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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 14, 2021

Hai Nguyen
City of Santa Clarita
23920 Valencia Blvd Ste 302
Santa Clarita, CA 91355
HNguyen@santa-clarita.com

Subject: Sand Canyon Resort Project, Draft Final Environmental Impact Report, SCH #2018101039, City of Santa Clarita, Los Angeles County

Dear Mr. Nguyen:

The California Department of Fish and Wildlife (CDFW) has reviewed a Draft Final Environmental Impact Report (EIR) from the City of Santa Clarita (City; Lead Agency) for the Sand Canyon Resort Project (Project). CDFW submitted comments on a Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Project on November 20, 2018. CDFW submitted comments on DEIR for the Project on January 19, 2021. CDFW provided comments and recommendations to assist the City in mitigating the Project's potential impacts on aquatic and riparian resources; wildlife and wildlife dispersal; coastal California gnatcatcher (*Polioptila californica californica*); sensitive plant communities; raptors; habitat supporting birds and Species of Special Concern; and bats. CDFW appreciates that the City reviewed and responded to our comments and recommendations.

After reviewing the EIR and responses to our comments, CDFW has prepared additional comments and recommendations to assist the City in mitigating the Project's potential impacts. We appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. Thank you for the opportunity to review the EIR and we request that the City consider our additional comments prior to finalizing the EIR.

CDFW's Role

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise

regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Description: The 75.5-acre Project site consists of an abandoned golf course. The Project site is currently designated as Open Space in the City's General Plan. The Project would develop approximately 26.3 acres of the 75.5-acre Project site. The Project as proposed would result in the permanent loss of 36.23 acres of open space in the City. The Project proposes to divide the Project site into three lots along approximately 4,250 linear feet of Robinson Ranch Road.

A zone change from Open Space to Community Commercial is proposed for Lot 2 (36.23 acres). The Project proposes to develop a resort and spa in Lot 2 consisting of the following:

- A 177,000 square-foot, three-story Main Hotel;
- A 64,000 square-foot Function Building with restaurants, meeting rooms, and ballrooms;
- A 25,000 square-foot Spa Building;
- A 60,000 square-foot Spa Garden Inn;
- A 87,000 square-foot View Villas Community;
- A 2-acre biofiltration detention basin adjacent to the main development area (i.e., resort/spa);
- Two pools; and,
- A total of 400 new parking stalls.

The proposed resort and spa site would be connected to the 2-acre biofiltration detention basin via a new storm drainpipe.

Lots 1 and 3 would remain as open space. Lot 1 would provide 25.16 acres of "undisturbed" open space. Lot 3 would provide 14.12 acres of "disturbed" open space. Lot 3 would provide a publicly accessible recreation area that would include tennis courts, a dog park, and play areas. The Project would provide 2 miles of walkable pathways meandering between the resort and providing access to open space areas in Lots 1 and 3.

Project Plan Revisions: Since the release of the DEIR, the Project applicant has revised the Project to be similar to Project Alternative 2 – Reduced Project proposed in the DEIR. The EIR presents the revised Project site plan, which is described above. Below is a summary of the revisions made to the Project:

- Reduced the total Project acreage from 77 acres to 75.5 acres.
- The Project site was previously divided into four lots. The Project site is now divided into three lots. The designation/zoning for each of the three lots is described above.
- Removed the Oak Villas Community which was previously located in what is now Lot 1.
- Reduced the building area (square feet) of the Main Hotel; Spa Building; Spa Garden

Inn; and View Villas Community.

- Removed the detention basin extension located south of the Project site and Robinson Ranch Road. The approximately 1-acre existing detention basin would be unchanged. The Project applicant has proposed a new 2-acre biofiltration detention basin located within the Project site/north of Robinson Ranch Road. The 2-acre basin would be located west of the resort/spa within Lot 2.
- Increased the amount of permanent open space lost in the City from 32.4 acres to 36.23 acres.
- Reduced the amount of open space provided within the Project site from 42.5 acres to 39.28 acres.

Location: The Project is located at 27734 Sand Canyon Road at the northeast corner of Sand Canyon Road and Robinson Ranch Road, south of State Route 14 in the Sand Canyon Area of the City. The Project site is located at the base of the San Gabriel Mountains and Angeles National Forest. The Project site was formerly a part of the Mountain Course within the Robinson Ranch Golf Course. In July 2016, the Sand Fire burned the Project site. Following the wildfire, flooding from record rainfall covered the Project site.

Comments and Recommendations

CDFW offers the comments and potentially feasible recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in the Project's Mitigation and Monitoring Reporting Plan.

Specific Comments

Comment #1: Disclosure of Potential Impacts in Lot 2

Issue: The EIR does not provide information on whether the proposed 2-acre biofiltration basin in Lot 2 would impact biological resources other than impacts on oak trees (*Quercus* species).

Specific impacts: The construction and installation of the 2-acre biofiltration basin could impact biological resources not previously identified or disclosed.

Why impacts would occur: The 2-acre biofiltration basin would permanently alter the landscape. This could result in permanent loss sensitive plant communities and habitat supporting plants and wildlife. Moreover, ground-disturbing activities and vegetation removal associated with the 2-acre biofiltration basin could encroach on sensitive plant communities located in Lot 1. Sensitive plant species located adjacent to the proposed 2-acre biofiltration basin includes creeping rye grass (*Elymus triticoides*) and deergrass (*Muhlenbergia rigens*). During construction, these sensitive plant species could be crushed, trampled, or removed by heavy machinery, vehicles, and workers.

CDFW is unable to determine whether the construction and installation of the 2-acre biofiltration basin would impact additional biological resources, and if so, where those impacts would occur and the extent of those impacts. The DEIR included *Appendix D1 Jurisdictional Delineation and*

Biological Resources Assessment (Appendix D1). Appendix D1 provides a *Generalized Vegetation and Impacts Map*. The EIR does not provide an updated map to show the vegetation and impact area where the 2-acre biofiltration basin is now proposed. CEQA requires an adequate and complete effort of full disclosure of environmental impacts [CEQA Guidelines, § 15003(i)].

Evidence impact would be significant: Given insufficient information in the EIR, CDFW is unable to provide specific comments and recommendations to assist the City in identifying and mitigating for potential impacts resulting from the 2-acre biofiltration basin. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse effect, either directly or through habitat modifications, on any species or plant community identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CDFW and/or the U.S. Fish and Wildlife Service (USFWS).

Furthermore, a lead agency is required to recirculate an Environmental Impact Report when significant new information is added to the document. The term "information" includes changes in the project or environmental setting. The revised Project site plan would be considered new information. Per CEQA Guidelines section 15105, the public review period of an Environmental Impact Report should not be less than 30 days. Recirculation is necessary to provide the public and public agencies sufficient time to review new information.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the Project applicant provide mitigation measures to avoid impacts on sensitive plant communities and habitat in adjacent areas during construction of the 2-acre biofiltration basin. At a minimum, the perimeter of the work area should be clearly demarcated. Also, an adequate setback should be provided as a buffer between the work area and adjacent areas. An effective setback should maintain appropriately sized vegetated buffer areas adjoining open space in Lot 1 and natural areas surrounding the Project site. The EIR should provide a justification for the effectiveness of the chosen distance of the setback to achieve the following: avoid impacts on adjacent areas; maintain appropriately sized vegetated buffer areas; and prevent accidental spillage of pesticides, oil, gasoline, and other liquids from passing into areas outside work perimeter.

Recommendation #1: CDFW recommends the EIR provide the following information to disclose impacts adequately and completely on biological resources now that the Project site plan has been revised:

- A map showing the vegetation and impact area relative to the revised Project site plan;
- An updated table of acres of vegetation/land cover type impacted (see Table 2 and Table 6 on Page 14 and 28 of Appendix D1); and,
- Any pertinent information and discussion that would inform and disclose to the public and public agencies what biological resources would be impacted; where those impacts would occur; what activities would result in those impacts; if those impacts are significant; why those impacts are insignificant (if so determined); and measures to mitigate those impacts. Direct and indirect significant effects should be clearly identified and described [CEQA Guidelines, § 15126.2(a)].

Recommendation #2: The revised Project site plan is new information not previously provided for public review and commenting pursuant under CEQA Guidelines section 15105. CDFW recommends the City recirculate the Project's CEQA document for a public review and comment period of no less than 30 days. The CEQA document should be recirculated for more meaningful public review and commenting on the revised Project site plan and those potentially significant impacts and feasible way(s) to mitigate or avoid such an effect.

Comment #2: Impacts on Wildlife and Wildlife Dispersal

Issue: The EIR does not provide mitigation to avoid or minimize impacts on resident and transient wildlife.

Specific impacts: The Project as proposed may have direct or indirect impacts on wildlife because the Project would increase human presence, traffic, noise, and artificial lighting. The Project may also create barriers or obstacles to wildlife dispersal. Increased human-wildlife interactions and barriers to wildlife dispersal could lead to injury or mortality of wildlife or local extirpation of wildlife from the Project site.

Why impacts would occur: CDFW previously provided comments and recommendations for mitigating impacts on wildlife and wildlife dispersal. The Response to Comments states "a total of 29.5 acres would remain as undisturbed open space […] wildlife safety will be taken into consideration for any fencing that will be used, and the use of rodenticide will be up to the homeowner association." CDFW appreciates that the Project applicant has modified the Project to preserve 29.5 acres of open space. However, CDFW is concerned that Project applicant has not provided measures to avoid or minimize impacts on wildlife during Project construction and over the Project's lifetime. Preservation of open space would not directly address or minimize the Project's potential to cause wildlife injury or mortality, as well as displace wildlife.

Plant communities within the Project site currently provide cover, forage resources, and breeding/ nesting habitat for birds, raptors, reptiles, and small mammals. According to Appendix D1, the Project site supports at least six species of reptiles/amphibians, 43 species of birds (which includes raptors), and nine species of mammals. The Project site is adjacent to the Santa Clara River Significant Ecological Area (SEA), Magic Mountains, San Gabriel Mountain, and Angeles National Forest. As such, wildlife may potentially move through the Project site. Wildlife could be impacted during Project construction. Resident and transient wildlife could be entangled or trapped in fencing. Moreover, permanent and temporary fencing may create barriers to dispersal.

Over the Project's lifetime, wildlife could be impacted by increased human presence, traffic, noise, and artificial lighting. Increased visitor uses and recreation could impact wildlife through a variety of ways, including:

- Increased numbers of people and dogs;
- Increased area of influence;
- Increased noise levels;
- Increased trash or pet waste;
- Introduction of unnatural food sources via trash and trash receptacles;
- Loss of habitat due to erosion from non-official footpaths; and,

- Loss of habitat due to introduction or spread of invasive plant species.

Evidence impact would be significant: Recreation and increased human activities can have the following effects on wildlife:

- Non-consumptive recreation can lead to detrimental changes in animal behavior, reproduction, growth, and immune system function (Lucas 2020).
- Human presence can instill strong fear in wild animals, which may adjust their activity to avoid contact with humans. Such risk avoidance can have important nonlethal effects on animal physiology and fitness. This shift may have negative and far-reaching ecological consequences (Gaynor et al. 2018; Mitrovich et al. 2020).
- Human activities that result in escape or avoidance behaviors may increase the probability of a bird being detected by a predator, increase intraspecific aggression in colonial species, expose bird chicks and eggs to adverse environmental conditions that can cause embryo death, and divert energy from feeding or reproduction to defensive behaviors (Hillman et al. 2015).
- Being approached by a person may trigger a change in the behavior or physiological processes in a bird (e.g., flight responses or increased heart rate). Although these responses tend to be short in duration, they can have longer term effects as is the case of breeding birds being flushed from nests leaving eggs or chicks vulnerable to predation (Steven et al. 2011).
- Relatively 'low' impact activities such as walking or hiking can still have negative effects on birds (Steven et al. 2011).
- Increased noise may alter or mask the auditory signals required for information exchange in birds (Hillman et al. 2015).
- Some species of birds are sensitive to off-trail activities, particularly dog walking (greater area of influence) (Miller et al. 2001).
- Patterns of wildlife habitat use can be disrupted by disturbances occurring outside of regular human activity, such as large recreation events, off-trail visitor behavior, or the proliferation of new social trails, even in areas that traditionally see high levels of visitor use (Mitrovich et al. 2020).

The Project site contains habitat that supports wildlife and wildlife dispersal across the broader landscape, sustaining both transitory and permanent wildlife populations. The Project may increase human-wildlife interactions and development could create barriers to wildlife dispersal. This could cause wildlife injury or mortality and/or local extirpation of wildlife from the Project site. Mammals occurring naturally in California are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). The Project site and surroundings is already vulnerable to urbanization which leads to habitat loss, modification, or fragmentation. It is possible that the Project could increase pressures on wildlife dispersal without appropriate mitigation. Impacts on resident and transient wildlife may occur absent appropriate avoidance and minimization measures. Inadequate mitigation may result in the Project continuing to have an adverse effect on wildlife. Based on the Response to Comments, it is not clear if the Project applicant would commit to mitigating impacts on wildlife. Per CEQA Guidelines section 15126.4, formulation of mitigation measures shall not be deferred until some future time.

Recommended Potentially Feasible Mitigation Measure(s): CDFW requests that the City require the Project applicant to reconsider our recommendations below:

Mitigation Measure #1: Trails – CDFW recommends the Project applicant prepare an impact analysis to determine if the proposed trails through the undisturbed open space would impact biological resources. Depending on the findings, the Project applicant should modify the trail plan to avoid impacts on biological resources. The Project applicant should incorporate appropriate setbacks that considers the species that are present and their alert and flight initiation distances. The Project applicant should provide a trail study and a modified trail plan to the City before the City issues a grading permit.

Mitigation Measure #1: Dogs – CDFW recommends that dogs and dog walking should only occur within the limits of the dog park and "disturbed" open space area in Lot 3.

Mitigation Measure #2: Construction Fencing – CDFW recommends that any fencing used during and after the Project be constructed with materials that are not harmful to wildlife. Prohibited materials should include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence should be avoided or minimized as this type of fencing can injure wildlife or create barriers to wildlife dispersal. All hollow posts and pipes should be capped to prevent wildlife entrapment and mortality. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard. Fences should not have any slack that may cause wildlife entanglement.

Mitigation Measure #3: Permeable Fencing – CDFW recommends the Project use permeable fencing around the property [see A Landowner's Guide to Wildlife Friendly Fences for additional information (MFWP 2012)]. A wildlife-friendly fencing plan should be provided to the City for review before the City issues a grading permit.

Mitigation Measure #4: Rodenticides – CDFW recommends that rodenticides and second-generation anticoagulant rodenticides be prohibited during and after the Project. Additional information on rodenticides can be found on CDFW's Rodenticides webpage (CDFW 2021a).

Recommendation #1: CDFW recommends the EIR include an impact analysis for the Project's proposed trail system, as well as a final trail plan.

Recommendation #2: CDFW recommends the Project applicant consider the undeveloped land north of the Project site as possible mitigation lands. These lands may provide more contiguous habitat to buffer the undisturbed open space against a habitat island effect potentially caused by future development in surrounding areas.

Comment #3: Impacts on Coastal California Gnatcatcher

Issue: The EIR does not provide species-specific mitigation to avoid impacts on coastal California gnatcatcher, an Endangered Species Act (ESA)-listed threatened species and a California Species of Special Concern (SSC).

Specific impacts: Project construction and activities during the coastal California gnatcatcher (gnatcatcher) breeding and nesting season could result in the incidental loss of fertile eggs or nestlings.

Why impacts would occur: CDFW previously recommended protocol-level surveys for gnatcatcher. The Response to Comments concluded that protocol-level surveys are not necessary because protocol surveys in 2017 were negative for gnatcatcher. The response goes on to state that potential impacts on gnatcatcher would be mitigated through preconstruction surveys (MM-BIO-1) and avoiding work during the breeding/nesting season (MM-BIO-2).

CDFW generally considers biological field assessments for wildlife to be valid for one-year. Gnatcatchers may be considered absent from the Project site at the time of the survey. According to the City's GIS web application, Mapping Your City, the Project site is adjacent to gnatcatcher habitat, including the natural areas immediately north of the Project site (City of Santa Clarita 2021). According to the USFWS Critical Habitat for Threatened & Endangered Species, the Project site is adjacent to critical habitat for gnatcatcher (USFWS 2021). The Project site could support resident gnatcatchers because the Project site contains suitable gnatcatcher habitat. The Project site has also remained undisturbed by human activities since 2017. Additionally, the CEQA documents do not provide information or discussion as to why the 2017 gnatcatcher survey is relevant information to conclude that gnatcatchers are still absent from the Project site. Moreover, the 2017 gnatcatcher survey did not provide a discussion of whether source populations potentially adjacent to the Project site could disperse into the Project site. For these reasons, it is reasonable to question the status of gnatcatchers in the Project site.

In addition, CDFW is concerned that MM-BIO-1 and MM-BIO-2 may result in missed detections of gnatcatchers. A false negative conclusion proceeding after a nesting survey or preconstruction survey could result in injury or mortality of gnatcatchers, including eggs or nestlings. Accordingly, the Project's proposed mitigation measures may be insufficient to detect mitigate for potential impacts on gnatcatchers. The USFWS prepared survey guidelines for gnatcatcher to increase the detectability of gnatcatcher. The protocol for the breeding season was designed to provide a 95 percent confidence level of detecting gnatcatchers at a site when they are present (USFWS 1997). Established protocols and guidelines represent what CDFW believes to be the best available methodology to determine the presence or support for a negative finding for a particular species or its local status. Neither the Response to Comments or EIR provides sufficient information, reasoning, or justification for the public and public agencies to understand why MM-BIO-1 and MM-BIO-2 would be sufficient to confidently detect gnatcatcher (if any are present) in place of protocol surveys.

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:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- 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/or,

- has 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 2021b).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of endangered, rare, or threated species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW and/or USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the Project applicant retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist should survey the entire Project site to determine presence/absence of gnatcatcher. The qualified biologist should conduct surveys according to USFWS Coastal California Gnatcatcher (*Polioptila californica californica*) Presence/Absence Survey Guidelines (USFWS 1997). CDFW recommends the Project applicant conduct surveys and notify USFWS (per protocol guidance), as well as provide a survey report to the City before the City issues a grading permit.

Recommendation #1: Take under the ESA is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS, to comply with ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.

Recommendation #2: CDFW recommends the EIR discuss why the 2017 gnatcatcher survey results are still relevant and why the Project's proposed MM-BIO-1 and MM-BIO-2 are adequate to detect gnatcatcher.

Recommendation #3: CDFW recommends a gnatcatcher survey be performed prior to finalizing the Project's EIR. Survey results should be provided in the EIR.

Comment #4: Impacts on Sensitive Plant Communities

Issue: Compensatory mitigation provided at 2:1 may not be sufficient to mitigate for impacts to plant communities considered rare in the State.

Specific impacts: The Project as proposed in the previous site plan would impact the following sensitive plant communities:

- 0.13 acres of S3.2-ranked Fremont cottonwood forest (*Populus fremontii*) Forest Alliance;
- 1.07 acres of S4-ranked Coast live oak (*Quercus agrifolia*) Woodland Alliance;
- 3.82 acres of S3-ranked California brittle bush scrub (*Encelia californica*) Scrub Alliance;
- 0.47 acres of S3-ranked California brittle bush-California sagebrush (*E. californica-Artemisia californica*) Scrub Association; and,
- 0.05 acres of S3-ranked Creeping rye grass (*Elymus triticoides*) Herbaceous Alliance.

Why impacts would occur: CDFW previously recommended compensatory mitigation at no less than 7:1 for impacts to Fremont cottonwood forest, coast live oak woodland, and creeping rye grass. CDFW also recommended no less than 5:1 for impacts to California brittle bush scrub and California brittle bush-California sagebrush scrub. The Response to Comments concluded the Project would proceed with compensatory mitigation at 2:1, stating "coast live oak woodland alliance is not considered a sensitive community by CDFW or the City, and is not treated as such for impact and mitigation purposes […] For the four sensitive communities being impacted, there are no standard mitigation ratios within California Fish and Game Code. The 2:1 ratio provides for no net loss of the habitats through the conservation or restoration of the communities." CDFW is concerned that the Response to Comments makes a few assumptions and does not provide sufficient information to explain why the proposed mitigation is adequate.

First, the Response to Comments states that CDFW does not consider coast live oak woodlands to be a sensitive plant community. This statement is inaccurate. CDFW does consider coast live oak woodlands to be a sensitive plant community. Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). For these reasons, CDFW recommends that impacts on oak woodlands be mitigated. 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.

Second, the Response to Comments also states that there are no standard mitigation ratios in the Fish and Game Code. This statement is accurate. However, the lack of standard mitigation ratios is not sufficient to explain or justify why 2:1 is adequate to mitigate for the Project's impacts on sensitive plant communities. CDFW does not rely on standard mitigation ratios. Instead, CDFW makes recommendations for appropriate mitigation on a project-by-project basis. Compensatory mitigation recommended for one project may not necessarily be appropriate for another project. In recommending appropriate mitigation, CDFW considers factors that includes (but not limited to): project setting; project scale; location of impacts; extent of impacts; what is being impacted; presence of special-status or sensitive species; and impacts relative to species population at local, regional, and State-wide scales. With respect to this Project, CDFW provided recommendations for compensatory mitigation in consideration of the following effects:

1) Impacts on S3 ranked plant communities. The Manual of California Vegetation (Sawyer et al. 2009) uses the NatureServe's Heritage Methodology to assign a rarity rank. A rank

of S3 is defined as a plant community that is "at moderate risk of extirpation in the jurisdiction due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors" (NatureServe 2021);
2) Impacts on sensitive plant communities associated with streams or saline-alkali meadows;
3) Impacts on sensitive plant communities that could support sensitive or special-status wildlife species;
4) Impacts resulting in the permanent loss of seed bank or propagules; and,
5) Impacts on sensitive plant communities in open space provided to the City in perpetuity as mitigation for the Hunters Green Development project from 1996.

Evidence impact would be significant: The EIR does not provide mitigation for impacts on oak woodlands. Also, the EIR has not provided sufficient information for CDFW to determine if mitigation at 2:1 is sufficient for mitigating impacts on sensitive plant communities. The Response to Comments needs to provide detailed reasons why specific comments and suggestions were not accepted (CEQA Guidelines, § 15088). Moreover, the Project has proposed payment of in-lieu fees as possible mitigation. The Response to Comments regarding in-lieu fee states, "the implementation of the funds from the in-lieu fee is at the discretion of the accepting entity and not the Applicant." It is unclear how or when in-lieu fees would be applied to mitigate for impacts to sensitive plant communities. Mitigation measures must be fully enforceable by the Lead Agency (CEQA Guidelines, § 15126.4). While the City may be able to enforce payment of the in-lieu fee, it is unclear how the City would be able to enforce that appropriate mitigation is performed if it is up to the discretion of the accepting entity to use the in-lieu fees. Consequently, the Project may result in prolonged temporal or permanent loss of sensitive plant communities. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Since the EIR does not provide mitigation for impacts on oak woodlands, CDFW recommends the Project applicant provide compensatory mitigation for impacts on oak woodlands.

Recommendation #1: Mitigation measures should be adequately discussed and the basis for setting a particular measure should be identified [CEQA Guidelines, § 15126.4(a)(1)(B)]. As such, CDFW recommends the EIR provide a discussion to why compensatory mitigation at 2:1 is appropriate for mitigating impacts on sensitive plant communities. Additionally, CDFW recommends the EIR provide information on how mitigation would be achieved successfully though payment of an in-lieu fee. The EIR should provide enough information and disclosure to facilitate meaningful public review and comment on the appropriateness of the in-lieu fee at mitigating for impacts on biological resources. CDFW recommends updating the EIR to provide the following information:

1) Whether the in-lieu fee is going towards an established program;
2) How the program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
3) What is the monetary amount of the in-lieu fee and how is that amount determined;

4) Why the in-lieu fee is appropriate for impacts on sensitive plant communities;
5) How will the in-lieu fee be used;
6) When the in-lieu fee would be used;
7) Where would these resources be preserved; and,
8) How the City would enforce that appropriate mitigation is performed and followed through to mitigate for the Project's impacts on sensitive plant communities.

Comment #5: Impacts on Bats

Issue: The EIR does not provide species-specific mitigation to avoid impacts on bats.

Specific impacts: The Project may result in direct and indirect impacts on bats, potentially including a few special-status bat species. Direct impacts may occur during removal of trees which may provide roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

Why impacts would occur: CDFW previously recommended mitigation measures specifically to mitigate potential impacts on bats. The Response to Comments states, "the loss of an individual maternal bat is not significant, even if it is a special-status species, because it would not have a substantial adverse effect on the species. MM-BIO-1 provides a preconstruction survey for special-status species, including bats, and it includes avoidance measures for the discovery." The City has a responsibility under CEQA to prevent avoidable damage to the environment by requiring changes in the Project through use of alternatives or mitigation measures, which includes avoiding impacts and/or minimizing impacts [CEQA Guidelines, § 15021]. This may include preventing the loss of even one maternal bat by implementing potentially feasible mitigation measures.

MM-BIO-1 may be insufficient to mitigate for potential impacts on bats. First, MM-BIO-1 states, "If a special-status species is found, project activities shall avoid disturbing the special-status species." No information is provided for CDFW to determine if and how this measure would avoid impacts on bats. Second, MM-BIO-1 states, "If avoidance is not possible, these species shall be captured and transferred to adjacent appropriate habitat and location where they would not be harmed by project activities […]." CDFW is concerned that attempts to capture and relocate any bats could result in injury or mortality to bats or roosts. Moreover, there are potentially feasible mitigation measures (as CDFW previously recommended) that would avoid/minimize impacts on bats without capturing or transferring bats. Lastly, the EIR does not provide information for CDFW to determine if capture and relocation would be adequate to avoid impacts on bats.

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Additionally, several bat species are considered Species of Special Concern. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of endangered, rare, or threated species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project

continuing to have a substantial adverse direct 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: Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance. If maternity roosts are found, the qualified bat specialist should develop mitigation measures to avoid impacts on maternity roosts. The Project applicant should provide a survey report and bat mitigation plan to the City prior to any ground-disturbing activities or vegetation removal.

Mitigation Measure #2: If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

Additional Comments and Recommendations

Landscaping. CDFW recommends the Project applicant restrict use of any species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2021a). To the maximum extent feasible, the Project applicant should use native species found in naturally occurring vegetation communities within and adjacent to the Project site. CDFW recommends a landscaping plan provide more native tree species preferred by birds (Wood and Esaian 2020). The Project applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. The Project applicant should provide a final landscaping plan to the City for review before the City issues a grading permit. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage for southern California (Cal-IPC 2021b). The Audubon Society's Native Plants Database is a resource to identify native plants and trees that will attract and benefit birds (Audubon Society 2021). The California Native Plant Society's Gardening and Horticulture and Xerces Society's Pollinator-Friendly Native Plant Lists webpages have information on native plant species that invite insects and pollinators (CNPS 2021; Xerces Society 2021).

Filing Fees

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

Conclusion

We appreciate the opportunity to comment on the EIR to assist the City of Santa Clarita in adequately analyzing and minimizing/mitigating the Project's impacts on biological resources. We appreciate your time to review CDFW's comments on the EIR. CDFW requests an opportunity to review and comment on any response that the City of Santa Clarita has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562)-619-2230

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
Erinn Wilson-Olgin, Los Alamitos – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov
Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
Andrew Valand, Los Alamitos – Andrew.Valand@wildlife.ca.gov
Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov
Emily Galli, Los Alamitos – Emily.Galli@wildlife.ca.gov
Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

References:

Audubon Society. 2021. Plants for Birds. Available from: https://www.audubon.org/PLANTSFORBIRDS
Block, W.M., Morrison, M.M., Verner, J. 1990. Wildlife and oak-woodland interdependency. Fremontia 18(3):72-76.
[CDFWa] California Department of Fish and Wildlife. 2021. Rodenticides. Available from: https://wildlife.ca.gov/Living-with-Wildlife/Rodenticides

[CDFWb] California Department of Fish and Wildlife. 2021. Species of Special Concern. Available from: https://wildlife.ca.gov/Conservation/SSC.

[Cal-IPC] California Invasive Plant Council. 2021. The Cal-IPC Inventory. Available from: https://www.cal-ipc.org/plants/inventory/

[Cal-IPCa] California Invasive Plant Council. 2021. The Cal-IPC Inventory. Available from: https://www.cal-ipc.org/plants/inventory/

[Cal-IPCb] California Invasive Plant Council. 2021. Don't Plant a Pest! Southern California. Available from: https://www.cal-ipc.org/solutions/prevention/landscaping/dpp/?region=socal

[CNPS] California Native Plant Society. 2021. Gardening and Horticulture. Available from: https://www.cnps.org/gardening

City of Santa Clarita. 2021. Mapping Your City. Interactive Mapping Online. Accessed: 2021 May 21. Available from: https://www.santa-clarita.com/city-hall/departments/administrative-services/technology-services/geographic-information-systems-gis

Gaynor, K.M, Hojnowski, C.E., Carter, N.H., Brashares, J.S. 2018. The influence of human disturbance on wildlife nocturnality. Science 360:1232-1235.

Griffin and Muick. 1990. California Native Oaks: Past and Present. Fremontia 18(3): 4-12.

Hillman, M.D., Karpanty, S.M., Faser, J.D., Derose-Wilson, A. 2015. Effects of Aircraft and Recreation on Colonial Waterbird Nesting Behavior. The Journal of Wildlife Management 79(7): 1192-1198.

Lucas, E. 2020. Recreation-related disturbance to wildlife in California – better planning for and management of recreation are vital to conserve wildlife in protected areas where recreation occurs. California Fish and Wildlife, Recreation Special Issue 2020 pp 29-51. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178943&inline

Miller, S.G., Knight, R.L., and C.K. Miller. 2001. Wildlife Responses to Pedestrians and Dogs. Wildlife Society Bulletin 29(1): 124-132.

Mitrovich, M., Larson, C.L., Barrows, K., Beck, M., Unger, R. Balancing conversation and recreation. 2020. California Fish and Wildlife, Recreation Special Issue 2020 pp 11-28 Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178943&inline

[MFWP] Montana Fish, Wildlife and Parks. 2012. A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind. Second Edition Revised and Updated. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=134713&inline

NatureServe. 2021. Conservation Status Assessment Identifying Threatened Species and Ecosystems. Available from: https://www.natureserve.org/conservation-tools/conservation-status-assessment

Sawyer, J.O., Keeler-Wolf, T., and Evens J.M. 2009. A manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.

Steven, R., Pickering, C. and J.G. Castley. 2011. A review of the impacts of nature-based recreation on birds. Journal of Environmental Management 92: 2287-2294.

[USFWS] U.S. Fish and Wildlife Service. 2021. USFWS Threatened & Endangered Species Active Critical Habitat Report. Online Mapper. Available from: https://ecos.fws.gov/ecp/report/table/critical-habitat.html

[USFWS] United States Fish and Wildlife Service. 1997. Coastal California Gnatcatcher (*Polioptila californica californica*) Presence/Absence Survey Guidelines February 28, 1997. Available from: https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher_survey-guidelines.pdf.

Wood, E.M. and S. Esaian. 2020. The importance of street trees to urban avifauna. *Ecological Applications* 30(7): e02149.

[Xerces Society] Xerces Society for Invertebrate Conservation. 2021. Pollinator-Friendly Native Plant Lists. Available from: https://xerces.org/pollinator-conservation/pollinator-friendly-plant-lists

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1-Impacts on Sensitive Plant Communities	The Project applicant shall avoid impacts on sensitive plant communities and habitat in adjacent areas during construction of the 2-acre biofiltration basin. The perimeter of the work area shall be clearly demarcated. Also, an adequate setback shall be provided as a buffer between the work area and adjacent areas. An effective setback shall maintain appropriately sized vegetated buffer areas adjoining open space in Lot 1 and natural areas surrounding the Project site.	Prior to and during construction	Project Applicant
MM-BIO-2-Impacts on Wildlife and Wildlife Dispersal	The Project applicant shall prepare an impact analysis to determine if the proposed trails through the undisturbed open space would impact biological resources. Depending on the findings, the Project applicant shall modify the trail plan to avoid impacts on biological resources. The Project applicant shall incorporate appropriate setbacks that considers the species that are present and their alert and flight initiation distances. The Project applicant shall provide a trail study and a modified trail plan to the City before the City issues a grading permit.	Prior to issuance of a grading permit	City of Santa Clarita/Project Applicant
MM-BIO-3-Impacts on Wildlife and Wildlife Dispersal	Dogs and dog walking shall only occur within the limits of the dog park and “disturbed” open space area.	During the Project’s lifetime	Project Applicant

MM-BIO-4- Impacts on Wildlife and Wildlife Dispersal	Any fencing used during and after the Project be constructed with materials that are not harmful to wildlife. Prohibited materials shall include, but are not limited to, spikes, glass, razor, or barbed wire. Use of chain link and steel stake fence shall be avoided or minimized. All hollow posts and pipes shall be capped to prevent wildlife entrapment and mortality. Metal fence stakes used on the Project site shall be plugged with bolts or other plugging materials to avoid this hazard. Fences shall not have any slack that may cause wildlife entanglement.	Prior to and during construction	Project Applicant
MM-BIO-5- Impacts on Wildlife and Wildlife Dispersal	The Project applicant shall use permeable fencing around the property. A wildlife-friendly fencing plan shall be provided to the City for review before the City issues a grading permit.	Prior to issuance of a grading permit	City of Santa Clarita/Project Applicant
MM-BIO-6- Impacts on Wildlife and Wildlife Dispersal	Rodenticides and second-generation anticoagulant rodenticides shall be prohibited.	During the Project's lifetime	Project Applicant
MM-BIO-7- Impacts on Coastal California Gnatcatcher	The Project applicant shall retain a qualified biologist with a gnatcatcher survey permit to survey the entire Project site to determine presence/absence of gnatcatcher. The qualified biologist shall conduct surveys according to USFWS Coastal California Gnatcatcher (*Polioptila californica californica*) Presence/Absence Survey Guidelines. The Project applicant shall conduct surveys and notify USFWS, as well as provide a survey report to the City before the City issues a grading permit.	Prior to issuance of a grading permit	City of Santa Clarita/Project Applicant
MM-BIO-8- Impacts on Oak Woodlands	The Project applicant provide compensatory mitigation for impacts on oak woodlands.	Prior to issuance of a grading permit	City of Santa Clarita/Project Applicant

MM-BIO-9-Impacts on Bats	Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, a qualified bat specialist conduct shall bat surveys within these areas (plus a 100-foot buffer as access allows) to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be used to maximize detection of bats. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance. If maternity roosts are found, the qualified bat specialist shall develop mitigation measures to avoid impacts on maternity roosts. The Project applicant shall provide a survey report and bat mitigation plan to the City prior to any ground-disturbing activities or vegetation removal.	Prior to ground-disturbing activities or vegetation removal	City of Santa Clarita/Project Applicant
MM-BIO-10-Impacts on Bats	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape.	Prior to ground-disturbing activities or vegetation removal	Project Applicant
REC-1-Disclosure of Potential Impacts in Lot 2	The EIR should provide the following information to disclose impacts adequately and completely on biological resources now that the Project site plan has been revised: • A map showing the vegetation and impact area relative to the revised Project site plan; • An updated table of acres of vegetation/land cover type	Prior to finalizing CEQA document	City of Santa Clarita/Project Applicant

	impacted; and, • Any pertinent information and discussion that would inform and disclose to the public and public agencies what biological resources would be impacted; where those impacts would occur; what activities would result in those impacts; if those impacts are significant; why those impacts are insignificant (if so determined); and measures to mitigate those impacts. Direct and indirect significant effects should be clearly identified and described.		
REC-2- Disclosure of Potential Impacts in Lot 2	The City should recirculate the Project's CEQA document for a public review and comment period of no less than 30 days. The CEQA document should be recirculated for more meaningful public review and commenting on the revised Project site plan and those potentially significant impacts and feasible way(s) to mitigate or avoid such an effect.	Prior to finalizing CEQA document	City of Santa Clarita
REC-3- Impacts on Wildlife and Wildlife Dispersal	The EIR should include an impact analysis for the Project's proposed trail system, as well as a final trail plan.	Prior to finalizing CEQA document	City of Santa Clarita/Project Applicant
REC-4- Impacts on Wildlife and Wildlife Dispersal	The Project applicant should consider the undeveloped land north of the Project site as possible mitigation lands. These lands may provide more contiguous habitat to buffer the undisturbed open space against a habitat island effect potentially caused by future development in surrounding areas.	Prior to issuance of a grading permit	City of Santa Clarita/Project Applicant
REC-5- Impacts on Coastal California Gnatcatcher	Take under the ESA is more broadly defined than the California Endangered Species Act; take under the Endangered Species Act also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS, to comply with ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact coastal California gnatcatcher.	Prior to issuance of a grading permit	City of Santa Clarita/Project Applicant

REC-6- Impacts on Coastal California Gnatcatcher	The EIR should discuss why the 2017 gnatcatcher survey results are still relevant and why the Project's proposed MM-BIO-1 and MM-BIO-2 are adequate to detect gnatcatcher.	Prior to finalizing CEQA document	City of Santa Clarita/Project Applicant
REC-7- Impacts on Coastal California Gnatcatcher	A gnatcatcher survey should be performed prior to finalizing the Project's CEQA document. Survey results should be provided in the final CEQA document.	Prior to finalizing CEQA document	City of Santa Clarita/Project Applicant
REC-8- Impacts on Sensitive Plant Communities	The EIR should provide a discussion to why compensatory mitigation at 2:1 would result in no net loss of sensitive plant communities. Additionally, the EIR should provide information on how mitigation would be achieved successfully though payment of an in-lieu fee. The EIR should be updated to provide the following information: 1) Whether the in-lieu fee is going towards an established program; 2) How the program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; 3) What is the monetary amount of the in-lieu fee and how is that amount determined; 4) Why the in-lieu fee is appropriate for impacts on sensitive plant communities; 5) How will the in-lieu fee be used; 6) When the in-lieu fee would be used; 7) Where would these resources be preserved; and, 8) How the City would enforce that appropriate mitigation is performed and followed through to mitigate for the Project's impacts on sensitive plant communities.	Prior to finalizing CEQA document	City of Santa Clarita/Project Applicant
REC-9- Landscaping	The Project applicant should restrict use of any species listed as 'Moderate' or 'High' by the California Invasive Plant Council. To the maximum extent feasible, the Project applicant should use native species found in naturally occurring vegetation communities within	Prior to issuance of a grading permit	Project Applicant

	and adjacent to the Project site. A landscaping plan should provide more native tree species preferred by birds. The Project applicant should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. The Project applicant should provide a final landscaping plan to the City for review before the City issues a grading permit. Information on alternatives for invasive, non-native, or landscaping plants may be found on the California Invasive Plant Council's, Don't Plant a Pest webpage for southern. The Audubon Society's Native Plants Database is a resource to identify native plants and trees that will attract and benefit birds. The California Native Plant Society's Gardening and Horticulture and Xerces Society's Pollinator-Friendly Native Plant Lists webpages have information on native plant species that invite insects and pollinators.		