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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 2, 2025

Ronald Gonzales-Lawrence
Pomona Unified School District
800 S. Garey Avenue
Pomona, CA 91766
ronald.lawrence@pomona.k12.ca.us

Subject: Mitigated Negative Declaration for the Diamond Ranch High School Solar Farm Project, SCH No. 2025110050; Los Angeles County, CA

Dear Ronald Gonzales-Lawrence:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from the Pomona Unified School District (PUSD) for the Diamond Ranch High School Solar Farm Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

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 law[2] 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: Pomona Unified School District

Objective: The objective of the Project is to construct and operate a 2.8-megawatt direct current solar photovoltaic power generating system, which would include supporting structures, inverter modules, pad-mounted transformers, access roads, fencing, and a 480-volt switchgear station, on an approximately 11.5-acre Project site. A total of 4,284 photovoltaic panels would be installed on ground-mounted racks. The renewable energy generated by the Project would be distributed to the existing Southern California Edison (SCE) distribution line, which is located beneath Diamond Ranch Road.

Location: The Project site is located on the northern portion of the Diamond Ranch High School campus at 100 Diamond Ranch Drive (Los Angeles County Assessor's Parcel Nos. 8701-022-907 and -908) within the Cities of Pomona and Diamond Bar. The Project site straddles the northeastern boundary of the City of Diamond Bar and southwestern boundary of the City of Pomona in Los Angeles County, California. The Project site is south of California State Route 60 (SR- 60) and north of Diamond Ranch Road and Diamond Ranch High School in the foothills of the Puente Hills and occurs within Section 01, Township 2 South Range 9 West, of the US Geological Survey (USGS) 7.5-minute San Dimas topographic quadrangle map. Surrounding land uses include SR-60 and residential development to the north; open space and residential development to the east; open space, the SR-60 Chino Hills Parkway interchange, and residential development to the west; and Diamond Ranch High School and open space to the south.

Biological Setting: There are 11 different vegetation communities identified within the Biological Study Area (BSA; Project site plus 100-foot buffer) surveyed by the consultant. These vegetation communities include California buckwheat scrub (*Eriogonum fasciculatum* Shrubland Alliance, *Eriogonum fasciculatum* Association); disturbed California buckwheat scrub (Eriogonum fasciculatum Shrubland Alliance, *Eriogonum fasciculatum* Association); California sagebrush-purple sage scrub (*Artemisia californica-[Salvia leucophylla*] Shrubland Alliance, *Artemisia californica-Eriogonum* fasciculatum Association); Coyote brush scrub (*Baccharis pilularis*

[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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Shrubland Alliance, *Baccharis pilularis* Association); Laurel sumac scrub (*Malosma laurina* Shrubland Alliance, *Malosma laurina-Artemisia californica-Eriogonum fasciculatum* Association); Arroyo willow thickets (*Salix lasiolepis* Shrubland Alliance, *Salix lasiolepis* Association); Mulefat thickets (*Baccharis salicifolia* Shrubland Alliance, *Baccharis salicifolia* Association); Coast live oak woodland and forest (*Quercus agrifolia* Forest and Woodland Alliance, *Quercus agrifolia/Heteromeles arbutifolia* Association); California walnut groves (*Juglans californica* Forest and Woodland Alliance, *Juglans californica-Quercus agrifolia* Association); and developed and disturbed areas dominated by non-native vegetation, thatch, and bare ground with compacted soils. Two vegetation communities within the BSA are listed as sensitive on the California Sensitive Natural Communities list: California walnut groves and arroyo willow thickets.

A total of eight California Rare Plant Ranked (CRPR) plant species have a moderate potential to occur based on the presence of suitable habitat within the BSA. CRPR ranks 1B, 2A, and 2B denote species that are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants with CRPR ranks 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for state listing (CNPS 2020). These species include: California androsace (*Androsace elongata ssp. Acuta*, 4.2), slender mariposa-lily (*Calochortus clavatus* var. *gracilis*, 1B.2), Plummer's mariposa lily (*Calochortus plummerae*, 4.2), many-stemmed dudleya (*Dudleya multicaulis*, 1B.2), Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*, 4.3), ocellated Humboldt lily (*Lilium humboldtii* ssp. o*cellatum*, 4.2) Brand's star phacelia (*Phacelia stellaris*, 1B.1), and chaparral ragwort (*Senecio aphanactis*, 2B.2). One special-status plant species, Southern California black walnut (*Juglans californica*, 4.2), was observed within the BSA. Southern California black walnut is not Endangered Species Act (ESA) or California Endangered Species Act (CESA)-listed, and it has a CRPR of 4.2, meaning it is a species of limited distribution or infrequent throughout a broader area in California (i.e., watch list species) with a moderate degree and immediacy of threat. A total of 43 individual Southern California black walnut trees were mapped within the BSA.

Twenty-two special-status wildlife species were detected or have a high potential to occur in the BSA. Six special-status wildlife species were detected within the BSA, including: monarch (*Danaus plexippus plexippus*, proposed ESA-listed); Swainson's hawk (*Buteo swainsoni*, CESA-listed); Vaux's swift (*Chaetura vauxi*, Species of Special Concern [SSC]); California gnatcatcher (ESA-listed, SSC); yellow warbler (*Setophaga petechia*, SSC); and least Bell's vireo (*Vireo bellii pusillus*, ESA-listed, CESA-listed). The remaining special -status species include: Crotch's bumble bee (*Bombus crotchii*, candidate CESA-listed), vernal pool fairy shrimp (*Branchinecta lynchi*, ESA-listed); Riverside fairy shrimp (*Streptocephalus woottoni*, ESA-listed); western spadefoot (*Spea hammondii*, proposed ESA-listed, SSC); California glossy snake (*Arizona elegans occidentalis*, SSC), coastal whiptail (*Aspidoscelis tigris stejnegeri*, SSC), red-diamond rattlesnake (*Crotalus ruber*, SSC), coast horned lizard (*Phrynosoma blainvillii*, SSC), coast patch-nosed snake (*Salvadora hexalepis virgultea*, SSC), two-striped gartersnake (*Thamnophis hammondii*, SSC), and south coast gartersnake (*Thamnophis sirtalis,*

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SSC); grasshopper sparrow (*Ammodramus savannarum*, SSC), golden eagle (*Aquila chrysaetos*, state fully protected [FP]), long-eared owl (*Asio otus*, SSC), black swift (*Cypseloides niger*, SSC), and white-tailed kite (*Elanus leucurus*, Fully Protected).

Two ponded features and one drainage were identified in the BSA. The on-site portions of these aquatic features comprise approximately 0.41 acre (562 linear feet) of vegetated streambed.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist PUSD 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 are also included to improve the document.

COMMENT #1: IMPACTS TO CROTCH'S BUMBLE BEE

Issue: The Project has the potential to impact suitable nesting habitat and foraging opportunities for Crotch's bumble bee and may result in direct or indirect mortality.

Specific impact: The Project may result in temporary or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground-disturbing activities may cause death or injury of adults, eggs, and larvae; burrow collapse; nest abandonment; and reduced nest success.

Why impact would occur: According to CDFW's Crotch's Bumble Bee Range – CDFW dataset (CDFW 2025), the Project area is within the current range of Crotch's bumble bee. Additionally, the MND identifies suitable habitat within the Project site and has proposed BIO-3 as mitigation for impacts to Crotch's Bumble Bee. As written, BIO-3 may be insufficient to avoid impacts to the candidate CESA-listed species. Species-specific surveys were not conducted or incorporated into BIO-3, despite the presence of suitable habitat.

Absent appropriate surveys and sufficient avoidance, minimization, and mitigation measures, the Project may result in mortality and/or injury of undetected Crotch's bumble bees that may be present during Project activities. The Project's ground or vegetation disturbance activities could result in significant impacts to Crotch's bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality.

For reference, Crotch's bumble bees primarily nest from late February through late October and typically nest underground in abandoned small mammal burrows. However, they may also nest under perennial bunch grasses, thatched annual grasses, brush piles, in old bird nests, and in dead trees or hollow logs (Hatfield et al. 2012).

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Evidence impact may be significant: Crotch's bumble bee is a candidate species protected under CESA, and, as such, is granted full protection under CESA. The California Fish and Game Commission (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. 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). CDFW considers impacts to species that are candidates for CESA listing to be significant, under CEQA. Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends that PUSD revise the MND to more fully disclose the presence of suitable habitat for Crotch's bumble bee, analyze potential impacts, and incorporate enforceable mitigation measures. Without this information, the environmental document may not provide a sufficient basis for evaluating potential impacts to this CESA candidate species under CEQA. To address these gaps and ensure compliance with feasible mitigation for significant impacts to biological resources (CEQA Guidelines, §§ 15064, 15126.4), CDFW requests that the following mitigation and recommendations are incorporated into the final CEQA document.

Recommendation #1: Crotch's Bumble Bee Analysis: The MND should be revised to provide a thorough discussion on the Project's potential direct and indirect impacts on Crotch's bumble bee throughout the entire Project area. If the Project may impact Crotch's bumble bee, the MND should 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 final document.

Recommendation #2: CESA and 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 PUSD 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, the 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: PUSD 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

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Act Candidate Bumble Bee Species[3]. Focused surveys shall also be conducted throughout the entire Project area 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 prior to implementing Project ground-disturbing and/or vegetation removal activities.

Mitigation Measure #2: Incidental Take Permit: If Crotch's bumble bee is detected on site, PUSD shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq.).

COMMENT # 2: IMPACTS TO NESTING BIRDS

Issue: The Project may potentially result in the loss of foraging and nesting habitat for nesting birds.

Specific impact: Project activities may result in a loss of refugia, nest abandonment, and/or decreased feeding frequency. This could result in increased nestling mortality, which would constitute a significant impact on nesting birds.

Why impact would occur: Project activities include vegetation and tree removal, grading, construction, and demolition. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. Substantial noise may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55-60 dB (Barber 2009). The Project could adversely affect special-status species, such as least Bell's vireo, by disrupting foraging or breeding behavior, or by causing adults to abandon nests. Noise has also been shown to reduce the density of nesting birds and cause increased stress that results in decreased immune responses (Raap 2017). These disturbances and stressors near potential nests could cause individuals to abandon nests, resulting in the loss of fertile eggs or nestlings.

Evidence impact may be significant: A temporary halt of Project activities within buffer zones during nesting season, as proposed in BIO-2 of the MND, does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat and tree loss. Effective mitigation is necessary to compensate for the long-term and temporary loss of ecological function, including permanent removal of nesting and foraging habitat. In addition, special-status bird species (least Bell's vireo) were detected in the Project vicinity and may be indirectly impacted. To ensure habitat and tree losses are sufficiently offset, mitigation should be designed to replace or enhance habitat of equal or greater ecological value, based on acreage of impact, tree loss, quality and composition of vegetation, and conservation status of the wildlife species affected. The Mitigation Measures proposed in the MND may not provide a sufficiently

[3] CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

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large buffer to avoid impacts, and/or commit adequate mitigation for the Project and may not reduce potential impacts to nesting birds to less-than-significant levels (CEQA Guidelines, § 15126.4).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends that PUSD revise the MND to clearly identify suitable habitat for nesting birds (particularly least Bell's vireo), analyze potential impacts, and incorporate enforceable mitigation measures. Without this information, the environmental document may not adequately support impact analysis for this CESA candidate species under CEQA. To address these concerns and ensure compliance with CEQA requirements for mitigating significant impacts to biological resources (CEQA Guidelines, §§ 15064, 15126.4), CDFW requests this recommendation and the following recommendations and mitigation measures be included in the final CEQA document.

Mitigation Measure #3: Impacts to least Bell's vireo: If impacts to least Bell's vireo, or any other special-status species, cannot be fully avoided through mitigation measures as described below, PUSD shall consult with CDFW and USFWS to obtain appropriate take authorization. Appropriate take authorization shall be obtained from CDFW and USFWS prior to any ground-disturbing activities and/or vegetation removal.

Recommendation #3: Incidental Take Permit: Appropriate CESA authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modifications to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for any project unless the project's CEQA document addresses all of the project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document shall also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the project's CEQA document. Biological mitigation monitoring and reporting proposals should also be of sufficient detail and resolution to satisfy ITP requirements. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.

Recommendation #4: Compensatory Mitigation for Nesting Bird Habitat. CDFW recommends PUSD adopt CDFW's proposed revisions to Mitigation Measure BIO-2 below. CDFW recommends incorporating the underlined language and removing the language in strikethrough as shown:

> **Mitigation Measure BIO-2 Nesting Birds:** <u>Project construction and grading plans shall state that ground-disturbing and vegetation-clearing activities should occur outside of the breeding season (February 15 – September 15). If</u>

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vegetation removal or initial grading occurs during the breeding season, nesting bird surveys shall be conducted. The surveys shall be conducted ~~W~~within three days prior to ground-disturbing activities. The surveys shall be ~~associated with project implementation~~ conducted by a qualified biologist for nesting raptors and migratory birds and will include a 150-foot buffer for common avian species, a 300 feet buffer for listed or highly sensitive species, and a 500 feet buffer for raptors. ~~that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 1 through August 31 in the project region, or as determined by a qualified biologist), a preconstruction nesting bird survey will be conducted by a qualified biologist.~~ If active nests (defined as occupied by eggs or young) protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present and could be potentially directly or indirectly impacted by the proposed project, clearing and construction within ~~100 feet of the nest (300 feet for raptors' nests)~~ a 150-feet for common avian species, 300 feet for listed or highly sensitive species, and 500 feet for raptors shall be postponed or halted at the discretion of the qualified monitoring biologist, or until the biologist has confirmed the nest is vacated and juveniles have fledged. Construction activities may proceed within the non-disturbance buffer if a qualified biologist is present to monitor active nests and determines that construction activities are not causing indirect or direct disturbance to a nest. All construction personnel shall be notified as to the existence of the buffer zone and instructed to avoid entering the buffer zone during the nesting season. Construction activities shall avoid any active nests and buffer zones until a qualified biologist has verified that the young have fledged or the nest has otherwise become inactive. A memorandum shall be prepared at the conclusion of surveys and submitted to CDFW. The memorandum shall include graphics and figures as necessary to support the results of the survey. CDFW shall be notified if/when any special-status species is observed onsite.

ADDITIONAL COMMENTS

Recommendation #5: Vernal Pool Fairy Shrimp

The MND states "[f]airy shrimp of unknown species were observed within a ponded wetland north of the project impact area but within the BSA." Additionally, the MND states that washing activities for solar panel maintenance will not impact the vernal pools because, "[t]he land slopes toward the northwest, reducing the likelihood that maintenance water would reach the wetland. […] any water used for cleaning panels closest to the wetland is expected to evaporate or soak into the soil without affecting the wetland." There has been no hydraulic or hydrogeologic analysis to determine if water from washing activity will runoff or infiltrate into the wetland, especially given that the wetland is located at a lower elevation than the solar panels. To facilitate CDFW's review and comments on how the proposed Project would avoid or minimize

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environmental impacts where feasible [CEQA Guidelines, §§ 15021, 15070(b)(1)], CDFW requests the following information:

a) A map of the extent to which fairy shrimp occupies the site to help delineate the pool boundaries.
b) The upland-to-drainage area to vernal pool ratio that currently supports this ecosystem. For instance, a 7-acre vernal pool that occurs on a 15-acre site that all drains to these pools would have an upland-to-pool ratio of 1.14 acres of upland needed to support 1 acre of vernal pool.
c) The depth of each pool and the average duration that water ponds in each pool.
d) An assessment of the habitat requirements of the fairy shrimp species found on-site, including the minimum and maximum number of days ponded water is necessary to complete their lifecycle, and the minimum and maximum depth of water needed to complete their lifecycle successfully.
e) Water quality for ponded water, including: pH, dissolved oxygen, alkalinity, turbidity, and salinity.
f) A description of the micro-topography and drainage for the current site, including the minimum, maximum, and average slope that currently drains the site into the vernal pools.

If the Project or maintenance activities may impact pools that are occupied by fairy shrimp or affect the watersheds or hydrology of occupied pools, CDFW recommends PUSD contact the United States Fish and Wildlife Service to discuss potential regulatory approaches and Best Management Practices, or containment features, that are consistent with the ESA.

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 that may be used to inform subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).). Accordingly, CDFW requests that any special-status species and natural communities detected during Project surveys be reported to the California

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Natural Diversity Database (CNDDB). The CNDDB website[4] provides guidance 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].

CDFW recommends that PUSD ensure all data collected for the preparation of the MND is properly submitted to CNDDB and the Vegetation Classification and Mapping Program to support accurate environmental review and ongoing species conservation.

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 MND to assist PUSD in identifying and mitigating Project impacts on biological resources. To ensure that significant impacts are adequately avoided or mitigated to a level less than significant, the feasible mitigation measures described above should be incorporated as enforceable conditions in the MND for the Project. CDFW requests an opportunity to review and comment on any response that PUSD has to our comments and to receive notification of any forthcoming public hearing dates for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Felicia Silva[6], Senior Environmental Scientist (Specialist).

Sincerely,

DocuSigned by:
Heather A. Pert
DF423498814B441...

Heather A. Pert
Environmental Program Manager
South Coast Region

[4] https://wildlife.ca.gov/Data/CNDDB
[5] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit
[6] Phone: 562-292-8105; Email: Felicia.Silva@wildlife.ca.gov

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ec: California Department of Fish and Wildlife
Baron Barrera, Senior Environmental Scientist (Supervisor)
Felicia Silva, Senior Environmental Scientist (Specialist)
Cindy Hailey, Staff Services Analyst
CEQA Program Coordinator – Sacramento

Office of Land Use and Climate Innovation
State Clearinghouse - State.Clearinghouse@lci.ca.gov

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

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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 or Recommendation	Timing	Responsible Party
Recommendation #1: Crotch's Bumble Bee Analysis The MND should be revised to provide a thorough discussion on the Project's potential direct and indirect impacts on Crotch's bumble bee throughout the entire Project area. If the Project may impact Crotch's bumble bee, the MND should 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 final document.	Prior to Project Activities	Pomona Unified School District
Recommendation #2: CESA and 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 City 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, the 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 Project Activities	Pomona Unified School District

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Mitigation Measure or Recommendation	Timing	Responsible Party
Mitigation Measure #1: Crotch's Bumble Bee Surveys PUSD 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[7]. Focused surveys shall also be conducted throughout the entire Project area 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 prior to implementing Project ground-disturbing and/or vegetation removal activities.	Prior to Project Activities	Pomona Unified School District
Mitigation Measure #2: Incidental Take Permit If Crotch's bumble bee is detected on site, PUSD shall coordinate with CDFW to determine next steps and whether appropriate take authorization from CDFW is necessary (pursuant to Fish & Game Code, § 2080 et seq.).	Prior to Project Activities	Pomona Unified School District
Mitigation Measure #3: Impacts to least Bell's vireo If impacts to least Bell's vireo, or any other special-status species, cannot be fully avoided through mitigation measures as described below, PUSD shall consult with CDFW and USFWS to obtain appropriate take authorization. Appropriate take authorization shall be obtained from CDFW and USFWS prior to any ground-disturbing activities and/or vegetation removal.	Prior to Project Activities	Pomona Unified School District

[7] CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

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Mitigation Measure or Recommendation	Timing	Responsible Party
Recommendation #3: Incidental Take Permit Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for any project unless the project's CEQA document addresses all the project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document shall also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the project's CEQA document. Also, biological mitigation monitoring and reporting proposals shall be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.	Prior to Project Activities	Pomona Unified School District
Recommendation #4 Compensatory Mitigation for Nesting Bird Habitat. CDFW recommends PUSD follow CDFW's revision's to Mitigation Measure BIO-2: <u>Mitigation Measure Revision</u>. CDFW recommends that BIO-2 be revised to incorporate the underlined language and omit the language in strikethrough: **Mitigation Measure BIO-2 Nesting Birds:** <u>Project construction and grading plans shall state that ground-disturbing and vegetation-clearing activities should occur outside of the breeding season (February 15 – September 15). If vegetation removal or initial grading occurs during the breeding season, nesting bird surveys</u>	Prior to Project Activities	Pomona Unified School District

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Mitigation Measure or Recommendation	Timing	Responsible Party
shall be conducted ~~W~~within three days prior to ground-disturbing activities associated with project implementation by a qualified biologist for nesting raptors and migratory birds and within an additional a 150-foot buffer for common avian species, 300 feet for listed or highly sensitive species, and 500 feet for raptors. ~~that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 1 through August 31 in the project region, or as determined by a qualified biologist), a preconstruction nesting bird survey will be conducted by a qualified biologist.~~ If active nests (defined as occupied by eggs or young) protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present and could be potentially directly or indirectly impacted by the proposed project, clearing and construction within ~~100 feet of the nest (300 feet for raptors' nests)~~ 150-foot buffer for common avian species, 300 feet for listed or highly sensitive species, and 500 feet for raptors shall be postponed or halted at the discretion of the qualified monitoring biologist, or until the biologist has confirmed the nest is vacated and juveniles have fledged. Construction activities may proceed within the non-disturbance buffer if a qualified biologist is present to monitor active nests and determines that construction activities are not causing indirect or direct disturbance to a nest. All construction personnel shall be notified as to the existence of the buffer zone and instructed to avoid entering the buffer zone during the nesting season. Construction activities shall avoid any active nests and buffer zones until a qualified biologist has verified that the young have fledged or the nest has otherwise become inactive. A memorandum shall be prepared at the conclusion of surveys and submitted to CDFW. The memorandum shall include graphics and figures as necessary to support the results of the survey. CDFW shall be notified if/'when any special-status species is observed onsite.		

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Mitigation Measure or Recommendation	Timing	Responsible Party
Recommendation #5: Vernal Pool Fairy Shrimp The MND states "Fairy shrimp of unknown species were observed within a ponded wetland north of the project impact area but within the BSA." Additionally, the MND states that washing activities for solar panel maintenance will not impact the vernal pools because "The land slopes toward the northwest, reducing the likelihood that maintenance water would reach the wetland. […] any water used for cleaning panels closest to the wetland is expected to evaporate or soak into the soil without affecting the wetland." There has been no hydraulic analysis to determine if water from washing activity will not runoff or infiltrate into the wetland. To enable CDFW to review and comment on how the proposed Project would avoid or minimize environmental impacts where feasible, [CEQA Guidelines § 15021 and §15070(b)(1)] CDFW requests specific information regarding Project impacts including: a) A map of the extent fairy shrimp occupies the site to help delineate the pool boundaries. b) The upland drainage area to vernal pool ratio that currently supports this ecosystem. For instance, a 7-acre vernal pool that occurs on a 15-acre site that all drains to these pools would have an upland to pool ratio of 1.14 acres of upland needed to support 1-acre of vernal pool. c) The depth of each pool and the average duration water ponds in each pool. d) An assessment of the habitat requirements of the fairy shrimp species found on-site, including the minimum and maximum number of days ponded water is necessary to complete their lifecycle and the minimum and maximum depth of water needed to complete their lifecycle successfully. e) Water quality for ponded water including: pH, dissolved oxygen, alkalinity, turbidity and salinity. f) A description of the micro-topography and drainage for the current site, including	Prior to Project Activities	Pomona Unified School District

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Mitigation Measure or Recommendation	Timing	Responsible Party
the minimum, maximum and average slope that currently drains the site into the vernal pools. If the Project or maintenance activities may impact pools that are occupied by fairy shrimp or affect the watersheds or hydrology of occupied pools, CDFW recommends PUSD contact the United States Fish and Wildlife Service to discuss potential regulatory approaches and Best Management Practices to address such impacts consistent with the ESA.		