

State of California – Natural Resources Agency

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Governor's Office of Planning & Research

**Sep 29 2020**

September 29, 2020

## STATE CLEARINGHOUSE

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**Subject: Biogas Renewable Generation Project, Draft Environmental Impact Report, SCH #2017081062, City of Glendale, Los Angeles County**

Dear Mr. Krause:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Biogas Renewable Generation Project (Project). 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.

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## Project Description and Summary

**Objective:** The City of Glendale (City) proposes the Biogas Renewable Generation Project (Project). The Project's objective is to use the methane-rich landfill gas (LFG) generated by the Scholl Canyon Landfill (SCLF) as fuel to generate 100 percent renewable electrical energy on site. The South Coast Air Quality Management District (SCAQMD) requires the City to collect and control LFG to eliminate direct release of methane from the landfill into the atmosphere. Landfill gas is currently being captured through an existing LFG collection system and combusted in flares at the SCLF pursuant to a permit from the SCAQMD. Rather than continuing to flare LFG, the Project seeks to beneficially use LFG for power generation utility at the SCLF. This would assist the City in meeting and exceeding State requirements for renewable energy generation.

The Project includes construction and operation of an approximately 12-megawatt Power Generation Facility, and natural gas and water pipelines.

- Power Generation Facility. The proposed power generation facility would be located adjacent to the existing LFG flare station and would include the following equipment and systems: LFG compressors; LFG treatment system; condensate treatment system; electrical generating equipment; combustion exhaust gas cleanup; continuous emission monitoring systems; electric switchgear; office space; fire protection and safety system; two water tanks; security fencing, and lighting.
- Natural gas pipeline. Approximately two-thirds of a mile (3,500 linear feet) of natural gas pipeline would be constructed to connect the Power Generation Facility to the existing Southern California Gas Company pipeline system located at the eastern end of Scholl Canyon Drive. The Southern California Gas Company pipeline would be a 3-inch, schedule 40 steel gas pipeline located above ground, except at road and drainage culvert crossings, within the boundary of the SCLF.
- Water pipeline. In order to convey water to a new 60,000-gallon water storage tank for fire protection and 10,000-gallon potable water storage tank, an approximately one-mile-long, 12-inch steel or high density polyethylene pipeline would be connected to the existing 16-inch pipeline located north of the SCLF on Glenoaks Boulevard. The water pipeline would be installed above-ground except at road and drainage culvert crossings, and at those locations the water pipeline would be installed below-ground under the roads and either over or under the drainage culvert crossings.

The Project would occur in three phases.

- Phase 1 – Demolition and Removal of Existing Equipment. Four to five months and would entail demolition and removal of existing equipment from the site to make room for the Power Generation Facility. Tanks, piping, electrical systems, fencing, containers, office buildings, and other facilities would be dismantled and removed. The existing concrete foundations and existing asphalt roads would be demolished.
- Phase 2 – Site Grading and Construction. Nine to 10 months and would entail grading, excavation, and site preparation and civil construction. It is anticipated that during the grading process approximately 20,000 cubic yards of soil would be excavated, of

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which 6,000 cubic yards of soil would be used on-site as fill and 14,000 cubic yards of clean soil would be used as cover at the landfill.

- Phase 3 – System Startup. Two to three months would entail sandblasting, priming, and painting the facility, delivery of products/materials, and verifying the operational capabilities of all systems required to make the facility safe and operational.

**Location:** The City proposes to implement the proposed Project within the existing boundaries of the 535-acre SCLF, located at 3001 Scholl Canyon Road in the City of Glendale. Scholl Canyon Landfill is an existing 535-acre Class III nonhazardous landfill facility that accepts municipal solid waste and is not a generator of, or repository for, hazardous wastes. The Project is proposed to be located on a 2.2-acre, non-fill portion of the site, situated on bedrock. The 2.2-acre site is on a portion of the SCLF that is not used for disposal of waste.

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

## Specific Comments

### Comment #1: Impacts to Special Status Plants

**Issue #1:** The DEIR references rare plant surveys that were performed more than three years ago with only one spring-time survey and during a period of drought. According to the DEIR, focused rare plant surveys were conducted on January 15, 2016; April 15, 2016; and September 8, 2016; followed by one reconnaissance-level survey on April 29, 2019. Page 148 of the DEIR also states, "seasonal rainfall across Southern California from 2015-2017 was extremely limited, which may have reduced the potential to detect sensitive plants within the Proposed Project areas."

**Issue #2:** Page 152 in the DEIR proposes *BIO-4 Conduct Pre-construction surveys*, which appears to defer surveys outside of the CEQA review period. Therefore, the DEIR may not fully identify and disclose potential impacts.

**Issue #3:** BIO-4 also states, "If federally or State-listed plants are detected in disturbance areas or within 100-feet of the disturbance areas, the City of Glendale would avoid these populations and notify the USFWS [United States Fish and Wildlife Service] and CDFW as appropriate [...] if Project activities result in the loss of more than 10 percent of the known individuals within a special-status plant species (List 1.B and List 2 only) occurrence/population to be impacted, the City of Glendale shall consult with USFWS and CDFW regarding the most appropriate conservation strategy for the particular species being impacted." CDFW is concerned with BIO-4 for the following reasons:

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- BIO-4 does not propose to avoid or mitigate for potential impacts to California Rare Plant Rank (CRPR) of 1, 2, 3, or 4 species;
- CDFW would not be consulted until up to ten percent of only CRPR 1 or 2 plant populations in the Biological Study Area are impacted; and,
- BIO-4 would defer mitigation for potential impacts to rare and special-status plants through future consultation instead of preparing a mitigation/conservation plan.

**Specific impact:** Direct impacts to plants not previously known or identified to be on the Project site or within its vicinity could possibly occur. This may result in mortality, reduced reproductive capacity, population declines, or local extirpation of a sensitive or special status plant.

**Table 1 – Bloom period (highlighted in grey) for rare and special-status plant species that have a Moderate to High potential to occur in the Biological Study Area.**

Scientific name	Common name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
<i>Asplenium vespertinum</i>	western spleenwort												
<b><i>Astragalus brauntonii</i></b>	Braunton's milkvetch												
<b><i>Berberis nevinii</i><sup>1</sup></b>	Nevin's barberry												
<i>Calochortus catalinae</i>	Catalina mariposa lily												
<b><i>Calochortus clavatus</i> var. <i>gracilis</i></b>	slender mariposa lily												
<i>Calochortus plummerae</i>	Plummer's mariposa lily												
<b><i>Calochortus weedii</i> var. <i>intermedius</i></b>	intermediate mariposa lily												
<i>Camissoniopsis lewisii</i>	Lewis' evening primrose												
<b><i>Chorizanthe parryi</i> var. <i>parryi</i></b>	Parry's spineflower												
<b><i>Dodecahema leptoceras</i></b>	slender-horned spineflower												
<b><i>Galium grande</i><sup>1</sup></b>	San Gabriel bedstraw												
<i>Lepechinia fragrans</i>	fragrant pitcher sage												
<i>Lepidium virginicum</i> var. <i>robinsonii</i>	Robinson's pepper grass												
<i>Lilium humboldtii</i> ssp. <i>ocellatum</i>	Humboldt lily												
<b><i>Malacothamnus davidsonii</i><sup>1</sup></b>	Davidson's bush mallow												
<b><i>Opuntia basilaris</i> var. <i>brachyclada</i><sup>1</sup></b>	short-joint beavertail												
<i>Phacelia hubbyi</i>	Hubby's phacelia												
<b><i>Quercus dumosa</i><sup>1</sup></b>	Nuttall's scrub oak												
<i>Romneya coulteri</i>	Coulter's matilija poppy												
<i>Rupertia rigida</i>	Parish's rupertia												
<b><i>Scutellaria bolanderi</i> ssp. <i>austromontana</i></b>	southern mountains skullcap												
<i>Senecio astephanus</i>	San Gabriel ragwort												

**Notes:**

**Bold:** plant is California Endangered Species Act or Endangered Species Act listed as endangered or threatened, or ranked 1 or 2 by the California Rare Plant Rank (CNPS 2020a).

<sup>1</sup>: A tree or shrub. Remaining species are annual/perennial herbs or ferns that are more easily or only detectable - if present - during bloom period.

Species listed have a Moderate or High Potential to occur in the Biological Study Area according to Table 23 (pages 120-130) in the Draft Environmental Impact Report.

Bloom period for each species estimated using California's Information on Wild California Plants database (Calflora 2020). May deviate slightly from Blooming Periods listed on Table 23.

**Why impacts would occur:** CDFW typically considers assessments for rare plants as valid for a period of up to three years, except when significant environmental changes occur such as a wildfire. Plant surveys from 2016 did not include a survey in May and/or June when most rare plants are blooming (Table 1). Accordingly, there may have been missed detections. Botanical surveys conducted during the fall, winter, or ongoing drought conditions (e.g., 2015, 2016, and 2017) during the summer do not maximize detection of rare plants if any are present. The survey on January 15 may have been too early to detect species, particularly annual and perennial herbs. The survey on September 8 may have been too late in the season. A single survey in spring (April 15) may not accurately capture rare population distribution and

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abundance because plants typically emerge at different times throughout its bloom period. Page 148 of the DEIR acknowledges that “Southern California experienced average to above average rainfall in 2018/2019, which provided ideal conditions for species [rare plants] to occur.” However, a reconnaissance level survey in 2019, even though in more “ideal” conditions, may have resulted in missed detections because the survey was not a focused rare plant survey.

Preconstruction surveys may not detect rare plants, especially if surveys are performed in the previous fall or winter. Moreover, many rare plants vary annually depending on the timing, duration, and amount of seasonal rainfall. Because of this variation, preconstruction surveys conducted during years of low rainfall inadequate to germinate the species may result in missed detections. For example, for plants with underground bulbs, such as lilies (*Calochortus* genus), the absence of visible above-ground plants may not necessarily be indicative of actual population absence or size. A population may still exist via underground bulbs even when no above-ground individuals are observed (Miller et al. 2004). Also, multiple surveys are necessary to accurately capture where rare plants may occur as they grow and bloom throughout spring. A single preconstruction survey may be insufficient to detect rare plants and determine population distribution. Project construction and activities proceeding after a false-negative preconstruction survey may result in irrevocable damage to a rare plant seedbank. This may cause population declines or local extirpation of a sensitive or special status plant.

If rare plants are present, the Project may have direct impacts on rare or special status plant species and seed bank. Indirect impacts may occur from habitat modification or loss. Construction of the two water tanks, security fencing, and engine generator enclosures would impact undisturbed habitat that may support rare plants. The proposed gas pipeline may go through coast live oak woodland (*Quercus agrifolia*) and laurel sumac scrub (*Malosma laurina*) where there may be rare plants. Activities such as vegetation clearing, ground disturbance (e.g., staging, access, grading, excavating), and trampling or crushing from vehicles, equipment, or foot traffic, may have direct impacts on rare plants. Soil compaction and paving may result in permanent loss of rare plant seed bank.

**Evidence impacts would be significant:** Relying on future surveys is considered deferred mitigation under CEQA. Public Resources Code section 21061 states that a DEIR needs to provide detailed information about the effect which a proposed project is likely to have on the environment. In order to analyze if a project may have a significant effect on the environment, the Project-related impacts, including protocol survey results for rare, California Species of Special Concern (SSC), or CESA-listed species that could occur in the Project footprint need to be disclosed. This disclosure is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Plants with a CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing (CNPS 2020a). Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Some CRPR 3 and 4 species meet the definitions of CESA. California Native Plant Society’s (CNPS) [Rare Plant Ranks](#) page includes additional rank definitions (CNPS 2020a). Impacts to special status plants should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate

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avoidance, minimization, and mitigation measures for impacts to special status 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 in local or regional plans, policies, or regulations, or by CDFW or USFWS.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends two additional season-appropriate, focused rare plant surveys to occur between April and June to sufficiently conclude presence/absence of species listed on Table 23 (DEIR pages 120-130) that have a Moderate or High potential to occur (also see Table 1 above). CDFW recommends surveys be performed according to the following criteria:

- Perform by a qualified botanist familiar with southern California plants;
- Place emphasis on searching for rare plants where the proposed gas pipeline, two water tanks, security fencing, and engine generator enclosures would disturb natural areas and within 100 feet from these areas. Emphasis should also be placed on all potential staging areas, ingress/egress routes (vehicles, equipment, and workers) and within 100 feet from these areas; and,
- Use CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018).

CDFW recommends providing survey method and results in the final environmental document as updates to the Biological Resources chapter of the environmental document and as an appendix in the form of a survey report. The survey report should provide the following information:

- a) A description and map of the survey area. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.
- b) Field survey conditions that should include name(s) of qualified botanists(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.
- c) If rare plants are detected, provide a map(s) showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation.
- d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).

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- e) If rare plants are detected, the report/final environmental document should provide species-specific measures to fully avoid impacts to rare plants (see Mitigation Measure #2 and #3 below). Avoidance measures should be effective, specific, enforceable, and feasible actions. For unavoidable Project impacts, provide species-specific measures to mitigate for impacts to rare plants and habitat (see Mitigation Measure #4).

**Mitigation Measure #2:** If CRPR 1, 2, 3, or 4 and/or CESA- or ESA-listed plants are detected, the final environmental document should provide species-specific measures to fully avoid impacts to those plants. Avoidance measures should be effective, specific, enforceable, and feasible actions.

At a minimum, CDFW recommends the City coordinate with a qualified biologist or botanist to establish robust and enforceable protected areas or exclusion zones. An adequate protected area should be established around rare plants and habitat. The perimeter of all protected areas should be adequately demarcated with temporary fencing. Project construction and activities; equipment and material staging; vegetation clearing; equipment refueling; and worker entry should not occur in the protected area. Fencing should be installed in a manner that is not harmful to wildlife. Fences should not have any slack that may cause wildlife entanglement. Prohibited fencing materials include, but are not limited to, spikes, glass, razor, or barbed wire. Signage should be posted near the fencing to inform workers of the sensitivity of the protected areas. The City of Glendale should be responsible for ensuring all perimeter controls are in place prior to commencing any construction, including all equipment staging and import of material. The protection measures should be in place at the end of each working day and for the duration of the Project and maintained for the duration of the Project.

**Mitigation Measure #3:** Consistent with the DEIR's Mitigation Measure BIO-1 (page 149), CDFW concurs that a qualified biologist should provide a rare plant sensitivity training per a Worker Environmental Awareness Program (WEAP). A qualified biologist should serve as a construction monitor during those periods when Project activities would occur near protect areas to ensure that no inadvertent impacts on rare plants would occur; activities remain within the Project footprint (i.e., outside the demarcated buffer); and flagging is being maintained.

**Mitigation Measure #4:** If CRPR 1, 2, 3, or 4 and/or CESA- or ESA-listed plants are detected, and the Project cannot feasibly avoid impacting those plants, regardless of the level of impact, CDFW recommends that the City notify CDFW. For impacts to CESA-listed, ESA-listed, CRPR 1, or CRPR 2 plant species, the City should prepare a species-specific mitigation plan. A mitigation plan should be fully developed and executed prior to finalizing the environmental document and prior to any Project construction and activities. The City should develop a plan in consultation with CDFW.

If take of CESA-listed species will occur, CDFW recommends that the City also seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) 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 the Project and mitigation measures may be required in order 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

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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.

**Recommendation #1:** CDFW recommends the City remove BIO-4 from the final environmental document which would rely on preconstruction surveys to avoid or mitigate for potential impacts to rare plants. Instead, CDFW recommends the City consider Mitigation Measures #1 through 4 described above prior to finalizing the environmental document and any Project construction and activities.

**Recommendation #2:** Following potential consultation with CDFW, CDFW recommends the final environmental document provide the following information describing mitigation for impacts to rare plants:

- a) A map and table showing location of impacts; number of plants impacted by species; acres of habitat impacted; and mitigation ratio applied.
- b) Provide species-specific measures for on-site mitigation. Each species-specific mitigation measure, or a robust restoration plan, should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) mitigation ration for impacts to number of plants and acres of habitat; 3) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 4) assessment of appropriate reference sites; 5) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 6) location(s) of propagule source; 7) species-specific planting methods (i.e., container or seed); 8) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 9) long-term monitoring, and; 10) adaptive management techniques.

**Recommendation #3:** CDFW does not consider transplanting or salvaging rare plants within a development as appropriate mitigation for rare plants. Translocation and transplantation are the process of moving an individual plant or animal from the Project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to CESA-listed species. Studies have shown that these efforts are experimental and the outcome unreliable (CNPS 1998). CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

**Recommendation #4:** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2020a).



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## **Comment #2: Lake Streambed Alteration (LSA) Agreement - Impacts to Aquatic and Riparian Resources**

**Issue #1:** The DEIR acknowledges that direct or indirect impacts to aquatic and riparian resources may occur, warranting an LSA notification.

- Page 150 states, “No vehicles or equipment shall be refueled within 100 feet of an ephemeral drainage or wetland unless a bermed and lined refueling area is constructed.” Providing a measure to avoid or minimize impacts suggests that the Project may directly or indirectly impact ephemeral drainages or wetlands.
- Page 159 states, “As required by law, the City would comply with the regulations regarding conducting Project activities in water courses and habitats under the jurisdiction of the State and federal government. Therefore, the City would obtain required permits pursuant to Section 401 and 404 of the CWA, the State Porter-Cologne Act, and Fish and Game Code Section 1605. Due to the importance of jurisdictional habitats and ephemeral/perennial drainages and their suitability to support special-status species, the loss of these habitats associated with the proposed Project would be considered a significant adverse impact requiring mitigation.” While this statement alludes to notification pursuant to Fish and Game Code section 1600 *et seq.*, the DEIR does not provide a specific mitigation measure proposing notification.

**Issue #2:** The “Potentially Jurisdictional Drainage Features” map on Figure 3 in the Biological Resources Technical Report (Appendix C) only shows five concrete-lined channels. CDFW is concerned that the map does not show the following features potentially subject to CDFW’s broad regulatory authority over streams:

- The map does not include what appears to be ephemeral drainages that may be impact as described on Page 150.
- The map does not include headwater streams despite the following statement on Page 7 of Appendix C, “The National Wetlands Inventory has mapped R4SBA (Riverine, Intermittent, Streambed, Temporary Flooded) habitat within the BSA [Biological Study Area] that consist of the headwaters in the hills along its southern boundary [...] the south-facing canyons in this area of the BSA did support conditions indicative of this type of feature, with flows originating from within the BSA entering into the storm drain system adjacent to the Eagle Rock Reservoir and likely ending up in the Arroyo Seco. Additionally, concrete-lined drainage channels were observed throughout the landfill and reclaimed areas that contribute flows to the stormwater conveyance system through Scholl Canyon, downslope of the SCLF, and ultimately into the Verdugo Wash. Based on field observations, the concrete-lined channels and headwaters described above may qualify as United States Army Corps of Engineers (USACE)/Regional Water Quality Control Board (RWQCB) non-wetland waters of the U.S. and/or California Department of Fish and Wildlife (CDFW) jurisdictional waters.”
- The map does not include a 0.13-acre Freshwater Pond that the National Wetlands Inventory has mapped PUSAx (Palustrine, Unconsolidated Shore, Temporary Flooded, Excavated). The wetland feature falls within the Biological Study Area.

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**Specific impact:** Hydrologic processes and waterbodies may be impacted by the Project. Vegetation removal and ground disturbing activities (e.g., excavating, demolition, grading, and infill) may increase the amount of sediment, debris, and pollutants in the landscape, which may be transported downstream and impair waterbodies. This may impact special status species directly or indirectly through habitat modifications or habitat loss.

**Why impacts would occur:** The Project is located at the Scholl Canyon Landfill which is situated at a high elevation, surrounded by foothills and valleys. The south-facing canyons support headwater streams, “with flows originating from within the BSA entering into the storm drain system adjacent to the Eagle Rock Reservoir and likely ending up in the Arroyo Seco” (page 7 of Appendix C). Installation of engine generator enclosure, natural gas pipeline, and two large water tanks may require vegetation to be removed and soil to be excavated on south-facing slopes. In particular, the area proposed for the two large water tanks is a very steep hilltop that may require extensive digging and landscape recontouring in order to accommodate a 10,000- and 60,000-gallon water tank. Project construction on south-facing slopes may result in the discharge of sediment and fill; increase erosion and sediment transport; and degrade water quality, thereby impairing headwater streams and downstream waterbodies.

**Evidence impacts would be significant:** The Project may impact aquatic and riparian resources, which absent specific mitigation, could result in substantial erosion or siltation on site or downstream of the Project.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW has concluded that the Project may result in the alteration of streams. For any such activities, 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 Agreement (LSA) 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 2020b).

CDFW’s issuance of an LSA 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 of Glendale 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.

Any LSA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project site. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

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**Mitigation Measure #2:** CDFW recommends the LSA notification include a hydrology report to evaluate both above and below ground sections of any pipeline that would cross streams and concrete lined channels. The hydrology report should also include a scour analysis to demonstrate that stream banks and channel would not erode.

**Recommendation #1:** “Potentially Jurisdictional Drainage Features” map should evaluate all rivers, streams, and lake including culverts, ditches, storm channels that may transport water, sediment, and pollutants and discharge into rivers, streams, and lakes. CDFW recommends the City update its map of jurisdictional wetlands to include all headwater streams; ephemeral and intermittent streams; and ponds.

### **Comment #3: Impacts to Vegetation Communities**

**Issue #1:** The Project would impact 3.37 acres of laurel sumac scrub (*Malosma laurina* Shrubland Alliance) and 0.22 acres of California sagebrush-California buckwheat scrub (*Artemisia californica-Eriogonum fasciculatum* Shrubland Alliance).

**Issue #2:** BIO-7 proposes that “the compensation for the loss of habitats may be achieved either by [...] off-site creation or enhancement of California sycamore woodlands and southern riparian scrub communities.”

**Specific impact:** The Project would result in permanent loss of 3.37 acres of laurel sumac scrub and 0.22 acres of California sagebrush-California buckwheat scrub. These communities could provide habitat for special status plant and wildlife species. CDFW agrees with Mitigation Measure BIO-7 which proposes to restore native vegetation communities impacted by the Project. However, CDFW is concerned that creation or enhancement of California sycamore woodlands and southern riparian scrub communities would not mitigate for native vegetation communities impacted by the Project. The proposed mitigation measure of 1:1 for temporary impacts and 2:1 for permanent impacts may not be sufficient.

**Why impacts would occur:** The Project would remove 3.37 acres of laurel sumac scrub and 0.22 acres of California sagebrush-California buckwheat scrub. Laurel sumac scrub and California sagebrush-California buckwheat scrub are declining at a local and regional level. These two vegetation communities could provide habitat for special status plants and wildlife species. Impacts to special status plants and wildlife species may occur through habitat loss or modification, resulting in reduced reproductive capacity, population declines, or local extirpation of a sensitive or special status plant or wildlife species.

**Evidence impacts would be significant:** CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21 to 80 occurrences of this community in existence in California, S2 has 6 to 20 occurrences, and S1 has less than 6 occurrences. Laurel sumac scrub and California sagebrush-California buckwheat scrub has a Global Rank of G4 and a State Rank of S4. While both vegetation communities are not rare, a G4-S4 ranking considers these communities uncommon and declining at the local and regional level.

Habitat creation to mitigate for impacts to sensitive vegetation communities may be unsuccessful when mitigation does not account for abiotic and biotic components of a

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vegetation community. Abiotic variables such as hydrologic regime, soil type, microclimate, slope, aspect, and elevation determine where a vegetation community occurs. Vegetation communities are not merely plants but also consists of pollinators and microscopic biota such as detritivores, cyanobacteria, lichens, algae, and microfungi. Abiotic and biotic variables are rarely considered during mitigation site selection or when developing a conservation plan. This may result in a project never being able to replace the vegetation community that was impacted (Godefroid et al., 2010; Sudol and Ambrose 2002).

Furthermore, habitat restoration/creation may create more favorable conditions for non-native, invasive plants through use of soil amendments, fertilizer, and irrigation. Non-native, invasive plants may outcompete plantings. Lastly, poor site selection may lead to unsuccessful mitigation. This may occur when a selected site is not appropriate for the vegetation community being created. This may also occur when a selected site is adjacent to development. The restoration site may be degraded over time because of anthropogenic pressures such as encroachment, brush clearance, trampling, and water diversion.

Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive vegetation communities 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 in local or regional plans, policies, or regulations, or by CDFW or USFWS.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends that the City restore or create habitat on or off site at no less than 3:1 for permanent impacts to 3.21 acres of laurel sumac scrub and 0.22 acres of California sagebrush-California buckwheat scrub. For mitigation through participation in a mitigation bank, CDFW recommends no less than 2:1 for permanent impacts for both vegetation communities.

CDFW's recommended ratio is higher to account for loss of seed bank and risk of failure. High attrition and low survivorship of native seedlings may occur. Moreover, the ratio is higher to account for the temporal loss of habitat. This may be multiple years, from the moment of impact to until the City is able to restore/create self-sustaining habitat that is similar in species abundance, composition, density, and coverage to the habitat impacted.

**Mitigation Measure #2:** CDFW recommends modifying BIO-7 – subject to change to reflect final mitigation plans – by removing the language with strikethrough and including the underlined language:

This Project would impact 3.37 acres of laurel sumac scrub (*Malosma laurina* Shrubland Alliance) and 0.22 acres of California sagebrush-California buckwheat scrub (*Artemisia californica-Eriogonum fasciculatum* Shrubland Alliance). The compensation for the loss of habitats shall be achieved by [list specific mitigation plan action (i.e., on or off-site mitigation or participation in a mitigation bank)]. Temporarily impacted communities shall be restored at a mitigation ratio of 1:1. Permanent impacts to impacted communities shall be 3:1 for on- or off-site habitat restoration or creation, or 2:1 for participation in an established mitigation bank program.

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Prior to any Project construction or activities, including equipment staging, mobilization, and grading, Prior to the removal of native vegetation, if on- or off-site mitigation is required, an ecosystem-based Habitat Mitigation and Monitoring Plan shall be prepared that will guide all restoration and monitoring activities. A Habitat Mitigation and Monitoring Plan shall be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. This plan shall include, at a minimum, the following:

- Provide the total acreage of unique sensitive vegetation communities impacted, and abundance, density, and cover of each plant species and vegetation layer impacted (i.e., ground cover, forbs, subshrub, shrub, and tree).
- Provide the specific location of on- and/or off-site mitigation area(s) and a science-based discussion as to why the mitigation area(s) is appropriate for mitigating Project-related impacts. Describe the area(s) environmental features (i.e., soils, slope, existing vegetation, hydrology) that would suggest the mitigation area(s) can support the vegetation and wildlife impacted by Project activities.
- Provide a vegetation survey conducted at a reference site containing the vegetation communities being mitigated, with as good or better quality habitat, to document the density, abundance, diversity, and percent cover for each species by vegetation layer.
- A schematic depicting the mitigation area.
- Proposed species list for creation/enhancement. A plant palette shall consist of species that are diverse with respect to growing duration (annual, perennial), life form (grasses, shrubs, trees, vines), and structure (ground cover, shrubs, tree canopy) that form the vegetation alliance that is being mitigated.
- Planting/seeding methodology (e.g., sources of local propagules, container sizes, and seeding rates).
- Planting schedule
- Irrigation plan
- Weeding schedule and invasive plant control methods that reduces or eliminates the use of chemicals.
- Success criteria
- Monitoring methodology and schedule extended across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.
- Reporting requirements

**Mitigation Measure #3:** CDFW recommends habitat restoration or creation in areas suitable to support plant species found in laurel sumac scrub and California sagebrush-California buckwheat scrub. In the Biological Study Area, both vegetation communities occur on south or southwest facing slopes. Mitigation should not occur on where physical and/or biological factors (e.g., soils, slope) are not suitable to support laurel sumac scrub and California sagebrush-California buckwheat scrub. Additionally, any on-site mitigation should not occur in or immediately adjacent to areas of dense Fountain grass (*Pennisetum setaceum*) or non-native annual grasses (e.g., wild oat, *Avena barbata*). Fountain grass could spread into restoration areas and impact mitigation efforts. Plants found in California sagebrush-California buckwheat scrub may decrease over time with increased presence of non-native grasses (Sawyer et al. 2008).

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**Mitigation Measure #4:** Prior to any Project construction and activities, CDFW recommends that the perimeter of the 3.37 acres of laurel sumac scrub and California sagebrush-California buckwheat scrub be clearly delineated by temporary stakes, flags, or other clearly identifiable system. Fencing should be accompanied by signage. During WEAP, workers should be advised not to cut, clear, pull, or trample vegetation; toss or pile debris and garbage; or otherwise impact vegetation beyond the demarcated area. This could protect native plants, habitat, and any special status plants and wildlife, and prevent additional impacts to biological resources and soils on south-facing slopes beyond impacts identified by the Project/environmental document. Temporary fencing and signage should be maintained for the duration of the Project and removed after Project construction and activities are completed.

**Recommendation #1:** CDFW recommends the final environmental document provide a map showing an accurate location and footprint of where temporary and permanent impacts to a total of 3.37 acres of laurel sumac scrub and 0.22 acres of California sagebrush-California buckwheat scrub will occur.

**Recommendation #2:** CDFW recommends BIO-7 remove the following language “off-site creation or enhancement of California sycamore woodlands and southern riparian scrub communities.” CDFW recommends that language be replaced with a specific mitigation plan to compensate for impacts to laurel sumac scrub and California sagebrush-California buckwheat scrub.

**Recommendation #3:** Page 156 of the DEIR states, “the proposed Project would result in 8.01 acres of permanent and 2.06 acres of temporary disturbance to vegetation communities [...] Just over 96 percent of these impacts would be to non-native communities or developed/disturbed lands.” According to Table 25 on page 157, 3.37 acres of laurel sumac scrub and 0.22 acres of California sagebrush-California buckwheat scrub would be impacted. A total of 3.59 acres of native vegetation communities would be impacted which is approximately 36 percent of total impacts to vegetation. Approximately 6.48 acres (64 percent) would be to non-native communities or developed/disturbed lands, not 96 percent. Based on these calculations, the final environmental document should reevaluate percent of impacts to vegetation communities to more accurately document and disclose Project related impacts.

**Recommendation #4:** BIO-7 proposes 2:1 and 3:1 for temporary and permanent impacts, respectively, to jurisdictional wetlands; however, no wetlands or riparian vegetation communities were mapped in the Biological Study Area or impacts documented in the DEIR (e.g., Table 25). If no impacts would occur, CDFW recommends that BIO-7 be updated accordingly.

If wetlands or riparian vegetation communities were mapped but not included in the DEIR (e.g., riversidian alluvial fan sage scrub, southern oak riparian forest), CDFW recommends the City update the Vegetation Communities and Landcover Types map (i.e., Figure 2) and Table 25, Proposed Project Impacts to Vegetation Communities and Land Cover Types.

If the Project will impact wetlands or riparian vegetation communities, CDFW recommends that the final environmental document clearly and accurately document what acres impacted by wetland vegetation community and provide a map showing where impacts will occur. The City should provide mitigation appropriate to the vegetation community impacted and comparable to the Project’s level of impact. Wetlands, which includes streams, rivers, and creeks provide important food, nesting habitat, cover, and migration corridors for wildlife, but many, at a local

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and state level are deteriorating or have been degraded. Some wetland vegetation communities have a State Rank of S1, S2, or S3, which are considered highly imperiled and sensitive vegetation communities (Sawyer et al. 2008).

If there will be impacts, the City should develop an ecosystem-based on- or off-site restoration plan as described under Mitigation Measure #2 above. The City should consult with CDFW and develop a final plan prior to any Project construction or activities. CDFW also recommends the City of Glendale submit an LSA notification as described under Comment #2. Notification should occur after the City has updated the final environmental document to disclose potential impacts to aquatic and riparian resources.

#### **Comment #4: Impacts to Coast live oak trees and trees (general)**

**Issue:** A portion of the proposed gas pipeline will be installed near coast live oak woodland (*Quercus agrifolia*) and "Ornamental woodland". While tree removal is not proposed for the Project, the critical root zone of trees may be impacted by construction and activities associated with pipeline installation. CDFW is concerned that the DEIR does not propose measures to avoid all impacts to the critical root zone of trees.

**Specific impact:** Impacts to the critical root zone of coast live oak trees may lead to the loss of oak trees. Impacts to trees may result in short-term or long-term reduction in available nesting and perching habitat and structure for birds.

**Why impacts would occur:** Trees may be impacted by heavy vehicles and equipment and other activities (e.g., trenching, digging) related to gas pipeline installation. The placement of fill dirt and ingress and egress routes of heavy construction vehicles can continually compact the root zone and roots may not be able to acquire nutrients, water, and oxygen, causing the tree to die (Hostetler and Drake 2009). Designated zones for disposal of debris and chemicals should be away from any trees. Debris can be toxic or can change soil pH due to leeching of chemicals into the ground which could affect trees (Hostetler and Drake 2009).

The Project may reduce the footprint of available nesting and perching habitat and structure for birds in the short-term and potentially long-term if the Project is inadequate in mitigating for impacts to trees. Even if replacement coast live oak trees survive, oak tree saplings could remain small and shrubby for many years. It may take 20 to 40 years, potentially longer under drought conditions, for replacement oak trees to reach maturity and restore the habitat, structure, foliage, and canopy lost by removing coast live oak trees. As such, birds may be unable to nest in planted coast live oak trees until they mature.

**Evidence impact would be significant:** CDFW considers oak trees as sensitive natural communities. CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). The Project may have direct or indirect effects to these sensitive species.

Additionally, the loss of occupied habitat or reductions in the number of sensitive and special-status bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

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**Mitigation Measure:** To protect trees not targeted for removal, CDFW recommends the following mitigation measure:

“Project construction and activities including (but not limited to) construction traffic, staging areas, debris piles, trenching, excavation, and soil compaction, shall not occur within a tree’s drip line or a tree’s Critical Root Zone (CRZ). Prior to any Project construction and activities that could impact trees, particularly coast live oak trees, the City of Glendale shall conduct a site visit with a certified arborist to identify trees that could be impacted. The City of Glendale, in consultation with a certified arborist, shall prepare a plan to protect the CRZ of trees that may be impacted. The City of Glendale/certified arborist shall also identify any trees that may need to be cut or limbed or require roots (i.e., tap root, main roots, and any surface-feeding roots) to be disturbed. At a minimum, the plan shall implement temporary fencing installed around the CRZ of any tree that may be impacted. Fencing shall be maintained for the duration of the Project and removed after all Project construction is completed.

If roots or canopy of coast live oak trees must be cut or disturbed, actions shall be performed by a certified arborist or under the supervision of a certified arborist. If substantial impacts to roots and canopy of trees occur that will lead to decreased health or mortality of a tree, coast live oak trees shall be replaced at a minimum ratio of 4:1. Non-native, ornamental trees shall be replaced with native species at no less than 2:1. The City of Glendale shall develop a Mitigation, Monitoring, and Reporting plan in consultation with a certified arborist and/or qualified restoration professional, the City of Glendale’s Arborist Technician under the City’s Indigenous Tree Ordinance, and the California Department of Fish and Wildlife.”

#### **Comment #5: Impacts to Crotch Bumble Bee**

**Issue:** Page 131 states, “While suitable food plants for one CDFW Special Animal, Crotch bumble bee (*Bombus crotchii*), occur within the BSA the most recent recorded occurrence is approximately 4.2 miles to the northeast and is more than 20 years old; this species has a low potential of occurrence within the BSA.” The biological surveys did not include focused surveys for Crotch bumble bee by a qualified entomologist familiar with the species. Additionally, the lack of current records is likely due to an absence of focused surveys. Until recently focused surveys for Crotch bumble bee were not required for projects.

**Specific impact:** Project ground disturbing activities such as grading, excavation, and soil compaction may result in crushing or filling of active bee colonies, causing the death or injury of adults, eggs, and larvae; burrow collapse, nest abandonment, and reduced nest success. The Project may remove bee habitat by eliminating native vegetation that may support essential foraging habitat.

**Why impacts would occur:** Native vegetation and habitat on the south-facing slopes within the Biological Study Area provide suitable habitat for Crotch bumble bee. Crotch bumble bee has been documented to occur within the vicinity of the Project area. Suitable Crotch bumble bee habitat includes areas of grasslands and upland scrub that contain requisite habitat elements, such as small mammal burrows. Crotch bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows, but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter



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or other debris (Williams et al. 2014). Therefore, ground disturbance and vegetation removal associated with Project implementation has the potential to significantly impact Crotch bumble bee populations. Project disturbance activities could result in mortality or injury to hibernating bees, as well as temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of bees could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

**Evidence impact would be significant:** On June 12, 2019, CDFW the California Fish and Game Commission accepted a petition to list the crotch bumble bee as endangered under the California Endangered Species Act (“CESA”), determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. The Project's potential to substantially reduce and adversely modify habitat for Crotch’s bumble bee, reduce and potentially seriously impair the viability of populations of Crotch’s bumble bee, and reduce the number and range of the species while taking into account the likelihood that special status species on adjacent and nearby natural lands rely upon the habitat that occurs on the proposed Project site.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure:** Due to suitable habitat within the Project site, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch’s bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. If “take” or adverse impacts to Crotch’s bumble bee cannot be avoided either during Project activities or over the life of the Project, the City of Glendale must consult CDFW to determine if a CESA incidental take permit is required (pursuant to Fish & Game Code, § 2080 *et seq.*).

**Comment #6: Impacts to California Coastal Gnatcatcher**

**Issue:** Page 107 of the DEIR states that reconnaissance-level surveys were performed in “October/November 2015, January/April/September 2016, and July 2017 [...]”. The primary goal of the surveys was to identify and assess habitat that may be capable of supporting special status plant or wildlife species and to determine the potential need for additional focused surveys for special-status resources.” Page 132 of the DEIR states, “while limited suitable habitat (coastal sage scrub; [*Artemisia californica*]) is present in the BSA the federally threatened and California Species of Special Concern coastal California gnatcatcher (*Polioptila californica californica*; [gnatcatcher]) is not expected to occur on the site; the nearest recorded occurrence is approximately eight miles to the east from over 20 years ago.”

CDFW is concerned that a species-specific protocol survey was not performed to conclude presence/absence of gnatcatcher, despite the presence of suitable habitat, regardless of how “limited” that habitat may be in the Biological Study Area. CDFW is also concerned that the DEIR/biological survey may not have evaluated the potential for the gnatcatcher to occur in areas adjacent to “suitable habitat areas.”

**Specific impact:** If gnatcatchers are present, but reconnaissance surveys missed detecting the gnatcatcher, Project construction and activities could result in increased nesting mortality due to

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nest abandonment or decreased feeding frequency.

**Why impacts would occur:** Construction during the breeding season for gnatcatchers could result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Impacts could result from noise disturbances, increased human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Project construction and activities occurring adjacent to California sagebrush scrub may impact breeding and nesting gnatcatchers. While the gnatcatcher's association with coastal sagebrush scrub (CSS) is well documented, the gnatcatcher could be found in other vegetation community types when these "non-CSS" community types are located adjacent to CSS (Bontrager 1991; Campbell et al 1998). For this reason, the USFWS survey protocol for the gnatcatcher applies to proposed projects that may contain "contain coastal sage scrub, alluvial fan scrub, chaparral, or intermixed or adjacent areas of grassland and riparian habitats, and is located within the range of this species" (USFWS 1997).

**Evidence impacts would be significant:** Inadequate avoidance, minimization, and mitigation measures for impacts to special status wildlife 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 in local or regional plans, policies, or regulations, or by CDFW or USFWS.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends a species-specific, protocol survey be performed to determine presence/absence of coastal California gnatcatcher and any project construction and activities, including equipment staging, mobilization, and grading. Surveys should be performed in accordance to [USFWS Coastal California Gnatcatcher Presence/Absence Survey Guidelines](#) (USFWS 1997). CDFW also recommends the City prepare and provide a survey report including negative findings (i.e., absence/no detection) to the USFWS and CDFW for review within 45 days as described in the survey protocol.

**Mitigation Measure #2:** If coastal California gnatcatcher is detected/present, CDFW recommends the City of Glendale consult with CDFW to identify appropriate avoidance and mitigation measures. Avoidance and mitigation measures, which may include a gnatcatcher-specific Habitat Mitigation, Monitoring, and Reporting plan, should be fully developed prior to any project construction and activities.

#### **Comment #7: Impacts to Species of Special Concern**

**Issue:** Table 24 on page 132 lists the following species as having a High or Moderate potential of occurring in the Biological Study Area: southern California legless lizard (*Anniella stebbinsi*); California glossy snake (*Arizona elegans occidentalis*); coastal whiptail (*Aspidoscelis tigris stejnegeri*); coast horned lizard (*Phrynosoma blainvillii*); and San Diego desert woodrat (*Neotoma lepida intermedia*). The survey did not detect these species but offered the following caveat with respect to reptiles, "Many reptile species, even if present, are difficult to detect because they are cryptic and their life history characteristics limit their ability to be observed during most surveys" (page 117).

The DEIR provides Mitigation Measure BIO-3, Implement Biological Construction Monitoring,

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and BIO-6 Terrestrial Herpetofauna Monitoring, to avoid or minimize impacts to “special-status plants, terrestrial mammals, reptiles, and birds.” CDFW appreciates the intention of BIO-3 and BIO-6 but is concerned that the measures do not provide enough specificity to avoid or minimize impacts to special status species, specifically Species of Special Concern.

**Specific impact:** Direct impacts to SSC could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat.

**Why impacts would occur:** Without appropriate species-specific avoidance measures, biological construction monitoring may be ineffective for detecting SSC. This may result in trampling or crushing of SSC. Demolition and paving after false negative conclusions may trap wildlife hiding under refugia and burrows.

**Evidence impacts would be significant:** CEQA provides protection not only for CESA- and ESA-listed species, but for any species including but not limited to SSC. CDFW considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. Take of SSC could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

**Recommended Potentially Feasible Mitigation Measure(s):** CDFW recommends the City of Glendale include SSC-specific mitigation measures in the final environmental document. CDFW recommends Mitigation Measures #1 through 5, which incorporates language from BIO-1 (Worker Environmental Awareness Program), BIO-3, and BIO-6, and includes new language that is underlined.

**Mitigation Measure #1: Scientific Collecting Permit** – 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). Please visit CDFW’s [Scientific Collection Permits](#) webpage for information (CDFW 2020c).

Pursuant to the [California Code of Regulations, title 14, section 650](#), the City of Glendale/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. The Lake and Streambed Alteration Agreement may provide similar take or possession of species as described in the conditions of the agreement

**Mitigation Measure #2: Species surveys** - The City of Glendale should retain a qualified biologist with experience surveying for southern California special status wildlife species. Prior to commencing any project construction and activities, including equipment and material staging, the qualified biologist should conduct surveys for where suitable habitat is present and directly impacted by project construction and activities, and construction equipment and vehicle access and parking. Surveys should place an emphasis towards identifying any Species of Special Concern (SSC) including (but not limited to) the southern California legless lizard;

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California glossy snake; coastal whiptail; coast horned lizard; and San Diego desert woodrat. Focused surveys should consist of a minimum of three daytime surveys and one nighttime survey no more than 7 days from the start of any project construction and activities.

If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected. The qualified biologist should take a photo of each location, map each location, and provide the specific species detected at that location. Flagging should be maintained for the duration of the project. The qualified biologist should provide a summary report of herpetofauna surveys to the City of Glendale before any demolition, paving, soil compaction, and vegetation clearing work occurs.

**Mitigation Measure #3: Relocation Plan** - The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols should be implemented during project construction and activities/biological construction monitoring. The City of Glendale/qualified biologist may consult with CDFW to prepare species-specific protocols for proper handling and relocation procedures.

**Mitigation Measure #4: Worker Training and Field Protocols** - During project construction and activities, the qualified biologist should have prepared a map showing locations where SSC were detected and share this information to workers as part of the Worker Environmental Awareness Program (WEAP). The qualified biologist should communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, should immediately report the incident to the qualified biologist and/or on-site representative identified in the WEAP.

Monitoring by a qualified biologist will occur continuously during all ground disturbance work (i.e., demolition, paving, soil compaction, and grading), vegetation removal, and installation of the portion of the gas pipeline occurring in densely vegetated areas. Surveys for SSC should be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC should be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers should be advised to work with caution near flagged areas. Once all ground disturbance work, vegetation removal, and pipeline installation are complete, monitoring will occur periodically for the duration of the project. If SSC is encountered, qualified biologist should safely relocate the animal per relocation and handling protocols.

**Mitigation Measure #5: Injured or Dead Wildlife** - If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. The qualified biologist should contact the USFWS, CDFW, and the City of Glendale by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report should be sent to the City of Glendale, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Injured animals should be taken immediately to

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the nearest appropriate veterinary or wildlife rehabilitation facility. The qualified biologist should, immediately upon finding the remains or injured animal, coordinate with the on-site construction foreman to discuss the events that caused the mortality or injury, if known, and implement measures to prevent future incidents. Details of these measures should be included with the report. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death. Species remains should be collected and frozen as soon as possible, and CDFW and USFWS, as appropriate, should be contacted regarding ultimate disposal of the remains.

### **Comment #8: Impacts to Nesting Birds**

**Issue:** BIO-5 uses buffers to minimize impacts rather than fully avoiding impacts to nesting birds.

**Specific impact:** Increased nesting mortality due to nest abandonment or decreased feeding frequency as a result of Project construction and activities.

**Why impacts would occur:** Construction during the breeding season for nesting birds could result in the loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Impacts could result from noise disturbances, increased human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment.

**Evidence impacts 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. Take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13) is prohibited under Fish and Game Code section 3513. The loss of occupied habitat or reductions in the number of sensitive and special-status bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure:** CDFW recommends modifying Mitigation Measure BIO-5 to fully avoid impacts to nesting birds by conditioning the environmental document to provide the following language: "Project construction, equipment staging, mobilization, grading, ground disturbance activities, and vegetation removal shall be completed outside the avian breeding season. The City of Glendale will not perform any Project construction or activities or remove or otherwise disturb vegetation on the project site from February 15 to August 31, and as early as January 1, to avoid impacts to breeding/nesting birds and raptors."

### **Comment #9: Impacts to Bats**

**Issue:** Page 108 states, "it should be noted that some wildlife species and/or individuals may have been difficult to detect due to their elusive nature, cryptic morphology, or nocturnal behavior. Surveys were conducted during daylight hours when temperatures were such that reptiles and other wildlife would be active (i.e., between 65-95° Fahrenheit)." Moreover, page 132 states, "a suite of special-status mammals, all California Species of Special Concern or CDFW Special Animals, having the potential to occur in the BSA include (but are not limited to)

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pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumopos perotis californicus*) [...]”. CDFW is concerned that daytime biological surveys may not have detected bats if any are present.

**Specific impact:** Direct impacts include removal of trees, vegetation, and/or structures that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, mobilization, and grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats potentially using man-made structures or surrounding trees as roost sites.

**Why impacts would occur:** In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). The west-facing slopes of the Biological Study Area contains 31.75 acres of Ornamental woodland and 2.95 acres of Coast live oak woodland (see Table 25 page 157). Trees found in these vegetation communities could provide roosting habitat for bats. Bats can fit into very small seams, as small as a ¼ inch. Crevices in buildings and other man-made structure in and adjacent to the Project site could provide roosting habitat for bats. The pallid bat and western mastiff bat may roost in trees, hollow trees, and buildings.

Modifications to roost sites can have significant impacts on the bats’ usability of the roost and can impact the bats’ fitness and survivability (Johnston et al. 2004). Extra noise and vibration can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

**Evidence impacts 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). Pallid bat and western mastiff bat, including additional bat species, considered California Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). 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:** CDFW recommends a qualified bat specialist conduct bat surveys within the Biological Study Area (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. Night roosts are typically utilized from the approach of sunset until sunrise. Maternity colonies, composed of adult females and their young, typically occur from spring through fall.

A discussion of survey results, including negative findings, should be provided in the final environmental document. Depending on survey results (e.g., Species of Special Concern observed, roosts are detected,), the DEIR should discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

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**Mitigation Measure #2:** If the City determines that trees will need to be removed for installation of the gas or water pipelines, CDFW recommends the City condition the final environmental document with the following language to reduce potential Project impacts to less than significant:

“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, trees shall be pushed down using heavy machinery rather than felling it with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to 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 preferably 48 hours, shall elapse prior to such operations to allow bats to escape.”

**Mitigation Measure #3:** If maternity roosts are found, CDFW recommends the City condition the final environmental document with the following language to reduce potential Project impacts to less than significant: “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 not 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 trees will need to be removed for installation of the gas or water pipelines, CDFW recommends the City condition the final environmental document with the following language to reduce potential Project impacts to less than significant: “If maternity roosts are found and trees must be removed during the maternity season, 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 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 roosting bats more precisely. If maternity roosts are detected, trees determined to be maternity roosts shall 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 and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.”

## **Additional Recommendations**

### **Recommendation #1: Fire clearance**

CDFW recommends the final environmental document provide a measure to protect native vegetation communities adjacent to areas of permanent impacts that may need to be routinely brushed to maintain sufficient fire clearance requirements. The City of Glendale should consider a form of permanent wildlife-safe fencing or mechanism that would clearly mark the perimeter of the clearance footprint. This could help prevent additional impacts to native vegetation communities outside of the clearance footprint so long as the Power Plant Facility is in operation and brush clearance is required. Native plants, habitat, and special status plants and wildlife could be impacted if workers cut, clear, pull, or trample vegetation; toss or pile debris and garbage; or otherwise impact vegetation beyond the clearance footprint. CDFW also

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recommends any irrigation proposed in brush clearance drain back into Scholl Canyon Landfill and not downslope into natural habitat areas. This would avoid creating perennial sources of water that allow for the introduction of invasive Argentine ants.

### **Recommendation #2: Project Alternatives**

CDFW recommends the Project consider alternative designs to alleviate the need to grade native habitat. CDFW recommends the City of Glendale consider alternative areas or configurations for the placement of the two water tanks, engine generator enclosures, and engine coolers. Construction and grading activities should be relocated to already disturbed land and existing roads/trails. This could avoid or minimize potential impacts to native vegetation communities on the south-facing slopes that may support rare plants and special status wildlife species. Project alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources. A project alternative should be considered even if an alternative would impede to some degree the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6).

### **Recommendation #3: Security Fencing**

Page 17 of the DEIR states, “for security, the entire Project site would be enclosed with an eight-foot-high security fence with automatic gates. Security and safety lighting systems would be provided. The Project site is located in a low-density hillside area that could support wildlife movement across the broader landscape, sustaining both transitory and permanent wildlife populations. Accordingly, CDFW recommends the City of Glendale consider permeable, wildlife friendly fencing. Wildlife impermeable fencing prevents or creates a barrier for the passage of wildlife from one side to the other. Chain link fences – a type of impermeable fencing - can create hazards and barriers for wildlife movement, seasonal migrations, and access to food and water. CDFW recommends reviewing [A Landowner’s Guide to Wildlife Friendly Fences](#) for additional information (Montana Fish, Wildlife and Parks 2012).

Night lighting can disrupt the circadian rhythms of many wildlife species. Therefore, CDFW also recommends using low level lighting. All non-essential lighting should be eliminated. The Project should avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active.

### **Recommendation #4: Landscaping**

Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. CDFW recommends that any landscaping (separate from mitigation for impacts to native vegetation communities) performed after the Project use native plants. The City of Glendale should not plant, seed, or otherwise introduce invasive exotic plant species to landscaped areas that are adjacent and/or near native habitat areas. CDFW strongly recommends avoiding Fountain grass which can quickly spread and displace native plants. In southern California, Fountain grass is rapidly invading steep west and south facing hillsides in western Santa Monica Mountains (Cal-IPC 2004). Moreover, Fountain grass may increase fuel load and therefore the frequency, intensity, and spread of fire.



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CDFW recommends using native, locally appropriate plant species and drought tolerant, lawn grass alternatives to reduce water consumption. 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 (Cal-IPC 2020). The [Audubon Society's Native Plants Database](#) is a resource to identify native plants and trees that will attract and benefit birds. Birds may help to control and reduce insects, reducing the need for pesticides (National Audubon Society 2020). The [California Native Plant Society's Gardening](#) and [Xerces Society's Pollinator-Friendly Native Plant Lists](#) webpage has information on native plant species that invite insects and pollinators (CNPS 2020b; Xerces Society 2020). Pollinators are critical components of our environment and essential to our food security. Insects – and primarily bees – provide the indispensable service of pollination to more than 85% of flowering plants (Ollerton et al. 2011)

Per CEQA Guidelines Section 21081.6(a)(1), CDFW has provided the City of Glendale 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). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

### 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 Glendale 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 Glendale 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 Glendale 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, at [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)

Sincerely,

DocuSigned by:

*Erinn Wilson-Olgin*

B6E58CFE24724F5...  
Erinn Wilson

Environmental Program Manager I

cc: CDFW

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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. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project’s final on and/or off-site mitigation plans.

<b>Biological Resources (BIO)</b>			
	<b>Mitigation Measure (MM)</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1- Impacts to Rare Plants – additional plant surveys</b>	<p>Two additional season-appropriate, focused rare plant surveys shall be performed between April and June to sufficiently conclude presence/absence of species that have a Moderate or High potential to occur. Rare plant surveys shall:</p> <ul style="list-style-type: none"> <li>• Be performed by a qualified botanist familiar with southern California plants;</li> <li>• Place emphasis on searching for rare plants where the proposed gas pipeline, two water tanks, security fencing, and engine generator enclosures would disturb natural areas and within 100 feet from these areas. Emphasis shall also be placed on all potential staging areas, ingress/egress routes (vehicles, equipment, and workers) and within 100 feet from these areas; and,</li> <li>• Use CDFW's <a href="#">Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</a>.</li> </ul> <p>Survey method and results shall be provided in the final environmental document as updates to the Biological Resources chapter of the environmental document and as an appendix in the form of a survey report. The survey report shall provide the information described under Mitigation Measure #1 on page 6.</p>	Prior to Project construction and activities	City of Glendale

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<p><b>MM-BIO-2- Impacts to Rare Plants – avoidance</b></p>	<p>If CRPR 1, 2, 3, or 4 and/or CESA- or ESA-listed plants are detected following two additional spring-time surveys, the City of Glendale shall coordinate with a qualified biologist or botanist to establish robust and enforceable protected areas or exclusion zones. An adequate protected area shall be established around rare plants and habitat. The perimeter of all protected areas shall be adequately demarcated with temporary fencing. Project construction and activities; equipment and material staging; vegetation clearing; equipment refueling; and worker entry shall not occur in the protected area. Fencing shall be installed in a manner that is not harmful to wildlife. Fences shall not have any slack that may cause wildlife entanglement. Prohibited fencing materials include, but are not limited to, spikes, glass, razor, or barbed wire. Signage shall be posted near the fencing to inform workers of the sensitivity of the protected areas. The City of Glendale shall ensure that all perimeter controls are in place prior to commencing any construction, including all equipment staging and import of material. The protection measures shall be in place at the end of each working day and for the duration of the Project and maintained for the duration of the Project.</p>	<p>Prior to/During Project construction and activities</p>	<p>City of Glendale</p>
<p><b>MM-BIO-3- Impacts to Rare Plants – worker training</b></p>	<p>A qualified biologist shall provide a rare plant sensitivity training consistent with the Project’s Worker Environmental Awareness Program (WEAP). A qualified biologist shall serve as a construction monitor during those periods when project activities would occur near protect areas to ensure that no inadvertent impacts on rare plants would occur; activities remain within the Project footprint (i.e., outside the demarcated buffer); and flagging is being maintained.</p>	<p>During Project construction and activities</p>	<p>City of Glendale</p>

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<p><b>MM-BIO-4- Impacts to Rare Plants – mitigation plan</b></p>	<p>If CRPR 1, 2, 3, or 4 and/or CESA- or ESA-listed plants are detected, and the Project cannot feasibly avoid impacting those plants, regardless of the level of impact, City of Glendale shall notify CDFW. For impacts to CESA-listed, ESA-listed, CRPR 1, or CRPR 2 plant species, the City of Glendale shall prepare a species-specific mitigation plan. A mitigation plan shall be fully developed and executed prior to finalizing the environmental document and prior to any Project construction and activities. The City of Glendale shall develop a plan in consultation with CDFW.</p> <p>If take of CESA-listed species will occur, the City of Glendale shall also seek appropriate take authorization under CESA prior to implementing the Project.</p>	<p>Prior to Project construction and activities</p>	<p>City of Glendale</p>
<p><b>MM-BIO-5- Impacts to Aquatic and Riparian resources</b></p>	<p>The City of Glendale shall submit notification to CDFW pursuant to Fish and Game Code, section 1600 <i>et seq.</i></p>	<p>Prior to Project construction and activities</p>	<p>City of Glendale</p>
<p><b>MM-BIO-6- Impacts to Aquatic and Riparian resources</b></p>	<p>Lake and Streambed Alteration Agreement notification shall include a hydrology report to evaluate both above and below ground sections of any pipeline that would cross streams and concrete lined channels. The hydrology report shall also include a scour analysis to demonstrate that stream banks would not erode.</p>	<p>Prior to Project construction and activities</p>	<p>City of Glendale</p>
<p><b>MM-BIO-7- Impacts to Vegetation Communities</b></p>	<p>The City of Glendale shall restore or create habitat on or off site at no less than 3:1 for permanent impacts to 3.21 acres of laurel sumac scrub and 0.22 acres of California sagebrush-California buckwheat scrub. For mitigation through participation in a mitigation bank, the City shall mitigate at no less than 2:1 for permanent impacts for both vegetation communities.</p>	<p>After Project construction and activities</p>	<p>City of Glendale</p>



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<p><b>MM-BIO-8-                  Impacts to                  Vegetation                  Communities</b></p>	<p>This Project would impact 3.37 acres of laurel sumac scrub (<i>Malosma laurina</i> Shrubland Alliance) and 0.22 acres of California sagebrush-California buckwheat scrub (<i>Artemisia californica-Eriogonum fasciculatum</i> Shrubland Alliance). The compensation for the loss of habitats shall be achieved by [list specific mitigation plan action (i.e., on or off-site mitigation or participation in a mitigation bank)]. Temporarily impacted communities shall be restored at a mitigation ratio of 1:1. Permanent impacts to impacted communities shall be 3:1 for on- or off-site habitat restoration or creation, or 2:1 for participation in an established mitigation bank program.</p> <p>Prior to any Project construction or activities, including equipment staging, mobilization, and grading, an ecosystem-based Habitat Mitigation and Monitoring Plan shall be prepared that will guide all restoration and monitoring activities. A Habitat Mitigation and Monitoring Plan shall be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. This plan shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>• Provide the total acreage of unique sensitive vegetation communities impacted, and abundance, density, and cover of each plant species and vegetation layer impacted (i.e., ground cover, forbs, subshrub, shrub, and tree).</li> <li>• Provide the specific location of on- and/or off-site mitigation area(s) and a science-based discussion as to why the mitigation area(s) is appropriate for mitigating Project-related impacts. Describe the area(s) environmental features (i.e., soils, slope, existing vegetation, hydrology) that would suggest the mitigation area(s) can support the vegetation and wildlife impacted by Project activities.</li> <li>• Provide a vegetation survey conducted at a reference site containing the vegetation communities being mitigated, with as good or better quality habitat, to document the density,</li> </ul>	<p>Prior to Project construction and activities</p>	<p>City of Glendale</p>
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	<p>abundance, diversity, and percent cover for each species by vegetation layer.</p> <ul style="list-style-type: none"> <li>• A schematic depicting the mitigation area.</li> <li>• Proposed species list for creation/enhancement. A plant palette shall consist of species that are diverse with respect to growing duration (annual, perennial), life form (grasses, shrubs, trees, vines), and structure (ground cover, shrubs, tree canopy) that form the vegetation alliance that is being mitigated.</li> <li>• Planting/seeding methodology (e.g., sources of local propagules, container sizes, and seeding rates).</li> <li>• Planting schedule</li> <li>• Irrigation plan</li> <li>• Weeding schedule and invasive plant control methods that reduces or eliminates the use of chemicals.</li> <li>• Success criteria</li> <li>• Monitoring methodology and schedule extended across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.</li> <li>• Reporting requirements</li> </ul>		
<p><b>MM-BIO-9-                  Impacts to                  Vegetation                  Communities</b></p>	<p>Habitat restoration or creation shall occur in areas suitable to support plant species found in laurel sumac scrub and California sagebrush-California buckwheat scrub. Mitigation shall not occur on where physical and/or biological factors (e.g., soils, slope) are not suitable to support laurel sumac scrub and California sagebrush-California buckwheat scrub. Additionally, any on-site mitigation shall not occur in or immediately adjacent to areas of dense Fountain grass (<i>Pennisetum setaceum</i>) or non-native annual grasses (e.g., wild oat, <i>Avena barbata</i>).</p>	<p>Prior to/After                  Project                  construction                  and activities</p>	<p>City of Glendale</p>

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<p><b>MM-BIO-10- Impacts to Vegetation Communities</b></p>	<p>Prior to any Project construction and activities, the perimeter of the 3.37 acres of laurel sumac scrub and 0.22 acres of California sagebrush-California buckwheat scrub shall be clearly delineated by temporary stakes, flags, or other clearly identifiable system. Fencing shall be accompanied by signage. During WEAP, workers shall be advised not to cut, clear, pull, or trample vegetation; toss or pile debris and garbage; or otherwise impact vegetation beyond the demarcated area to protect native plants, habitat, and any special status plants and wildlife, and prevent additional impacts. Temporary fencing and signage shall be maintained for the duration of the Project and removed after Project construction and activities are completed.</p>	<p>Prior to Project construction and activities</p>	<p>City of Glendale</p>
<p><b>MM-BIO-11- Impacts to Coast live oak trees and trees</b></p>	<p>Project construction and activities including (but not limited to) construction traffic, staging areas, debris piles, trenching, excavation, and soil compaction, shall not occur within a tree's drip line or a tree's Critical Root Zone (CRZ). Prior to any Project construction and activities that could impact trees, particularly coast live oak trees, the City of Glendale shall conduct a site visit with a certified arborist to identify trees that could be impacted. The City of Glendale, in consultation with a certified arborist, shall prepare a plan to protect the CRZ of trees that may be impacted. The City of Glendale/certified arborist shall also identify any trees that may need to be cut or limbed or require roots (i.e., tap root, main roots, and any surface-feeding roots) to be disturbed. At a minimum, the plan shall implement temporary fencing installed around the CRZ of any tree that may be impacted. Fencing shall be maintained for the duration of the Project and removed after all Project construction is completed.</p> <p>If roots or canopy of coast live oak trees must be cut or disturbed, actions shall be performed by a certified arborist or under the supervision of a certified arborist. If substantial impacts to roots and canopy of trees occur that will lead to decreased health of mortality of a tree, coast live oak trees shall be replaced at a</p>	<p>Prior to/After Project construction and activities</p>	<p>City of Glendale</p>

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	<p>minimum ratio of 4:1. Non-native, ornamental trees shall be replaced with native species at no less than 2:1. The City of Glendale shall develop a Mitigation, Monitoring, and Reporting plan in consultation with a certified arborist and/or qualified restoration professional, the City of Glendale's Arborist Technician under the City's Indigenous Tree Ordinance, and the California Department of Fish and Wildlife.</p>		
<p><b>MM-BIO-12- Impacts to Crotch bumble bee</b></p>	<p>Within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history shall conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys shall be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1. Survey results including negative findings shall be submitted to CDFW prior to initiation of Project activities. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the City of Glendale must consult CDFW to determine if a CESA incidental take permit is required.</p>	<p>Prior to Project construction and activities</p>	<p>City of Glendale</p>
<p><b>MM-BIO-13- Impacts to California Coastal Gnatcatcher</b></p>	<p>A species-specific, protocol survey shall be performed to determine presence/absence of coastal California gnatcatcher prior to any project construction and activities, including equipment staging, mobilization, and grading. Surveys shall be performed in accordance to <a href="#">USFWS Coastal California Gnatcatcher Presence/Absence Survey Guidelines</a>.</p> <p>The City of Glendale shall also prepare and provide a survey report including negative findings (i.e., absence/no detection) to the USFWS and CDFW for review within 45 days as described in the survey protocol.</p>	<p>Prior to Project construction and activities</p>	<p>City of Glendale</p>

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<b>MM-BIO-14- Impacts to California Coastal Gnatcatcher</b>	If coastal California gnatcatcher is detected/present, the City of Glendale shall consult with CDFW to identify appropriate avoidance and mitigation measures. Avoidance and mitigation measures shall be fully developed prior to any project construction and activities.	Prior to Project construction and activities	City of Glendale
<b>MM-BIO-15- Impacts to Species of Special Concern – Species surveys</b>	The City of Glendale/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.	Prior to Project construction and activities	City of Glendale
<b>MM-BIO-16- Impacts to Species of Special Concern – Species surveys</b>	<p>The City of Glendale shall retain a qualified biologist with experience surveying for southern California special status wildlife species. Prior to commencing any project construction and activities, including equipment and material staging, the qualified biologist shall conduct surveys for where suitable habitat is present and directly impacted by project construction and activities, and construction equipment and vehicle access and parking. Surveys shall place an emphasis towards identifying any Species of Special Concern (SSC) including (but not limited to) the southern California legless lizard; California glossy snake; coastal whiptail; coast horned lizard; and San Diego desert woodrat. Focused surveys shall consist of a minimum of three daytime surveys and one nighttime survey no more than 7 days from the start of any project construction and activities.</p> <p>If SSC are detected, the qualified biologist shall use visible flagging to mark the location where SSC was detected. The qualified biologist shall take a photo of each location, map each location, and provide the specific species detected at that location. Flagging shall be maintained for the duration of the project. The qualified biologist shall provide a summary report of herpetofauna surveys to the City of Glendale before any demolition, paving, soil compaction, and vegetation clearing work occurs.</p>	Prior to Project construction and activities	City of Glendale

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<p><b>MM-BIO-17-                  Impacts to                  Species of                  Special Concern                  – Relocation                  plan</b></p>	<p>The qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. The list (or plan) of protocols shall be implemented during project construction and activities/biological construction monitoring. The City of Glendale/qualified biologist may consult with CDFW to prepare species-specific protocols for proper handling and relocation procedures.</p>	<p>Prior to                  Project                  construction                  and activities</p>	<p>City of Glendale</p>
<p><b>MM-BIO-18-                  Impacts to                  Species of                  Special Concern                  – Worker                  Training and                  Field Protocols</b></p>	<p>During project construction and activities, the qualified biologist shall have prepared a map showing locations where SSC were detected and share this information to workers as part of the Worker Environmental Awareness Program (WEAP). The qualified biologist shall communicate to workers that upon encounter with a SSC, work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so. Any contractor or employee that inadvertently kills or injures a special-status animal, or finds one either dead, injured, or entrapped, shall immediately report the incident to the qualified biologist and/or on-site representative identified in the WEAP.</p> <p>Monitoring by a qualified biologist will occur continuously during all ground disturbance work (i.e., demolition, paving, soil compaction, and grading), vegetation removal, and installation of the portion of the gas pipeline occurring in densely vegetated areas. Surveys for SSC shall be conducted prior to the initiation of each day of vegetation removal activities in suitable habitat. Surveys for SSC shall be conducted in the areas flagged in earlier surveys before construction and activities may occur in or adjacent to those areas. Work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, workers shall be advised to work with caution near flagged areas. Once all ground disturbance work, vegetation removal, and pipeline installation are complete, monitoring will occur periodically for the duration of the project. If</p>	<p>During                  Project                  construction                  and activities</p>	<p>City of Glendale</p>

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	SSC is encountered, qualified biologist shall safely relocate the animal per relocation and handling protocols.		
<b>MM-BIO-19- Impacts to Species of Special Concern – injured or dead wildlife</b>	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. The qualified biologist shall contact the USFWS, CDFW, and the City of Glendale by telephone by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, a formal report shall be sent to the City of Glendale, CDFW, and USFWS (as appropriate) within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Injured animals shall be taken immediately to the nearest appropriate veterinary or wildlife rehabilitation facility. The qualified biologist shall, immediately upon finding the remains or injured animal, coordinate with the on-site construction foreman to discuss the events that caused the mortality or injury, if known, and implement measures to prevent future incidents. Details of these measures shall be included with the report. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death. Species remains shall be collected and frozen as soon as possible, and CDFW and USFWS, as appropriate, shall be contacted regarding ultimate disposal of the remains.	During Project construction and activities	City of Glendale
<b>MM-BIO-20- Impacts to Nesting Birds</b>	Project construction, equipment staging, mobilization, grading, ground disturbance activities, and vegetation removal shall be completed outside the avian breeding season. The City of Glendale will not perform any Project construction or activities or remove or otherwise disturb vegetation on the project site from February 15 to August 31, and as early as January 1, to avoid impacts to breeding/nesting birds.	Prior to Project construction and activities	City of Glendale

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<b>MM-BIO-21- Impacts to Bats - surveys</b>	<p>A qualified bat specialist shall conduct bat surveys within the Biological Study Area (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 maximize detection of bats.</p>	<p>Prior to Project construction and activities</p>	<p>City of Glendale</p>
<b>MM-BIO-22- Impacts to Bats – Tree removal</b>	<p>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, trees shall be pushed down using heavy machinery rather than felling it with a chainsaw (if tree removal is necessary). To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two to 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 preferably 48 hours, shall elapse prior to such operations to allow bats to escape.</p>	<p>During Project construction and activities</p>	<p>City of Glendale</p>
<b>MM-BIO-23- Impacts to Bats – Maternity roosts</b>	<p>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 not yet ready to fly out of the roost (March 1 to September 30).</p>	<p>Prior to/During Project construction and activities</p>	<p>City of Glendale</p>
<b>MM-BIO-24- Impacts to Bats – Maternity roosts</b>	<p>If maternity roosts are found and trees must be removed during the maternity season, 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 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 roosting bats more precisely. If maternity roosts are detected, trees determined to be</p>	<p>Prior to/During Project construction and activities</p>	<p>City of Glendale</p>



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	maternity roosts shall 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 and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.		
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