



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 15, 2025

Erika Iverson
City of Santa Clarita
23920 Valencia Boulevard, Suite 302
Santa Clarita, CA 91355
eiverson@santa-clarita.com

**SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE NEWHALL AVENUE
MIXED-USE PROJECT, SCH NO. 2025041409, LOS ANGELES COUNTY,
CA**

Dear Erika Iverson:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from the City of Santa Clarita (City; Lead Agency) for the Newhall Avenue Mixed-Use 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.

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.

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 2 of 22

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 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: Chandler Partners

Objective: The objective of the Project is to construct a mixed-use residential and retail development on approximately 10 acres. The development would include 106 multifamily residential units, 4,000 square feet of commercial space, and recreation amenities, including a swimming pool and outdoor trail. The Project site would be subdivided into three lots. Lot 1 is approximately 3.35 acres and will include a 70-unit apartment building and a commercial/retail building with an outdoor seating area. Lot 2 is approximately 5.16 acres and will include 36 townhomes within seven buildings. Lot 3 is approximately 1.16 acres that will include an outdoor trail for resident use. A total of 262 parking spaces would be provided within the Project site, including private garages within each of the townhome units. Project activities include grading, removal of 48 oak trees, and encroachment of 17 oak trees.

Location: The Project site is located at 23755 Newhall Avenue in the City of Santa Clarita. The site is on the south side of Newhall Avenue, approximately 0.76-mile northwest of California State Route 14. The Assessor's Parcel Numbers associated with the Project site are 2827-003-016, 2827-003-017, 2827-003-018, 2827-003-019, 2827-003-020, and 2827-003-021.

Biological Setting: The Project site comprises approximately 1.59 acres of developed area in the northern portion and approximately 8.42 acres of undeveloped area in the southern portion. Two temporary modular/trailer-mounted offices associated with the used car lot are currently occupying the developed areas of the site.

A general biological field survey and habitat mapping were conducted in October 2021, and findings were compiled in a Biological Resource Assessment (BRA). Vegetation within the site generally consists of non-native grasslands and a mix of scrub oak chaparral, chamise chaparral, and coast live oak woodlands. No special-status plants were observed during the survey. This habitat has the potential for special-status plants such as the slender mariposa lily (*Calochortus clavatus* var. *gracilis*; California Rare

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."

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 3 of 22

Plant Rank (CRPR) 1B.2) and San Fernando Valley spineflower (*Chorizanthe parryi* var. *Fernandina*; CRPR 1B.1). Additionally, a potential drainage feature was observed in the southeastern area of the Project site.

Wildlife species observed during the survey were primarily common species of small mammals and birds. Special status wildlife that has the potential to occur at the Project site includes, but is not limited to, Crotch's bumble bee (*Bombus crotchii*; CESA candidate species), coastal whiptail (*Aspidoscelis tigris stejnegeri*; California Species of Special Concern (SSC)), coast horned lizard (*Phrynosoma blainvillii*; SSC), and burrowing owl (*Athene cunicularia*; CESA candidate species).

The City has incorporated three mitigation measures to address impacts to special-status plants, special status wildlife, and nesting birds. Compensatory mitigation of a 2:1 ratio by on-site restoration for impacts to special status plants is proposed in the mitigation measures. Additionally, a 5-year mitigation and monitoring plan is being proposed for the special status plant mitigation.

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 or other suggestions may also be included to improve the document.

COMMENT # 1: Impacts on 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 of Crotch's bumble bee. Project ground disturbing activities may cause death or injury of adults, eggs, and larva, as well as burrow collapse, nest abandonment, and reduced nest success.

Why impact would occur: According to CDFW's [Crotch's Bumble Bee Range – CDFW \[ds3095\]](https://data.ca.gov/dataset/crotch-bumble-bee-range-cdfw-ds3095)³ dataset, the Project site lies within the current home range for Crotch's bumble bee (CDFW 2024b). Additionally, the MND and BRA acknowledge that suitable habitat is present on the Project site for this species. Crotch's bumble bee are generalists and known to utilize a variety of sources for nesting and overwintering opportunities. Crotch's bumble bee primarily uses abandoned small mammal burrows to nest. This species may nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris

³ <https://data.ca.gov/dataset/crotch-bumble-bee-range-cdfw-ds3095>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 4 of 22

(Williams et al. 2014). Given that the Project site is in the current range and has suitable habitat, there is potential for this CESA candidate species to occur on site.

The City states in the MND that suitable habitat exists for Crotch's bumble bee and proposes general preconstruction surveys for special status species. However, no mitigation measures specific to Crotch's bumble bee are incorporated in the MND. If the Project proceeds without appropriate focused surveys and avoidance measures, the Project may result in mortality and/or injury of undetected individual Crotch's bumble bee that may be present during Project activities. Ground disturbance and vegetation removal associated with Project implementation during the breeding season could also result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site.

Evidence impact may be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. In addition, Crotch's bumble bee has a State Ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#)⁴(CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 1565).

Recommended Potentially Feasible Mitigation Measure(s)

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

Recommendation #1: Crotch's Bumble Bee Discussion – The MND should be revised to provide a thorough discussion on the Project potential direct and indirect impact on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the MND should be amended to incorporate measures to minimize and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA Incidental Take Permit (ITP) can be issued based on the analysis provided in the CEQA document.

⁴ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 5 of 22

Recommendation #2: CEQA - CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, a project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

Mitigation Measure #1: Crotch's Bumble Bee Surveys - The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#)⁵ (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.

Mitigation Measure #2: Incidental Take Permit - If Crotch's bumble bee is detected, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.

COMMENT # 2: Impacts on Western Burrowing Owl

Issue: The Project may impact western burrowing owl.

Specific impact: Project ground-disturbing activities, such as vegetation removal and construction of housing, will result in habitat loss and may lead to death or injury of individuals. Project construction activities may also disrupt foraging behavior for overwintering western burrowing owl present on site.

Why impact would occur: On October 15, 2024, the Fish and Game Commission published a Notice of Findings that designates western burrowing owl as a CESA candidate species. The MND and BRA acknowledge that there is potential for this species to occur on site. A general preconstruction survey for special status species is incorporated in the MND, however, general preconstruction surveys may result in missed detection of burrowing owl. Additionally, if the Project proceeds without appropriate focused surveys, the Project may result in mortality and/or injury of undetected individuals that may be present during Project activities. It is also possible

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 6 of 22

that western burrowing owl may utilize the proposed Project site as foraging habitat or that California ground squirrel may start to create suitable burrows on site. Project activities that overlap with the breeding season for western burrowing owl may result in abandonment of burrows, burrow collapse, increase distress, or lead to potential take of individuals.

To avoid unauthorized take, the City should incorporate mitigation measures that prescribe focused surveys and coordination with CDFW to obtain appropriate take authorization if western burrowing owl is identified on site.

Evidence impact would be significant: Western burrowing owl is a species designated as candidate for listing as threatened or endangered 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, take of individual western burrowing owl and their nests is defined by Fish and Game Code section 86 and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

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

Recommendation #3: Western Burrowing Owl Discussion – The MND should be revised to acknowledge that western burrowing owl are designated as a CESA candidate species and afforded full protection under CESA. The MND should also provide a thorough discussion on the Project potential direct and indirect impact on western burrowing owl. If the Project may impact western burrowing owl, the MND should incorporate measures to mitigate potential impacts to western burrowing owl as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the MND.

Mitigation Measure #3: Western Burrowing Owl Focused Surveys – The Project proponent shall retain a qualified biologist to conduct focused surveys for western burrowing owl prior to Project activities. Focused surveys shall be conducted pursuant to CDFW’s March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#)⁶(CDFW 2012) or CDFW’s most recent guidance. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and

⁶ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 7 of 22

climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.

Mitigation Measure #4: Incidental Take Permit - If an occupied burrow or western burrowing owl is found within the Project site, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities.

COMMENT #3: Impacts on Drainage

Issue: The Project may impact a drainage feature within the Project site.

Specific impact: The Project may impact the on-site drainage as a result of Project activities (i.e. grading) and fuel modification.

Why impact would occur: The provided BRA depicts a drainage feature in the southern portion of the Project site, within the proposed fuel modification zone. The BRA states that the feature was mapped for informational purposes but not evaluated by CDFW criteria. The MND does not provide information about this potential drainage feature or how the Project proponent intends to avoid impacts to the on-site drainage. Additionally, Project activities such as grading may lead to impacts on the bed, bank, or channel of the drainage. CDFW believes that impacts to the on-site drainage could be subject to a Section 1602 Lake and Streambed Alteration Agreement (LSA).

Evidence impact would be significant: CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- 1) Divert or obstruct the natural flow of any river, stream, or lake;
- 2) Change the bed, channel, or bank of any river, stream, or lake;
- 3) Use material from any river, stream, or lake; or
- 4) Deposit or dispose of material into any river, stream, or lake.

The Project may adversely affect the existing water feature and the hydrology pattern of the Project site. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 8 of 22

Recommended Potentially Feasible Mitigation Measure(s)

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

Recommendation #4: LSA Revision - The MND should be revised to provide further analysis of the potential drainage and how it will be avoided, minimized, and/or mitigated. Best management practices to limit any fugitive dust or construction material from entering the drainage should also be included.

Recommendation #5: LSA CEQA – CDFW’s issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the Project’s CEQA document should fully identify the Project’s potential impacts on stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW recommends the City consider CDFW’s comments and revise the MND by incorporating the mitigation measures recommended in this letter into the Project’s environmental document. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement, or restoration, and/or protection, and management of mitigation lands in perpetuity.

Mitigation Measure #5: LSA - The Project proponent shall notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The LSA Notification shall include a delineation or hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity. The Project proponent shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The Project proponent shall also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW’s [Lake and Streambed Alteration Program](#)⁷ webpage for more information (CDFW 2024e).

COMMENT #4: Impacts on California Species of Special Concern

Issue: The Project may impact coast horned lizard and coastal whiptail.

Specific Impact: Direct impacts to coast horned lizard and northern California legless lizard will result from Project construction, ground disturbance, and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat.

⁷ <https://wildlife.ca.gov/Conservation/LSA>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 9 of 22

Why impact would occur: The BRA notes that the Project site provides suitable habitat for northern California legless lizard, coastal whiptail, and coast horned lizard (page 17). CDFW appreciates that the City is proposing preconstruction surveys for special status species, but the MND does not provide any mitigation measures specific to compensatory mitigation for impacts to SSC. Project ground-disturbing activities such as vegetation removal and grading would result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. Additionally, the majority of the Project site would be slated for construction of the buildings and parking areas, leaving no suitable habitat available for SSC species. Given that habitat loss on a local and regional scale is a major cause of population decline for SSC, removal of confirmed SSC habitat would be considered a significant impact and should be mitigated appropriately.

Evidence impact would be significant: A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- 1) if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- 2) if the species is listed as threatened or endangered under ESA-, but not CESA-, threatened, or endangered;
- 3) if the species meets the State definition of threatened or endangered but has not formally been listed;
- 4) if the species is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and
- 5) if naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA - threatened or -endangered status (CDFW 2024f).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). The MND does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

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

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 10 of 22

Mitigation Measure #6: SSC Compensatory Mitigation - For SSC that have been confirmed and/or are expected to occur within the Project site, the Project proponent shall provide compensatory mitigation for temporary and permanent loss of any habitat supporting SSC. There shall be no net loss of habitat supporting SSC [CEQA Guidelines, § 15370(e)]. Compensatory mitigation shall be provided within the Project boundary at no less than 2:1. Mitigation shall provide appropriate habitat (depending on the species), refugia, and habitat structures that supports those species (e.g., woody material, rocks, brush piles, pools, burrows). Any proposed mitigation area/plan shall include a discussion on the territory size; nesting, breeding, foraging, and refuge locations; invasive, non-native plant and wildlife species present; food availability; and how all life cycle functions will be mitigated. Any mitigation plan for SSC shall be distributed and approved by CDFW prior to Project activities. The replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.

Mitigation Measure #7: Injured or Dead Wildlife - If any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

ADDITIONAL COMMENTS

Nesting Birds and Raptors. The City should revise MM BIO-3 to incorporate underlined language and omit language in ~~strike through~~.

Project activities including, without limitation, site preparation, construction, or fuel modification activities with potential to disturb suitable bird-nesting habitat shall be avoided within the breeding/nesting season for native bird species (typically February 1 through August 31), if possible. If the breeding/nesting season cannot be avoided, then no earlier than 7 days before ground- or vegetation-disturbing activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 1 through August 31), a biologist shall perform two field surveys to determine if active nests of any bird species protected by the state or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Game Code Sections 3503, 3503.5, or 3511 are present in the disturbance zone or within 200 feet of the disturbance zone for songbirds or within 500 feet of the disturbance zone for raptors and special-status bird species. The second nesting bird survey shall be conducted within 3 days of the start of ground- or vegetation-disturbing activities. If Project activities are delayed or suspended for more than 7 days during the breeding season, surveys shall be repeated before activities can restart. The permittee

Erika Iverson
 City of Santa Clarita
 May 15, 2025
 Page 11 of 22

shall submit a letter report summarizing the methods and results of the surveys to the Director of Community Development and the California Department of Fish and Wildlife (CDFW) before commencement of project activities. In the event an active nest is found within the surveyed area, site preparation, construction, and fuel modification activities shall stop until the biologist can establish an appropriate setback buffer around the nest. Buffers around active passerine nests shall be a minimum of 100 feet and a minimum of 500 feet around raptor nests, unless a qualified CDFW biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest of parental care for survival. A qualified biologist shall monitor the nest(s) weekly after commencement of activities to ensure that nesting behavior is not adversely affected by such activities. Buffer size shall be determined on a case-by-case basis by a biologist based on site conditions, the species' life history and disturbance tolerance, the nest's distance to construction activities, and the type of construction ongoing in the vicinity of the nest. Buffers shall be clearly identified (e.g., using rope, flagging, signage) by natural or humanmade features that are deemed sufficient to prohibit access (e.g., tree rows, fences). Project activities within the buffer shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting.

Scientific Collecting Permit. Focused surveys for special-status species may require specific handling permits prior to conducting surveys. The Project proponent should retain a qualified biologist(s) with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and 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). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits⁸](#) webpage for information (CDFW 2024g).

Landscaping. CDFW recommends the Project proponent use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce nonnative, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council⁹](#) (Cal-IPC 2024).

⁸ <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>

⁹ <https://www.cal-ipc.org/plants/inventory/>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 12 of 22

These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

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 (CNDDB). The [CNDDB website](https://wildlife.ca.gov/Data/CNDDB)¹⁰ 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](#)¹¹.

The City should ensure data collected for the preparation of the MND 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.)

¹⁰ <https://wildlife.ca.gov/Data/CNDDB>

¹¹ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 13 of 22

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist City of Santa Clarita in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City of Santa Clarita 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 Andrew Aitken¹², Environmental Scientist.

Sincerely,

DocuSigned by:


5991E19EF8094C3...
Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Steve Gibson, Senior Environmental Scientist (Supervisory)
Andrew Aitken, Environmental Scientist
State.Clearinghouse@opr.ca.gov

REFERENCES

[Cal-IPC] California Invasive Plant Council. 2024. The Cal-IPC Inventory. Available at:
<https://www.cal-ipc.org/plants/inventory/>
[CDFW] California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation. Available at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

¹² Phone: 562-525-9688; Email: Andrew.Aitken@wildlife.ca.gov

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 14 of 22

- [CDFW] 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>
- [CDFW] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>
- [CDFW] California Department of Fish and Wildlife. 2024b. Crotch's Bumble Bee Range Dataset 3095. Available at: <https://data.ca.gov/dataset/crotchs-bumble-beerange-cdfw-ds3095>
- [CDFW] California Department of Fish and Wildlife. 2024d. Burrowing Owl Range – CWHR B269 [ds907]. Available at: <https://www.arcgis.com/home/item.html?id=8e18caa8807b42ad94be8322d7911160>
- [CDFW] California Department of Fish and Wildlife. 2024e. Lake and Streambed Alteration Program. Available at: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>
- [CDFW] California Department of Fish and Wildlife. 2024f. Threatened and Endangered Species. Available at: <https://wildlife.ca.gov/Conservation/CESA>
- [CDFW] California Department of Fish and Wildlife. 2024g. Scientific Collecting Permits. Available at: <https://wildlife.ca.gov/Licensing/Scientific-Collecting>
- [CDFW] California Department of Fish and Wildlife. 2024h. California Natural Diversity Database. Available at: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFW] California Department of Fish and Wildlife. 2024i. Combined Rapid Assessment and Revele Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- Goulson, D. 2010. Bumblebees: behavior, ecology, and conservation. Oxford University Press, New York. 317pp.
- Hatfield, R., Jepsen, S., Foltz Jordan, S., Blackburn, M., Code, Aimee. 2018. A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species.
- Williams, P. H., R. W. Thorp, L. L. Richardson, and S.R. Colla. 2014. Bumble bees of North America: An Identification guide. Princeton University Press, Princeton, New Jersey. 208pp

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 15 of 22

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: Crotch's Bumble Bee Surveys The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species ¹³ (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.	Prior to Project ground-disturbing activities	Project Proponent/ Qualified Biologist
Mitigation Measure #2: Incidental Take Permit If Crotch's bumble bee is detected, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.	Prior to Project activities	Project Proponent

¹³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 16 of 22

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #3: Western Burrowing Owl Focused Surveys The Project proponent shall retain a qualified biologist to conduct focused surveys for western burrowing owl prior to Project activities. Focused surveys shall be conducted pursuant to CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation¹⁴(CDFW 2012) or CDFW's most recent guidance. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.	Prior to Project ground-disturbing activities	Project Proponent/Qualified Biologist
Mitigation Measure #4: Incidental Take Permit If an occupied burrow or western burrowing owl is found within the Project site, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities.	Prior to Project activities	Project Proponent
Mitigation Measure #5: LSA The Project proponent shall notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The LSA Notification shall include a delineation or hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity.	Prior to Project activities	Project Proponent

¹⁴ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 17 of 22

Mitigation Measure	Timing	Responsible Party
The Project proponent shall comply with the mitigation measures detailed in an LSA Agreement issued by CDFW. The Project proponent shall also provide compensatory mitigation at no less than 2:1 for any impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's Lake and Streambed Alteration Program¹⁵ webpage for more information (CDFW 2024e).		
Mitigation Measure #6: SSC Compensatory Mitigation For SSC that have been confirmed and/or are expected to occur within the Project site, the Project proponent shall provide compensatory mitigation for temporary and permanent loss of any habitat supporting SSC. There shall be no net loss of habitat supporting SSC [CEQA Guidelines, § 15370(e)]. Compensatory mitigation shall be provided within the Project boundary at no less than 2:1. Mitigation shall provide appropriate habitat (depending on the species), refugia, and habitat structures that supports those species (e.g., woody material, rocks, brush piles, pools, burrows). Any proposed mitigation area/plan shall include a discussion on the territory size; nesting, breeding, foraging, and refuge locations; invasive, non-native plant and wildlife species present; food availability; and how all life cycle functions will be mitigated. Any mitigation plan for SSC shall be distributed and approved by CDFW prior to Project activities. The replacement habitat shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.	Prior to Project activities	Project Proponent

¹⁵ <https://wildlife.ca.gov/Conservation/LSA>

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 18 of 22

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #7: Injured or Dead Wildlife If any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	Prior to and during Project activities	Qualified Biologist
Mitigation Measure #8: MM BIO-3 Project activities including, without limitation, site preparation, construction, or fuel modification activities with potential to disturb suitable bird-nesting habitat shall be avoided within the breeding/nesting season for native bird species (typically February 1 through August 31), if possible. If the breeding/nesting season cannot be avoided, then no earlier than 7 days before ground- or vegetation-disturbing activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 1 through August 31), a biologist shall perform two field surveys to determine if active nests of any bird species protected by the state or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Game Code Sections 3503, 3503.5, or 3511 are present in the disturbance zone or within 200 feet of the disturbance zone for songbirds or within 500 feet of the disturbance zone for raptors and special-status bird species. The second nesting bird survey shall be conducted within 3 days of the start of ground- or vegetation-disturbing activities. If Project activities are delayed or suspended for more than 7 days during the	Prior to and during Project activities	Qualified Biologist

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 19 of 22

Mitigation Measure	Timing	Responsible Party
breeding season, surveys shall be repeated before activities can restart. The permittee shall submit a letter report summarizing the methods and results of the surveys to the Director of Community Development and the California Department of Fish and Wildlife (CDFW) before commencement of project activities. In the event an active nest is found within the surveyed area, site preparation, construction, and fuel modification activities shall stop until the biologist can establish an appropriate setback buffer around the nest. Buffers around active passerine nests shall be a minimum of 100 feet and a minimum of 500 feet around raptor nests, unless a qualified CDFW biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest of parental care for survival. A qualified biologist shall monitor the nest(s) weekly after commencement of activities to ensure that nesting behavior is not adversely affected by such activities. Buffers shall be clearly identified (e.g., using rope, flagging, signage) by natural or humanmade features that are deemed sufficient to prohibit access (e.g., tree rows, fences). Project activities within the buffer shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting.		
Recommendation #1: Crotch's Bumble Bee Discussion The MND should be revised to provide a thorough discussion on the Project potential direct and indirect impact on Crotch's bumble bee. If the Project may impact Crotch's bumble bee, the MND should be amended to incorporate measures to minimize and/or mitigate potential impacts to Crotch's bumble bee as well as habitat supporting the species. The discussion should be of a depth	Prior to adoption of the MND	Lead Agency

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 20 of 22

Mitigation Measure	Timing	Responsible Party
and scope that a CESA Incidental Take Permit (ITP) can be issued based on the analysis provided in the CEQA document.		
Recommendation #2: CEQA CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, a project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.	Prior to adoption of the MND	Lead Agency
Recommendation #3: Western Burrowing Owl Discussion The MND should be revised to acknowledge that western burrowing owl are designated as a CESA candidate species and afforded full protection under CESA. The MND should also provide a thorough discussion on the Project potential direct and indirect impact on western burrowing owl. If the Project may impact western burrowing owl, the MND should incorporate measures to mitigate potential impacts to western burrowing owl as well as habitat supporting the species. The discussion should be of a depth and scope that a CESA ITP can be issued based on the analysis provided in the MND.	Prior to adoption of the MND	Lead Agency

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 21 of 22

Mitigation Measure	Timing	Responsible Party
Recommendation #4: LSA Revision The MND should be revised to provide further analysis of the potential drainage and how it will be avoided, minimized, and/or mitigated. Best management practices to limit any fugitive dust or construction material from entering the drainage should also be included.	Prior to adoption of the MND	Lead Agency
Recommendation #5: LSA CEQA CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the Project's potential impacts on stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW recommends the City consider CDFW's comments and revise the MND by incorporating the mitigation measures recommended in this letter into the Project's environmental document. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement, or restoration, and/or protection, and management of mitigation lands in perpetuity.	Prior to adoption of the MND	Lead Agency
Recommendation #6: Scientific Collecting Permit The Project proponent should retain a qualified biologist(s) with appropriate handling permits, or should obtain appropriate handling permits to capture,	Prior to adoption of the MND	Lead Agency

Erika Iverson
City of Santa Clarita
May 15, 2025
Page 22 of 22

Mitigation Measure	Timing	Responsible Party
temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.		
Recommendation #7: Landscaping CDFW recommends the Project proponent use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The Project proponent should not plant, seed, or otherwise introduce nonnative, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly ‘Moderate’ or ‘High’ listed by the California Invasive Plant Council ¹⁶ (Cal-IPC 2024).	Prior to Project Activities	Project Proponent

¹⁶ <https://www.cal-ipc.org/plants/inventory/>