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DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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October 20, 2025

Erica S. Hong, Senior Planner
City of Irvine
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Subject: DRAFT ENVIRONMENTAL IMPACT REPORT for the Gateway Village Project, SCH No. 2024100742, Orange County, CA

Dear Erica S. Hong:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the City of Irvine (City) for the Gateway Village Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding Project activities that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to comment on 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 regulatory authority as provided by the Fish and Game Code. As proposed, for

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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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.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Irvine participates in the NCCP as a Signatory to the Implementation Agreement (IA) under the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).

PROJECT DESCRIPTION SUMMARY

Proponent: Brookfield Homes

Objective: The objective of the Project is to develop an approximately 105-acre residential village consisting of 1,360 two- and three-story homes. The Project would also include development of parks, a community garden, paseos, and an approximately 2,750-foot extension of the Jeffrey Open Space Trail (JOST) east from Portola Parkway to the entrance of the proposed Gateway Preserve. Primary Project activities include vegetation clearing, demolition, grading, construction, paving, landscaping, and the establishment of utilities, parks, and trails.

Location: The Project site is located in north Irvine, at the northeast corner of Portola Parkway and Jeffrey Road. The site is bounded by Portola Parkway to the south, Jeffrey Road/Hicks Haul Road to the west, and Bee Canyon Access Road to the east. Hicks Canyon Wash forms the northern boundary of the project site. Just north of Hicks Canyon Wash is a road that stretches east to the Irvine Ranch Conservancy Native Seed Farm and various other special use sites leased to third parties, including a landscape designer, a pump supplier, and an excavating contractor. There are avocado groves, undeveloped open space, and the closed All American Asphalt (AAA) plant to the north of the Project. The final phase of the Orchard Hills development, a single-family residential development, is under construction directly to the west of the project site.

Timeframe: The Project is anticipated to be constructed in three phases. From start to completion, the entire land development phase, including on-site and off-site improvements and underground utilities, internal roadways, and the main recreational amenity/park, would take approximately 16 months. The housing would be constructed in three overlapping phases. Phase 1 is anticipated to be approximately 29 months,

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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Phase 2 would take approximately 46 months, and Phase 3 would be completed over 52 months. The JOST extension and the main Gateway Village Park amenities would be completed concurrently with Phase 1. An affordable housing component is anticipated to be completed during Phases 2 and 3 of development, with each parcel taking approximately 24 months to complete. The proposed start date of the Project is April 2026.

Biological Setting: According to the Biological Resources Technical Report (BRTR; Dudek, 2025) the Project site consists of developed, disturbed, and agricultural lands with a mix of native and non-native vegetation communities. Eleven vegetation communities and land cover types were mapped on the Project site, including laurel sumac scrub; mulefat thickets; upland mustard or star-thistle fields; red brome or Mediterranean grass grasslands; eucalyptus-tree of heaven-black locust groves; pepper tree or myoporum groves; general agriculture; urban/developed; disturbed habitat; and ornamental plantings. Hicks Canyon Wash forms the northern boundary of the Project site, which features a narrow, sandy, earthen bottom with moderate slopes supporting grasses and large shrubs. The site is surrounded by NCCP/HCP Reserve land to the northeast and to the south. Surrounding land supports coastal sage scrub and riparian habitat, which in turn supports several special-status species including, but not limited to: coastal California gnatcatcher (*Poliophtila californica californica*; CDFW Species of Special Concern (SSC), federal Endangered Species Act (ESA) listed-threatened), least Bell's vireo (*Vireo bellii pusillus*; CESA listed-endangered, ESA listed-endangered), Crotch's bumble bee (*Bombus crotchii*; CESA candidate species), and orange-throated whiptail (*Aspidoscelis hyperythrus*).

One hundred and thirty-five species of native or naturalized plants and 89 wildlife species were documented on the Project site. Several special status and NCCP/HCP covered species have been observed on site or have potential to occur on site which include:

Invertebrates

- Crotch's bumble bee (*Bombus crotchii*; California Endangered Species Act (CESA)-candidate endangered)
- Monarch (*Danaus plexippus plexippus* pop. 1)

Birds

- Burrowing owl (*Athene cunicularia*; CESA-candidate, California Species of Special Concern)
- Red-shouldered hawk (*Buteo lineatus*; NCCP/HCP Covered Species)
- White-tailed kite (*Elanus leucurus*; California Fully Protected Species)
- Yellow-breasted chat (*Icteria virens*; California Species of Special Concern)
- Yellow warbler (*Setophaga petechia*; California Species of Special Concern)

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- Coastal California gnatcatcher (*Poliioptila californica californica*; Federal Endangered Species Act (ESA)-listed threatened, California Species of Special Concern, NCCP/HCP Covered Species)
- Least Bell's vireo (*Vireo bellii pusillus*; ESA-listed endangered, CESA-listed endangered)

Mammals

- Coyote (*Canis latrans*; NCCP/HCP Covered Species)

Reptiles

- Orange-throated whiptail (*Aspidoscelis hyperythra*; CDFW Watch List, NCCP/HCP Covered Species)
- San Diegan tiger whiptail (*Aspidoscelis tigris stejnegeri*; Species of Special Concern, NCCP/HCP Covered Species)
- Red diamond rattlesnake (*Crotalus ruber*; Species of Special Concern, NCCP/HCP Covered Species)

Plants

- Intermediate mariposa-lily (*Calochortus weedii* var. *intermedius*, CRPR 1B.2)

Project History: CDFW submitted a comment letter regarding the Notice of Preparation on November 15, 2024. The comment letter discussed Crotch's bumble bee, least Bell's vireo, coastal California gnatcatcher, and recreational trails.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist City of Irvine in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, and to ensure regional conservation objectives in the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan would not be eliminated by implementation of the Project. Additional comments or other suggestions are also included to improve the document.

COMMENT # 1: Cumulative Impacts Analysis

Issue: The Project may have cumulatively considerable impacts from adjacent and nearby past, current, and future Projects.

Specific impact: The DEIR does not sufficiently analyze cumulative impacts to biological resources as it relates to loss of habitat within the City and the region. Project activities such as vegetation clearing and grading of the Project area would contribute to the loss of nesting and foraging habitat for Crotch's bumble bee, least Bell's vireo, and

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other wildlife species. Specifically, the adjacent Syphon Reservoir Improvement Project (Syphon; SCH 2019080009) and the Bowerman Power Renewable Natural Gas Plant Project (Bowerman; SCH 2024100760), located 2 miles from the Project site, were not included in the cumulative impacts analysis. Without consideration of all the region's activity, the EIR cannot accurately quantify cumulative significant impacts to biological resources.

Why impact would occur: Syphon's site is directly adjacent to the Project site. Implemented by the Irvine Ranch Water District, Syphon will impact several pairs of least Bell's vireo and take Crotch's bumble bee. CDFW is actively engaged in authorizing conditional coverage and incidental take, respectively, for these species. According to surveys from 2019, 16 vireo individuals and/or territories were observed on the Syphon site (ESA 2021). Additionally, Bowerman found Crotch's bumble bee on site (ECORP Consulting, Inc. 2025) and according to iNaturalist and the Xerces Society's Bumble Bee Atlas, dozens of Crotch's bumble bee observations have been documented within 10 miles of the Projects in this area (iNaturalist, 2025; Xerces Society, 2025).

The Project DEIR does not list Syphon or Bowerman in Table 3-1. Cumulative Projects. The Project may have the potential to substantially reduce habitat availability, impacting species like Crotch's bumble bee and least Bell's vireo. The DEIR does not provide sufficient analysis of the Project's potential cumulative impacts to allow CDFW to determine the Project's significance related to other reasonably foreseeable projects in the area. The Wildlife Agencies may need to consider cumulative impacts before granting conditional coverage under the NCCP/HCP or issuing other take authorizations for least Bell's vireo and Crotch's bumble bee.

Evidence impact may be significant: 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 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)). If the City concludes 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 section § 15130(a)(2)).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Recommendation #1: The City should provide additional analysis and evaluation of potential cumulative impacts to biological resources from reasonably foreseeable past, current, and future projects as part of the final environmental document.

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COMMENT # 2: Recreational Impacts to NCCP/HCP Reserve Land

Issue: The Project may significantly impact adjacent Orange County Central Coastal NCCP/HCP Reserve land due to increased public use.

Specific impact: The DEIR does not adequately assess how the presence of authorized and unauthorized trails could escalate recreational pressure on Reserve lands that provide habitat for special status resources. The DEIR must identify these potential impacts and include a plan to protect these lands from recreation impacts. This information is necessary to understand the potential impacts to biological resources, and to ensure important habitats are maintained and continue to serve as refugia for special status species.

Why impact would occur: The Project proposes 1,360 residential units, which could support an estimated population of 3,604 residents (page 4.11-5). Incorporating trails that would connect to the proposed Gateway Preserve on NCCP/HCP Reserve land would create new disturbances due to the presence of trail users and lead to the loss of habitat designated for species protection and recovery.

It is CDFW's opinion that the Project will significantly impact land conserved under the NCCP/HCP, containing critical habitats occupied by special status species. Recreational use of this habitat may increase edge effects, trespass, hiking, biking, and dog walking due to the proximity of thousands of additional residents adjacent to the Reserve. Increased noise and human activity from the Project, that can disturb natural behaviors and damage sensitive habitats, would directly and indirectly impact wildlife. Recreation in natural areas has been found to cause animals to avoid areas, reduce the frequency of use of an area, or change daily activity patterns to avoid humans (Lewis et al. 2021). Additional negative effects include decreased bird and mammal abundance and reduction in the quality of nesting habitat (Larsen et al., 2019; Davis et al., 2010).

Evidence impact may be significant: Under CEQA Guidelines § 15126.2(a), an environmental impact report must discuss the direct and indirect significant environmental effects of the project and should include the "...changes induced in...the human use of the land.". The EIR shall also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected.

The purpose of the NCCP/HCP is to protect and manage habitat supporting a broad range of plant and animal populations found within the Central and Coastal Subregion by creating a habitat Reserve System. The Implementation Agreement (Section 5.2.1b) outlines the commitment to manage the Reserve System for the protection of wildlife, plant, and habitat values in accordance with the NCCP/HCP. The DEIR should consider the impacts of the Project on the Reserve and how increased recreation may affect the long-term habitat values.

Recommended Potentially Feasible Mitigation Measure(s)

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CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #1: Signage. During Project Construction, the Project Proponent shall install signage along the area of the Property adjacent to the Reserve. The signs shall clearly state that unauthorized access on the Reserve is not permitted.

Recommendation #2: CDFW requests the City meet with the Wildlife Agencies prior to Project initiation to develop additional measures to manage unauthorized access to the Reserve.

Recommendation #3: The final document should provide a discussion of the direct and indirect impacts the Project would have on special status species and the habitats those species depend on in the Reserve.

COMMENT # 3: Impacts to Western Burrowing Owl

Issue: Mitigation measure BIO-3 does not adequately reduce project related impacts to western burrowing owl to a less than significant level.

Specific impact: Project ground-disturbing activities, such as vegetation removal and construction of residential development, will result in habitat loss and may lead to mortality or injury of individuals. Project construction activities may also disrupt foraging behavior for over-wintering western burrowing owl that may be present on site.

Why impact would occur: The DEIR discusses suitable habitat and likelihood of overwintering burrowing owl on site. During focused surveys for western burrowing owl, no active burrows or individual owls were observed; however, suitable overwintering habitat (e.g., grassland and agricultural land with small mammal burrows) is present on the Project site, with multiple recent winter observations within 3 miles (CDFW, 2025; iNaturalist, 2025). If Project activities overlap with the overwintering season for western burrowing owl, there is potential for Project activities to result in injury or mortality of owls. Furthermore, attempts to flush western burrowing owl from the site may disturb, distress, or lead to potential take of individual western burrowing owl.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list the western burrowing owl as a candidate under CESA, determining the listing “may be warranted” and advancing the species to the candidacy stage pursuant to CESA (Fish & G. Code, § 2050 et seq.). Take of any endangered, threatened, or 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). Additionally, nests of all native bird species are protected under state laws and regulations, including Fish and Game Code, sections 3503 and 3503.5.

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Impacts to CESA listed species and their habitats may result in a mandatory finding of significance because the Project has the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines § 15065). Impacts to CESA-listed species and their habitat meet the definition of endangered, rare, or threatened under CEQA (CEQA Guidelines § 15380).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #2: Mitigation Measure Revision. CDFW recommends revising MM-BIO-3 to incorporate the underlined language and omit the language in strikethrough:

A qualified biologist shall conduct a pre-construction survey for burrowing owls prior to initial ground-disturbing activities, including vegetation removal, to assess whether any burrowing owls have colonized the site prior to the start of construction. The pre-construction survey shall be completed no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the pre-construction surveys shall be repeated to ensure burrowing owl has not colonized the site since it was last disturbed. The pre-construction survey will occur within suitable habitat for burrowing owl, as determined by the biologist, and will be conducted in accordance with methods described in the CDFW 2012 Staff Report. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the applicant/developer shall immediately inform the California Department of Fish and Wildlife (CDFW). Prior to ground disturbance, the applicant/developer shall prepare a Burrowing Owl Management Plan, which shall be submitted to CDFW for review and approval at least 30 days prior to initiation of ground-disturbing activities. If burrowing owls are detected after ground-disturbing activities have been initiated, CDFW shall be notified in writing and contacted within 24 hours to determine a "no-disturbance" buffer. The qualified biologist shall record the observation with an entry in California Natural Diversity Database. ~~and~~ A Burrowing Owl Management Plan shall be submitted to CDFW for review and approval within 2 weeks of detection; ~~construction activities shall not occur within 400 feet of an active burrow until CDFW approves the Burrowing Owl Management Plan.~~ The Burrowing Owl Management Plan shall include, at a minimum, the following:

- An impact assessment that details the number and location of occupied burrow sites and acres of burrowing owl habitat with a qualitative description of the habitat vegetation characteristics that will be impacted.

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- Avoidance measures, including no-disturbance buffers determined in coordination with CDFW clearly delineated at a 250-foot radius around all occupied burrows located on site or within 250 feet of the disturbance footprint, with posted signs demarcating the avoidance area and by using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. No construction shall occur within the avoidance buffer(s) without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated.
- Monitoring requirements.

No take of burrowing owl shall occur without prior authorization in the form of an Incidental Take Permit (ITP) pursuant to California Fish and Game Code Section 2081. If overwintering or nesting burrowing owls are observed during the survey and impacts to burrowing owl cannot be feasibly avoided through implementation of the Burrowing Owl Management Plan, the applicant/developer will consult with CDFW and obtain appropriate take authorization from through the California Endangered Species Act ITP process. In the event an ITP is needed, occupied habitat that is temporarily impacted shall be restored to its original construction immediately following the completion of construction and compensatory mitigation for the permanent loss of occupied burrowing owl habitat shall be fulfilled through habitat replacement of equal or better functions and values to those impacted by the project at a minimum 1:1 ratio, or as otherwise determined through the ITP process. Mitigation shall be achieved through off-site conservation of habitat and/or purchase of appropriate credits at a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate shall be prepared to estimate the initial startup costs and ongoing annual costs of land management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of an non-wasting endowment to help fund the land management activities undertaken by a 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 or similar PAR-like analysis to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all land management activities required in the ITP to fulfill the requirements of the conservation easement(s), which are currently in review and development.

ADDITIONAL COMMENTS

Crotch's Bumble Bee Incidental Take Permit. CDFW acknowledges the incorporation of a mitigation measure to avoid Crotch's bumble bee as recommended in CDFW's NOP comment letter; however, that is likely insufficient to avoid take of CBB. Due to the extent of the Project and the observation of two Crotch's bumble bee on site (Dudek, 2025), avoidance may not be possible. CDFW strongly recommends obtaining an ITP. We look forward to working with the Proponent to acquire an ITP.

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Lake and Streambed Alteration Agreement Acknowledgement. CDFW acknowledges the DEIR discusses streambed resources subject to Fish and Game Code section 1600 et seq. CDFW looks forward to receiving the Project's Lake and Streambed Alteration Notification pursuant to this program. Mitigation requirements will be determined in consultation with CDFW once the notification is submitted and may require additional mitigation distinct from MM-BIO-8 in the DEIR. We look forward to working with the Proponent to satisfy their permitting obligations.

Invasive species and adjacent NCCP Reserve area. The DEIR discusses several invasive species present on the Project site, which is adjacent to an NCCP/HCP Reserve area. CDFW has ongoing concerns about the spread of highly invasive species in these areas adjacent to the Project. Invasive species pose a threat to the conservation of biodiversity due to their potential to decrease native plant diversity (Simberloff et al., 2013). Management of invasive plant species on and adjacent to open space areas within Orange County is essential to conserving regional biodiversity and is an ongoing challenge with land managers. One of the primary commitments made by the permittees of the NCCP/HCP is to maintain the long-term habitat value of the reserve system and its ability to support viable populations of covered species (Section 4.4 NCCP/HCP Implementation Agreement). Control of non-native invasive plant species is essential to maintain the long-term habitat value of the reserve system. CDFW recommends developing a Weed Management Plan prior to initiating Project activities to minimize the spread of invasive species to the Reserve area during vegetation clearing and grading.

Previously Permitted Area. The DEIR discusses an area of the Project site that was previously permitted and cleared for a separate project (page 4.4-36). CDFW requests that the EIR disclose more detailed information about the previously permitted project and the mitigation that was provided for the impacts under this previous approval or incorporate the prior approvals and/or issued permits by reference.

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

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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](#)³ 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](#)⁴.

The City of Irvine 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. (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 Irvine in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City of Irvine has 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 Helena Candaele⁵, Environmental Scientist.

Sincerely,

Signed by:

AD7D070BCB66466...

Glen M. Lubcke
Environmental Program Manager
South Coast Region

³ <https://wildlife.ca.gov/Data/CNDDDB>

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

⁵ Phone: (858) 527-8482; Email: Helena.Candaele@wildlife.ca.gov

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ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

cc: California Department of Fish and Wildlife
Glen M. Lubcke, Environmental Program Manager
Jennifer Turner, Senior Environmental Scientist (Supervisor)
Helena Candaele, Environmental Scientist

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

REFERENCES

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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
Mitigation Measure #1: Signage. During Project Construction, the Project Proponent shall install signage along the area of the Property adjacent to the Reserve. The signs shall clearly state that unauthorized access on the Reserve is not permitted.	During Project Construction	Proponent
Mitigation Measure #2: Mitigation Measure Revision. CDFW recommends revising MM-BIO-3 to incorporate the underlined language and omit the language in strikethrough: A qualified biologist shall conduct a pre-construction survey for burrowing owls prior to initial ground-disturbing activities, including vegetation removal, to assess whether any burrowing owls have colonized the site prior to the start of construction. The pre-construction survey shall be completed no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the pre-construction surveys shall be repeated to ensure burrowing owl has not colonized the site since it was last disturbed. The pre-construction survey will occur within suitable habitat for burrowing owl, as determined by the biologist, and will be conducted in accordance with methods described in the CDFW 2012 Staff Report. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the applicant/developer shall immediately inform the California Department of Fish and Wildlife (CDFW). Prior to ground disturbance, the applicant/developer shall prepare a Burrowing Owl Management Plan, which shall be	Prior to Project Initiation	Qualified Biologist, Proponent

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Mitigation Measure	Timing	Responsible Party
submitted to CDFW for review and approval at least 30 days prior to initiation of ground-disturbing activities. If burrowing owls are detected after ground-disturbing activities have been initiated, CDFW shall be notified in writing <u>and contacted within 24 hours to determine a "no-disturbance" buffer. The qualified biologist shall record the observation with an entry in California Natural Diversity Database.</u> ~~and~~ A Burrowing Owl Management Plan shall be submitted to CDFW for review and approval within 2 weeks of detection; ~~construction activities shall not occur within 400 feet of an active burrow until CDFW approves the Burrowing Owl Management Plan.~~ The Burrowing Owl Management Plan shall include, at a minimum, the following: • An impact assessment that details the number and location of occupied burrow sites and acres of burrowing owl habitat with a qualitative description of the habitat vegetation characteristics that will be impacted. • Avoidance measures, including no-disturbance buffers <u>determined in coordination with CDFW</u> ~~clearly delineated at a 250-foot radius around all occupied burrows located on site or within 250 feet of the disturbance footprint,~~ with posted signs demarcating the avoidance area and by using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. No construction shall occur within the avoidance buffer(s) without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated. • Monitoring requirements.		

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Mitigation Measure	Timing	Responsible Party
No take of burrowing owl shall occur without prior authorization in the form of an Incidental Take Permit (ITP) pursuant to California Fish and Game Code Section 2081. If overwintering or nesting burrowing owls are observed during the survey and impacts to burrowing owl cannot be feasibly avoided through implementation of the Burrowing Owl Management Plan, the applicant/developer will consult with CDFW and obtain appropriate take authorization from through the California Endangered Species Act ITP process. In the event an ITP is needed, occupied habitat that is temporarily impacted shall be restored to its original construction immediately following the completion of construction and compensatory mitigation for the permanent loss of occupied burrowing owl habitat shall be fulfilled through habitat replacement of equal or better functions and values to those impacted by the project at a minimum 1:1 ratio, or as otherwise determined through the ITP process. Mitigation shall be achieved through off-site conservation of habitat and/or purchase of appropriate credits at a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate shall be prepared to estimate the initial startup costs and ongoing annual costs of <u>land</u> management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of an <u>non-wasting</u> endowment to <u>help fund the land management activities undertaken by a</u> 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 <u>or similar PAR-like analysis</u> to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all <u>land</u> management activities required in the ITP to fulfill the requirements of the conservation easement(s), which are currently in review and development.		

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Mitigation Measure	Timing	Responsible Party
Recommendation #1: The City should provide additional analysis and evaluation of potential cumulative impacts to biological resources from reasonably foreseeable past, current, and future projects as part of the final environmental document.	Prior to Project Initiation	Lead Agency
Recommendation #2: CDFW requests the City meet with the Wildlife Agencies prior to Project initiation to develop additional measures to manage unauthorized access to the Reserve.	Prior to Project Initiation	Lead Agency
Recommendation #3: The final document should provide a discussion of the direct and indirect impacts the Project would have on special status species and the habitats those species depend on in the Reserve.	Prior to Project Initiation	Lead Agency