



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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April 1, 2025

Robby Nesovic
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301
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SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE AGOURA HILLS RECREATION CENTER TRAIL PROJECT, SCH NO. 2025030071, LOS ANGELES COUNTY, CA

Dear Robby Nesovic:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from City of Agoura Hills (City) for the Agoura Hills Recreation Center Trail Project (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: City

Objective: The objective of the Project is to create an approximately 0.82-mile trail system, which consists of a 0.45-mile loop trail, a 0.14-mile attached overlook trail, and a separate 0.23-mile overlook trail in Ladyface Mountain. These two-foot-wide trails extend into the open space located southwest of the Agoura Hills Recreation and Event Center. The Project is proposed to construct the loop trail as the initial phase and the overlook trails as an additional phase(s). Additionally, the City would install signage and trash receptacles. Project activities include minimal vegetation clearance and ground preparation by hand tools.

Location: The Project site is located on Assessor's Parcel Numbers 2061-002-905, 2061-002-908, and 2061-005-915 in the City of Los Angeles County. North of the Project site is the Agoura Hills Recreation and Event Center, City Hall, City buildings, a hotel, and a business park. Agoura Road runs parallel to the 101 Freeway in the north; Ladyface Court also occurs north of the Project site. Undeveloped open space lies to the south, east, and west. The Recreation and Event Center provides access to the loop trail in the western portion of the parking lot, and the stand-alone overlook trails will be accessible through the eastern end of the lot.

Biological Setting: The Project site includes open space with business development directly north. The westernmost portion of the loop trail crosses over a small, unnamed ephemeral stream that does not contain riparian habitat, according to Rincon Consultants, Inc.

Rincon Consultants, Inc. conducted a biological constraints analysis and a rare plant survey in 2014. Additionally, Envicom conducted a jurisdictional delineation and rare plant surveys in 2016 and 2018. Envicom also conducted surveys between April and June 2023 for a separate study, but the Project proposes the west end of the loop will

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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travel through the areas that were surveyed for that study. Moreover, the 2018 Woolsey Fire extensively burned the Project site; the Project proposes that the plant communities on site, prior to the fire, are assumed to return as assessed, but may have slightly different composition and coverage. The vegetation communities observed by Rincon Consultants, Inc. include California chaparral, coastal sage scrub, native and non-native grasslands, and landscaped vegetation. These have been identified for a previous trail alignment but remain applicable to the current proposed trail alignment based on the subsequent field observations by Envicom. Envicom identified bushy spikemoss (*Selaginella bigelovii*) and California buckwheat (*Eriogonum fasciculatum*) along the trail alignment and within the 50-foot buffer.

Sensitive species that are of potential concern for the Project include, but are not limited to, Crotch's bumble bee (*Bombus crotchii*; CESA listed-candidate endangered), coastal whiptail (*Aspidoscelis tigris stejnegeri*; California Species of Special Concern (SSC)), San Diego desert woodrat (*Neotoma lepida intermedia*; SSC), coast horned lizard (*Phrynosoma blainvillii*; SSC), and scrub oak chaparral (*Quercus berberidifolia*; State Rank 3; State Rank 4).

The MND provides mitigation measures BIO-1 to BIO-7 relating to pre-construction springtime surveys, which proposes 2:1 restoration for special-status plants if avoidance is not feasible, biological monitoring, general biological resource protection measures, nesting bird surveys, pre-construction surveys for special-status wildlife species, bushy spikemoss alliance enhancement at a 2:1 ratio, and oak tree protection.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist City 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.

COMMENT # 1: Biological Baseline Assessment

Issue: The vegetation communities and biological surveys assessed by Rincon Consultants, Inc. and Envicom may not reflect the Project site's current biological resources and conditions.

Specific impact: The MND assumes that Project site conditions remain similar post-the 2018 Woolsey Fire without a complete and updated biological baseline assessment conducted. Additionally, the 2023 Envicom surveys do not depict an accurate representation of the Project site as it covers only a portion of the proposed Project trail system.

Why impact would occur: Vegetation succession after major fire events can greatly shift community composition, and it is not a scientifically sound practice to assume that

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vegetation will be the same or similar pre-and post- such an event. Seeds that have been dormant in the seed bank prior to the first vegetation surveys could emerge, given the cleared space and additional nutrients that accompany fire-scarred sites. Field surveys were conducted in 2014, 2016, 2018, and the western portion of the Project site was surveyed in 2023 by Envicom. The MND references vegetation communities surveyed before the 2018 Woolsey Fire; given this, the 2023 Envicom survey cannot sufficiently supplement the previous surveys as it does not cover the entire Project site. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. In addition, it is possible that wildlife not previously observed on site are now residents and/or use the Project site for breeding, nesting, or foraging.

In order to properly mitigate and avoid impacts to sensitive species and/or communities, an accurate depiction of the Project site should be conducted. A biological analysis of the Project site before the 2018 Woolsey Fire may not produce the same analysis of vegetation communities, in terms of acreage and composition. As a Trustee and Responsible Agency, CDFW should be provided with current and accurate information of the Project site to protect potential biological resources with the City.

Evidence impact would be significant: Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)).

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: Updated Biological Assessment Surveys

CDFW strongly recommends the City retain a qualified biologist to perform an updated biological survey to account for the current state of the Project site and the inventory of biological species that may be present. The survey should be conducted at the appropriate time of year and time of day when sensitive species are active or otherwise identifiable for both wildlife and plants. Based on the survey results, the final CEQA document should propose avoidance and specific mitigation for Project impacts to special-status species. Findings from the updated general field surveys should be disclosed in the CEQA document for public review.

COMMENT # 2: Impacts from Recreation

Issue: Impacts from recreation may result in adverse effects on wildlife activity and/or wildlife movement.

Specific impact: The Project would increase human activity and anthropogenic impacts within the Project site. Impacts on wildlife could result in habitat fragmentation, permanent loss of suitable habitat, limited wildlife movement, increased human

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disturbance, reproductive suppression during breeding season, and/or population decline of a special-status species.

Why impact would occur: As the Project site is located in undeveloped open space, species that inhabit the Project site may experience adverse impacts from increased human activity. Incorporating trails in open space would increase human foot traffic, resulting in increased noise levels in sensitive areas, increased trash or pet waste, introduce unnatural food sources via trash and trash receptacles, along with other indirect impacts. Additionally, trails and further buildout of the Project may create edge effects resulting in the restriction of wildlife movement. The MND does not discuss how impacts from increased human activity due to recreation would affect biological resources. While CDFW acknowledges that no physical barriers and lighting will be implemented as part of Project activities, indirect impacts to biological resources may occur upon build out of the Project.

Evidence impact may be significant: Impacts on the special-status wildlife may require a mandatory finding of significance because the Project would potentially threaten to eliminate a plant or animal community and/or substantially reduce the number or restrict the range of endangered, rare, or threatened species (CEQA Guidelines, §15065). Habitat that supports wildlife movement and serves as wildlife migratory corridors are essential to the survival of many California species (Fish and Game Code §1955 (d)). With the increasing loss of suitable habitat and water sources on a local and regional scale, impacts to these biological resources would be considered significant impacts as a result of the Project.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Trail Signage

CDFW recommends additional signage for the public to stay within the designated trail and to contain pets on a leash; more specifically, pets, like dogs, may create impacts to biological resources if not properly secured.

Recommendation #2: Recreation Discussion

The MND should be amended to discuss impacts of the Project on biological resources as a result of increased recreational use and mitigation measures to offset impacts. This discussion should address the following potential impacts: the potential of Project activities or Project implementation to influence wildlife's spatial distribution, abundance, predator avoidance behavior, foraging efficiency, vocal frequency, amplitude, or timing, physiology, and reproductive success; the loss of suitable habitat, encroachment, injury or mortality, ongoing edge effects (i.e., noise), or attraction of nuisance wildlife to trash receptacles; and the effect of outdoor motorbikes and electric bikes (e-bikes) on biological resources. E-bikes may lead to changes in habitat; alter diurnal activity patterns; result in excess soil compaction and erosion; and lead to direct, indirect,

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and/or cumulative impacts. Additionally, the MND should discuss what recreational activities will be allowed, what areas will be open for public access as opposed to activities more limited in their occurrence, and how regulations will be enforced.

COMMENT # 3: Impacts to Crotch's Bumble Bee

Issue: The Project may impact suitable nesting and foraging habitat for Crotch's bumble bee. The MND did not discuss or provide a mitigation measure to minimize impacts to Crotch's bumble bee.

Specific impact: The MND does not include survey results for presence or absence of Crotch's bumble bee, does not discuss potential impacts, or does not propose mitigation measures for this candidate listed CESA species. The Project may result in temporary impacts and permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee.

Why impact would occur: According to CDFW's [Crotch's Bumble Bee Range – CDFW \[ds3095\]](#) dataset, the Project site lies within the current range for Crotch's bumble bee (CDFW 2025a). Coastal sage scrub and grassland habitat within the Project site may provide suitable habitat to support Crotch's bumble bee. Additionally, the species were observed through the California Natural Diversity Database (CNDDDB) within one mile of the Project site (CDFW 2025b). Crotch's bumble bees primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2012).

Given that the Project site is in the current range and has suitable habitat, there is potential for this CESA candidate species to be detected. No mitigation measures specific to Crotch's bumble bee were incorporated in the MND. If the Project proceeds without appropriate focused surveys, the Project may result in mortality and/or injury of undetected individual Crotch's bumble bee that may be present during Project activities. The Project's ground and vegetation disturbance could result in potentially significant impacts to Crotch's bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CDFW considers impacts to species that are candidates for CESA listing to be significant, under CEQA. Accordingly, the Project may have a substantial adverse

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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 the CDFW or USFWS.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #3: Crotch's Bumble Bee Discussion

The MND should be revised to provide a thorough discussion on the Project's potential direct and indirect impacts on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the MND should be amended to incorporate measures to minimize, and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit (ITP) can be issued based on the analysis provided in the final document.

Recommendation #4: CEQA

CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

Mitigation Measure #2: Crotch's Bumble Bee Surveys

The Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#) (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.

Mitigation Measure #3: Incidental Take Permit

If Crotch's bumble bee is detected on site, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.

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COMMENT # 4: Impacts on Scrub Oak Chaparral Trees

Issue: Mitigation measure BIO-7 as it is currently proposed does not provide sufficient avoidance, minimization, or mitigation measures for impacts to scrub oak chaparral trees.

Specific impact: Scrub oak chaparral trees may be impacted by the Project if determined that avoidance is not feasible. The replacement mitigation ratio of 3:1 is not sufficient if removal of these sensitive species is warranted. Additionally, the MND does not disclose specific details regarding location of new planting, implementation, or management.

Why impact would occur: According to the MND, *Quercus* species have the potential to be impacted by the Project. *Quercus* species have a State rank of 3 or 4. The MND does not specify which species association occupies the Project site and may be impacted by the Project. Some associations with a rarity ranking of S3 include *Quercus berberidifolia* – *Ceanothus cuneatus*, *Quercus berberidifolia* – *Cercocarpus montanus*, and *Quercus berberidifolia* – *Ceanothus spinosus*. Given the fact that some scrub oak chaparral associations are rare, CDFW considers scrub oak chaparral a sensitive plant community (CDFW 2025c). These species are crucial to the ecosystem, and removal of these trees would result in loss of habitat function. Alongside loss of habitat function, removing the trees may potentially result in permanent loss of habitat quality. Oaks also provide important ecological services, such as carbon sequestration, protecting soils from erosion and landslides, and regulating water flow within watersheds. Oak species are typically slow growing; some species may take between 30 to 50 years to reach maturity (Hickman 1993). Although the Project proposes planting of new oak trees, it does not factor in the temporal loss of the ecological services that the oaks provide, resulting from removal of mature trees.

Furthermore, the proposed mitigation replacement ratio in the MND is 3:1 for oak trees. The MND does not provide a biological justification as to why a replacement ratio of 3:1 is sufficient for these sensitive plant communities. Generally, CDFW recommends that a much higher ratio for oaks be planted. This is because the life history of the species, predation, and invasive pests tend to eliminate many saplings before they can mature. Another part of ensuring that oak plantings can successfully mature is adaptive management of mitigation. To that end, BIO-7 does not specify success criteria, monitoring protocols, or management details to ensure the success of planted oak trees, in the event avoidance is not feasible.

Evidence impact would be significant: CDFW considers plant communities, alliances, and associations with a State ranking of S1, S2, and S3 as sensitive and declining at the local and regional level. An S3 ranking indicates there are 21 to 100 viable occurrences of this community in existence in California, S2 has six to 20 occurrences, and S1 has fewer than six viable occurrences. Additional threat ranks of

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0.1 and 0.2 indicate that a plant species is very threatened and threatened respectively (Sawyer et al. 2009). Moreover, oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #4: BIO-7: Oak Tree Protection - The City should revise BIO-7 to incorporate the underlined language and omit language in strikethrough:

Per the requirements of BIO-2, the City shall retain the services of a qualified oak tree consultant (who is also a certified arborist) who shall perform the following duties:

- a) The qualified oak tree consultant/certified arborist shall inspect the proposed trail alignment and determine if ground disturbance will occur within the protected zone of any oak trees. The protected zone is defined by the Agoura Hills Municipal Code as:

Using the dripline as a point of reference, the protected zone shall commence at a point five (5) feet outside of the dripline and extend inwards to the trunk of the tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of an oak tree.

- b) In the event that the trail alignment would encroach into the protective zone of any protected oak trees and could not be feasibly realigned to avoid the protective zone (subject to the City's and CDFW's determination), and/or if the trail alignment would require the pruning of any protected trees, then the tree consultant/certified arborist shall monitor ground disturbance activities on the project site that occur within the identified protective zone. In the event that the pruning of protected oak trees within or adjacent to the trail alignment is necessary to maintain visibility and public safety, the oak tree consultant/certified arborist shall also monitor such pruning to ensure that no impacts to oak trees occur. No pruning of live wood of an oak tree (including branches and roots) shall be permitted unless specifically authorized by the oak tree consultant/certified arborist, and pruning shall be performed by the qualified arborist. All pruning operations shall be consistent with American National Standards Institute (ANSI) A300 Standards – Part 1 Pruning and the most recent edition of the International Society of Arboriculture Best Management Practices for Tree Pruning.
- c) If the tree consultant/certified arborist determines significant impacts will occur, then trees shall be replaced at a ratio of 10:1 ~~3:1~~ with size of replacement stock and location determined by the City in consultation with the tree consultant/certified arborist and CDFW. The City shall prepare an oak tree

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Habitat Restoration Plan (HRP) to mitigate for the removal of oak trees. The plan shall be provided to CDFW for review and approval prior to the implementation. At a minimum, the plan shall include:

- A description of and map of the receiver site(s) for new plantings, installation methods, monitoring procedures, plant spacing, and timeline
- Maintenance requirements that ensure establishment of the newly established oaks
- Success criteria for a minimum 10-year monitoring period to ensure that the oaks are reestablished successfully at the ratios provided
- Adaptive management strategies and corrective measures should survival percentages not meet the replacement ratio
- Annual reports provided to CDFW

ADDITIONAL COMMENTS

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 City 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 (LSA) Agreement Acknowledgement. Per phone conversation, CDFW concurs with the Project 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 applicant 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 City, and receipt of the streambed notification package for the Project.

Mitigation Measure BIO-5: Pre-construction Survey for Special-Status Wildlife Species - The City should revise BIO-5 to incorporate the underlined language and omit language in strikethrough:

Three days pPrior to the commencement of ground or vegetation disturbing activities, a pre-construction survey for special-status wildlife species, including the Coastal Western Whiptail and those species with potential to occur, shall be conducted by

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qualified biologist(s) to determine the presence/absence of these species at the site. The pre-construction survey shall incorporate appropriate methods and timing to detect these species, including individuals that could be concealed in burrows, beneath leaf litter, trees, or in loose soil. If a special-status species is found, avoidance is the preferred mitigation option. If avoidance is not feasible, a relocation plan including, at a minimum, the timing and methods for capturing and releasing the animals as well as locations for their release shall be prepared and submitted to the City and CDFW for review and approval prior to approval to commence work. The species shall then be captured and transferred to appropriate habitat and location where they would not be harmed by project activities, preferably to open space habitats in the vicinity of the project site. If a Federally listed species is found, the USFWS shall also be notified. A letter report summarizing the methods and results of the surveys and relocation efforts, if applicable, shall be submitted to the City and CDFW prior to commencement of project activities.

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 communities detected during Project surveys to the California Natural Diversity Database (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 City should ensure data collected for the preparation of the 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 City 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.)

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

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


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CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on 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)).

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

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Jennifer Turner, CEQA Supervisor
Joleena De La Fe, CEQA staff

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

REFERENCES

[CDFW] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

[CDFW] California Department of Fish and Wildlife. 2025a. Crotch's Bumble Bee Range Dataset 3095. Available at: <https://data.ca.gov/dataset/crotchs-bumble-bee-range-cdfw-ds3095>

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

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[CDFW] California Department of Fish and Wildlife. 2025b. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDB>

[CDFW] California Department of Fish and Wildlife. 2025c. Natural Communities. Available from: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

Hatfield, R, S Jepsen, E Mader, S H Black, and M Shepherd. 2012. Conserving Bumble Bees Guidelines for Creating and Managing Habitat for America's Declining Pollinators. Portland, OR: The Xerces Society for Invertebrate Conservation

Hickman, James C., ed. 1993. The Jepson manual: Higher plants of California. Berkeley, CA: University of California Press. 1400 p. [21992]

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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>Recommendation #1: Updated Biological Assessment Surveys</p> <p>CDFW strongly recommends the City retain a qualified biologist to perform an updated biological survey to account for the current state of the Project site and the inventory of biological species that may be present. The survey should be conducted at the appropriate time of year and time of day when sensitive species are active or otherwise identifiable for both wildlife and plants. Based on the survey results, the final CEQA document should propose avoidance and specific mitigation for Project impacts to special-status species. Findings from the updated general field surveys should be disclosed in the CEQA document for public review.</p> | <p>Prior to Project Construction</p> | <p>Lead Agency/Designated Biologist</p> |
| <p>Mitigation Measure #1: Trail Signage</p> <p>CDFW recommends additional signage for the public to stay within the designated trail and to contain pets on a leash; more specifically, pets, like dogs, may create impacts to biological resources if not properly secured.</p> | <p>During Project Construction</p> | <p>Lead Agency</p> |
| <p>Recommendation #2: Recreation Discussion</p> | <p>Prior to Project Initiation</p> | <p>Lead Agency</p> |

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| Mitigation Measure | Timing | Responsible Party |
|--|------------------------------------|--------------------|
| <p>The MND should be amended to discuss impacts of the Project on biological resources as a result of increased recreational use and mitigation measures to offset impacts. This discussion should address the following potential impacts: the potential of Project activities or Project implementation to influence wildlife’s spatial distribution, abundance, predator avoidance behavior, foraging efficiency, vocal frequency, amplitude, or timing, physiology, and reproductive success; the loss of suitable habitat, encroachment, injury or mortality, ongoing edge effects (i.e., noise), or attraction of nuisance wildlife to trash receptacles; and the effect of outdoor motorbikes and electric bikes (e-bikes) on biological resources. E-bikes may lead to changes in habitat; alter diurnal activity patterns; result in excess soil compaction and erosion; and lead to direct, indirect, and/or cumulative impacts. Additionally, the MND should discuss what recreational activities will be allowed, what areas will be open for public access as opposed to activities more limited in their occurrence, and how regulations will be enforced.</p> | | |
| <p>Recommendation #3: Crotch’s Bumble Bee Discussion</p> <p>The MND should be revised to provide a thorough discussion on the Project’s potential direct and indirect impacts on Crotch’s bumble bee. If the Project may impact Crotch’s bumble bee, the MND should be amended to incorporate measures to minimize, and/or mitigate potential impacts to Crotch’s bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit (ITP) can be issued based on the analysis provided in the final document.</p> | <p>Prior to Project Initiation</p> | <p>Lead Agency</p> |

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| <p>Recommendation #4: CEQA</p> <p>CDFW’s issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project’s CEQA document should fully identify the potential impacts to Crotch’s bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.</p> | <p>Prior to Project Initiation</p> | <p>Lead Agency</p> |
| <p>Mitigation Measure #2: Crotch’s Bumble Bee Surveys</p> <p>The Project proponent shall retain a qualified entomologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW’s Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch’s bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.</p> | <p>Prior to Project Initiation</p> | <p>Lead Agency/Designated Biologist</p> |
| <p>Mitigation Measure #3: Incidental Take Permit</p> <p>If Crotch’s bumble bee is detected on site, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW</p> | <p>Prior to Project Initiation/During</p> | <p>Lead Agency</p> |

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| <p>(pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.</p> | <p>Project Construction</p> | |
| <p>Mitigation Measure #4: BIO-7: Oak Tree Protection - The City should revise BIO-7 to incorporate the underlined language and omit language in strikethrough:</p> <p>Per the requirements of BIO-2, the City shall retain the services of a qualified oak tree consultant (who is also a certified arborist) who shall perform the following duties:</p> <ul style="list-style-type: none"> a) The qualified oak tree consultant/certified arborist shall inspect the proposed trail alignment and determine if ground disturbance will occur within the protected zone of any oak trees. The protected zone is defined by the Agoura Hills Municipal Code as: <p style="margin-left: 40px;">Using the dripline as a point of reference, the protected zone shall commence at a point five (5) feet outside of the dripline and extend inwards to the trunk of the tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of an oak tree.</p> b) In the event that the trail alignment would encroach into the protective zone of any protected oak trees and could not be feasibly realigned to avoid the protective zone (subject to the City's and CDFW's | <p>Prior to Project Initiation</p> | <p>Lead Agency</p> |

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| <p>determination), and/or if the trail alignment would require the pruning of any protected trees, then the tree consultant/certified arborist shall monitor ground disturbance activities on the project site that occur within the identified protective zone. In the event that the pruning of protected oak trees within or adjacent to the trail alignment is necessary to maintain visibility and public safety, the oak tree consultant/certified arborist shall also monitor such pruning to ensure that no impacts to oak trees occur. No pruning of live wood of an oak tree (including branches and roots) shall be permitted unless specifically authorized by the oak tree consultant/certified arborist, and pruning shall be performed by the qualified arborist. All pruning operations shall be consistent with American National Standards Institute (ANSI) A300 Standards – Part 1 Pruning and the most recent edition of the International Society of Arboriculture Best Management Practices for Tree Pruning.</p> <p>c) If the tree consultant/certified arborist determines significant impacts will occur, then trees shall be replaced at a ratio of <u>10:1 3:1</u> with size of replacement stock and location determined by the City in consultation with the tree consultant/certified arborist <u>and CDFW. The City shall prepare an oak tree Habitat Restoration Plan (HRP) to mitigate for the removal of oak trees. The plan shall be provided to CDFW for review and approval prior to the implementation. At a minimum, the plan shall include:</u></p> <ul style="list-style-type: none"> • <u>A description of and map of the receiver site(s) for new plantings, installation methods, monitoring procedures, plant spacing, and timeline</u> | | |

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| Mitigation Measure | Timing | Responsible Party |
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| <ul style="list-style-type: none"> • <u>Maintenance requirements that ensure establishment of the newly established oaks</u> • <u>Success criteria for a minimum 10-year monitoring period to ensure that the oaks are reestablished successfully at the ratios provided</u> • <u>Adaptive management strategies and corrective measures should survival percentages not meet the replacement ratio</u> • <u>Annual reports, provided to CDFW</u> | | |