species should be allowed the chance to move out of harm's way on their own.

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Evidence impact may be significant: A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

1. if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
2. if the species is listed as threatened or endangered under ESA-, but not CESA-, threatened, or endangered;
3. if the species meets the State definition of threatened or endangered but has not formally been listed;
4. if the species is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and
5. if naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or -endangered status (CDFW 2024c).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special-status 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 #2: Pre-Construction Surveys and Relocation of Special-Status Species - The County should revise mitigation measure BIO-2 to incorporate the underlined language and omit the language in strikethrough:

Purpose: To avoid significant impacts to special-status wildlife species that may be present during vegetation clearing and grading.

Requirement: ~~Two weeks~~ Three days prior to the initiation of, and periodically throughout, ground disturbance activities, a County-approved qualified biologist shall conduct surveys for special-status wildlife, including coastal whiptail [*Aspidoscelis tigris stejnegeri*], coast horned lizard [*Phrynosoma blainvillii*] and San Diego desert woodrat (*Neotoma lepida intermedia*), to ensure that these species are not harmed. ~~Individuals of these species that are found shall be relocated to suitable undisturbed habitat, outside of the areas directly and indirectly (e.g., noise) affected by ground disturbance activities, as determined by a County approved qualified biologist. If a special-status species is found, the qualified biologist shall contact CDFW, and the species shall be passively ushered out of harm's way to an~~

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area that is unaffected by the Project. If the Project requires special-status species to be removed, disturbed, or otherwise handled, the County-approved qualified biologist, with a CDFW Scientific Collecting Permit, shall conduct surveys and avoidance and relocation activities according to methods approved by the CDFW.

Additionally, the project biologist(s) shall perform the following duties:

1. Attend a pre-construction meeting with the contractor and other key construction personnel prior to land clearing activities to conduct environmental training to include, but limited to, discussion of the importance of restricting work to designated areas, and identification of and minimizing harm to or harassment of wildlife that could be encountered.
2. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan.
3. The biologist shall monitor vegetation grubbing and initial grading in order to salvage and relocate usher wildlife that could be disturbed by this activity.
4. Periodically monitor the construction site to verify silt fencing is intact, trash receptacles are animal and weather-proof, and there is a prohibition of pets on the construction site.
5. Prepare a monitoring report after the land-clearing activities are completed, which describes the biological monitoring activities, including a monitoring log, photos of the site before, during, and after land clearing activities, and a list of special-status species observed.

Documentation: The Permittee shall provide to the Planning Division a signed contract (financial information redacted) with a County-approved qualified biologist that ensures wildlife surveys, and relocation of wildlife will be conducted within ~~14 days~~ three days prior to, and during, any ground disturbance activities. The Permittee shall submit a memorandum to the Planning Division within 14 days of the wildlife surveys, notifying the Planning Division of the results of the surveys and avoidance and relocation activities. The memorandum shall include, but not be limited to, a monitoring log, photos of the site before, during, and after land clearing activities, and a list of special-status species observed.

Timing: Prior to the issuance of a Zoning Clearance for grading, the Permittee shall provide to the Planning Division the signed contract. Within 14 days of the wildlife surveys and avoidance and relocation activities, the Permittee shall provide to the Planning Division the memorandum reporting results.

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Monitoring and Reporting: The Planning Division maintains copies of the signed contract and the memorandum reporting results in the project file. The Planning Division has the authority to inspect the property during the development phase of the project to ensure that the survey and wildlife relocation work is conducted as required. If the Planning Division confirms that the required surveys are not conducted as agreed upon, enforcement actions may be enacted in accordance with § 8183-5 of the Ventura County Coastal Zoning Ordinance.

Mitigation Measure #3: Injured or Dead Wildlife

If any special-status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the designated biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the County within 3 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.

COMMENT # 3: Impacts on Rare Plants

Issue: Mitigation measure BIO-13 may not adequately avoid or minimize Project impacts on rare plants.

Specific impact: Ground-disturbing activities (i.e., vegetation removal and grading) may result in loss of suitable habitat, loss of population, and direct mortality of rare plants.

Why impact would occur: According to the MND, there is a moderate potential for nine special-status plant species to occur within the Project area due to suitable scrub habitat. Moreover, Southern California black walnuts were observed in several locations in the Project area during focused rare plant surveys. There were also multiple observations on CNDDDB of rare plant species occurring within two miles of the Project area (CDFW 2024d). While CDFW appreciates inclusion of mitigation measure BIO-13 to conduct updated focused rare plant surveys, a minimum 25-foot buffer around special-status plant species may result in continued adverse impacts due to Project activities occurring in proximity. A minimum 25-foot buffer may not adequately protect rare plant species against encroachment and trampling or provide habitat resistance from exotic plant invasions. CDFW recommends a minimum 50-foot buffer around special-status plant species. Biological buffer zones may be determined by a qualified biologist based on the species and environmental context (adjacent land uses, etc.) with 50 feet as the minimum.

Evidence impact would be significant: Certain species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with

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destruction or adverse modification, or because of a combination of these and other factors. Impacts to rare plant species such as removal or loss of population would be considered significant under CEQA. CESA and Native Plant Protection Act (NPPA) provide additional protections for such species, including take prohibitions (Fish & G. Code, § 2050 et seq.; Fish & G. Code, § 1908). As a responsible agency, CDFW has the authority to issue permits for the take of species listed under CESA and NPPA if the take is incidental to an otherwise lawful activity; CDFW has determined that the impacts of the take have been minimized and fully mitigated; and the take would not jeopardize the continued existence of the species (Fish & G. Code, § 2081, subd. (b); Cal. Code Regs., tit. 14 § 786.9, subd. (b)). Botanical field surveys are one of the preliminary steps to detect special-status plant species and sensitive natural communities that may be impacted by a project.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #4: Focused Rare Plant Surveys - The County should revise mitigation measure BIO-13 to incorporate the underlined language and omit the language in strikethrough:

Purpose: To survey for and avoid, minimize, and/or mitigate impacts to listed and other special-status plant populations.

Requirement: The Permittee shall retain a County-approved qualified biologist/botanist to conduct focused floristic surveys within the construction envelope and a 100-ft buffer where accessible in the spring/summer prior to the start of construction. A minimum of three surveys shall be conducted and timed to account for the variance in blooming periods for special-status plants known or with the potential to occur in the survey area. All occurrences of special-status plants will be mapped and occurrences within 100 feet of the project activities flagged in the field. A minimum of a ~~25-foot~~ 50-foot buffer shall be placed around all known locations of special-status species within 100-feet of project activities to avoid potential impacts to seed banks and microhabitats that support the species. These buffers shall be flagged/fenced and avoided during construction. All occurrences of federal or state listed species will be avoided. If a federally or state listed species cannot be avoided consultation with the USFWS [United States Fish and Wildlife Service], CDFW, and the County will be required before site disturbing activities can occur.

Occurrences of CRPR species will be avoided to the extent possible. If CRPR species cannot be avoided, then the loss of the special-status plant species shall be offset by onsite or offsite salvage/replanting and/or propagation of the species at a 2:1 ratio. The location and number of plants that would be impacted by the project shall be determined by a qualified biologist. The 2:1 ratio to compensate for the loss of the perennial species shall be based on the numbers of individuals impacted, and the 2:1 ratio to compensate for the loss of the annual species shall be based on

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the impacted acreage occupied by the species, including the individual plants and the seedbank. The mitigation site shall be preserved in perpetuity.

Documentation: The Permittee shall provide to the Planning Division a signed contract (financial information redacted) with a County-approved qualified biologist/botanist to conduct focused rare plant surveys and prepare the required survey report. The survey report shall be prepared and submitted to the Planning Division for review and approval. The report shall include, at a minimum, a description of survey methodologies, a compendium of all species observed, and detailed GIS based maps showing locations of all mapped species. A species compendium shall be kept during each survey event and submeter GPS locations taken for each individual or population of special-status plant(s) observed. If mitigation is required to offset impacts to special-status plant species, the Permittee shall submit to the Planning Division a Habitat Restoration Plan (HRP), Habitat Maintenance and Monitoring Plan (HMMP), and Habitat Management Plan (HMP) that provides for the replacement of the special-status plant species impacted by the project. All mitigation sites shall be permanently protected through a conservation easement or deed restriction that permanently protects the mitigation site in its natural state. The details, requirements, and methodology for salvage/planting/propagation of species shall be detailed/included in the Habitat Restoration Plan (HRP), Habitat Maintenance and Monitoring Plan (HMMP), and Habitat Management Plan (HMP) required as part of the ESHA Mitigation Plan (see mitigation measure BIO-17).

Mapped Information: A map with avoidance buffers for all occurrences of special-status plants will be provided to the on-site construction personnel.

Timing: Prior to issuance of a Zoning Clearance for grading, the Permittee shall provide a signed contract with a qualified biologist responsible for conducting plant surveys and preparing the Habitat Restoration Plan (HRP), Habitat Maintenance and Monitoring Plan (HMMP), and Habitat Management Plan (HMP). The County-approved qualified biologist/botanist shall conduct focused floristic surveys in the spring/summer prior to the start of construction. If construction extends into multiple years, then the surveys shall be done each survey year prior to the commencement of work in accordance with the approved Habitat Restoration Plan (HRP), Habitat Maintenance and Monitoring Plan (HMMP), and Habitat Management Plan (HMP).

Monitoring and Reporting: The Planning Division maintains copies of the signed contract and the survey reports in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

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ADDITIONAL COMMENTS

Conservation Easement. Mitigation measure BIO-18 states that all ESHA, buffer zones, steep slopes, and ESHA adjacent to parklands, located outside of the building site and mandatory fuel modification zone will be preserved in perpetuity under a County-approved conservation easement. CDFW requests that we and the USFWS be included as third-party beneficiaries on the conservation easement, and that mitigation measure BIO-18 be amended to reflect third-party beneficiary designation of the two agencies.

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

Lake and Streambed Alteration Agreement Acknowledgement. CDFW concurs with mitigation measure BIO-15 to notify CDFW pursuant to Fish and Game Code, section 1600 et seq. The Project should notify prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether an LSA with the Project proponent is required prior to conducting the proposed activities. Please visit the [Lake and Streambed Alteration Program](#) webpage to obtain a notification package for an LSA. We look forward to further coordination with the County, and receipt of the streambed notification package for the Project.

Environmentally Sensitive Habitat Area Mitigation Ratio. Table 6 on Page 12 describes required mitigation in acres for new permanent impacts to previously undisturbed ESHA and sensitive plant communities. While CDFW appreciates including mitigation acreage to these sensitive resources, the required acreage under Fuel Modification and the overall total are incorrect. The correct mitigation acreage for Fuel Modification, at a 3:1 ratio, would be 6.897 acres rather than the 6.891 acres mentioned in the MND. CDFW recommends Table 6 be amended to reflect the correct mitigation acreage.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural

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communities detected during Project surveys to the CNDDDB. The [CNDDDB website](#)³ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special-status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁴.

The County should ensure data collected for the preparation of the Mitigated Negative Declaration (MND) is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Joleena De La Fe⁵, Environmental Scientist.

Sincerely,

DocuSigned by:

Jennifer Turner

C3D449ECB7C14DE...

Jennifer Turner

For Victoria Tang
Environmental Program Manager
South Coast Region

³ <https://wildlife.ca.gov/Data/CNDDDB>

⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

⁵ Phone: 858-354-3527; Email: Joleena.delafe@wildlife.ca.gov

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ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Victoria Tang (CDFW EPM)
Jennifer Turner (CEQA Supervisor)
Melanie Burlaza (NCCP supervisor)
Heather Schmalbach (NCCP staff)
Joleena De La Fe (CEQA Staff)

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

[CDFW] California Department of Fish and Wildlife. 2024a. Desert Woodrat Predicted Habitat - CWHR M126 [ds2580]. Available at: <https://data.ca.gov/dataset/desert-woodrat-predicted-habitat-cwhr-m126-ds2580>

[CDFW] California Department of Fish and Wildlife. 2024b. Desert Woodrat Range - CWHR M126 [ds1914]. Available at: <https://data.ca.gov/dataset/desert-woodrat-range-cwhr-m126-ds1914>

[CDFW] California Department of Fish and Wildlife. 2024c. Species of Special Concern. Available from: <https://wildlife.ca.gov/Conservation/SSC>

[CDFW] California Department of Fish and Wildlife. 2024d. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDB>

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #1: Woodrat Nest Avoidance and Relocation - The County should revise mitigation measure BIO-3 to incorporate the <u>underlined</u> language and omit the language in strikethrough:</p> <p>Purpose: In order to minimize impacts to special-status woodrats, land clearing and construction activities shall be regulated.</p> <p>Requirement: The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, “land clearing activities”), and construction in such a way as to minimize impacts to woodrats. This can be accomplished by implementing one of the following options <u>procedures</u>:</p> <ol style="list-style-type: none"> 1. <u>Surveys:</u> Conduct site-specific surveys prior to land clearing or construction activities. A County-approved qualified biologist with a CDFW Scientific Collecting Permit shall survey suitable habitat for special-status woodrats within areas that will be subject to land clearing activities, and within 50 feet of areas, that will be subject to land clearing activities 14 days <u>three days</u> prior to the initiation of land clearing or construction activities. If the biologist does not find any nests, then no further action is required. 2. <u>Avoidance Measures:</u> 	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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<p>a. If the County-approved qualified biologist finds active woodrat nests, the Permittee shall implement a 50-foot radius buffer area around the nests in which land clearing activities will be avoided.</p> <p>b. Wildlife exclusion fencing shall be installed around land clearing activities where middens are detected within 50 feet of the project footprint. Orange snow fencing is not considered a wildlife exclusion fence and is prohibited in areas where middens are found.</p> <p>3. <u>Relocation of Middens:</u> If the minimum fencing distance cannot be achieved and the middens cannot be protected and/or avoided, the County-approved qualified biologist in consultation with CDFW will select the location of artificial midden sites. The relocation or disturbance of wood rat midden areas are prohibited during the peak nesting season (November 1 through March 15). Woodrat middens will be relocated according to the following instructions:</p> <p>a. <u>Artificial Midden Ratio:</u> Artificial middens shall be installed at a 2:1 ratio for less than 5 middens impacted. If more than 5 middens are impacted in the population, the qualified biologist shall consult with the Planning Division to determine the appropriate ratio.</p> <p>b. <u>Artificial Midden Location:</u> Midden locations shall include but not be limited to downed woody debris, cactuses, dense understory and overstory cover (ideally 90 percent cover), or other "core element" (e.g., a stump, large log, rock, rock outcrop), and outside of drainage channels. Artificial middens shall be placed in a clustered pattern relative to adjacent natural middens (when present) and no further than 550 feet of the project footprint.</p> <p>c. <u>Dismantling of Natural Middens:</u> The entire midden site, including the aboveground midden and the below ground basement area, will be carefully examined to ensure that no adults or young are present before the midden is dismantled and the basement filled in.</p>		
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<p>d. <u>Trapping:</u> If woodrats are present a trapping effort will be initiated. The trapping will consist of two to three live traps per active midden site being set each evening for 3 days. The traps will be baited with oatmeal, peanut butter, and apple and will contain synthetic batting for use as nesting material. Traps will be checked the following morning within 1 hour following sunrise. Traps containing woodrats will be placed facing the entrance of relocated middens and opened, allowing the woodrats to leave the traps on their own accord. Each release site will be monitored for approximately 1 hour after each woodrat is released to determine the short-term success rate of the artificial middens.</p> <p>e. <u>Dismantling Middens:</u> To provide refuge for woodrats that may become displaced, piles of sticks/vegetation/slash shall be placed between the midden site to be dismantled and the new artificial midden site, 3 days prior to dismantling. The midden will be dismantled by hand, removing the materials layer by layer. All salvageable midden materials will be relocated and incorporated (as needed) or placed adjacent to the artificial midden.</p> <p>f. <u>Post-Midden Relocation:</u> The qualified biologist will perform a survey to determine if the woodrat has reoccupied the project footprint following the implementation of the midden relocation measures.</p> <p>4. <u>Woodrat Presence and Activity After Midden Relocation:</u> If newly constructed middens are found inside the project footprint following the commencement of land clearing activities, the trapping effort noted in section 4(d) above) shall be implemented.</p> <p>Documentation: The Permittee shall provide to the Planning Division a Survey Report from the County-approved qualified biologist that includes a map, physical description of middens (e.g., size, width, and materials), a photo of each of the midden, and a plan for avoidance or relocation of the midden in accordance with the requirements set forth in this mitigation measure. Along with the Survey</p>		
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<p>Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with the qualified biologist(s) who will monitor avoidance and relocation efforts. Following the completion of land clearing activities, the Permittee shall submit to the Planning Division a Mitigation Monitoring Report from the qualified biologist(s) that documents the actions implemented to avoid or relocate woodrat nests, a map of the natural and artificial midden locations, trapping and relocation procedures, and the results of the relocation effort.</p> <p>Timing: Prior to issuance of a Zoning Clearance for grading, the Permittee shall submit the Survey Report and signed contract to the Planning Division. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities. The County-approved qualified biologist shall conduct the survey within 14 days <u>three days</u> prior to the initiation of land clearing activities and follow all relocation timing protocols set forth in this condition (above).</p> <p>Monitoring and Reporting: The Planning Division reviews for adequacy, and maintains in the project file, the signed contract, Survey Report, and Mitigation Monitoring Report. If the Planning Division confirms that the required surveys and relocation measures were not implemented in compliance with the requirements of this condition, then enforcement actions may be enacted in accordance with § 8183-5 of the Ventura County Coastal Zoning Ordinance.</p>		
<p>Mitigation Measure #2: Pre-Construction Surveys and Relocation of Special-Status Species - The County should revise mitigation measure BIO-2 to incorporate the <u>underlined</u> language and omit the language in strikethrough:</p> <p>Purpose: To avoid significant impacts to special-status wildlife species that may be present during vegetation clearing and grading.</p> <p>Requirement: Two weeks <u>Three days</u> prior to the initiation of, and periodically throughout, ground disturbance activities, a County-approved qualified biologist shall conduct surveys for special-status wildlife, including coastal whiptail</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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~~[*Aspidoscelis tigris stejnegeri*], coast horned lizard [*Phrynosoma blainvillii*] and San Diego desert woodrat (*Neotoma lepida intermedia*), to ensure that these species are not harmed. Individuals of these species that are found shall be relocated to suitable undisturbed habitat, outside of the areas directly and indirectly (e.g., noise) affected by ground disturbance activities, as determined by a County-approved qualified biologist. If a special-status species is found, the qualified biologist shall contact CDFW, and the species shall be passively ushered out of harm's way to an area that is unaffected by the Project. If the Project requires special-status species to be removed, disturbed, or otherwise handled, the County-approved qualified biologist, with a CDFW Scientific Collecting Permit, shall conduct surveys and avoidance and relocation activities according to methods approved by the CDFW.~~

Additionally, the project biologist(s) shall perform the following duties:

1. Attend a pre-construction meeting with the contractor and other key construction personnel prior to land clearing activities to conduct environmental training to include, but limited to, discussion of the importance of restricting work to designated areas, and identification of and minimizing harm to or harassment of wildlife that could be encountered.
2. Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan.
3. The biologist shall monitor vegetation grubbing and initial grading in order to salvage and ~~relocate~~ usher wildlife that could be disturbed by this activity.
4. Periodically monitor the construction site to verify silt fencing is intact, trash receptacles are animal and weather-proof, and there is a prohibition of pets on the construction site.

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5. Prepare a monitoring report after the land-clearing activities are completed, which describes the biological monitoring activities, including a monitoring log, photos of the site before, during, and after land clearing activities, and a list of special-status species observed.

Documentation: The Permittee shall provide to the Planning Division a signed contract (financial information redacted) with a County-approved qualified biologist that ensures wildlife surveys, and relocation of wildlife will be conducted within ~~14 days~~ three days prior to, and during, any ground disturbance activities. The Permittee shall submit a memorandum to the Planning Division within 14 days of the wildlife surveys, notifying the Planning Division of the results of the surveys and avoidance and relocation activities. The memorandum shall include, but not be limited to, a monitoring log, photos of the site before, during, and after land clearing activities, and a list of special-status species observed.

Timing: Prior to the issuance of a Zoning Clearance for grading, the Permittee shall provide to the Planning Division the signed contract. Within 14 days of the wildlife surveys and avoidance and relocation activities, the Permittee shall provide to the Planning Division the memorandum reporting results.

Monitoring and Reporting: The Planning Division maintains copies of the signed contract and the memorandum reporting results in the project file. The Planning Division has the authority to inspect the property during the development phase of the project to ensure that the survey and wildlife relocation work is conducted as required. If the Planning Division confirms that the required surveys are not conducted as agreed upon, enforcement actions may be enacted in accordance with § 8183-5 of the Ventura County Coastal Zoning Ordinance.

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<p>Mitigation Measure #3: Injured or Dead Wildlife</p> <p>If any special-status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the designated biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the County within 3 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</p>	<p>Lead Agency / Permittee / Qualified Biologist</p>
<p>Mitigation Measure #4: Focused Rare Plant Surveys - The County should revise mitigation measure BIO-13 to incorporate the <u>underlined</u> language and omit the language in strikethrough:</p> <p>Purpose: To survey for and avoid, minimize, and/or mitigate impacts to listed and other special-status plant populations.</p> <p>Requirement: The Permittee shall retain a County-approved qualified biologist/botanist to conduct focused floristic surveys within the construction envelope and a 100-ft buffer where accessible in the spring/summer prior to the start of construction. A minimum of three surveys shall be conducted and timed to account for the variance in blooming periods for special-status plants known or with the potential to occur in the survey area. All occurrences of special-status plants will be mapped and occurrences within 100 feet of the project activities flagged in the field. A minimum of a 25-foot <u>50-foot</u> buffer shall be placed around all known locations of special-status species within 100-feet of project activities to avoid potential impacts to seed banks and microhabitats that support the species. These buffers shall be flagged/fenced and avoided during construction. All occurrences of federal or state listed species will be avoided. If a federally or state</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

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<p>listed species cannot be avoided consultation with the USFWS, CDFW, and the County will be required before site disturbing activities can occur.</p> <p>Occurrences of CRPR species will be avoided to the extent possible. If CRPR species cannot be avoided, then the loss of the special-status plant species shall be offset by onsite or offsite salvage/replanting and/or propagation of the species at a 2:1 ratio. The location and number of plants that would be impacted by the project shall be determined by a qualified biologist. The 2:1 ratio to compensate for the loss of the perennial species shall be based on the numbers of individuals impacted, and the 2:1 ratio to compensate for the loss of the annual species shall be based on the impacted acreage occupied by the species, including the individual plants and the seedbank. The mitigation site shall be preserved in perpetuity.</p> <p>Documentation: The Permittee shall provide to the Planning Division a signed contract (financial information redacted) with a County-approved qualified biologist/botanist to conduct focused rare plant surveys and prepare the required survey report. The survey report shall be prepared and submitted to the Planning Division for review and approval. The report shall include, at a minimum, a description of survey methodologies, a compendium of all species observed, and detailed GIS based maps showing locations of all mapped species. A species compendium shall be kept during each survey event and submeter GPS locations taken for each individual or population of special-status plant(s) observed. If mitigation is required to offset impacts to special-status plant species, the Permittee shall submit to the Planning Division a Habitat Restoration Plan (HRP), Habitat Maintenance and Monitoring Plan (HMMP), and Habitat Management Plan (HMP) that provides for the replacement of the special-status plant species impacted by the project. All mitigation sites shall be permanently protected through a conservation easement or deed restriction that permanently protects the mitigation site in its natural state. The details, requirements, and methodology for salvage/planting/propagation of species shall be detailed/included in the Habitat Restoration Plan (HRP), Habitat Maintenance and Monitoring Plan (HMMP), and</p>		
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<p>Habitat Management Plan (HMP) required as part of the ESHA Mitigation Plan (see mitigation measure BIO-17).</p> <p>Mapped Information: A map with avoidance buffers for all occurrences of special-status plants will be provided to the on-site construction personnel.</p> <p>Timing: Prior to issuance of a Zoning Clearance for grading, the Permittee shall provide a signed contract with a qualified biologist responsible for conducting plant surveys and preparing the Habitat Restoration Plan (HRP), Habitat Maintenance and Monitoring Plan (HMMP), and Habitat Management Plan (HMP). The County-approved qualified biologist/botanist shall conduct focused floristic surveys in the spring/summer prior to the start of construction. If construction extends into multiple years, then the surveys shall be done each survey year prior to the commencement of work in accordance with the approved Habitat Restoration Plan (HRP), Habitat Maintenance and Monitoring Plan (HMMP), and Habitat Management Plan (HMP).</p> <p>Monitoring and Reporting: The Planning Division maintains copies of the signed contract and the survey reports in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.</p>		
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