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January 19, 2021

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

Dear Mr. Leclair:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the City of Santa Clarita (City; Lead Agency) for the Sand Canyon Resort Project (Project). Review of the DEIR included *Appendix D1 Jurisdictional Delineation and Biological Resources Assessment*; *Appendix D2 Oak Tree Report; Appendix D3 Vegetation and Special Status Plant Assessment;* and *Appendix D4 California Gnatcatcher Surveys*.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq*.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State 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

Objective: The 77-acre Project site consists of an abandoned nine-hole golf course and detention basin. The Project site is currently designated as Open Space in the City's General Plan. The Project would develop approximately 47.6 acres of the 77-acre Project site. The Project as proposed would result in the permanent loss of 32.4 acres of open space in the City. The Project proposes to divide the Project site into four lots along approximately 4,250 linear feet of Robinson Ranch Road. A zone change from Open Space to Community Commercial is proposed for two of the four lots. Where the zone change is proposed, the Project would develop a resort and spa consisting of the following:

- A 165,000 square-foot, three-story Main Hotel;
- A 64,000 square-foot Function Building with restaurants, meeting rooms, and ballrooms;
- A 35,000 square-foot Spa Building;
- A 67,500 square-foot Spa Garden Inn;
- A total of 128,500 square feet of villas;
- Outdoor recreation, including pools, tennis courts, 9-hole golf course, and play areas;
- A 7-acre park;
- 2 miles of walkable pathways meandering between the resort and providing access to native open space areas; and,
- A total of 400 new parking stalls.

The Project would also expand an existing 1-acre water quality detention basin to a total of 1.9 acres. The detention basin is located south of the proposed resort and spa and south of Robinson Ranch Road site.

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

Specific Comments

Comment #1: Impacts on Aquatic and Riparian Resources

Issue: CDFW is concerned that the Project's Mitigation Measure BIO-4 and Mitigation Measure BIO-5, as they are currently proposed, is inadequate to mitigate for impacts to streams and riparian habitat.

Specific impacts: The Project as proposed would permanently impact 893 linear feet and 0.49 acres of streams and riparian habitat. Furthermore, the Project may potentially impact streams and riparian habitat not previously identified in Appendix D1. The Project's proposed mitigation may result in prolonged temporal or permanent loss of streams and riparian habitat.

Why impacts would occur: The Project's proposal to grade, develop, and remove vegetation could impact 893 linear feet of streams and 0.49 acres of riparian habitat. Additionally, the Project may impact streams and riparian habitat not previously identified. According to the U.S. Fish and Wildlife Service's National Wetlands Inventory, a stream originating from Bronco Drive (south of Robinson Ranch Road) flows through the detention basin in a north-westerly direction (USFWS 2020). The Project's proposal to expand the detention basin from 1 acre to 1.9 acres could impact a stream not previously identified in the Project site. Moreover, flowing downslope from Oak Spring Canyon, multiple streams once converged over the land currently occupied by Robinson Ranch before flowing into the Santa Clara River. Considering the topography and hydrology of the Project site and surroundings, the Project could impact additional streams not previously identified.

Evidence impact would be significant: The Project may substantially adversely affect the existing stream pattern of the Project site through the alteration or diversion of water. This could result in substantial erosion or siltation on or off the Project site. The Project has not identified what specific riparian plant communities would be impacted in those 0.49 acres. Sensitive plant communities are present within the Project site. Accordingly, impacts to sensitive or rare riparian plant communities may occur. Also, the Project has proposed payment of in-lieu fees as possible mitigation. It is unclear how or when in-lieu fees would be applied to appropriately mitigate for impacts to streams and riparian plant communities. Therefore, the Project may result in prolonged temporal or permanent loss of streams and riparian habitat.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW has concluded that the Project would result in the alteration of streams. As such, CDFW concurs with the Project's proposal to notify CDFW pursuant under Fish and Game Code, section 1600 *et seq*. The Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq*. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020a).

Mitigation Measure #2: CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering streams within the Project site may impact headwater streams where

there is hydrologic connectivity. The hydrology report should also include a scour analysis to demonstrate that stream banks and streambed would not erode as a result of impacts within the Project site. Also, CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Recommendation #1: CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq*. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

To compensate for any on- and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Recommendation #2: CDFW recommends the City consider coordinating with the Santa Clara Valley Agency to identify potential creek and river restoration projects that could mitigate for Project-related impacts on streams and riparian plant communities.

Comment #2: Impacts on Wildlife and Wildlife Dispersal in a Wildland-Urban Interface

Issue: The Project proposes to develop and modify habitat adjacent to sensitive ecological areas and natural habitats resulting in potential impacts on wildlife and wildlife dispersal.

Specific impacts: The Project site is immediately adjacent to the Santa Clara River Significant Ecological Area (SEA), Magic Mountains, San Gabriel Mountain, and Angeles National Forest. The Project as proposed may have direct or indirect impacts on wildlife by increasing human presence, traffic, noise, and artificial lighting, resulting in habitat loss, and potentially creating 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: Plant communities within the Project site provide cover; forage resources; and breeding and nesting habitat for birds, raptors, reptiles, and small mammals. The Project site proposes to preserve portions of the Project as open space/natural habitats. However, proposed trail systems through open space/natural habitats could impact wildlife and displace wildlife. Impacts could result from loss of potential habitat; introduction of people and dogs; increased noise levels; increased trash or pet waste; and introduction of unnatural food sources via trash and trash receptacles. Outdoor recreation may disturb wildlife, resulting in energetic costs to the animal and decline in the animals' behavior and fitness. Outdoor recreation may also cause wildlife to avoid otherwise suitable habitat. Trails bring people and dogs into areas that would otherwise be free from such disturbances. Studies have shown that outdoor recreation is the second leading cause of the decline of federally threatened and endangered species on public lands (Losos et al. 1995) and fourth leading cause on all lands (Czech et al. 2000). Recreational trails can lead to habitat fragmentation and create artificial

boundaries or avoidance areas for wildlife. Trails greater than 2.1 meters wide may have negative impacts on birds (Holmes 2005). Trails could reduce the available habitat or displace wildlife.

The DEIR concludes that the Project would not have significant impacts on wildlife dispersal. However, CDFW finds that the diversity of plant communities within the Project site provides suitable cover that could facilitate wildlife dispersal across the landscape. Aspects of the Project, both during and after the Project, could create physical barriers to wildlife dispersal.

Evidence impact would be significant: The Project area contains habitat that supports wildlife and wildlife dispersal across the broader landscape, sustaining both transitory and permanent wildlife populations. The dismissal of the Project site's potentially significant impact on wildlife habitat and dispersal may lead to direct or indirect impacts on wildlife. 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.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Natural Habitat – Within the Project site, CDFW recommends the City set aside natural habitat in a manner that is isolated and free from influence by recreational usage. Conservation of natural habitat should be oriented to provide refugia for species that may be flushed or relocated by the presence of trails.

Mitigation Measure #2: Construction Fencing – Due to the location of the Project site, 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 [see A Landowner's Guide to Wildlife Friendly Fences for additional information (MFWP 2012)].

Mitigation Measure #4: Rodenticides – CDFW recommends that rodenticides and second-generation anticoagulant rodenticides be prohibited during and after the Project. The City should provide property owners and residents with pertinent context, research, and data to inform property owners why rodenticides and second-generation anticoagulant rodenticides are prohibited due to their harmful effects on the ecosystem and wildlife.

Mitigation Measure #5: Education – CDFW recommends the City install appropriate public information signage at trailheads and/or along trails to: 1) educate and inform the public about wildlife present in the area; 2) advise on proper avoidance measures to reduce human-wildlife conflicts; 3) advise on proper use of open space trails in a manner respectful to wildlife; and, 4) provide local contact information to report injured or dead wildlife. Signage should not be made of materials harmful to wildlife. The City should provide long-term maintenance to repair and replace signs.

Mitigation Measure #6: Dogs – The City should prohibit dogs from wildlife breeding habitat within the Project site. Pets should always be kept on leash and on trails. Trail users should be encouraged to clean up after their dogs.

Mitigation Measure #7: Trash –Trash receptacles should be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.

Recommendation: CDFW recommends the City consider designing a naturalistic golf course that can manage for wildlife and habitat, chemical use reduction and safety, and water conservation (see Audubon Cooperative Sanctuary Program for Golf; Audubon International 2021). In a naturalistic golf course, native plants and habitats, either restored, enhanced, or preserved, can enhance flora and fauna biodiversity, and reduce water runoff, irrigation, and chemical inputs (Cristol and Rodewald 2005; Merola-Zwartjes and DeLong 2005; Nooten et al. 2018; Terman 1997). Naturalistic golf courses may also promote critical ecosystem services (e.g., seed dispersal, pest regulation, pollination) and form habitat linkages between different habitats (Petrosillo et al. 2019).

Comment #3: Impacts on Coastal California Gnatcatcher

Issue: CDFW is concerned that the Project could impact coastal California gnatcatcher (*Polioptila californica californica*), 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: The Project concluded that gnatcatchers are not present in the Project site based on a protocol-level survey performed in 2017. CDFW generally considers biological field assessments for wildlife to be valid for one-year. Since the 2017 survey, gnatcatchers could have established within the Project site. Without a recent gnatcatcher survey, the Project proceeding if gnatcatchers are present could result in injury or mortality of gnatcatchers, including eggs or nestlings.

Evidence impact would be significant: CEQA provides protection not only for CESA- and ESA-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 rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065). The reductions in the number of special status bird species, either directly or indirectly through nest abandonment or

reproductive suppression, would constitute a significant impact absent appropriate mitigation. 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 in local or regional plans, policies, or regulations, or by CDFW and/or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure: CDFW recommends the City 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). The survey protocol requires a minimum of six surveys conducted at least one week apart from March 15 through June 30 and a minimum of nine surveys at least two weeks apart from July 1 through March 14. The protocol should be followed for all surveys unless otherwise authorized by the USFWS in writing (USFWS 1997). CDFW recommends gnatcatcher surveys be conducted and USFWS notified (per protocol guidance) prior to the City's issuance of a grading permit.

Recommendation: 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, in order to comply with ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.

Comment #4: Impacts on Sensitive Plant Communities, including Coast Live Oak Woodlands

Issue: CDFW is concerned that MM BIO-1, as it is currently proposed, may still result in significant impacts to sensitive plant communities, particularly coast live oak (*Quercus agrifolia*) woodlands.

Specific impacts: The Project as proposed 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 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: The Project would impact approximately 5.54 acres of sensitive plant communities as a result of grading, development, and vegetation removal associated with fuel modification. All California brittle bush scrub, California brittle bush-California sagebrush scrub, and creeping rye grass would be removed from the Project site.

Evidence impact would be significant: The Project has proposed MM BIO-1 to provide compensatory mitigation for impacts to sensitive plant communities. Compensatory mitigation would be provided at 2:1, stating that "Compensatory mitigation shall be accomplished by one or a combination of the following methods and shall be based on the following preference hierarchy: 1) Mitigation bank credits; 2) Contribution of an in-lieu fee program; 3) On-site restoration of in-kind habitat; and, 4) Off-site restoration of in-kind habitat." On-site restoration of in-kind habitat would be provided at 3:1.

Given MM BIO-1 as proposed, the Project may still have a significant impact on sensitive plant communities. The Project has not proposed compensatory mitigation for impacts to oak woodlands even though the Project's proposed development and fuel modification footprints may impact 1.07 acres of coast live oak woodlands. Furthermore, MM BIO-1 only stipulates five years of mitigation monitoring and management. This may be insufficient for mitigating oak woodlands. Oak trees could take much longer than five years to mature or show signs of stress that could lead to mortality. Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). 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). Due to the historic and on-going loss of this ecologically important vegetation community, 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. CDFW considers oak woodlands a sensitive vegetation community. Moreover, CDFW's Areas of Conservation Emphasis - Significant Habitats dataset includes oak woodlands as a Terrestrial Significant Habitat based on its priority for conservation and acquisition planning for some counties, local jurisdictions, and the Wildlife Conservation Board (CDFW 2019).

The Project has proposed a replacement ratio of 2:1. Replacement at 2:1 may be insufficient for impacts to S3 ranked plant communities, especially for Fremont cottonwood forest and creeping rye grass, communities which are associated with streams or saline-alkali meadows. 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 (Sawyer et al. 2009). Additionally, 2:1 could be insufficient for impacts to plant communities with an additional rank threat of "0.2" which are considered threatened.

Lastly, the Project has proposed payment of in-lieu fees as possible mitigation. It is unclear how or when in-lieu fees would be applied to appropriately mitigate for impacts to sensitive plant communities. The Project may result in prolonged temporal or permanent loss of sensitive plant communities.

Impacts sensitive plant communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these 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: CDFW recommends the City provide compensatory mitigation at no less than 5:1 for impacts to Fremont cottonwood forest, coast live oak woodland, and creeping rye grass. Mitigation lands should contain meadows supporting Creeping rye grass Herbaceous Alliance. CDFW also recommends the City provide mitigation at no less than 3:1 for impacts to California brittle bush scrub and California brittle bush-California sagebrush scrub.

Mitigation Measure #2: CDFW recommends on- or off-site mitigation for impacts to oak woodlands mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Mitigation should recreate functioning woodland of similar composition, structure, and function to the selected oak woodland that was impacted. Mitigation should include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted oak woodlands. Oak tree acorns should be collected or grown from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Seeds should originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. Mitigation monitoring, management, and reporting for oak woodland should be provided for at least 10 years, with a minimum of seven years without supplemental irrigation, to ensure success of the restoration effort.

Mitigation Measure #3: CDFW recommends the City remove oak trees in phases to minimize impacts resulting from the temporal loss of oak trees and to provide structurally diverse oak woodland habitat while any on-site mitigation for impacts to oak woodland habitat occurs.

Recommendation: CDFW recommends salvaging oak leaf litter or duff prior to Project ground-disturbing activities or vegetation removal impacting oak woodlands. Oak leaf litter contains beneficial mycorrhizae, microorganisms, and nutrients that could be used in restoration of oak woodlands. Oak leaf litter should not be taken outside of the Project boundary to prevent the spread of potential pathogens.

Comment #5: Impacts on Raptors

Issue: CDFW is concerned that the Project's Mitigation Measure BIO-3 *Nesting Bird Surveys* as it is currently proposed, may still result in significant impacts to potentially nesting raptors, including raptor species that are California Fully Protected or CESA-listed threatened species.

Specific impacts: Cooper's hawk (*Accipiter cooperii*), red-shouldered hawk (*Buteo lineatus*), and red-tailed hawk (*Buteo jamaicensis*) were observed at the Project site. Swainson's hawk (*Buteo* swainsonii), white-tailed kite (*Elanus leucurus*), and prairie falcon (*Falco mexicanus*) have a moderate potential to occur on site. White-tailed kite is a California Fully Protected species while Swainson's hawk is a CESA-listed threatened species. Project construction and activities during the raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings.

Why impacts would occur: The Project has proposed MM BIO-2 to mitigate for impacts to nesting birds and defines the bird nesting period as occurring between February 1 through August 31. This period does not include the breeding and nesting period of raptors. Therefore, CDFW is concerned that MM BIO-2 would not reduce impacts to nesting raptors below a level of significance. Project construction and activities during the breeding and nesting season for

raptors could result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment or decreased feeding frequency. Impacts 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.

Evidence impact would be significant: Nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor. The Project may result in adverse effects, either directly or through habitat modifications, on a California Fully Protect species. Take of any species designated as California Fully Protected under the Fish and Game Code is prohibited. CDFW cannot authorize the take of any California Fully Protected species as defined by State law. California Fully Protected species may not be taken or possessed at any time. No licenses or permits may be issued for take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, § 3511). The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. 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: CDFW recommends that no construction should occur from February 15 (January 1 for raptors) through August 31.

Mitigation Measure #2: To protect potential nesting white-tailed kites, CDFW recommends that a qualified biologist with knowledge of white-tailed kite life history and survey experience conduct a thorough survey of all suitable nesting. Surveys should be completed no more than 7 days prior to the beginning of any Project-related ground-disturbing activities or vegetation removal. Surveys should be conducted in the immediate work/disturbance area plus a 500-foot buffer. Positive detections should be reported to CDFW prior to the any Project-related ground-disturbing activities or vegetation removal.

Mitigation Measure #3: CDFW released guidance for this species entitled Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (CDFW 2010). CDFW recommends conducting focused surveys for Swainson's hawk following the 2010 guidance prior to implementing Project-related ground-disturbing activities and vegetation removal.

Mitigation Measure #4: If white-tailed kite or Swainson's hawk nests are detected and Project-related construction and activities must occur between January 1 through August 31, CDFW recommends that a minimum 0.5-mile no-disturbance buffer be implemented around each white-tailed kite and Swainson's hawk nest. Any activities that would increase noise disturbances, human activity, dust, ground disturbance, and vibrations should be prohibited.

It should be noted that the temporary exclusion of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project

impacts associated with loss of nesting and foraging habitat for native birds and raptors. Additional mitigation would be necessary to compensate for the removal of habitat within the Project site.

Mitigation Measure #5: If "take" or adverse impacts to Swainson's hawk cannot be avoided either during Project activities or over the life of the Project, a CESA ITP would be required (pursuant to Fish & Game Code, § 2080 *et seq.*).

CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if the Project, Project construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends the City seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

Comment #6: Impact on Habitat Supporting Birds and Species of Special Concern

Issue: The Project would result in permanent loss of habitat that currently provides or could potentially provide foraging, cover, breeding, and nesting habitat for birds, raptors, reptiles, and mammals. This includes SSC.

Specific impacts: Impacts to wildlife including special status wildlife species may occur through permanent habitat loss or modification. This may result in reduced reproductive capacity, population declines, or local extirpation of a sensitive or special status wildlife species.

Why impacts would occur: According to page 23 through 24 in Appendix D3, the Project site provides "excellent foraging habitat for raptors." The native and non-native plant communities in the Project site provide cover, forage resources, breeding, and nesting habitat for birds, raptors, reptiles, and small mammals. Page 24 in Appendix D1 states, "birds were the most diverse vertebrate wildlife observed, and consisted of year-round, summer, and winter residents, as well as potential migrants." According to Appendix 3 in Appendix D1, 43 avian species were observed in the Project site. According to Appendix D4, Costa's hummingbird (*Calypte costae*) and least bittern (*Ixbrychus exilis*) are present in the Project site (least bittern is an SSC). Coast whiptail (*Aspidoscelis tigris stejnegeri*) and San Diego desert woodrat (*Neotoma lepida intermedia*) are present in the Project site (both SSC).

According to Table 6 in Appendix D1, the Project contains approximately 52.3 acres of plant communities (not including "Other/Developed"). The Project would result in permanent net loss

of up to 46.7 acres of habitat (shrubland, grassland, and cattail marshes) through development and fuel modification, not including the 5.54 acres of sensitive plant communities. Therefore, indirect impacts to birds, raptors, reptiles, and mammals could result from permanent loss of suitable habitat.

Evidence impacts would be significant: The Project could have a significant impact on wildlife, including SSC, through habitat loss and modification. The Project would result in permanent loss of up to 46.7 out of 52.3 acres of plant communities within the Project site. The Project would reduce the footprint of available habitat for birds in the short-term. The Project may result in permanent loss of habitat if replacement habitat is not provided. The Project proposes to preserve portions of the Project site as open space. However, the open space may not be suitable habitat for wildlife considering the Project would increase human activities that could disturb wildlife and render the habitat unsuitable. This could further contribute to the loss of potential wildlife habitat.

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 rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065). The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. 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 or the USFWS.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends the City provide compensatory mitigation for permanent loss of foraging, cover, nesting, and breeding habitat at no less than 2:1. Mitigation lands should provide habitat suitable for birds, raptors, reptiles, and mammals impacted with an emphasis on habitat that could support least bittern, coast whiptail, and San Diego desert woodrat. Suitable habitat should include requisite upland and aquatic habitat, refugia, and structures (e.g., logs, woody material, rocks, and brush piles) required at each life stage of each SSC species impacted.

Mitigation Measure #2: If CESA-listed bird/raptor species are present in the Project site, CDFW recommends the City provide mitigation at no less than 3:1 for the loss of foraging, cover, nesting, and breeding habitat supporting those CESA-listed bird/raptor species.

It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

Comment #7: Impacts on Bats

Issue: CDFW is concerned that the Project's Mitigation Measure BIO-2 *Special-Status Wildlife Species* as it is currently proposed, may result in significant impacts to bats, including hoary bat (*Lasiurus cinereus*).

Specific impacts: The Project may result in direct and indirect impacts to bats. Direct impacts include removal of trees and that 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: Page 33 in Appendix D1 states that the Project site contains "a few species of special-status bats, which could potentially roost in tree cavities or in tree foliage at the site." Appendix 6-5 in Appendix D2 states that the hoary bat has a moderate potential to roost temporarily in trees on-site. The Project has proposed MM BIO-2 to mitigate for impacts to special-status wildlife species including bats. However, MM BIO-2 does not provide any specificity for avoiding or minimizing impacts to bats. A preconstruction survey for mammals would not determine the presence/absence of bats, which requires more species-specific and specific time-of-day surveys. Also, MM-BIO-2 proposes to relocate wildlife "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 or roosts could result in injury or mortality to bats or roosts. Accordingly, the take and/or harassment of bats would result in the Project having a significant impact 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 and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

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) in order 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. A discussion of survey results, including negative findings should be provided to the City. 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 (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

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.

Mitigation Measure #3: If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).

Mitigation Measure #4: If maternity roosts are found and the City determines that impacts are unavoidable, a qualified bat specialist should conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should also not occur between 30 minutes before subset and 30 minutes after sunrise.

Additional Recommendations

Scientific Collection Permit. The Project may require capture, handling, and relocation of wildlife per the Project's proposed MM BIO-2 *Special-Status Wildlife Species*. Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2020b). An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #1: Impacts to Aquatic and Riparian Resources).

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).

Mitigation Lands. CDFW recommends the City consider the land north of Robinson Ranch/Oak Springs Road to Project-related impacts on biological resources (i.e., natural plant communities and habitat) and for replacement of 32.4 acres of open space. According to the City's *Mapping Your City*, this 153-acre parcel is currently designated as Urban Residential 1 (UR1). This parcel contains gnatcatcher habitat, a significant ridgeline, within the Santa Clara River SEA, and adjacent Magic Mountains, San Gabriel Mountain, and Angeles National Forest. Portions of this 153-acre parcel should be preserved to maintain a wildlife movement corridor to and from the Santa Clara River and adjacent natural areas.

Conservation Easement. Mitigation lands should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012).

Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and, increased human intrusion.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting CNDDB Field Survey Forms (CDFW 2020c). The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (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 the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

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 Project to assist the City of Santa Clarita in adequately analyzing and minimizing/mitigating impacts to biological resources. 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.

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
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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 Aquatic and Riparian Resources – LSA Notification	The City shall notify CDFW pursuant to Fish and Game Code, section 1600 *et seq*.	Prior to issuance of grading permits	City of Santa Clarita (City)/Project Applicant
MM-BIO-2- Impacts on Aquatic and Riparian Resources – LSA Notification	As part of LSA Notification, the City shall include a hydrology report to evaluate whether altering streams within the Project site may impact headwater streams where there is hydrologic connectivity. The hydrology report shall also include a scour analysis to demonstrate that stream banks and streambed would not erode as a result of impacts within the Project site. Also, the City shall provide a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-3- Impacts on Wildlife and Wildlife Dispersal- natural habitat conservation	Within the Project site, the City shall set aside natural habitat that is isolated and free from influence by recreational usage. Conservation of natural habitat shall be oriented to provide refugia for species that may be flushed or relocated by the presence of trails.	Prior to issuance of grading permits	City/Project Applicant

MM-BIO-4-Impacts on Wildlife and Wildlife Dispersal-construction fencing	Any fencing used during and after the Project shall 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 as this type of fencing can injure wildlife or create barriers to wildlife dispersal. 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/During Project construction and activities	City/Project Applicant
MM-BIO-5-Impacts on Wildlife and Wildlife Dispersal-permeable fencing	The City shall use permeable fencing as part of the Project's final design.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-6-Impacts on Wildlife and Wildlife Dispersal-rodenticides	Rodenticides and second-generation anticoagulant rodenticides shall be prohibited during and after the Project. The City shall provide property owners and residents with pertinent context, research, and data to inform property owners why rodenticides and second-generation anticoagulant rodenticides are prohibited due to their harmful effects on the ecosystem and wildlife.	During/After Project construction and activities	City/Project Applicant
MM-BIO-7-Impacts on Wildlife and Wildlife Dispersal-education	The City shall install appropriate public information signage at trailheads and/or along trails to: 1) educate and inform the public about wildlife present in the area; 2) advise on proper avoidance measures to reduce human-wildlife conflicts; 3) advise on proper use of open space trails in a manner respectful to wildlife; and, 4) provide local contact information to report injured or dead wildlife. Signage shall not be made of materials harmful to wildlife. The City shall provide long-term maintenance to repair and replace signs.	After Project construction and activities	City/Project Applicant

MM-BIO-8-Impacts on Wildlife and Wildlife Dispersal-dogs	The City shall prohibit dogs from wildlife breeding habitat within the Project site. Pets shall always be kept on leash and on trails. Trail users shall be encouraged to clean up after their dogs.	After Project construction and activities	City/Project Applicant
MM-BIO-9-Impacts on Wildlife and Wildlife Dispersal-trash receptacles	Trash receptacles shall be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.	After Project construction and activities	City/Project Applicant
MM-BIO-10-Impacts on Coastal California Gnatcatcher-survey	The City shall retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist shall 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.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-11-Impacts on Sensitive Plant Communities-compensatory mitigation	The City shall provide compensatory mitigation at no less than 5:1 for impacts to Fremont cottonwood forest, coast live oak woodland, and creeping rye grass. Mitigation lands shall contain meadows supporting Creeping rye grass Herbaceous Alliance. The City shall also provide mitigation at no less than 3:1 for impacts to California brittle bush scrub and California brittle bush-California sagebrush scrub.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-12-Impacts on Sensitive Plant Communities-oak woodlands	On- or off-site mitigation for impacts to oak woodlands shall mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Mitigation shall recreate functioning woodland of similar composition, structure, and function to the selected oak woodland that was impacted. Mitigation shall include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted oak woodlands. Oak tree acorns shall be collected or grown from on-site sources or adjacent areas within the same watershed and shall not be purchased from a supplier. Seeds shall originate from plants/trees	Prior to issuance of grading permits	City/Project Applicant

	of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted. Mitigation monitoring, management, and reporting for oak woodland shall be provided for at least 10 years, with a minimum of seven years without supplemental irrigation, to ensure success of the restoration effort.		
MM-BIO-13- Impacts on Sensitive Plant Communities- oak tree removal	The City shall remove oak trees in phases in order to minimize impacts resulting from the temporal loss of oak trees and to provide structurally diverse oak woodland habitat while any on-site mitigation for impacts to oak woodland habitat occurs.	Prior to/During Project construction and activities	City/Project Applicant
MM-BIO-14- Impacts on Raptors- avoidance	No construction shall occur from February 15 (January 1 for raptors) through August 31.	Prior to/During Project construction and activities	City/Project Applicant
MM-BIO-15- Impacts on Raptors-White-tailed kite survey	To protect potential nesting white-tailed kites, a qualified biologist with knowledge of white-tailed kite life history and survey experience shall conduct a thorough survey of all suitable nesting. Surveys shall be completed no more than 7 days prior to the beginning of any Project-related ground-disturbing activities or vegetation removal. Surveys shall be conducted in the immediate work/disturbance area plus a 500-foot buffer. Positive detections shall be reported to CDFW prior to the any Project-related ground-disturbing activities or vegetation removal.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-16- Impacts on Raptors- Swainson's hawk survey	CDFW released guidance for this species entitled Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California. A qualified biologist shall conduct focused surveys for Swainson's hawk following the 2010 guidance prior to implementing Project-related ground-disturbing activities and vegetation removal.	Prior to issuance of grading permits	City/Project Applicant

MM-BIO-17-Impacts on Raptors-buffer	If white-tailed kite or Swainson's hawk nests are detected and Project-related construction and activities must occur between January 1 through August 31, a minimum 0.5-mile no-disturbance buffer shall be implemented around each white-tailed kite and Swainson's hawk nest. Any activities that would increase noise disturbances, human activity, dust, ground disturbance, and vibrations shall be prohibited.	Prior to/During Project construction and activities	City/Project Applicant
MM-BIO-18-Impacts on Raptors-Swainson's hawk CESA ITP	If "take" or adverse impacts to Swainson's hawk cannot be avoided either during Project activities or over the life of the Project, a CESA ITP would be required (pursuant to Fish & Game Code, § 2080 *et seq.*).	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-19-Impacts on Habitat Supporting Birds and SSC-compensatory mitigation	The City shall provide compensatory mitigation for permanent loss of foraging, cover, nesting, and breeding habitat at no less than 2:1. Mitigation lands shall provide habitat suitable for birds, raptors, reptiles, and mammals impacted with an emphasis on habitat that could support least bittern, coast whiptail, and San Diego desert woodrat. Suitable habitat shall include requisite upland and aquatic habitat, refugia, and structures (e.g., logs, woody material, rocks, and brush piles) required at each life stage of each SSC species impacted.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-20-Impacts on Habitat Supporting Birds and SSC-compensatory mitigation	If CESA-listed bird/raptor species are present in the Project site, the City shall provide mitigation at no less than 3:1 for the loss of foraging, cover, nesting, and breeding habitat supporting those CESA-listed bird/raptor species.	Prior to issuance of grading permits	City/Project Applicant
MM-BIO-21-Impacts on Bats-survey	Where Project-related implementation, construction, and activities would occur near potential roosting habitat for bats, a qualified bat specialist shall conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be used to	Prior to Project construction and activities	City/Project Applicant

	maximize detection of bats. A discussion of survey results, including negative findings shall be provided to the City.		
MM-BIO-22-Impacts on Bats-tree removal	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/During Project construction and activities	City/Project Applicant
MM-BIO-23-Impacts on Bats-maternity roosts	If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).	Prior to Project construction and activities	City/Project Applicant
MM-BIO-24-Impacts on Bats-maternity roosts	If maternity roosts are found and the City determines that impacts are unavoidable, a qualified bat specialist shall conduct a preconstruction survey to identify those trees proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology shall be used to maximize the detection of bats. Each tree identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree disturbance to determine the presence or absence of roost bats more precisely. If maternity roosts are detected, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost. Work shall also not occur between 30 minutes before subset and 30 minutes after sunrise.	Prior to Project construction and activities	City/Project Applicant

REC-1-LSA Notification	CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq*. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. To compensate for any on- and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.	Prior to issuance of grading permits	City/Project Applicant
REC-2-Mitigation for impacts on streams and riparian habitat	The City should coordinate with the Santa Clara Valley Agency to identify potential creek and river restoration projects that could mitigate for Project-related impacts on streams and riparian plant communities.	Prior to issuance of grading permits	City/Project Applicant
REC-3-Naturalistic golf course	CDFW recommends the City consider designing a naturalistic golf course that can manage for wildlife habitat, chemical use reduction and safety, and water conservation (see Audubon Cooperative Sanctuary Program for Golf).	Prior to/During Project construction and activities	City/Project Applicant
REC-4-Coastal California Gnatcatcher-USFWS Consultation	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, in order to comply with ESA, is advised well in advance of any ground-	Prior to issuance of grading permits	City/Project Applicant

	disturbing activities and/or vegetation removal that may impact gnatcatcher.		
REC-5-Impacts on Sensitive Plant Communities	CDFW recommends salvaging oak leaf litter or duff prior to Project ground-disturbing activities or vegetation removal impacting oak woodlands. Oak leaf litter contains beneficial mycorrhizae, microorganisms, and nutrients that could be used in restoration of oak woodlands. Oak leaf litter should not be taken outside of the Project boundary to prevent the spread of potential pathogens.	Prior to Project construction and activities	City/Project Applicant
REC-6-Impacts on Bird and Raptor Habitat	The temporary exclusion of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with loss of nesting and foraging habitat for native birds and raptors. Additional mitigation would be necessary to compensate for the removal of habitat within the Project site. Proper mitigation for impacts to occupied habitat depends on the status of the bird species. Mitigation ratios would increase with the occurrence of a California Species of Special Concern and would further increase with the occurrence of a California Fully Protected and/or CESA-listed species.	Prior to issuance of grading permits	City/Project Applicant
REC-7-Scientific Collection Permit	Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's Scientific Collection Permits webpage for information. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.	Prior to issuance of grading permits	City/Project Applicant
REC-8-Mitigation lands	The City should consider the land north of Robinson Ranch/Oak Springs Road to Project-related impacts on biological resources and for replacement of 32.4 acres of open space. Portions of this 153-acre parcel should be preserved to maintain a wildlife movement corridor to and from the Santa Clara River and adjacent natural areas.	Prior to issuance of grading permits	City/Project Applicant

REC-9-Conservation easement	Mitigation lands should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A mitigation plan should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to the following: protection from any future development and zone changes; restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and, increased human intrusion.	Prior to issuance of grading permits	City/Project Applicant
REC-10-Data	The City should ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.	Prior to finalizing/ adopting CEQA document	City/Project Applicant
REC-11-Mitigation and Monitoring Reporting Plan	The City should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. A final MMRP should reflect the Project's final on and/or off-site mitigation plans.	Prior to finalizing CEQA document	City/Project Applicant