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June 27, 2025

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**Subject: Notice of Preparation of a Draft Environmental Impact Report for the
Arroyo Seco Water Reuse Project, SCH No. 2023110605, Los Angeles
County, CA**

Dear Christina Monde:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) from City of Pasadena (City) for the Arroyo Seco Water Reuse Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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

CDFW ROLE

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

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

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Pasadena

Objective: According to the MND, the proposed Project would develop two regional stormwater capture and treatment facilities (man-made treatment wetlands and infiltration basins), which would be located near the Arroyo Seco Channel (Arroyo Seco). Additionally, an off-site water harvester and related infrastructure would be installed within the existing, gated maintenance yard at the public Arroyo Seco Golf Course in South Pasadena. For both sites, the Project would include native landscaping; hardscape elements, including reclaimed wood log benches, post-and-rail fencing, and concrete seat walls faced with natural stone; informational signage; and the expansion of the existing trail network.

On July 9, 2010, the Los Angeles Regional Water Quality Control Board adopted resolution No. R10-007 incorporating a total maximum daily load (TMDL) for indicator bacteria in the Los Angeles River watershed. A TMDL is the calculation of the maximum amount of a pollutant allowed to enter a waterbody and not affect that waterbody's ability to meet and maintain water quality standards. Outfalls along the Arroyo Seco were modeled for indicator bacteria and the San Rafael Creek outfall was identified as a priority outfall; these outfalls have routine problematic discharges that drive the total bacteria load.

Runoff in San Rafael Creek would be diverted into the San Rafael site, pre-treated, and a portion of the water would be infiltrated for groundwater recharge. The portion not infiltrated would be treated, discharged into the Arroyo Seco, and then diverted downstream into the San Pascual site for infiltration and additional treatment prior to discharge back to the Arroyo Seco. The operation of these two regional stormwater management sites would result in an annual average water supply of 320 acre-feet (af). Of this, there would be approximately 258 af of groundwater recharge and approximately 30 af (or less than 10 percent of captured water) would be captured off-site for irrigation reuse at the golf course to reduce potable water demand.

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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Location: The Project site encompasses approximately 3.7 acres on two sites in the Lower Arroyo Seco that are situated adjacent to the Arroyo Seco – the northern, San Rafael site (1.5 acres) in the City of Pasadena; and the southern, San Pascual site (2.2 acres), in the cities of South Pasadena and Los Angeles.

The San Rafael site is situated southwest of the San Rafael Avenue overpass of the Arroyo Seco, on the west side of the Arroyo Seco, and adjacent to Pasadena's southern boundary. The San Rafael site includes a linear feature that is within the limits of the San Rafael Creek easement under Los Angeles County Flood Control District jurisdiction. The San Pascual site is situated southeast of the San Pascual Avenue overpass of the Arroyo Seco and on the east side of the Arroyo Seco. The San Pascual site is bound by San Pascual Avenue on the north and Stoney Drive on the east. The sites are regionally accessible via State Route 134 (SR 134), which is located approximately 1.25 miles north of the San Rafael site; and SR 110, which is located approximately 0.10 mile south of the San Pascual site.

Runoff from this watershed drains to and runs through over 50 linear miles of the Los Angeles River and then to the Pacific Ocean. The Arroyo Seco is a major tributary to the Los Angeles River.

Biological Setting: The Project site encompasses a variety of vegetation communities, many of which are disturbed. These include coast live oak (*Quercus agrifolia*) woodland, coast live oak–western sycamore (*Platanus racemosa*) woodland, and mixed stands of Peruvian pepper tree (*Schinus molle*) with coast live oak. Additional vegetation types present are non-native ornamental woodland and disturbed blue elderberry (*Sambucus cerulea*)–laurel sumac (*Malosma laurina*) scrub. Portions of the site also contain non-native grasslands characterized by the brome–Schismus (*Bromus rubens*–*Schismus arabicus*, *Schismus barbatus*) Herbaceous Semi-Natural Alliance. Areas of bare ground and developed land are also present throughout the site.

Several species of potential concern may be present on or near the site. These include California Species of Special Concern (SSC), such as the big free-tailed bat (*Nyctinomops macrotis*), western yellow bat (*Lasiurus xanthinus*), western mastiff bat (*Eumops perotis californicus*), pallid bat (*Antrozous pallidus*), Southern California legless lizard (*Anniella stebbinsi*), and coast range newt (*Taricha torosa*).

In terms of rare plants, California black walnut (*Juglans californica*), classified as California Rare Plant Rank (CRPR) 4.2, is present on-site. In the broader Project vicinity, additional species of concern include CRPR 4.2 Coulter's matilija poppy (*Romneya coulteri*) and Nevin's barberry (*Berberis nevinii*), which is listed as endangered under the California Endangered Species Act (CESA) and ranked CRPR 1B.1.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

- 1) **Rare Plants.** California black walnut and Coulter's matilija poppy both have a CRPR of 4.2 and Nevin's barberry is CESA-listed with a CRPR of 1B.1. Plants with a CRPR of 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B should have impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). California Native Plant Society's (CNPS) Rare Plant Ranks page includes additional rank definitions (CNPS 2023).

CDFW recommends conducting focused surveys for rare plants. The survey should be conducted on site and in the surrounding 200-foot buffer. Based on the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2021), a qualified biologist should "conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting." The biological assessment should provide a thorough discussion on the extent of sensitive species and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

- a. Disclosure. The DEIR should fully disclose any impacts on rare plants, which should include, at a minimum, where impacts would occur; number of individual plants impacted; population size and density; and acres of habitat/plant communities impacted.
- b. Avoidance. If the Project will impact rare plants, CDFW recommends the DEIR provide measures to fully avoid impacts on rare plants and its habitat. This may include Project alternatives that would fully avoid impacts on rare plants.
- c. Mitigation. If take or adverse impacts to rare plants cannot be avoided during Project activities or over the life of the Project, the DEIR should provide measures to mitigate those impacts. CDFW recommends the City provide compensatory mitigation for loss of rare plants and habitat. CDFW recommends the City identify an appropriate site to preserve rare plants in perpetuity.
- d. CESA. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any endangered, threatened, candidate species, or NPPA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14,

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§786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit.

To ensure CDFW will be able to use the City's CEQA document for the issuance of an ITP, the DEIR should address all Project impacts to CESA-listed species and specify a mitigation, monitoring, and reporting program that will meet the requirements of an ITP.

- 2) **Bats.** Numerous bat species are known to be in the Project area, including those designated as SSC's. In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts. Accordingly, CDFW recommends the DEIR provide measures so the Project avoids potential impacts to bats.
 - a. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). Project construction and activities, including (but not limited to) ground disturbance, vegetation removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and roosts.
 - b. CDFW recommends a qualified bat specialist conduct bat specific surveys at an appropriate time of day, when bats are most active, within the Project site (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology shall be utilized to maximize detection of bat species and to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings should be provided to the City. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.
- 3) **Reptiles and Amphibians.** The Project will require ground disturbing activities such as grading and grubbing, which may result in reptile and/or amphibian habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. Southern California legless lizard and coast range newt have potential to be on the Project site. Moreover, the Project may remove habitat for these species by

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eliminating vegetation that may support essential foraging and breeding habitat.

CDFW recommends qualified biologists familiar with the reptile species behavior and life history conduct focused surveys to determine the presence/absence of SSC prior to vegetation removal and/or grading. Surveys should be conducted during active season when each reptile species are most likely to be detected.

To further avoid direct mortality, CDFW recommends that a qualified biological monitor be on site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.

- 4) **Fish Habitat.** Project implementation may result in substantial adverse effect to biological function for fish species. Fish and Game Code section 5901 makes it unlawful to construct or maintain in any streams any device that prevents, impedes, or tends to prevent or impede the passing of fish up and downstream. CDFW recommends the DEIR should include a thorough and complete survey by a qualified biologist during the spawning season (spring/summer) to determine that Project activities do not prevent or impede fish passage during low flow conditions. CDFW also recommends the DEIR provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, especially fish species, with specific measures to offset such impacts.

In addition, and as applicable, Fish and Game Code, section 5937 requires the owner of any dam to allow sufficient water at all times to pass through a fishway or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. CDFW also recommends the DEIR provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, especially fish species, with specific measures to offset such impacts. The following should be addressed in the DEIR.

- a. A discussion of potential adverse impacts from human activity, exotic species, and drainage should also be included. The latter subject should address Project-related changes on drainage and sedimentation patterns on and downstream of the Project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the Project site. Impact analysis should also address any interruption of sediment transport caused by the diversion structure. Impeding sediment transport within the stream can have impacts to fish habitat both upstream and downstream of the dam structure.
- b. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential

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resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.

5. **Lake and Streambed Alteration.** The Project would directly impact the Arroyo Seco. As a Responsible Agency under CEQA, CDFW has authority over activities in streams that will divert or obstruct the natural flow; or change the bed, channel, or bank (including associated vegetation) of a stream; or use material from a streambed. For any such activities, the project applicant must provide written notification and other information, CDFW determines whether an LSA Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of an Agreement for a project that is subject to CEQA will require related environmental compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the City for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSAA. A Notification package for a LSAA may be obtained by accessing CDFW's [Lake and Streambed Alteration Program](#) website.

The notification should provide a Water Availability Analysis to determine if water can be diverted without causing substantial adverse effects on downstream wildlife resources. The Applicant should also provide an Instream Flow Study to determine the minimum bypass flows needed and maximum rates of withdrawal possible to provide adequate depths and velocities to protect habitat for all life stages of aquatic resources. At a minimum, the analysis should provide the following:

- a. Defined extent of upstream and downstream reach of Arroyo Seco that may be directly and indirectly affected by the proposed Project and assess potential project-related impacts on biological resources within this study reach. Please include and address any potential impacts on groundwater dependent ecosystems and sensitive species and habitats that occur.
- b. An analysis of potential project-related changes to river hydraulics in both concrete and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change). Comparing total wetted area may be useful in quantifying the effects on groundwater dependent ecosystems, assuming that infiltration rates are proportional to wetted area.
- c. CDFW recommends using a two-dimensional hydraulic model of proposed versus existing habitat to determine whether habitat changes are expected and, if so, to what degree.
- d. A map of potential changes to channel hydraulics overlain on a map of plant communities and habitat for sensitive wildlife species and birds.

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- e. A discussion of project-related impacts on biological resources in relation to changes in hydrology throughout the reach. The DEIR should provide a diversion rate analysis including a dynamic baseline analysis of flow and volume based on the existing hydrograph for flows in the Arroyo Seco and Los Angeles River. This information will provide an understanding of the current baseflow and the effects of the proposed diversion rate. This is necessary to understand how the public trust resources that depend on the current conditions will be impacted by the Project. Current conditions (before the proposed Project's diversions) are established as the baseflow that currently supports the quality and quantity of downstream aquatic resources in the Arroyo Seco and Los Angeles River.
 - f. CDFW recommends using Normalized Difference Vegetation Index and Normalized Difference Moisture Index to assess habitat health for the reach on an annual basis. If degradation of habitat occurring is observed, additional mitigation measures should be incorporated and enacted to offset indirect impacts.
6. **Water Right.** The DEIR should provide clear information on any water right permit(s) possessed by the Project proponent for the proposed Project. The description should include the water right's license number, diversion rate requirement, amount, and any other pertinent information. If the Project proponent does not have a water right for the Project, the DEIR should include information on whether the Project proponent will be applying for one and what coverage they would see under a water right permit.³

The proposed appropriation of water may result in cumulative adverse impacts to environmental and public trust resources within the Arroyo Seco and Los Angeles River. The DEIR should provide a water budget to consider the Project's significant impacts to the downstream functions and health of the Arroyo Seco and Los Angeles River as well as the resources it supports. The water budget should also consider reasonably foreseeable restoration projects, some of which support steelhead passage to maintain sufficient flows for both juvenile and adult steelhead to migrate between the tributaries of the Los Angeles River and the Pacific Ocean (see comment #4 above). Flow reductions could have a significant impact on downstream biological resources and foreseeable restoration projects, especially during the dry season proceeding below-average water years.

³ The use of unallocated stream flows is subject to appropriation and approval by the State Water Resources Control Board pursuant to Water Code, section 1200 et seq. CDFW, as a Trustee Agency, is consulted by the State Water Resources Control Board during the water rights process to provide terms and conditions designated to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic ecosystems, which in turn are reliant upon adequate flow of water. CDFW therefore has a material interest in assuming that adequate flows are present within streams for the protection, maintenance, and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from Project activities.

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General Comments

- 1) **Disclosure.** The DEIR should provide an adequate, complete, and detailed disclosure about the effects which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) **Project Description and Alternatives.** To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR.
 - a. A complete discussion of the purpose and need for, and description of the proposed Project.
 - b. A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.
 - c. Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).
 - d. Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level, which may cause the watercourse to alter its course of flow.

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- 3) **Biological Baseline Assessment.** An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.
- a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities webpage](#)⁴.
 - b. A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)⁵. Botanical field surveys should be comprehensive over the entire Project area, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project area. This usually involves multiple visits to the Project area (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.
 - c. Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project area and within adjacent areas. The [Manual of California Vegetation](#)⁶, second edition, (Sawyer, Keeler-Wolf, & Evens,

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

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

⁶ <https://vegetation.cnps.org/>

2009) should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts offsite.

- d. A complete and recent assessment of the biological resources associated with each habitat type in the Project area and within adjacent areas. A full literature review includes but is not limited to CDFW's [California Natural Diversity Database](https://wildlife.ca.gov/Data/CNDDDB)⁷ (CNDDDB). The CNDDDB should be accessed to obtain current information on any previously reported sensitive species and habitat. An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project area. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources.
 - e. A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project area and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See [CDFW's Survey and Monitoring Protocols and Guidelines](https://wildlife.ca.gov/conservation/survey-protocols)⁸ for established survey protocol. Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service.
 - f. A recent wildlife and rare plant survey. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)). CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 4) **Direct and Indirect Impacts on Biological Resources.** The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological

⁷ <https://wildlife.ca.gov/Data/CNDDDB>

⁸ <https://wildlife.ca.gov/conservation/survey-protocols>

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resources with specific measures to offset such impacts. The DEIR should address the following.

- a. A discussion of potential impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)).
- b. A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
- c. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR.
- d. A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.
- e. An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.

- 5) **Cumulative Impact.** Cumulative impacts on biological resources can result from collectively significant projects which are individually insignificant. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (Pub. Resources Code, § 21083(b)). The

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City's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the City concludes that the Project would not result in cumulative impacts on biological resources, the City, "shall identify facts and analysis supporting the Lead Agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines, § 15130(a)(2)).

- 6) **Nesting Birds.** To avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season, which general runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given Project area, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive, and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 7) **Mitigation Measures.** Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).
 - a. The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
 - b. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s).

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Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

- 8) **Compensatory Mitigation.** The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.
- 9) **Long-term Management of Mitigation Lands.** For proposed mitigation lands, the DEIR should include measures to protect the targeted habitat values in perpetuity. The mitigation should offset Project-induced qualitative and quantitative losses of biological resources. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.
- 10) **Translocation/Salvage of Plants and Animal Species.** Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. These efforts are experimental, and the outcome is unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 11) **Scientific Collecting Permit.** A Scientific Collecting Permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project-related activities. 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). 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

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lawful activities (Cal. Code Regs., tit. 14, § 650). For more information, please see CDFW's [Scientific Collecting Permit webpage](#)⁹.

- 12) **Wetland Resources.** CDFW, as described in Fish and Game Code section 703(a), is guided by the [Fish and Game Commission's \(Commission\) policies](#)¹⁰. Through its Wetlands Resources policy, the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (California Fish and Game Commission, 2005). It is the policy of the Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
- a. The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
 - b. The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive

⁹ <https://wildlife.ca.gov/Licensing/Scientific-Collecting>

¹⁰ <https://fgc.ca.gov/About/Policies/Miscellaneous>

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amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

- 13) **Use of Native Plants and Trees.** CDFW recommends the City require the Project Applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project area (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to the Arroyo Seco. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#)¹¹ CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project area. In addition, CDFW supports planting species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)¹² provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)¹³.

The City should ensure data collected for the preparation of the DEIR is properly submitted.

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 Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be

¹¹ <https://www.cal-ipc.org/plants/inventory/>

¹² <https://wildlife.ca.gov/Data/CNDDDB>

¹³ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Felicia Silva¹⁴, Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:

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Baron Barrera, Senior Environmental Scientist (Supervisory)
Signing for Heather A. Pert
Environmental Program Manager
South Coast Region

ec: California Department of Fish and Wildlife
Heather A. Pert; EPM
Baron Barrera; Senior Environmental Scientist (Supervisory)
Cindy Hailey; Staff Services Analyst

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

REFERENCES

[CDFW] California Department of Fish and Wildlife. (2021). *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

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

Sawyer, J. O., Keeler-Wolf, T., & Evens, J. M. (2009). *A Manual of California Vegetation* (Second ed.). Sacramento, CA: California Native Plant Society. Retrieved from <https://vegetation.cnps.org/>

¹⁴ Phone: (5620 292-8105; Email: Felicia.Silva@wildlife.ca.gov