

State of California – Natural Resources Agency

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November 12, 2020

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Governor's Office of Planning & Research

November 12, 2020

STATE CLEARINGHOUSE

Subject: West Village at Calabasas Project, Recirculated Draft Environmental Impact Report, SCH #2017091009, City of Calabasas, Los Angeles County

Dear Mr. Michitsch:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Recirculated Draft Environmental Impact Report (DEIR) for the West Village at Calabasas Project (Project). Review of the recirculated DEIR included the following documents: [Responses to Comments](#), [Final Environmental Impact Report](#) (FEIR), and [Appendix C – Biological Technical Reports](#).

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 Calabasas (City; Lead Agency) and The New Home Company (Project Applicant) are proposing the West Village at Calabasas Project (Project). The Project would occur on 77 acres of land currently zoned as a combination of Planned Development, Residential-Multi Family, and Open Space/Resource Protected. The site contains two concrete-lined detention basins; an ancient landslide area; undisturbed hillsides; two adjacent wetlands fed by natural seeps; ephemeral features; and small areas of riparian vegetation. Hillsides consist of upland coastal scrub, oak woodland, and annual grassland. The valley is dominated by an unnamed tributary canyon which flows east-west to Las Virgenes Creek.

The City/Project Applicant proposes the following: 1) 15 three-story multi-family residential buildings (180 units, 9.5 acres); 2) retail center and restaurants (1.19 acres); 3) community park (0.36 acre); and 4) open space, designated trails, and flood control basins (66.09 acres). The Project would require removal of an existing 10,776 cubic yard detention basin. Local perched or isolated groundwater encountered during grading would require the Project to dewater the slope and natural seeps to prepare the site for development. Approximately 35.8 acres of the site would be graded; 11.3 acres for the development area and 24.7 acres to remediate the landslide. Remedial grading would reshape and terrace the landslide to stabilize the slope.

A new de-silting basin/detention basin would be installed upstream (east) of the residential development and unnamed tributary canyon. A secondary surface drainage de-silting feature would be installed along the northern edge of the proposed grading envelope. The remediated landslide slope would be buttressed with engineered fill. The remediated slope would include surface drainage features such as storm and terraced drains to convey surface runoff and sub-surface seepage away from the graded slopes. Landscaping on the 24.7-acre remediated slope would include native vegetation such that the slopes would appear similar to their existing appearance. The 66.1 acres of designated open space includes 41.4 acres of undisturbed open space and a portion of landscaped area. The open space dedication would be formally conveyed through a conservation easement and recreational trail easement to the City or other appropriate entity.

CDFW previously commented on the DEIR on February 19, 2019 (see Responses to Comments). CDFW expressed concerns about the Project's impact on wildlife movement and corridor; oak trees; aquatic and riparian resources; and vegetation communities.

Location: The Project is located immediately north of the intersection of Agoura Road and Las Virgenes Road, approximately 0.25 mile southeast of U.S. Highway 101, in the City of Calabasas, Los Angeles County. The site is bordered by a residential subdivision and Las Virgenes Road to the west, and open space to the north, east, and south. The on-site drainage converges with Las Virgenes Creek, west of Las Virgenes Road.

Comments and Recommendations

CDFW visited the Project site with the City on Tuesday, October 13, 2020. Based on the documents for review and the site visit, CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also be included to improve the

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

Specific Comments

Comment #1: Mountain Lion (*Puma concolor*)

Issue: CDFW is concerned that the Project may impact mountain lions because the Project site occurs within the range of mountain lion habitat.

Specific impacts: The Project as proposed may impact the southern California mountain lion population by increasing human presence, traffic, and noise artificial lighting, and reducing the width of the existing wildlife corridor. Additionally, the Project would permanently impact approximately 11 acres of the Wildlife Linkage and Corridor.

Why impacts would occur: Mountain lions may occur within the Project footprint or in areas immediate adjacent to the Project. The Project may increase human presence (e.g., new development, public trail access), traffic, and noise artificial lighting during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trails by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. Mountain lions avoid areas with low woody vegetation cover and artificial outdoor lighting (Beier 1995). As human population density increases, the probability of persistence of mountain lions decrease (Woodroffe 2000).

The Project as proposed would also impair a wildlife corridor. The Project would permanently impact approximately 11 acres of the City's Wildlife Linkage and Corridor, resulting in a 0.7 percent permanent loss of a City-designated 1,679-acre Wildlife Linkage and Corridor. The impact would reduce the one-mile wide wildlife corridor at the Project site by 25 percent. Loss of wildlife connectivity is another the primary driver for the potential demise of the southern California mountain lion population (Yap et al. 2019). Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap et al. 2019). Conserving and restoring habitat connectivity and corridors is essential for mitigating impacts to mountain lions. This is especially critical in the face of climate change-driven habitat loss and increased frequency of fires (Yap et al. 2019). Under a high emissions and warm and wet climate scenario, much of the chaparral habitat in southern California that provide habitat for mountain lions would be climactically highly stressed by the year 2070 (Thorne et al. 2016).

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and

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Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020a). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. Moreover, the Project may not fully mitigate for impacts to the 24.7-acre slope [see Comment #8 (Impacts to Upland Vegetation Communities)]. This would total approximately 35.7 acres of potential impact to mountain lion habitat. The Project would continue to have significant impacts because mitigation as proposed would not result in adequate successful mitigation for the unavoidable direct and indirect, permanent or temporal losses, of habitat for mountain lion.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends setting aside a minimum of additional 11 acres of replacement habitat. CDFW recommends the replacement habitat be located adjacent to the City's Wildlife Linkage and Corridor in order to widen the corridor at locations where the corridor is less than 1 mile. There should be no net loss suitable habitat for mountain lions. The City should consult and collaborate with CDFW to conserve areas beneficial to the southern California mountain lion population that may improve chances of survival and reproduction of mountain lions in the face of climate change. The mitigation lands should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.

Mitigation Measure #2: Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Survey results, including negative findings, should be submitted to CDFW prior to Project implementation. The survey report should include a map of potential denning sites. The survey report should include measures to avoid impacts dens and cubs if necessary.

Mitigation Measure #3: If potential habitat for natal dense are identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action.

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CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

Mitigation Measure #4: If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the City must consult CDFW to determine if a CESA ITP is required (pursuant to Fish & Game Code, § 2080 *et seq.*).

Mitigation Measure #5: CDFW concurs with BIO-1(d) Rodent Control which prohibits rodenticides. CDFW recommends the following underlined language be added to BIO-1(d):

BIO-1(d) Rodent Control. Rodenticides and second generation anticoagulant rodenticides are prohibited [...]. The CC&Rs shall stipulate that the prohibition on rodenticides and second generation anticoagulant rodenticide shall be the subject of at least one annual communication by the HOA to its property owners and residents in the form of a meeting and/or newsletter or electronic update that is distributed to property owners and residents. The meeting and/or newsletter or electronic update shall provide context, research, and data so property owners may understand why rodenticides and second generation anticoagulant rodenticides are prohibited due to their harmful effects on the ecosystem and wildlife. The HOA may consult with a qualified biologist and/or CDFW to prepare informative materials. Evidence of this effort [...].

Comment #2: Crotch’s Bumble Bee

Issue: The FEIR concluded that Crotch’s bumble bee, a CESA-listed candidate species, is not expected to occur at the Project site. Neither the FEIR nor Appendix C, Biological Technical Reports, provided information as to what criteria was used to conclude that suitable habitat is not present. CDFW is concerned that suitable habitat for Crotch’s bumble bee may be present and therefore the Project could impact Crotch’s bumble bee.

Specific impacts: The Project as proposed would remediate 24.7 acres of an ancient landslide. Coastal scrub and California annual grassland vegetation communities could provide Crotch’s bumble bee habitat. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impacts would occur: Burrows were observed in open fields within the Project footprint. The Project site contains 30 acres of California annual grassland and approximately 29 acres of shrubland. Suitable Crotch’s bumble bee habitat includes areas of grasslands and scrub that contain requisite habitat elements, such as small mammal burrows. Crotch’s 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’s bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest

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abandonment in areas adjacent to the Project site. Landslide remediation may result in temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

Evidence impact would be significant: On June 12, 2019, the California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. 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 #1: 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 implementing Project-related ground-disturbing activities. At minimum, a survey report should provide the following:

- a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. 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 entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.
- c) Map(s) showing the location of nests/colonies.
- d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony 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).

Mitigation Measure #2: 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 must consult CDFW to determine if a CESA Incidental Take Permit is required (pursuant to Fish & Game Code, § 2080 *et seq.*).

Comment #3: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Issue: The Project as proposed would impact the following aquatic and riparian resources:

- a) An unknown acreage of locally rare alkali seep-fed wetlands on north-facing slopes;
- b) Channelize an unnamed creek;
- c) An erosional feature that CDFW considers a stream; and
- d) The following vegetation communities:

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- 0.18 acres of Arroyo Willow Thicket (*Salix lasiolepis*) Shrubland Alliance
- 0.42 acres of Mulefat Thicket (*Baccharis salicifolia*) Shrubland Alliance
- 0.31 acres of Yerba mansa - Nuttall's sunflower – Nevada goldenrod alkaline wet meadows (*Anemopsis californica* - *Helianthus nuttallii* – *Solidago spectabilis*) Herbaceous Alliance
- 0.02 acres of Typha [*angustifolia*, *domingensis*, *latifolia* (cattail marshes)] Herbaceous Alliance

Specific Impact: The Project proposes to fill, divert, and modify a creek and dewater a hillside that supports locally rare alkali seep-fed wetlands. Channelizing the unnamed creek to accommodate development will alter hydrologic and geomorphic processes, potentially impacting Las Virgenes Creek, which is immediately downstream of the Project. Impacts to the unnamed creek may also occur outside of the Project boundary upstream where there is hydrologic connectivity.

Why Impact Would Occur: As part of the landslide remediation, page 291 of the FEIR states north-facing slopes would be converted into manufactured grades and runoff from the slopes would be captured by terrace drains and conveyed through down drains into the proposed storm drain system. Landslide remediation would substantially impact alkali seep-fed wetlands. Yerba mansa is indicative of saline or alkaline soil and wet areas fed by seeps or springs (USACE 2012; Sawyer et al. 2009). Loss of natural drainage patterns and soils due to landslide remediation would result in direct or indirect, temporary or permanent loss of at least 0.31 acres of alkali seep-fed wetlands. Page 291 also states the Project proposes to collect runoff from tributary areas located to the northeast and southeast of the new sediment basin. Flow through the unnamed creek would be diverted to the desilting basin and then a storm drain. Water diversion would result in loss of vegetation communities. Loss of stream and wetland habitat directly affects water quality downstream. Additionally, piping, channelizing, or diverting streams to subsurface flow could create sediment and erosion issues upstream and downstream. These actions may also result in changes to the stream, altering hydrologic and geomorphic processes that may impact plant and wildlife species.

Evidence Impact Would Be Significant: The Project may substantially adversely affect the existing stream pattern and geomorphologic processes of the Project site through the alteration or diversion of a creek and filling of alkali seep-fed wetlands. Direct grading and filling of alkali seep-fed wetlands would impact sensitive vegetation communities including the *Anemopsis californica*-*Juncus arcticus* var. *mexicanus* association (ranked S2) (Sawyer et al. 2009). Direct impacts to subsurface flow through dewatering of the landslide slope and installation of hydrologic structures (e.g., storm and terrace drains) may result in the removal of sensitive vegetation communities including oak [*Quercus lobata* alliance (ranked S3)] due to dewatering the hill and lowering local groundwater levels [see Comment #7 (Impacts to Oak Trees and Oak Woodland)].

The Project proposed Mitigation Measure BIO-4(b) Restore Jurisdictional Waters, Wetlands, and Riparian Habitats, which identifies habitat replacement and payment of in-lieu fees. Mitigation as proposed may not result in sufficient mitigation to reduce impacts below a level of significance. The proposed habitat replacement for all vegetation communities is 1:1, which may be insufficient for sensitive vegetation communities. Yerba mansa Herbaceous Alliance is a ranked S2 community, which only has 6 to 20 viable occurrences statewide (Sawyer et al.

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2009). Replacement at 1:1 may be insufficient for Yerba mansa considering the rarity of the vegetation community; local significance of wetland features; or uncertainties and often failures when creating or restoring vegetation communities dependent on complex and specific interactions between hydrologic processes and soils (Fiedler 1991; Fahselt 2007; Godefroid 2010). Additionally, the Mitigation Measure BIO-4(b) proposes payment of in-lieu fees if habitat replacement cannot be achieved entirely on site. It is unclear how in-lieu fees will be used for mitigation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: CDFW's issuance of a Draft LSAA for this 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 of the Lead Agency for the Project. The City had coordinated with CDFW to develop a Draft Streambed Alteration Agreement (Notification #1600-2018-0336-R5). On April 15, 2019, CDFW determined the LSAA Notification for the Project was deemed complete. On May 23, 2019, the Project Applicant sent a letter to CDFW releasing CDFW from a June 12, 2019 deadline to issue a Draft Streambed Alteration Agreement as specified in the Complete Notification Letter. CDFW recommends the City/Project Applicant coordinate with CDFW to determine if a new LSAA Notification is required. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any Final LSAA 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.

Mitigation Measure #2: CDFW recommends fully avoiding impacts to waters and riparian/wetland vegetation communities. If feasible, CDFW recommends redesigning the Project to avoid impacts to the existing alkali seep-fed wetlands supporting sensitive vegetation communities. CDFW also recommends the City consider Project alternatives that could incorporate the unnamed creek into the planned development. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible. CDFW recommends taking an inter-disciplinary approach to involve landscape architects, engineers, and wildlife biologists, and hydrologists to develop design alternatives that could fully avoid or lessen impacts to waters and riparian/wetland vegetation communities.

Mitigation Measure #3: If impacts to alkali seep-fed wetlands cannot be avoided, CDFW recommends that impacts to Yerba mansa Herbaceous Alliance be mitigated at no less than 7:1. CDFW recommends participation in a mitigation bank to offset impacts to alkali seep-fed wetlands that contain Yerba mansa Herbaceous Alliance. CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.

Mitigation Measure #4: If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to alkali seep-fed wetlands that contain Yerba mansa Herbaceous Alliance, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that

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has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and support alkali seep-fed wetlands and should be no less than 7:1. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the City's issuance of grading permits.

Mitigation Measure #5: If impacts to arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW concurs that mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 2:1. CDFW concurs that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed consistent with an HMMP described under BIO-4(b). An HMMP should provide specific, detailed, and enforceable measures. See Comment #7 (Impacts to Oak Trees and Oak Woodland) for recommended minimum requirements for propagule sources, success criteria, monitoring, and reporting.

Mitigation Measure #6: CDFW recommends that all on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities be protected in perpetuity from public encroachment and structural intrusion. This should include all water features on site, including ephemeral and perennial bodies.

Mitigation Measure #7: If mitigation for impacts to arroyo willow thicket, mulefat thicket, and cattail marshes cannot be fully achieved on site, CDFW recommends that in-lieu fees be replaced with off-site mitigation if required. CDFW recommends restoring the unnamed creek upstream from the Project site. This may require coordination with the Mountains Recreation & Conservation Authority and/or other entities that own/manage land adjacent to the Project site. CDFW recommends the City provide mitigation at a level comparable to Project impacts. The City should develop an HMMP for off-site mitigation as described under BIO-4(b). CDFW recommends the City fund a minimum of 10 years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creek, surrounding natural areas) should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.

Recommendation #1: CDFW recommends the "non-jurisdictional" erosional feature shown in Photo 11 ("view south of upland erosional feature") in Appendix C – Biological Technical Reports, Jurisdictional Delineation Report, be included in Figure 6 Jurisdictional Delineation Map on page 17 of the Jurisdictional Delineation Report.

Recommendation #2: As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

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Comment #4: Impacts to California red-legged frog (*Rana draytonii*)

Issue: The California red-legged frog (red-legged frog) is a threatened species under the Endangered Species Act (ESA) and a Species of Special Concern (SSC). The FEIR states there is moderate potential for red-legged frog to occur within the Project site. CDFW is concerned that the Project may have direct and indirect impacts on red-legged frogs.

Specific impact: Project ground-disturbing activities could lead to the injury or mortality of red-legged frogs. Large equipment; equipment and material staging; and vehicle and foot traffic could trample red-legged frogs. Project construction and activities may result in temporal or permanent loss of potentially suitable upland and aquatic habitat, refugia, and structures (e.g., logs, woody material, rocks, and brush piles). The Project may impede connectivity from upland habitat within the Project site to potential aquatic breeding habitat at Las Virgenes Creek.

Why impacts would occur: Red-legged frogs could be more prevalent within the Project site than previously concluded. The Project site contains suitable upland habitat (nonbreeding habitat) for red-legged frogs. The Project site is near Las Virgenes Creek where red-legged frogs have been documented. Red-legged frogs may travel at least 1.7 miles from breeding to the nearest suitable nonbreeding habitat and may travel even greater distances aquatically (Tatarian 2008; Fellers and Kleeman 2007). The Project site could become hydrologically connected to Las Virgenes Creek during the rainy season, creating a path for dispersal during the winter breeding season. During the nonbreeding season, red-legged frogs may estivate and find refuge in small mammal burrows, small clumps of grass, and under the cover of woody debris, downed trees, logs, and boulders (Tatarian 2008; USFWS 2002).

Impacts to red-legged frogs are more likely to occur because the red-legged frog is a cryptic species that seeks refuge under structures. Project ground-disturbing activities, especially during the rainy/breeding season, could lead to the injury or mortality of red-legged frogs. Red-legged frogs may be trapped or crushed under structures or in burrows. Large equipment; equipment and material staging; and vehicle and foot traffic could trample or bury red-legged frogs. The Project proposes to fill the existing catchment detention basin with excess soil generated from landslide remediation. Filling the basin while red-legged frogs are present would bury red-legged frogs and possibly egg masses if the basin provides breeding habitat.

In addition to potential impacts to individual red-legged frogs, the Project may result in temporal or permanent loss of aquatic or upland habitat. Threats to red-legged frogs include loss of aquatic breeding and upland non-breeding habitat. Restoration and preservation of upland habitats surrounding aquatic habitats, and maintenance of migration corridors, is critical to the species (Tatarian 2008; Fellers and Kleeman 2007; USFWS 2002).

Evidence impacts would be significant: When suitable habitat for a species is present, and there is moderate to high potential for a species to occur, a species-specific protocol survey would help to identify where red-legged frogs may be present and whether the Project site supports aquatic breeding habitat. The environmental document states no red-legged frogs have been identified within the Project site. Additionally, there is low potential for suitable aquatic breeding habitat to occur. Insufficient survey efforts for red-legged frogs may conclude false negative results, which would not require avoidance and mitigation measures to offset potential impacts not previously identified. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either

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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 United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends a protocol-level survey for California red-legged frogs adhering to survey methods described in USFWS's [Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog](#) (USFWS 2005). Survey efforts should be conducted by a qualified biologist with knowledge of red-legged frog biology. Surveys should be completed prior to implementing Project-related ground-disturbing activities. CDFW recommends a qualified biologist prepare a survey report summarizing methods and results. Survey results including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. Depending on the results, CDFW recommends the survey report include location (e.g., upland habitat, catchment basin) and Project activity (e.g., filling of sediment catchment basin) specific mitigation measures to prevent red-legged frog injury or mortality.

Mitigation Measure #2: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, red-legged frog. Take under the federal Endangered Species Act (ESA) is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS, in order to comply with ESA, is advised well in advance of any ground-disturbing activities

Mitigation Measure #3: CDFW recommends modifying BIO-1(e) by removing the language with strikethrough and including the underlined language:

BIO-1(e) Construction Monitoring for CRLF. A qualified biologist experienced with experience monitoring CRLF and knowledge of CRLF biology shall be on site to monitor initial grading activities ground-disturbing activities within the project site for the duration of the Project. Ground-disturbing activities includes, but not limited to, site preparation, equipment staging, mobilization, vegetation clearing, grading, excavating, demolition, paving, and soil compaction. Initial grading activities are defined as grading within the top four feet of soil. Prior to filling the catchment basin, a qualified biologist shall survey the basin thoroughly for red-legged frogs and egg masses (depending on the season). The catchment basin will be filled outside of the rainy season and when the catchment basin is completely dry.

If CRLF is identified within the project site ~~during project construction~~, ground-disturbing activities shall immediately cease, and the USFWS shall be notified and consulted immediately. No CRLF shall be captured, handled, or relocated without approval by the CDFW/USFWS. No construction or activities where the CRLF was detected, plus a 50-foot buffer, shall occur while consulting with the CDFW/USFWS. The qualified biologist shall inform workers of the protected area/exclusion zone and adequately flag the area where CRLF was detected. Ground-disturbing activities shall only recommence following guidance from CDFW/USFWS and City. ~~No CRLF shall be captured, handled, or relocated without approval by the USFWS.~~ The methods and results of the CRLF monitoring conducted ~~during initial grading activities~~ shall be documented in

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a brief letter report (~~Initial Grading Monitoring Report~~) and submitted monthly to the City. ~~upon completion of initial grading activities.~~

Mitigation Measure #4: 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 2020b).

Pursuant to the [California Code of Regulations, title 14, section 650](#), the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. The Lake and Streambed Alteration Agreement may provide similar take or possession of species as described in the conditions of the agreement [see Comment #4 (Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement)].

Mitigation Measure #5: CDFW recommends the City, in consultation with a qualified biologist, develop a California red-legged frog relocation plan in consultation with CDFW/USFWS. The plan should be implemented during Project construction and activities. A red-legged frog relocation plan should be submitted to CDFW/USFWS for review and comment prior to implementing Project-related ground-disturbing activities [see Comment #5 (Impacts to Special Species of Special Concern), Mitigation Measure #3].

Mitigation Measure #6: There should be no net loss of aquatic or upland habitat for red-legged frogs. If the Project will permanently impact aquatic or upland habitat, either during Project activities or over the life of the Project, CDFW recommends participation in a mitigation bank to offset impacts to red-legged frog habitat. CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.

Comment #5: Impacts to Species of Special Concern

Issue: The Project proposes Mitigation Measure BIO-1(a) to mitigate for impacts to wildlife including SSC. CDFW is concerned with proposed mitigation because BIO-1(a) may not provide enough specificity to sufficiently avoid or minimize impacts to (SSC).

Specific impact: American badger (*Taxidea taxus*) is present within the Project site while Coastal whiptail (*Aspidoscelis tigris stejnegeri*), coast horned lizard (*Phrynosoma blainvillii*), and San Diego desert woodrat (*Neotoma lepida intermedia*) have a high potential to occur within the Project site. 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.

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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. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat [see Comment #8 (Impacts to Upland Vegetation Communities and Conservation Easement)].

Evidence impacts would be significant: CEQA provides protection not only for state and federally listed species, but for any species including but not limited to California Species of Special Concern which can be shown to meet the criteria for State listing. These Species of Special Concern 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 City (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Scientific Collecting Permit – The City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities [see Comment #4 (Impacts to California Red-legged Frog), Mitigation Measure #4].

Mitigation Measure #2: Species surveys – The City of Calabasas should retain a qualified biologist with experience surveying for each of the following species: American badger, San Diego desert woodrat; coastal whiptail, and coast horned lizard. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct surveys for where suitable habitat is present. Project related activities include construction, equipment and vehicle access, parking, and staging. Focused surveys should consist of daytime surveys and nighttime surveys no more than one month from the start of any ground-disturbing activities. The surveys should include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist construction monitoring efforts. The survey should be conducted so that 100 percent coverage of the project site and surrounding areas is achieved.

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. The qualified biologist should provide a summary report of SSC surveys to the City before any Project-related ground-disturbing activities. The CDFW should be notified and consulted regarding the presence of any special-status wildlife species found on site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the USFWS should also be notified. Additional avoidance and minimization measures may need to be developed with CDFW/USFW.

Mitigation Measure #3: Protection/Relocation Plan – Where applicable, wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the grading limits). Special status wildlife should

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be captured by only by a qualified biologist with proper handling permits. 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/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and relocation procedures. Only a USFWS approved biologist should be authorized to capture and relocate ESA-listed species. A relocation plan should be submitted to CDFW for review and comment prior to implementing Project-related ground-disturbing activities.

Mitigation Measure #4: Worker Training – The City of Calabasas in consultation with a qualified biologist should prepare worker environmental awareness training prior to implementation of Project ground-disturbing activities. The training should include effective, specific, enforceable, and feasible actions. The qualified biologist should have prepared maps showing locations where SSC were detected and share this information to workers as part of training. The qualified biologist shall meet with the construction crew at the project site at the onset of construction to educate the construction crew on the following: 1) a review of the project boundaries; 2) all special-status species that may be present, their habitat, and proper identification; and 3) the specific mitigation measures that will be incorporated into the construction effort. 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 onsite representative identified in the worker training.

Mitigation Measure #5: Monitoring Frequency – Pre-construction surveys should be conducted no more than one week prior to initial Project-related ground-disturbing activities. Surveys for American badgers should occur no more than three days prior to activities. Afterward, the City of Calabasas should contract with a biologist to conduct periodic, but no less than weekly, biological monitoring so as to assist in avoiding and minimizing impacts to special-status wildlife. Daily biological monitoring should be conducted during any activities involving vegetation clearing or modification of natural habitat. 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. If SSC is encountered, qualified biologist should safely protect or relocate the animal per relocation and handling protocols.

Mitigation Measure #6: 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 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, 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). 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

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injury or death.

Comment #6: Impacts to Rare Plants

Issue: CDFW is concerned that the Project has not proposed mitigation for impacts to Catalina mariposa lily (*Calochortus catalinae*) because the Project concluded that “the loss of a few locally important Catalina mariposa lilies would be less than significant impact” as stated on page 201 of the FEIR.

Specific impact: The Project may remove at least 500 individuals and permanently reduce or eliminate the reproductive capacity of a locally substantial population. The Project proposes topsoil salvage or translocation of bulbs to retain Catalina mariposa lily. Salvaging and translocation are not adequate to mitigate for impacts to rare plants. The Project may result in population declines or local extirpation of Catalina mariposa lily.

Why impacts would occur: The Catalina mariposa lily occurs in grasslands and shrublands where there are heavy clay soils. The Project as proposed would require remediation of the landslide where two populations of Catalina mariposa lily occurs within purple sage scrub (*Salvia leucophylla*) vegetation community. Landslide remediation may result in the immediate loss of both populations by excavating, crushing, substantially burying, or otherwise cause the mortality of underground bulbs. Rare plant surveys detected up to 500 plants aboveground but underground bulbs may be more abundant and extensive than aboveground plant material. Population surveys involving geophytes should consider the possibility that the visible population is not necessarily indicative of actual population size (Miller et al. 2004). Accordingly, the Project may impact more than 500 Catalina mariposa lilies. Loss of a genetically diverse metapopulation of Catalina mariposa lily may occur. Gene flow in *Calochortus* genus occurs only at a mean distance of 50 meters (Henss et al. 2013). Limited dispersal has led to the narrow endemism of *Calochortus* species (Patternson and Givnish 2003). Based on a search for Catalina mariposa lily using the Calflora database, the two populations of Catalina mariposa lily in the Project site are genetically isolated from other populations that are at least 500 meters away. The populations in the Project site may contain unique genetic structure.

Additionally, rare plants are habitat specialists that require specific habitat conditions to exist and persist. For example, they may require a particular soil type, set of pollinators, mycorrhizal fungi, associate plant species, microclimate. The Catalina mariposa lily requires fine clay soils to persist. Even after landslide remediation/restoration, the Project may substantially alter abiotic and biotic conditions and natural processes to an extent that may render the landscape unsuitable to support Catalina mariposa lilies (e.g., terraced landscape, change in slope, aspect). The Project may result in loss of Catalina mariposa lily habitat due to significant modifications to soil chemistry and structure, water regime, mycorrhizal fungi, microorganisms, and associated vegetation.

Finally, translocation or topsoil collection proposed by the Project’s Mitigation Measure BIO-3 should be considered experimental in nature and not be considered as a measure to mitigate for Catalina mariposa lily below a significant level under CEQA (Fiedler 1991; Fahselt 2007; Godefroid 2010). CDFW generally does not support the use of translocation, transplantation, or salvaging rare plants as the primary mitigation strategy for unavoidable impacts to rare plants. Studies have shown that these efforts are experimental and the outcome unreliable (CNPS 1998).

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Evidence impacts would be significant: The Catalina mariposa lily has a California Rare Plant Rank (CRPR) of 4.2 and is considered a species of local significance; a species of limited distribution; and a species that is moderately threatened in California (CNPS 2020). Accordingly, some plants with a CRPR of 4, such as the Catalina mariposa lily, may meet the definition of rare or endangered under CEQA. Pursuant under CEQA Guidelines section 15380, the Catalina mariposa lily's status as a rare plant means that the species is not presently threatened with extinction but may become endangered or threatened if its environment worsens throughout all or significant portion of its range. The Catalina mariposa lily is threatened by development throughout its range. Based on a search for Catalina mariposa lily using the Calflora database, the remaining reported occurrences of Catalina mariposa lily within Los Angeles County occur on undeveloped land or in protected natural areas. Within the City, there are approximately 12 reported occurrences; a few of these may be extirpated due to development, especially considering the occurrences were reported in the 1970s and 1980s. Local extirpation of Catalina mariposa lily from the City could occur in the foreseeable future under the pressure of development.

According to Calflora, only a few plants were document at three populations near the Project site (Caflora 2020). Within Los Angeles County, there are only two records of populations with more than 100 individuals: one on Catalina Island and near Malibu (Calflora 2020). The population at the Project site consists of at least 500 plants, which is a substantial number of plants upon evaluation of other occurrences in Los Angeles County. The Project may have a significant impact on Catalina mariposa lily absent appropriate mitigation. Creation or restoration using translocation or topsoil collection should be considered experimental in nature and not be considered as a mitigation for Catalina mariposa lily below a significant level under CEQA. In addition, Page 202 of the FEIR acknowledges that Catalina mariposa lily is difficult to propagate and are unlikely to be successfully planted on site. Inadequate or lack of 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.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the City compensate for the loss of Catalina mariposa lily plants and associated habitat acres at no less than 3:1 with a combination of on-site mitigation and participation in a mitigation bank (see Mitigation Measure #2 and #3), or 5:1 with a combination of on-site mitigation and setting aside mitigation lands (see Mitigation Measure #3 and #4).

Mitigation Measure #2: CDFW recommends mitigation at no less than 1:1 occur on-site at the landslide remediation area. CDFW recommends the City develop a Habitat Mitigation and Monitoring Plan for Catalina mariposa lily. An HMMP should provide specific, detailed, and enforceable measures. See Comment #7 (Impacts to Oak Trees and Oak Woodland) for recommended minimum requirements for propagule sources, success criteria, monitoring, and reporting. On-site mitigation, whether within or outside of the landslide remediation footprint, should occur in areas suitable to support Catalina mariposa lily and associated habitat. Prior to Project ground-disturbing activities, CDFW recommends a qualified botanist familiar with southern California rare plants collect all Catalina mariposa lily propagules within the landslide remediation area to use for restoration.

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Mitigation Measure #3: Catalina mariposa lily may be difficult to propagate and reestablished on site. Accordingly, in addition to on-site mitigation, CDFW recommends participation in a mitigation bank to offset impacts to Catalina mariposa lily and habitat. Mitigation credits should be purchased at no less than 2:1 to account for the experimental nature of on-site mitigation and rarity of Catalina mariposa lily. CDFW recommends mitigation at a CDFW-approved mitigation bank or via an entity that has been approved to hold and manage mitigation lands. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.

Mitigation Measure #4: If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to Catalina mariposa lily and habitat, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and support Catalina mariposa lilies and habitat. The abundance of Catalina mariposa lilies and total habitat acreage within the mitigation lands should be no less than 4:1. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the City's issuance of grading permits.

Comment #7: Impacts to Oak Trees and Oak Woodland

Issue: The Project's proposed Mitigation Measure BIO-6 for impacts to oak trees may be insufficient to mitigate for impacts to oak trees and oak woodlands.

Specific impact: CDFW is concerned with proposed mitigation because:

- a) BIO-6 may defer to payment of an in-lieu fee to the City's oak tree mitigation fund and/or relocation of oak trees as mitigation, instead of restoration/replanting as the primary mitigation;
- b) BIO-6 is based on the City's Oak Tree Ordinance No. 2006-222, which does not account for the replacement or restoration of oak woodlands. The Project as proposed may impact 1.90 acres of coast live oak woodland which is approximately 32 percent of the oak woodland canopy within the Project site;
- c) BIO-6 describes oak tree mitigation as part of a "final landscape plan" instead of an ecosystem-based restoration plan; and,
- d) Oak trees may be planted in areas that have not historically supported oak woodlands or would not provide appropriate hydrological conditions.

As a result, the Project may continue to have temporal or permanent impacts to oak trees and oak woodlands.

Why impacts would occur: The Project would remove and impact oak woodlands, which include oak trees and understory associated vegetation. Mitigation Measure BIO-6 would provide on-site mitigation for oak trees but the measure, as it is currently proposed, may be insufficient for mitigating impacts to oak trees and oak woodlands. First, BIO-6 focuses primarily on individual oak tree replacement instead of applying an ecosystem-based approach to restore the oak woodland. Second, BIO-6 may defer to or include in-lieu fees and as means of

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mitigation for individual oak trees. It is unclear how in-lieu fees will be used for mitigation such that there is no net loss of oak trees. Lastly, BIO-6 may defer to or include relocation/translocation of individual oak trees. CDFW views relocation/translocation as experimental in nature (Fiedler 1991; CNPS 1998; Fahselt 2007; Godefroid 2010). A study conducted in Calabasas on the survivorship of 25 transplanted oak trees yielded a low 8 percent establishment and no more than 40 percent change of long-term survival, perhaps considerably less, of the oak trees that established (Dagit and Downer 1997).

On-site mitigation proposed by BIO-6 may be successful depending on where on-site mitigation occurs. Figure 4.3-4 on page 211 in the FEIR shows that oak trees may be planted in areas with less than 10 percent canopy cover that have not historically supported oak woodlands but rather shrubland or grassland (based on Google Earth Imagery). Additionally, as shown on page 88 in the FEIR, the landslide remediation area will include a series of terrace and storm drains on top of an engineered slope. CDFW is concerned that the altered landscape (e.g., drainage patterns, engineered fill), would create conditions unsuitable for oak woodlands in a manner consistent with oak woodland of similar composition, structure, and function to the oak woodland that was impacted.

Evidence impacts would be significant: Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. CDFW considers oak woodlands a sensitive vegetation community.

The current mitigation as proposed would not result in adequate successful mitigation for the unavoidable direct and indirect, permanent or temporal losses, of oak woodlands. First, the Project does not provide mitigation for impacts to 1.90 acres of oak woodland. Second, terrace drains and altered drainage patterns on a substantially engineered slope may not support oak woodlands in a manner consistent with oak woodlands that was impacted. Absent appropriate mitigation for impacts to 1.90 acres of oak woodland, the Project would continue to have significant impacts. Inadequate or lack of 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.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: In order to ensure no net loss of oak trees/oak woodlands, CDFW recommends the following replacement ratios: (1) trees less than 5 inches diameter at breast height (DBH) should be replaced at 2:1; (2) trees between 5 and 12 inches DBH should be replaced at 3:1; (3) trees between 12 and 24 inches DBH should be replaced at 5:1; (4) trees greater than 24 inches DBH should be replaced at 10:1. Oak trees should be used to recreate functioning oak woodland of similar composition, density, structure, and function to the selected

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oak woodland that was impacted.

Mitigation Measure #2: Mitigation should restore a minimum of 1.90 acres of oak woodlands on site in approximately the same footprint as Project impacts. The mitigation site should mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species should be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost.

Mitigation Measure #3: Prior to any Project ground-disturbing activities, the City should develop and implement an Oak Woodland Mitigation Program with the following components:

- 1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH;
- 2) Acres of oak woodlands impacted and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine);
- 3) Mitigation ratios applied and total number and/or area of replacement trees and vegetation;
- 4) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support oak trees/oak woodlands; avoid habitat type conversion);
- 5) The location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of oak woodland impacted;
- 6) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration;
- 7) Location(s) of propagule source. Propagules should be collected or grown from on-site sources or adjacent areas within the same watershed and should not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted;
- 8) Species-specific planting methods (i.e., container or bulbs);
- 9) Planting schedule;
- 10) Measures to control exotic vegetation and protection from herbivory;
- 11) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based on present site/habitat conditions and/or functional local native oak woodlands as reference sites;
- 12) Contingency measures should the success criteria not be met;
- 13) Long-term monitoring for at least 10 years;
- 14) Adaptive management techniques, including replacement plants if necessary; and,
- 15) Annual reporting criteria and requirements.

Mitigation Measure #4: CDFW recommends that a sufficient depth and composition of soils be replaced on the remediated landslide suitable to support all dominant co-dominate plants found in coast live oak woodlands. Use of engineered fill should be kept minimal to the extent feasible.

Mitigation Measure #5: If on-site oak woodland mitigation is not feasible, CDFW recommends the City set aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been

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approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and replace a minimum of 1.90 acres of oak woodlands of similar composition as the oak woodlands impacted. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.

Comment #8: Impacts to Upland Vegetation Communities

Issue: CDFW is concerned that relying “primarily on topsoil salvage to maintain important elements required for a healthy ecosystem, including mycorrhizae (soil fungus), healthy soil structure, balanced soil chemistry needed for native plant uptake [...]”, as described in Mitigation Measure BIO-3(a), may not yield successful restoration of purple sage scrub habitat. Also, CDFW is concerned that the Project has not proposed mitigation for grasslands.

Specific impact: The Project's proposed mitigation for impacts to purple sage scrub may be insufficient to mitigate for impacts 12.8 acres of purple sage scrub. This may result in long-term or permanent loss of purple sage scrub habitat. The Project site contains 30.7 acres of annual brome grassland [*Bromus (diandrus, hordeaceus) – Brachypodium distachyon* Herbaceous Semi-Natural Alliance]. Despite its status as a “semi-natural” or “introduced” plant community, annual grasslands still support and provide habitat for plants and wildlife. The Project may result in long term or permanent loss of grasslands.

Why impacts would occur: Purple sage scrub and annual grasslands in the Project site support rare plants, birds, and wildlife. Mitigation for purple sage scrub as described in BIO-3(a) primarily focuses on topsoil salvage to maintain important elements required for a healthy ecosystem such as soils and mycorrhizae. CDFW views topsoil salvaging as experimental in nature and not be considered as a measure to mitigate for purple sage scrub. Additionally, habitat creation or restoration may not be successful on top of engineered fill. Purple sage scrub requires soils that includes bedrock or colluvium, and they are usually fine sandy clay loam to clay, which may be relative deep (Sawyer et al. 2009). The Project proposes to substantially modify soils and water processes due to landslide remediation. Page 81 of Appendix G Geotechnical Study states, “on-site, any imported soil proposed for use as structural fill should be inorganic. Soil containing more than 2 percent by weight of organic matter should be considered organic and should not be used as engineered fill.” Replacement of loose and “unsuitable” alluvium for inorganic engineered fill may not support purple sage scrub. Additionally, engineered fill may displace wildlife dependent on burrows such as American badgers if the soil is too compacted.

Evidence impacts would be significant: California coastal sage scrub covers approximately 7,501 square kilometers of the State. By the end of the century, up to 3,000 square kilometers of lands will not be suitable to support California coastal sage scrub under projected climate change scenarios (Thorne et al 2016). In southern California, human activities have eliminated coastal sage scrub from 70 to 90 percent of the original land area occupied by this habitat and contributed to significant fragmentation and degradation of existing habitat (EcoAdapt 2017). Southern California's sage scrub habitats are sensitive to impacts resulting from climate change such as increase frequency and intensity of wildfires and extreme high and low temperature events (EcoAdapt 2017). Additionally, land-use conversion is a significant barrier to sage scrub

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habitat continuity and dispersal in the face of climate change. In light of climate change and developmental pressures on the State's shrublands, one of the goals of the [2030 Natural and Working Lands Climate Change Implementation Plan](#) is to conserve shrublands and protect land from conversion to more intensified uses (CalEPA et al. 2019).

Pursuant under CEQA Guidelines, section 15125(c), CDFW considers southern California coastal sage scrub habitats as locally significant. Mitigation currently proposed may not fully restore 12.8 acres of purple sage scrub. Moreover, the Project has not proposed to restore grasslands. As a result, the Project may continue to have a significant change on the environment absent appropriate mitigation for the unavoidable direct and indirect, permanent or temporal losses, of native and undisturbed vegetation and habitat (CEQA Guidelines, § 15382). Purple sage scrub and grasslands currently support or provide suitable habitat for plants and wildlife, including a rare plant and wildlife, including SSC. Inadequate or lack of avoidance, minimization, and mitigation measures for impacts to special status plant and wildlife species and 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 and USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the City prepare an Upland Restoration Plan inclusive of purple sage scrub and grasslands. CDFW recommends taking an inter-disciplinary approach, inclusive of wildlife biologists and restoration professionals, to restore purple sage scrub and grassland habitat. The City should replace acreage of grasslands at no less than the total acres impacted and use only native grasses or forbs indigenous to grasslands in region/watershed. Restoration should consider habitat requirements (e.g., refugia, structure, variation in plant density and cover) of wildlife that could occur in these two vegetation communities. CDFW recommends that the location of the mitigation site avoid the conversion of other habitats (e.g., scrubland to grassland). Purple sage scrub and grassland restoration should occur in areas appropriate abiotic and biotic conditions to support each habitat type.

Mitigation Measure #2: CDFW recommends that a sufficient depth and composition of soils be replaced on the remediated landslide suitable to support all dominant co-dominant plants found in purple sage scrub and southern California native grasslands. Use of engineered fill should be kept minimal to the extent feasible.

Additional Recommendations

Alternatives. CDFW recommends the City consider Alternative 1 or alternative locations for the Project that would fully avoid or minimize impacts to streams, alkali seep-fed wetlands, Catalina mariposa lily, oak woodlands, and undisturbed, native plant communities. CDFW recommends the City recirculate the environmental document after including alternative locations in order to foster meaningful public participation and informed decision making [CEQA Guidelines, §§ 15088.5, 15126.6(f)]. If the City concludes that no feasible alternative locations exist, or the use of alternative locations as a mitigation measures is infeasible, the City must disclose the reasons in the final environmental document and recirculate [CEQA Guidelines, §§ 15088.5(a)(3), 15126.6(f)(2)].

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Seed Collection. CDFW recommends that some Catalina mariposa lily propagules collected from the Project site be deposited as a Documented Conservation Seed Collection at either Santa Barbara Botanic Garden or the California Botanic Garden (formerly known as Rancho Santa Ana Botanic Garden). A Documented Conservation Seed Collection is when propagules from a California Native Plant Society-ranked and/or CESA-listed plant species is collected and stored as part of a permanent genetic collection in a protected location. Documented conservation collections are important for conserving rare plant genetic material in order to provide a source material for future restoration and recovery and protect against possible species extinction. The City should provide evidence of Documented Conservation Seed Collection and funding to CDFW prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.

Fuel Modification. If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2020c). This includes all documented occurrences of Catalina mariposa lily, American badger, and Yerba mansa Herbaceous Alliance, and potential occurrences of Crotch's bumble bee, California red-legged frog, and other SSC. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). 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

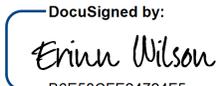
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Calabasas and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for 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).

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Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Calabasas 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 Calabasas has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov

Sincerely,

DocuSigned by:

B6E58CFE24724F5...

Erinn Wilson
Environmental Program Manager I

Ec: 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.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1- Impacts to Mountain lion – replacement habitat	The City shall set aside a minimum of additional 11 acres of replacement habitat. The City shall consult and collaborate with CDFW to conserve areas beneficial to the southern California mountain lion population. The City shall prioritize areas that would improve chances of survival and reproduction of mountain lions in the face of climate change. The mitigation lands shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment will be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.	Prior to Project construction and activities	City of Calabasas (City)/New Home Company (New Home)
MM-BIO-2- Impacts to Mountain lion - surveys	Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology shall survey areas that may provide habitat for mountain lion natal dens. Survey results, including negative findings, shall be submitted to CDFW prior to Project implementation. The survey report shall include a	Prior to Project construction and activities	City/New Home

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	map of potential denning sites. The survey report shall include measures to avoid impacts dens and cubs if necessary.		
MM-BIO-3- Impacts to Mountain lion – avoiding natal dens	If potential habitat for natal dense are identified impacts to mountain lions shall be fully avoided, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist shall conduct a survey for mountain lion natal dens. The survey area shall include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW shall be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work shall cease. No work shall occur within a 2,000-foot buffer from a natal den. A qualified biologist shall notify CDFW to determine the appropriate course of action. CDFW shall also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion shall occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.	Prior to Project construction and activities	City/New Home
MM-BIO-4- Impacts to Mountain lion – take permit	If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction or over the life of the Project, the City will consult CDFW to determine if a CESA ITP is required.	Prior to Project construction and activities	City/New Home
MM-BIO-5- Impacts to Mountain lion – rodenticides	The City shall modify BIO-1(d) Rodent Control as follows: Rodenticides and second generation anticoagulant rodenticides are prohibited [...]. The CC&Rs shall stipulate that the prohibition on rodenticides and second generation anticoagulant rodenticide shall be the subject of at least one annual communication by the HOA to its property owners and residents in the form of a meeting and/or newsletter or electronic update that is distributed to property owners and residents. The meeting and/or newsletter or electronic	After Project construction and activities	City/New Home

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	<p>update shall provide context, research, and data so property owners may understand why rodenticides and second generation anticoagulant rodenticides are prohibited due to their harmful effects on the ecosystem and wildlife. The HOA may consult with a qualified biologist and/or CDFW to prepare informative materials. Evidence of this effort [...].</p>		
<p>MM-BIO-6- Impacts to Crotch bumble bee – surveys</p>	<p>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 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 implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following:</p> <ul style="list-style-type: none"> a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch’s bumble bee. The map will show surveyor(s) track lines to document that the entire site was covered during field surveys. b) Field survey conditions that shall include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched. c) Map(s) showing the location of nests/colonies. d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, shall 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 	<p>Prior to Project construction and activities</p>	<p>City/New Home</p>

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	species).		
MM-BIO-7- Impacts to Crotch bumble bee – take permit	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 will consult CDFW to determine if a CESA Incidental Take Permit is required.	Prior to Project construction and activities	City/New Home
MM-BIO-8- Impacts to Aquatic and riparian resources - LSAA	The City shall coordinate with CDFW to determine if a new Lake Streambed Alteration Agreement Notification is required.	Prior to Project construction and activities	City/New Home
MM-BIO-9- Impacts to Aquatic and riparian resources - avoidance	If feasible, the City shall fully avoid impacts to waters and riparian/wetland vegetation communities. If feasible, the City shall redesign the Project to avoid impacts to the existing alkali seep-fed wetlands supporting sensitive vegetation communities. The City shall consider Project alternatives that could incorporate the unnamed creek into the planned development. Design alternatives shall attempt to retain as much surface flow and natural hydrologic processes as possible. The City will take an inter-disciplinary approach by engaging landscape architects, engineers, and wildlife biologists, and hydrologists to develop design alternatives that could fully avoid or lessen impacts to waters and riparian/wetland vegetation communities.	Prior to/During Project construction and activities	City/New Home
MM-BIO-10- Impacts to Aquatic and riparian resources – replacement habitat	If impacts to alkali seep-fed wetlands cannot be avoided, impacts to Yerba mansa Herbaceous Alliance shall be mitigated at no less than 7:1. The City shall participate in a mitigation bank to offset impacts to alkali seep-fed wetlands that contain Yerba mansa Herbaceous Alliance. Mitigation shall occur at a CDFW-approved bank. Mitigation bank credits shall be purchased, approved, or otherwise fully executed prior to implementing Project-related	Prior to/After Project construction and activities	City/New Home

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	ground-disturbing activities and prior to the City's issuance of grading permits.		
MM-BIO-11- Impacts to Aquatic and riparian resources – replacement habitat	If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to alkali seep-fed wetlands that contain Yerba mansa Herbaceous Alliance, the City shall set aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands shall be in the same watershed as the Project site and support alkali seep-fed wetlands at no less than 7:1. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the City's issuance of grading permits.	Prior to/After Project construction and activities	City/New Home
MM-BIO-12- Impacts to Aquatic and riparian resources – replacement habitat	If impacts to arroyo willow thicket, mulefat thicket, cattail marshes cannot be avoided, mitigation shall be achieved entirely on site if possible, at no less than 2:1. An on-site Habitat Mitigation and Monitoring Plan (HMMP) shall be developed.	Prior to/After Project construction and activities	City/New Home
MM-BIO-13- Impacts to Aquatic and riparian resources – replacement habitat	On-site mitigation sites for impacts to waters and riparian/wetland vegetation communities will be protected in perpetuity from public encroachment and structural intrusion. This shall include all water features on site including ephemeral and perennial bodies.	After Project construction and activities	City/New Home

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<p>MM-BIO-14- Impacts to Aquatic and riparian resources – replacement habitat</p>	<p>If off-site mitigation be required for impacts to arroyo willow thicket, mulefat thicket, cattail marshes, the City shall restore the unnamed creek upstream from the Project site. This may require coordination with the Mountains Recreation & Conservation Authority and/or other entities that own/manage land adjacent to the Project site. The City shall provide mitigation at a level comparable to Project impacts. The City shall develop an HMMP for off-site mitigation. The City shall fund a minimum of 10 years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creek, surrounding natural areas) shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.</p>	<p>Prior to/After Project construction and activities</p>	<p>City/New Home</p>
<p>MM-BIO-15- Impacts to California red- legged frog - survey</p>	<p>A protocol-level survey for California red-legged frogs adhering to survey methods described in USFWS's Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog shall be conducted by a qualified biologist with knowledge of red-legged frog biology. Surveys shall be completed prior to implementing Project-related ground-disturbing activities. A qualified biologist shall prepare a survey report summarizing methods and results. Survey results including negative findings, shall be submitted to CDFW prior to implementing Project-related ground-disturbing activities.</p>	<p>Prior to Project construction and activities</p>	<p>City/New Home</p>
<p>MM-BIO-16- Impacts to California red- legged frog – USFWS</p>	<p>The City shall consult with the USFWS on potential impacts to federally listed species including, but not limited to, red-legged frog.</p>	<p>Prior to Project construction and activities</p>	<p>City/New Home</p>

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<p>MM-BIO-17- Impacts to California red- legged frog – monitoring and reporting</p>	<p>The City shall modify BIO-1(e) Construction Monitoring for CRLF as follows: A qualified biologist experienced with experience monitoring CRLF and knowledge of CRLF biology shall be on site to monitor initial grading activities ground-disturbing activities within the project site for the duration of the Project. Ground-disturbing activities includes, but not limited to, site preparation, equipment staging, mobilization, vegetation clearing, grading, excavating, demolition, paving, and soil compaction. Prior to filling the catchment basin, a qualified biologist shall survey the basin thoroughly for red-legged frogs and egg masses (depending on the season). The catchment basin will be filled outside of the rainy season and when the catchment basin is completely dry. If CRLF is identified within the project site, ground-disturbing activities shall immediately cease, and the USFWS shall be notified and consulted immediately. No CRLF shall be captured, handled, or relocated without approval by the CDFW/USFWS. No construction or activities where the CRLF was detected, plus a 50-foot buffer, shall occur while consulting with the CDFW/USFWS. The qualified biologist shall inform workers of the protected area/exclusion zone and adequately flag the area where CRLF was detected. Ground-disturbing activities shall only recommence following guidance from CDFW/USFWS. The methods and results of the CRLF monitoring conducted shall be documented in a brief letter report and submitted monthly to the City.</p>	<p>Prior to/During Project construction and activities</p>	<p>City/New Home</p>
<p>MM-BIO-18- Impacts to California red- legged frog – Scientific Collection Permit</p>	<p>Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.</p>	<p>Prior to Project construction and activities</p>	<p>City/New Home</p>

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MM-BIO-19- Impacts to California red- legged frog – relocation plan	The City, in consultation with a qualified biologist, shall develop a California red-legged frog relocation plan in consultation with CDFW/USFWS. The plan shall be implemented during Project construction and activities. A red-legged frog relocation plan shall be submitted to CDFW/USFWS for review and comment prior to implementing Project-related ground-disturbing activities	Prior to/During Project construction and activities	City/New Home
MM-BIO-20- Impacts to California red- legged frog – replacement habitat	There shall be no net loss of aquatic or upland habitat for red-legged frogs. If the Project will permanently impact aquatic or upland habitat, either during Project activities or over the life of the Project, the City shall participation in a mitigation bank to offset impacts to red-legged frog habitat. Mitigation will occur at a CDFW-approved bank. Mitigation bank credits shall be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.	Prior to Project construction and activities	City/New Home
MM-BIO-21- Impacts to Species of Special Concern – Scientific Collecting Permit	Pursuant to the California Code of Regulations, title 14, section 650 , the City/qualified biologist shall 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/New Home
MM-BIO-22- Species of Special Concern – survey	The City of Calabasas shall retain a qualified biologist with experience surveying for each of the following California Species of Special Concern: American badger, San Diego desert woodrat; coastal whiptail, and coast horned lizard. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist shall conduct surveys for where suitable habitat is present. Project related activities include construction, equipment and vehicle access, parking, and staging. Focused surveys shall consist of daytime surveys and nighttime surveys no more than one month from the start of any ground-disturbing activities. The surveys shall include mapping of current locations of special-status wildlife species for avoidance and relocation efforts and to assist	Prior to Project construction and activities	City/New Home

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	<p>construction monitoring efforts. The survey shall be conducted so that 100 percent coverage of the project site and surrounding areas is achieved.</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. The qualified biologist shall provide a summary report of SSC surveys to the City before any Project-related ground-disturbing activities. The CDFW shall be notified and consulted regarding the presence of any special-status wildlife species found on site during surveys. If an Endangered Species Act-listed species is found prior to or during grading of the site, the USFWS shall also be notified. Additional avoidance and minimization measures may need to be developed with CDFW/USFW.</p>		
<p>MM-BIO-23- Impacts to Species of Special Concern – protection/ relocation plan</p>	<p>Where applicable, wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the project area (either way, at least 200 feet from the grading limits). Special status wildlife shall be captured by only by a qualified biologist with proper handling permits. 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/qualified biologist may consult with CDFW/USFWS to prepare species-specific protocols for proper handling and relocation procedures. Only a USFWS approved biologist shall be authorized to capture and relocate ESA-listed species. A relocation plan shall be submitted to CDFW for review and comment prior to implementing Project-related ground-disturbing activities.</p>	<p>Prior to/During Project construction and activities</p>	<p>City/New Home</p>

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<p>MM-BIO-24- Impacts to Species of Special Concern – worker training</p>	<p>The City of Calabasas in consultation with a qualified biologist shall prepare worker environmental awareness training prior to implementation of Project ground-disturbing activities. The training shall include effective, specific, enforceable, and feasible actions. The qualified biologist shall have prepared maps showing locations where SSC were detected and share this information to workers as part of training. The qualified biologist shall meet with the construction crew at the project site at the onset of construction to educate the construction crew on the following: 1) a review of the project boundaries; 2) all special-status species that may be present, their habitat, and proper identification; and 3) the specific mitigation measures that will be incorporated into the construction effort. 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 onsite representative identified in the worker training.</p>	<p>Prior to/During Project construction and activities</p>	<p>City/New Home</p>
<p>MM-BIO-25- Impacts to Species of Special Concern – monitoring frequency</p>	<p>Pre-construction surveys shall be conducted no more than one week prior to initial Project-related ground-disturbing activities. Surveys for American badgers shall occur no more than three days prior to activities. Afterward, the City of Calabasas shall contract with a biologist to conduct periodic, but no less than weekly, biological monitoring so as to assist in avoiding and minimizing impacts to special-status wildlife. Daily biological monitoring shall be conducted during any activities involving vegetation clearing or modification of natural habitat. 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.</p>	<p>Prior to/During Project construction and activities</p>	<p>City/New Home</p>

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	Even so, workers shall be advised to work with caution near flagged areas. If SSC is encountered, qualified biologist shall safely protect or relocate the animal per relocation and handling protocols.		
MM-BIO-26- Impacts to Species of Special Concern – dead/injured wildlife	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 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, 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). 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.	During Project construction and activities	City/New Home
MM-BIO-27- Impacts to Catalina mariposa lily mitigation	The City shall compensate for the loss of Catalina mariposa lily plants and associated habitat acres at no less than 3:1 with a combination of on-site mitigation and participation in a mitigation bank (see MM-BIO-28 and MM-BIO-29), or, 5:1 with a combination of on-site mitigation and setting aside mitigation lands (see MM-BIO-28 and MM-BIO-30)	Prior to Project construction and activities	City/New Home
MM-BIO-28- Impacts to Catalina mariposa lily – on-site mitigation	The City shall mitigate at no less than 1:1 on-site at the landslide remediation area. The City shall develop a Habitat Mitigation and Monitoring Plan for Catalina mariposa lily and compensate for the loss of individual plants and associated habitat acres. On-site mitigation shall occur in areas suitable to support Catalina mariposa lily and associated habitat. Prior to Project ground-disturbing activities, a qualified botanist familiar with southern California rare plants shall collect all Catalina mariposa lily propagules within the landslide remediation area to use for on-site mitigation.	Prior to Project construction and activities	City/New Home

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<p>MM-BIO-29- Impacts to Catalina mariposa lily – replacement habitat</p>	<p>In addition to on-site mitigation, the City shall also mitigate for impacts to Catalina mariposa lily and habitat at a CDFW-approved mitigation bank or via an entity that has been approved to hold and manage mitigation lands. Mitigation credits shall be purchased at no less than 2:1 Mitigation bank credits shall be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.</p>	<p>Prior to Project construction and activities</p>	<p>City/New Home</p>
<p>MM-BIO-30- Impacts to Catalina mariposa lily – replacement habitat</p>	<p>If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to Catalina mariposa lily and habitat, the City shall aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands shall be in the same watershed as the Project site and support Catalina mariposa lilies and habitat. The abundance of Catalina mariposa lilies and total habitat acreage within the mitigation lands shall be no less than 4:1. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities prior to the City's issuance of grading permits.</p>	<p>Prior to Project construction and activities</p>	<p>City/New Home</p>
<p>MM-BIO-31- Impacts to Oak woodlands – replacement habitat</p>	<p>In order to ensure no net loss of oak trees and oak woodlands, the City shall restore the oak trees/oak woodlands using the following replacement ratios: (1) trees less than 5 inches diameter at breast height (DBH) shall be replaced at 2:1; (2) trees between 5 and 12 inches DBH shall be replaced at 3:1; (3) trees between 12 and 24 inches DBH shall be replaced at 5:1; (4) trees greater than 24 inches DBH shall be replaced at 10:1. Oak trees shall be used appropriately to recreate functioning oak woodland of similar composition, density, structure, and function to the selected oak woodland that was impacted.</p>	<p>During/After Project construction and activities</p>	<p>City/New Home</p>

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<p>MM-BIO-32- Impacts to Oak woodlands – replacement habitat</p>	<p>The City shall restore a minimum of 1.90 acres of oak woodlands on site in approximately same footprint as Project impacts. The mitigation site shall mimic the pre-Project percent basal, canopy, and vegetation cover of oak woodland impacted. Associated understory and early successional native species shall be planted and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost.</p>		
<p>MM-BIO-33- Impacts to Oak woodlands – Oak Tree Mitigation Program</p>	<p>Prior to any Project ground-disturbing activities, the City shall develop and implement an Oak Woodland Mitigation Program with the following components:</p> <ol style="list-style-type: none"> 1) An inventory of all oak trees removed or encroached upon during project activities, separated by species and DBH; 2) Acres of oak woodlands impacted and density, coverage, and abundance of understory vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); 3) Mitigation ratios applied and total number and/or area of replacement trees and vegetation; 4) Location of restoration areas and a discussion of the adequacy of the location(s) to serve as mitigation (i.e., support oak trees/oak woodlands; avoids habitat type conversion); 5) The location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of oak woodland impacted; 6) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; 7) Location(s) of propagule source. Propagules shall be collected or grown from on-site sources or adjacent areas within the same watershed and shall not be purchased from a supplier. Seeds must originate from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted; 8) Species-specific planting methods (i.e., container or bulbs); 	<p>Prior to Project construction and activities</p>	<p>City/New Home</p>

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	<p>9) Planting schedule; 10) Measures to control exotic vegetation and protection from herbivory; 11) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria shall be based on present site conditions and/or functional local native oak woodlands as reference sites; 12) Contingency measures shall the success criteria not be met that includes replacement plants; 13) Long-term monitoring for at least 10 years; 14) Adaptive management techniques; and, 15) Annual reporting criteria and requirements.</p>		
<p>MM-BIO-34- Impacts to Oak woodlands – Oak Tree Mitigation Program</p>	<p>A sufficient depth and composition of soils shall be replaced on the remediated landslide suitable to support all dominant co-dominate plants found in Coast live oak woodlands. Use of engineered fill shall be kept minimal to the extent feasible.</p>	<p>Prior to/During Project construction and activities</p>	<p>City/New Home</p>
<p>MM-BIO-35- Impacts to Oak woodlands – replacement habitat</p>	<p>If on-site oak woodland mitigation is not feasible, the City shall set aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands shall be in the same watershed as the Project site and replace a minimum of 1.90 acres of oak woodlands of similar composition as the oak woodlands impacted. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the City’s issuance of grading permits.</p>	<p>Prior to Project construction and activities</p>	<p>City/New Home</p>

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MM-BIO-36- Impacts to Upland Vegetation Communities	Impacts to grasslands shall be mitigated at a level comparable to Project impacts. Restoration of grasslands shall only use native grasses or forbs indigenous to grasslands in region/watershed.	During/After Project construction and activities	City/New Home
MM-BIO-37- Impacts to Upland Vegetation Communities	The City shall prepare an Upland Restoration Plan inclusive of purple sage scrub and grasslands and take an inter-disciplinary approach, inclusive of wildlife biologists and restoration professionals, to restore purple sage scrub and grassland habitat. The City shall replace acreage of grasslands at no less than the total acres impacted and shall only use native grasses or forbs indigenous to grasslands in region/watershed. Restoration shall consider habitat requirements (e.g., refugia, structure, variation in plant density and cover) of wildlife that could occur in these two vegetation communities. The location of mitigation sites shall avoid the conversion of other habitats (e.g., scrubland to grassland). Purple sage scrub and grassland restoration shall occur in areas appropriate abiotic and biotic conditions to support each habitat type.	During/After Project construction and activities	City/New Home
MM-BIO-38- Impacts to Upland Vegetation Communities	A sufficient depth and composition of soils shall be replaced on the remediated landslide suitable to support all dominant co-dominant plants found in purple sage scrub and southern California native grasslands. Use of engineered fill shall be kept minimal to the extent feasible.	During/After Project construction and activities	City/New Home
REC-1-LSAA- jurisdictional delineation	The City should include a “non-jurisdictional” erosional feature in the Project site in the Project’s jurisdictional delineation. The “non-jurisdictional” erosional feature is shown on Photo 11 (“view south of upland erosional feature”) in Appendix C – Biological Technical Reports, Jurisdictional Delineation Report.	Prior to Project construction and activities	City/New Home
REC-2-LSAA- notification	As part of the LSAA Notification process, the City should provide a map showing features potentially subject to CDFW’s broad regulatory authority over streams. The City should also provide a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to Project construction and activities	City/New Home

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REC-3-Project Alternatives	The City should reconsider Alternative 1 or alternative locations for the Project that could fully avoid or minimize impacts to streams, alkali seep-fed wetlands, Catalina mariposa lily, oak woodlands, and undisturbed, native plant communities. The City should recirculate the environmental document after including alternative locations in order to foster meaningful public participation and informed decision making. If the City concludes that no feasible alternative locations exist, or the use of alternative locations as a mitigation measures is infeasible, the City must disclose the reasons in the final environmental document and recirculate [CEQA Guidelines, §§ 15088.5(a)(3), 15126.6(f)(2)].	Prior to Project construction and activities	City/New Home
REC-4-Seed Collection	The City should deposit some Catalina mariposa lily propagules collected from the Project site as a Documented Conservation Seed Collection at either Santa Barbara Botanic Garden or the California Botanic Garden (formerly known as Rancho Santa Ana Botanic Garden). The City should provide evidence of Documented Conservation Seed Collection and funding to CDFW prior to implementing Project-related ground-disturbing activities and prior to the City's issuance of grading permits.	Prior to Project construction and activities	City/New Home
REC-5-Fuel Modification	If the Project includes fuel modification, the City should provide avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. The City should also ensure that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.	Prior to Project construction and activities	City/New Home
REC-6-Data	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. The City should ensure that all data concerning special	Prior to Project construction and activities	City/New Home

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	<p>status species within the Project site be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms. This includes all documented occurrences of Catalina mariposa lily, American badger, and Yerba mansa Herbaceous Alliance, and potential occurrences of Crotch's bumble bee, California red-legged frog, and other SSC. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.</p>		
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