



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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San Diego, CA 92123
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 7, 2025

Esteban Danna
City of Encinitas
505 S. Vulcan Ave
Encinitas, CA 92024
edanna@encintasca.gov

Subject: DRAFT ENVIRONMENTAL IMPACT REPORT for the Ocean Bluff Residential Project, SCH No. 2024080571, SAN DIEGO COUNTY, CA

Dear Esteban Danna:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the City of Encinitas (City) for the Ocean Bluff Residential 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 also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program (Fish & G. Code,

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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§ 2800 et seq.). The City had prepared a draft Subarea Plan under the Subregional Multiple Habitat Conservation Program (MHCP), which addressed regional conservation planning across seven incorporated jurisdictions in northern San Diego County. Unfortunately, the Encinitas Subarea Plan was not finalized, and state and federal permits have not been issued to the City. To date, only the City of Carlsbad has received state and federal permits pursuant to the MHCP; however, the conservation principals remain relevant for development projects occurring in the other jurisdictions, and the draft Encinitas Subarea Plan provides an excellent measure for assessing the significance of potential impacts under CEQA.

PROJECT DESCRIPTION SUMMARY

Proponent: Rincon Homes (Project Proponent)

Objective: The Project proposes to subdivide property and construct 27 single-family homes. Project activities include grading, construction, and installation of amenities such as parking lots, sidewalks, landscaping, lighting, fencing, utilities, and storm drains.

Location: The 7.19-acre Project site is located at 501 Ocean Bluff Way in Encinitas. The Project site is bounded to the north by Encinitas Boulevard, to the east by a self-storage facility, to the south by single-family residences, and to the west by vacant land and a single-family residence. The Project site is also located within the boundaries of the City's Draft Subarea Plan and outside of any focused planning areas for conservation.

Biological Setting: Per the Biological Technical Report (BTR; Dudek 2024), the Project site was previously developed with a commercial plant nursery, which was demolished in 2007. The site has been vacant since then; however, several paved areas remain on-site. Native vegetation communities on-site include Diegan coastal sage scrub (1.38 acres), coastal sage chaparral transition (0.25 acre), and southern maritime chaparral (0.60). Non-native land cover types include disturbed habitat (4.58 acres) and developed land (0.38 acre). There are no aquatic resources on the Project site. Implementation of the Project will result in direct impacts to 4.34 acres of disturbed habitat and 0.15 acre of developed land. Impacts to native vegetation communities will be avoided and no compensatory mitigation is proposed or required.

Special-status species with the potential to occur within or adjacent to the Project site include:

Plants

- wart-stemmed ceanothus (*Ceanothus verrucosus*; California Rare Plant Rank (CRPR) 2B.2)
- ashy spike-moss (*Selaginella cinerascens*; CRPR 4.1)

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Birds

- coastal California gnatcatcher (*Polioptila californica californica*; Endangered Species Act (ESA)-threatened; California Species of Special Concern (SSC); gnatcatcher)
- Cooper's hawk (*Accipiter cooperii*; CDFW Watch List Species (WL))
- southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*; WL)
- Bell's sage sparrow (*Artemisiospiza belli belli*; WL)

Reptiles

- red diamond rattlesnake (*Crotalus ruber*, SSC)
- orange-throated whiptail (*Aspidoscelis hyperythra*; WL)

Invertebrates

- Crotch's bumble bee (*Bombus crotchii*; California Endangered Species Act (CESA)-candidate endangered)

During rare plant surveys in 2023, wart-stemmed ceanothus and ashy spike-moss were detected within the biological survey area to the north and west, outside of the impact footprint. The Project incorporates Best Management Practices (BMPs; Mitigation Measure (MM) BIO-1 – BIO-4) during construction to minimize direct impacts to sensitive plant species (e.g. fiber rolls, dust control, temporary fencing). Post-construction, permanent fencing will be installed around the development area to prevent encroachment into adjacent habitat areas. Additionally, the Project will preserve the northern slopes where ashy spike-moss was detected as a condition of approval.

Protocol-level surveys for gnatcatcher were conducted between March 31 - May 12, 2023. A pair of adult gnatcatchers were observed on the eastern portion of the Project site during multiple surveys. Although gnatcatcher habitat will not be directly impacted, a nest avoidance and minimization measure (MM BIO-9) is included to ensure impacts will be avoided during the breeding season (February 15 - August 31). Additionally, the BTR determined there is high potential for Cooper's hawk and moderate potential for southern California rufous crowned sparrow and Bell's sage sparrow to occur on-site. MM BIO-6 and BIO-7 require avoidance of the general nesting bird season (February 1 - September 15); and if infeasible, pre-construction surveys for nesting birds and raptors are required three days prior to any work during the breeding season.

Red diamond rattlesnake and orange-throated whiptail have moderate potential to occur within the Project area. MM BIO-5 requires a biological monitor to be on-site daily during vegetation clearing/grubbing and weekly during grading activities.

Crotch's bumble bee is identified in the BTR with a low potential to occur; however, focused protocol-level surveys have not been conducted. If ground-disturbing activities occur during the Colony Active Period (April 1 - August 31), a pre-construction survey for Crotch's bumble bee is required (MM BIO-8). The pre-construction survey includes a habitat assessment to detect nesting, floral, and overwintering resources within the

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Project area, followed by a focused presence/absence survey (within 1 year of activities). Species identification will be conducted by a qualified biologist and consist of non-lethal capture/netting following the guidelines of CDFW's [Survey Considerations for CESA Candidate Bumble Bee Species](#)² (CDFW 2023).

Project History: CDFW previously submitted a comment letter in response to the Notice of Preparation of a DEIR for the Project on September 12, 2024 (CDFW 2024). Our previous recommendations included a request for analysis of impacts to Crotch's bumble bee and a revision to the existing nesting bird mitigation measure, both of which were included in the draft environmental document.

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. Additional comments and suggestions are also included to improve the document.

COMMENT # 1: Crotch's Bumble Bee

Issue: The Project may adversely impact Crotch's bumble bee.

Specific impact: The Project may result in permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Impacts from ground disturbing activities may include death or injury of adults, eggs, and larva, as well as cause burrow collapse, nest abandonment, and reduced nest success. While CDFW appreciates the inclusion of a mitigation measure to address these impacts, MM BIO-8 is not sufficient to ensure complete avoidance of Crotch's bumble bee; this is because the measure requires avoidance of Crotch's bumble bee nests but does not protect foraging individuals if found on-site.

Why impact would occur: CDFW disagrees with the DEIR's conclusion that MM BIO-8 mitigates impacts to Crotch's bumble bee to a less-than-significant level. Several native vegetation communities on-site and adjacent to the Project area have the potential to support Crotch's bumble bee foraging, nesting, and/or overwintering; these habitat types include Diegan coastal sage scrub, coastal sage chapparal transition, and southern maritime chapparal. Additionally, the disturbed habitat directly impacted by the Project contains suitable floral resources such as crown daisy (*Glebionis coronaria*) and shortpod mustard (*Hirschfeldia incana*). If foraging Crotch's bumble bee individuals are detected within the Project area during the pre-construction survey, the Project site should be considered occupied by the species and impacts to foraging individuals shall be avoided. In addition, the Project Proponent should provide compensatory mitigation for removal or damage to any floral resource associated with Crotch's bumble bee (e.g. mustard, crown daisy). Floral resources should be replaced as close to their original

² <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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location as is feasible. Additionally, if occupied nest(s) are identified in the construction area, MM BIO-8 requires a 100-foot no-work buffer to be established around the nest(s) for the duration of the nesting season (February 1 - October 31) and a survey report will be sent to CDFW within 30 days. If Crotch's bumble bee individuals or nests are found during the pre-construction survey, CDFW should be contacted to determine whether an Incidental Take Permit is necessary. If Crotch's bumble bee individuals or nests are not detected on-site, ground disturbing activities can commence without further CDFW coordination.

Evidence impact may be significant: The California Fish and Game Commission accepted a petition to list Crotch's bumble bee as threatened or endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch's bumble bee is granted full protection under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch's bumble bee has a State ranking of S1/S2. This means that Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#)³ (CDFW 2017).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends the City amend MM BIO-8 with the changes below and incorporate into the EIR as an enforceable mitigation measure. Changes are denoted in ~~strikethrough~~ and **bold**:

Mitigation Measure #1: Crotch's Bumble Bee.

Prior to vegetation removal or issuance of a grading permit, a pre-construction survey ~~for Crotch's bumble bee~~ shall be conducted by a qualified biologist ~~within the construction footprint prior to the start of ground-disturbing construction activities occurring during the Colony Active Period (April 1 through August 31 for Crotch's bumble bee).~~ ~~If ground-disturbing activities occur outside the period, no further mitigation would be required.~~ ~~The survey shall to ensure that no nests for~~ **or foraging Crotch's bumble bee individuals** are located within the construction area. The pre-construction survey shall include (1) a habitat assessment and (2) focused surveys, both of which shall be based on recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by CDFW on June 6, 2023, or the most current version at the time of construction. The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat on -site including foraging,

³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=148248>

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nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and human-made structures that may support bumble bee colonies such as rock walls **and** rubble, ~~and furniture~~. The habitat assessment shall be repeated prior to February 1 in each year ground-disturbing activities occur to determine if nesting resources are present within the impact area. If **suitable nesting, foraging, and/or overwintering** resources are present in the impact area, focused surveys **to determine species presence/absence within the proposed area of disturbance** shall be conducted.

The focused survey shall be performed by a biologist with expertise in surveying for bumble bees and **authorized under a CESA Memorandum of Understanding (MOU)**. The survey shall include at least three survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between one hour after sunrise and two hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, ~~raining~~ **rainy**, or drizzling) and surveyors shall wait at least one hour following rain. Optimal surveys are those conducted when there are sunny to partly sunny skies and a temperature greater than 60°F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). Within non-developed habitats, the biologist shall **survey for foraging and** nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100 percent visual coverage, the biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified by species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100 percent visual coverage; this could include a 30-to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar ~~until~~ **to verify** nest activity ~~is confirmed~~ (no longer than 30 minutes).

Netting/capture shall be conducted by the biologist authorized under the MOU and identification shall be verified by sending photographic vouchers to a CDFW approved taxonomist. ~~include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees.~~ The bee shall be placed in a clear container for observation

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and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee identifying characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly.

A written survey report shall be submitted to the City and CDFW within 30 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. Survey results are considered valid until the start of the next Colony Active Period.

If Crotch's bumble bee nests **or individuals** are not detected **during focused surveys**, no further mitigation would be required. ~~The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to ten kilometers from their nests.~~ If nesting **or floral** resources occupied by Crotch's bumble bee are detected within the construction area, **the biologist shall notify and consult with CDFW to determine whether Project activities would result in impacts to Crotch's bumble bee, in which case, an Incidental Take Permit may be required. If an Incidental Take Permit is required, it shall be obtained prior to issuance of Grading Permit, Demolition Plans/Permits and Building Plans/Permits, and all necessary permit conditions shall be fulfilled prior to initiation of project activities. Take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (California Fish and Game Code §§ 86, 2062, 2067, 2068, 2080, 2085; California Code of Regulations, Title 14, Section 786.9) under the California Endangered Species Act.** ~~no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest as the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently~~

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~~disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.~~

~~If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database (CNDDDB) at the time of, or prior to, submittal of the survey report.~~

~~If the above measures are followed, the project shall not need to obtain authorization from CDFW through the CESA Incidental Take Permit process. If the nest resources cannot be avoided, as outlined in this measure, the project applicant shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this mitigation measure and shall be incorporated into the habitat mitigation and monitoring plan.~~

In the event an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and **habitat mitigation** lands are conserved separately, a cost estimate shall be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of a **non-wasting** endowment **to implement the management actions performed by a** ~~to help the~~ qualified natural lands management entity. ~~that is ultimately selected to hold the conservation easement(s).~~ The endowment amount shall be established following the completion of a project-specific Property Analysis Record (**PAR or PAR like analysis**) to calculate the costs of in-perpetuity land management. The Property Analysis Record shall **include** ~~take into account~~ all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

ADDITIONAL COMMENTS

1. **Nesting Birds.** We appreciate the City's revision of MM BIO-7 to address CDFW's previous comment regarding nesting birds. This revision ensures pre-construction surveys for nesting birds and raptors will be completed three calendar days prior to habitat removal or grubbing activities.

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2. **Habitat Preservation Area.** The DEIR indicates that habitat on the northern end of the Project site will be protected under an open space easement as a condition of Project approval. Although this Project component is not considered compensatory mitigation, CDFW recommends the EIR be updated to clarify the habitat acreage, level of management, and selected land manager for this preservation area.

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

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](#)⁴ provides directions 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](#)⁵.

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 environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final.

⁴ <https://wildlife.ca.gov/Data/CNDDDB>

⁵ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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(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 DEIR to assist the City of Encinitas in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any City responses to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Alison Kalinowski⁶, Environmental Scientist.

Sincerely,

Signed by:

AD7D070BCB66466...

Glen M. Lubcke
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation Monitoring and Reporting Program

ec: California Department of Fish and Wildlife
Jennifer Turner, Senior Environmental Scientist (Supervisory)
Alison Kalinowski, Environmental Scientist
Cindy Hailey, Staff Services Analyst

U.S. Fish and Wildlife Service
David Zoutendyk, David.Zoutendyk@fws.gov

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

REFERENCES

California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>.

California Department of Fish and Wildlife. June 2023. Survey Considerations for

⁶ Phone: 858-775-6320; Email: alison.kalinowski@wildlife.ca.gov

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California Endangered Species Act (CESA) Candidate Bumble Bee Species.
Available at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>.

California Department of Fish and Wildlife. September 2024. Comments on the Ocean Bluff Residential Project Notice of Preparation of a Draft Environmental Impact Report SCH #2024080571.

Dudek. February 2024. Biological Technical Report for the Ocean Bluff Project, Encinitas, California.

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #1: Crotch’s Bumble Bee.</p> <p>Prior to vegetation removal or issuance of a grading permit, a pre-construction survey shall be conducted by a qualified biologist to ensure no nests or foraging Crotch’s bumble bee individuals are located within the construction area. The pre-construction survey shall include (1) a habitat assessment and (2) focused surveys, both of which shall be based on recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by CDFW on June 6, 2023, or the most current version at the time of construction. The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat on -site including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and human-made structures that may support bumble bee colonies such as rock walls and rubble. The habitat assessment shall be repeated prior to February 1 each year ground-disturbing activities occur to determine if nesting resources are present within the impact area. If suitable nesting, foraging, and/or overwintering resources are present in the impact area, focused surveys to determine species presence/absence within the proposed area of disturbance shall be conducted.</p> <p>The focused survey shall be performed by a biologist with expertise in surveying for bumble bees and authorized under a CESA Memorandum of Understanding (MOU). The survey shall include at least three survey passes that are not on sequential days</p>	<p>Prior to Project Initiation, During Construction, After Project Completion</p>	<p>Lead Agency, Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch’s bumble bee). Surveys may occur between one hour after sunrise and two hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, rainy, or drizzling) and surveyors shall wait at least one hour following rain. Optimal surveys are those conducted when there are sunny to partly sunny skies and a temperature greater than 60°F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). Within non-developed habitats, the biologist shall survey for foraging and nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100 percent visual coverage, the biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified by species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100 percent visual coverage; this could include a 30-to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar to verify nest activity (no longer than 30 minutes).</p> <p>Netting/capture shall be conducted by the biologist authorized under the MOU and identification shall be verified by sending photographic vouchers to a CDFW approved taxonomist. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key characteristics. If</p>		

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Mitigation Measure	Timing	Responsible Party
<p>bumble bee characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly.</p> <p>A written survey report shall be submitted to the City and CDFW within 30 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. Survey results are considered valid until the start of the next Colony Active Period.</p> <p>If Crotch's bumble bee nests or individuals are not detected during focused surveys, no further mitigation would be required. If nesting or floral resources occupied by Crotch's bumble bee are detected within the construction area, the biologist shall notify and consult with CDFW to determine whether Project activities would result in impacts to Crotch's bumble bee, in which case, an Incidental Take Permit may be required. If an Incidental Take Permit is required, it shall be obtained prior to issuance of Grading Permit, Demolition Plans/Permits and Building Plans/Permits, and all necessary permit conditions shall be fulfilled prior to initiation of project activities. Take of any endangered, threatened, or candidate species that results from</p>		

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Mitigation Measure	Timing	Responsible Party
<p>the project is prohibited, except as authorized by state law (California Fish and Game Code §§ 86, 2062, 2067, 2068, 2080, 2085; California Code of Regulations, Title 14, Section 786.9) under the California Endangered Species Act.</p> <p>In the event an Incidental Take Permit is needed, mitigation for direct impacts to Crotch’s bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and habitat mitigation lands are conserved separately, a cost estimate shall be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of a non-wasting endowment to implement the management actions performed by a qualified natural lands management entity. The endowment amount shall be established following the completion of a project-specific Property Analysis Record (PAR or PAR like analysis) to calculate the costs of in-perpetuity land management. The Property Analysis Record shall include all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.</p>		