



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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South Coast Region
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March 23, 2026

Eric Wang
Associate Planner
City of Agoura Hills
30001 Ladyface Ct.
Aguora Hills, CA 91301
ewang@agourahillscity.gov

Dear Eric Wang:

Agoura Business Center North (PROJECT)
SUBSEQUENT MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2026020744

The California Department of Fish and Wildlife (CDFW) reviewed the Subsequent Mitigated Negative Declaration (MND) from City of Agoura Hills for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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, we appreciate 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. (*Id.*, § 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 is also submitting comments 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

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

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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PROJECT DESCRIPTION SUMMARY

Proponent: Dale Poe Real Estate Group

Objective: The objective of the Project is to develop two industrial buildings totaling 35,532 square feet and 36,545 feet, respectively. The original project (approved in 2008) consisted of two buildings placed adjacent to Canwood Street and five additional buildings in the rear of the parcel. The front two buildings have since been constructed. The Project development now proposes site modifications in the form of two larger industrial buildings instead of five smaller buildings in the rear. Primary Project activities include: earthwork and excavation; construction staging; landscaping installation; and the removal, pruning, or clearing of vegetation. No trees are currently proposed to be removed.

Location: The 7.7-acre Project site is located at 28721 Canwood Street, immediately north of U.S. Interstate 101, in the City of Agoura Hills in western Los Angeles County (Assessor's Parcel Number 2048-012-033). Surrounding land uses consist of commercial and industrial development on the south, east, and west, and residential development to the north.

Timeframe: Project start and end dates not found in document

Biological Setting: The Project site can be characterized as undeveloped, rolling hills sloping from the north to the south. Vegetation within the site is sparse and dominated by non-native, ruderal species including mustard (*Brassica sp.*), red brome (*Bromus rubens*), Russian thistle (*Salsoga tragus*), horseweed (*Conyza canadensis*), and castor bean (*Ricinus communis*). Native oak trees are also scattered onsite.

Based on CDFW's review of the Subsequent MND and the [California Natural Diversity Database](#)³ (CNDDDB; CDFW 2025), the following species have the potential to occur within the Project site: southern California legless lizard (*Anniella pulchra*), Cooper's hawk ([Astur cooperii](#)), San Diego desert woodrat (*Neotoma lepida intermedia*), coast (San Diego) horned lizard (*Phrynosoma coronatum Blainvillei*; California Species of Special Concern), coastal central whiptail (*Aspidoscelis tigris stejnegeri*; California Species of Special Concern), and burrowing owl (*Athene cunicularia*; CESA Candidate Endangered). Additionally, recent observations of Crotch's bumble bee (*bombus crotchii*; CESA candidate species) in the vicinity of the site have been recorded on [iNaturalist](#) and [Bumble Bee Watch](#).

COMMENTS AND RECOMMENDATIONS

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

COMMENT # 1: Biological Baseline Assessment

Issue: The Project's Subsequent MND may not accurately reflect the Project site's current biological conditions, resources, and subsequent impacts.

Specific impact: The Subsequent MND states that its biological resources analysis relies, in part, on a Biological Resources Assessment (BRA) prepared on November 14, 2006, by Michael Brandman Associates for the previously approved project. To CDFW's understanding, no updated BRA has been prepared for this Project. Reliance on an assessment from 20 years ago does not accurately represent current conditions, which may lead to incorrect assessment about the impact of the Project.

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

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Why impact would occur: Depending on various factors, such as the date of the most recent site visit, biological conditions could vary from surveys completed in the 2006 BRA. Sensitive species and/or communities may have established themselves in the time since the most recent data was collected. Wildlife not previously observed on site may now be residents and/or use the Project site for breeding, nesting, or foraging. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years

Evidence impact would be significant: Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review (CEQA Guidelines, § 15003(i)).

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: Biological Assessment Surveys – The Project proponent should retain a qualified biologist to perform updated biological field surveys to account for the current state of the Project site and the inventory of biological species that may be present. The survey should be conducted at the appropriate time of year and time of day when sensitive species are active, or otherwise identifiable, for both plants and wildlife. The Project Proponent should include details necessary for CDFW to understand the extent of the information collected, including survey methods used and include details such as the date and time of day each survey was conducted. Based on the survey results, the final CEQA document should propose updated avoidance measures and specific mitigation for Project impacts to special-status species. Findings from the general field surveys should be disclosed in the CEQA document for public review.

COMMENT # 2: Impacts to Western Burrowing Owl

Issue: The Project may impact burrowing owl through ground disturbing Project activities.

Specific impact: Impacts in the form of habitat loss and degradation could occur as a result of Project activities. Mitigation Measure BIO-2 also currently allows for eviction, burrow collapse, or relocation of owls if found. Evicted burrowing owls may suffer from reduced reproductive success or direct mortality through prolonged exposure to harsh environmental conditions, such as extreme cold or heat, without adequate shelter or protection or predation.

Why impact would occur: The Subsequent MND acknowledges that burrowing owl may be directly impacted by ground-disturbing activities but does not adequately address the species' current regulatory status or the potential for take. Mitigation Measure BIO-2 also refers to Burrowing Owl as a California Species of Special Concern.

On October 15, 2024, the California Fish and Game Commission designated the burrowing owl as a candidate species under CESA. The Subsequent MND does not acknowledge this designation. As a candidate species, burrowing owl receives full protection from take, and activities such as eviction, relocation, burrow collapse, or habitat disturbance may constitute take requiring CDFW authorization.

Mitigation Measure BIO-2, which allows exclusion, eviction or relocation, may result in unauthorized take. The 2012 Staff Report clarifies that exclusion, eviction, and translocation are not avoidance or mitigation and may constitute significant impacts under CEQA. Exclusion and/or eviction can result in "take" (as defined by Fish and Game Code section 86) and translocation of owls is take of the species through capture. As a result, Mitigation Measure BIO-2 may not properly protect burrowing owl and result in unauthorized impacts to burrowing owl.

Evidence impact would be significant: Burrowing owl is a species designated as candidate for listing as threatened or endangered pursuant to CESA (Fish & G.

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Code, § 2050 et seq.). Burrowing Owl meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). 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:

Mitigation Measure # 1: Mitigation Measure BIO-2— CDFW recommends the City revise Mitigation Measure BIO-2 by incorporating the underlined language and removing the language with a strikethrough.

BIO-2 Burrowing Owl Survey

Beginning no more than 30 days prior to start of ground disturbing activities a qualified biologist shall conduct a pre-construction survey for burrowing owls, ~~a California Species of Special Concern~~ a CESA Candidate Endangered species, consisting of four (4) survey visits spaced approximately one (1) week apart with the last survey within five (5) days of the start of Project activities. The pre-construction survey shall follow the habitat assessment and survey methodology outlined in *Staff Report on Burrowing Owl Mitigation* (CDFW, March 7, 2012) supplemented at the discretion of the surveying biologist with the survey guidance outlined in the *Burrowing Owl Survey Protocol and Mitigation Guidelines* (California Burrowing Owl Consortium, April 1993). Prior to the start of project activities, the biologist shall submit a report discussing the pre-project survey methods and results, as well as any measures to be implemented to avoid harm or disturbance to burrowing owls to the City of Agoura Hills and CDFW.

If burrowing owls are found during the nesting period (February 1 through August 31) disturbance to occupied burrows shall be avoided and an appropriate no-disturbance buffer (typically 500 ~~feet~~ meters) shall be established between project activities and the occupied burrow to ensure that nesting and foraging are not disrupted, unless it can be determined that the birds have not begun egg-laying and incubation or that the juveniles from those burrows are foraging independently and are capable of independent survival. The no-disturbance buffer shall be delineated using stakes, flags, and/or rope or cord and shall contain signs informing workers to avoid the marked area. Project proponent shall delineate burrows with different materials or colors than those used to delineate the Project area. Project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project. A reduced buffer may be established in consultation with the CDFW, if appropriate, based on existing vegetation, development, and land uses in the area, as well as other relevant factors. If the project is allowed to be closer than the recommended buffer distance, a monitoring program that ensures that burrowing owls are not detrimentally affected shall be developed and implemented.

~~If suitable habitat and suitable burrow sites exist within 100 meters of an occupied burrow, burrowing owls that are not nesting and that are not dependent juveniles may be relocated using passive displacement techniques involving installation of a one-way door in the burrow opening and collapse of the burrow after the owls~~

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~~have been evicted. Destruction of the burrow shall only be conducted after the burrow has been confirmed to be empty by site surveillance and/or scoping. If suitable habitat and suitable burrow sites do not exist within 100 meters of the occupied burrow, then in consultation with the City and CDFW the burrowing owls may be captured and moved to a suitable mitigation site. The biologist(s) shall hold the requisite permits for capture and handling of the species.~~

~~Burrowing owls shall not be excluded from burrows or captured and relocated unless or until:~~

- ~~▪ A Burrowing Owl Exclusion and Relocation Plan with clearly stated success criteria is developed and approved by the City and CDFW;~~
- ~~▪ Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows to ensure that take is avoided and that evicted owls do not attempt to re-colonize the area that will be impacted; and~~
- ~~▪ A Mitigation and Management Plan is developed and approved by the City and the CDFW that compensates for the loss of occupied habitat and ensures the long-term protection of the burrowing owls at the mitigation (relocation) site.~~

~~The permanent loss of occupied habitat and burrows is mitigated by the placement of suitable burrowing owl habitat in perpetuity at the mitigation (relocation) site by conservation easement or similar land protection instrument. The off-site mitigation ratio shall be determined in consultation with the CDFW and USFWS and shall be based on the quantity and quality of habitat necessary for the long-term survival of the relocated birds.~~

Mitigation Measure # 2: Small Mammal Control

Burrowing mammals such as ground squirrels shall not be subject to population control so as to provide adequate burrowing habitat for owls. The Project Proponent shall preserve existing small mammal burrows whenever feasible. Rodenticide, which both reduces prey availability and can lead to primary or secondary poisoning, shall not be used on the Project site.

Mitigation Measure #3: Trash Abatement

The Project proponent shall initiate a trash abatement program before starting Project activities and shall continue the program for the duration of the Project. The Project proponent shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral cats and dogs that can harm or kill burrowing owls. Plastic water bottles and plastic bags shall be removed daily.

Recommendation # 2: Burrowing Owl Discussion – The Subsequent MND should be revised to acknowledge that burrowing owl are designated as a CESA candidate species and afforded full protection under CESA. The Subsequent MND should also provide a thorough discussion on the Project's potential direct and indirect impact on burrowing owl. If the Project may impact burrowing owl, the CEQA Document should incorporate up to date measures to mitigate potential impacts to 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 CEQA Document.

Recommendation # 3: Burrowing Owl Take Authorization

If burrowing owls are identified during surveys, the Project proponent should consult with CDFW to determine if the Project can avoid take, and if avoidance is not feasible, to acquire a CESA incidental take permit, pursuant to Fish and Game Code section 2081, subdivision (b) prior to any earthwork activities.

COMMENT # 2: Impacts to Crotch's Bumble Bee

Issue: The Subsequent MND does not analyze potential impacts to Crotch's bumble bee, a candidate species under CESA since 2022.

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Specific Impact: Project ground-disturbing and vegetation disturbance could result in potentially 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.

Why impact would occur: The Subsequent MND relies in part on a BRA prepared on November 14, 2006, by Michael Brandman Associates for the previously approved project. The BRA predates the designation of CBB as a candidate species under CEQA and the Subsequent MND does not evaluate the species' current status, habitat suitability, or potential for project-related impacts.

Numerous sightings of Crotch's bumble bee have been documented within a one-mile radius of the Project site. The closest recorded observation occurred in 2019, approximately 0.5 mile southwest of the Project site (iNaturalist 2025), and the most recent sighting was recorded on August 24, 2025, approximately one mile northeast of the Project site (Bumble Bee Watch 2025). The Floral Compendia of the 2006 BRA also indicates viable habitat present on the Project site (e.g. milkweed, common sunflower, mustard, valley oak, etc.).

Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also 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 (Williams et al. 2014). Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Without sufficient avoidance, minimization, or mitigation measures, Project activities may result in undisclosed and unmitigated temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

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 area. 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 Dale Poe Real Estate Group (CEQA Guidelines, § 1565).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure # 4: Crotch's Bumble Bee Surveys – The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys for Crotch's Bumble Bee. Focused surveys shall follow [CDFW's Survey Conditions for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species \(CDFW 2023\)](#).⁵ Focused surveys shall also be conducted

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

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

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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 prior to implementing Project ground-disturbing activities.

Recommendation # 4: Incidental take permit for Crotch's bumble bee. If survey information indicates the Project may result in take of Crotch's Bumble Bee, 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.

Editorial Comments and/or Suggestions

Mitigation Measure BIO-9. CDFW recommends the City revise Mitigation Measure BIO-9 by incorporating the underlined language and removing the language with strikethrough:

To avoid the accidental take of any migratory bird species or raptors, the removal or pruning of trees shall be conducted between September 15 and February 15, outside of the typical breeding season, as feasible. Surveys shall follow USFWS and CDFW guidance and/or protocols, as applicable. Should avoidance of the nesting season not be feasible as determined by the city, a qualified biologist/ ornithologist satisfactory to the City's Environmental Analyst shall be retained by the applicant to conduct focused nesting surveys ~~weekly for 30~~ 3 days prior to grading or initial construction activity. The results of the nest survey shall be submitted to the City's Environmental Analyst and CDFW within one week of completion for review via a letter report prior to initiation of grading or other construction activity with the last survey conducted no more than three days before any clearance of vegetation or other construction activity. If no active nests or nesting birds are identified during the pre-construction survey, then ground-disturbing activities may proceed, and no further mitigation measures shall be required for nesting birds.

In the event that a nesting migratory bird species or raptor is observed in the habitat to be removed or in other habitat within 300 feet of the construction work areas (500 feet for raptors), the applicant has the option of delaying all construction work in the suitable habitat area or within 300 feet thereof (500 feet for raptors), until after September 15, or continuing focused surveys in order to locate any nests. If an active nest is found, a non disturbance buffer of 300 feet (500 feet for raptors) ef-from the nest shall be established until the breeding season has ended. be postponed until the Non-disturbance buffers can be removed when a Qualified Biologist has determined the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. ~~Limits of construction~~ Non-disturbance buffers to avoid a nest site shall be established by the city approved biologist in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area on their own. Intrusion into the buffer may only be conducted at the discretion of the biologist. Non-disturbance buffers can be removed when a Qualified Biologist has determined that the birds have fledged, are no longer reliant on the nest or parental care for survival and adult birds are no longer occupying the nest, or the nest is no longer active (e.g., failed).

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

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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 (see Attachment A).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)⁶ 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](#)⁷.

Dale Poe Real Estate Group should ensure data collected for the preparation of the CEQA Document is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the Subsequent MND to assist Dale Poe Real Estate Group in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the Dale Poe Real Estate Group 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 Chloe Hakim⁸, Senior Environmental Scientist (Specialist).

Sincerely,
DocuSigned by:



5901519FF809AC3
Victoria Tang

Environmental Program Manager
South Coast Region

ec: [California Department of Fish and Wildlife](#)
Victoria Tang, Environmental Program Manager
Randy Rodriguez, Senior Environmental Scientist (Supervisory)
Chloe Hakim, Senior Environmental Scientist (Specialist)
Cindy Hailey, Staff Services Analyst
Jenny Ludovissy, Staff Services Analyst

⁶ <https://wildlife.ca.gov/Data/CNDDDB>

⁷ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

⁸ Phone: 562-619-3169; Email: Chloe.Hakim@wildlife.ca.gov

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REFERENCES

[CDFW] California Department of Fish and Wildlife. 2012. *Staff Report on Burrowing Owl Mitigation*. Available from:

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

[CDFW] California Department of Fish and Wildlife. 2023. *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*. Available at:

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

[FGC] California Fish and Game Commission. 2024. *Notice of Findings – Western Burrowing Owl (*Athene cunicularia hypugaea*)*. Available at:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227089&inline>

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Attachment A: Draft Mitigation Monitoring and Reporting Program (MMRP)

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

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure # 1: Mitigation Measure BIO-2— CDFW recommends the City revise Mitigation Measure BIO-2 by incorporating the underlined language and removing the language with a strikethrough.</p> <p><i>BIO-2 Burrowing Owl Survey</i> Beginning no more than 30 days prior to start of ground disturbing activities a qualified biologist shall conduct a pre-construction survey for burrowing owls, a California Species of Special Concern <u>a CESA Candidate Endangered species</u>, consisting of four (4) survey visits spaced approximately one (1) week apart with the last survey within five (5) days of the start of Project activities. The pre-construction survey shall follow the habitat assessment and survey methodology outlined in <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW, March 7, 2012) supplemented at the discretion of the surveying biologist with the survey guidance outlined in the <i>Burrowing Owl Survey Protocol and Mitigation Guidelines</i> (California Burrowing Owl Consortium, April 1993). Prior to the start of project activities, the biologist shall submit a report discussing the pre-project survey methods and results, as well as any measures to be implemented to avoid harm or disturbance to burrowing owls to the City of Agoura Hills <u>and CDFW</u>.</p> <p>If burrowing owls are found during the nesting period (February 1 through August 31) disturbance to occupied burrows shall be avoided and an appropriate <u>no-disturbance</u> buffer (typically 500 feet <u>meters</u>) shall be established between project activities and the occupied burrow to ensure that nesting and foraging are not disrupted, unless it can be determined that the birds have not begun egg-laying and incubation or that the juveniles from those burrows are foraging independently and are capable of independent survival. <u>The no-disturbance buffer shall be delineated using stakes, flags, and/or rope or cord and shall contain signs informing workers to avoid the marked area. Project proponent shall delineate burrows with different materials or colors than those used to delineate the Project area. Project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project.</u> A reduced buffer may be established in consultation with the CDFW, if appropriate, based on existing vegetation, development, and</p>	<p>Prior to Final CEQA Document</p>	<p>Lead Agency</p>

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Mitigation Measure	Timing	Responsible Party
<p>land uses in the area, as well as other relevant factors. If the project is allowed to be closer than the recommended buffer distance, a monitoring program that ensures that burrowing owls are not detrimentally affected shall be developed and implemented.</p> <p>If suitable habitat and suitable burrow sites exist within 100 meters of an occupied burrow, burrowing owls that are not nesting and that are not dependent juveniles may be relocated using passive displacement techniques involving installation of a one-way door in the burrow opening and collapse of the burrow after the owls have been evicted. Destruction of the burrow shall only be conducted after the burrow has been confirmed to be empty by site surveillance and/or scoping. If suitable habitat and suitable burrow sites do not exist within 100 meters of the occupied burrow, then in consultation with the City and CDFW the burrowing owls may be captured and moved to a suitable mitigation site. The biologist(s) shall hold the requisite permits for capture and handling of the species.</p> <p>Burrowing owls shall not be excluded from burrows or captured and relocated unless or until:</p> <ul style="list-style-type: none"> ▪ A Burrowing Owl Exclusion and Relocation Plan with clearly stated success criteria is developed and approved by the City and CDFW; ▪ Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows to ensure that take is avoided and that evicted owls do not attempt to re-colonize the area that will be impacted; and ▪ A Mitigation and Management Plan is developed and approved by the City and the CDFW that compensates for the loss of occupied habitat and ensures the long-term protection of the burrowing owls at the mitigation (relocation) site. <p>The permanent loss of occupied habitat and burrows is mitigated by the placement of suitable burrowing owl habitat in protection in perpetuity at the mitigation (relocation) site by conservation easement or similar land protection instrument. The off-site mitigation ratio shall be determined in consultation with the CDFW and USFWS and shall be based on the quantity and quality of habitat necessary for the long term survival of the relocated birds.</p>		
Mitigation Measure # 2: Small Mammal Control	Prior to Project Initiation	Project Proponent

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Mitigation Measure	Timing	Responsible Party
<p>Burrowing mammals such as ground squirrels shall not be subject to population control so as to provide adequate burrowing habitat for owls. The Project Proponent shall preserve existing small mammal burrows whenever feasible. Rodenticide, which both reduces prey availability and can lead to primary or secondary poisoning, shall not be used on the Project site.</p>		
<p>Mitigation Measure #3: Trash Abatement The Project proponent shall initiate a trash abatement program before starting Project activities and shall continue the program for the duration of the Project. The Project proponent shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral cats and dogs that can harm or kill burrowing owls. Plastic water bottles and plastic bags shall be removed daily.</p>	<p>Prior to Project Initiation</p>	<p>Project Proponent</p>
<p>Mitigation Measure # 4: Crotch’s Bumble Bee Surveys – The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys for Crotch’s Bumble Bee. Focused surveys shall follow CDFW’s Survey Conditions for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023).⁹ 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 prior to implementing Project ground-disturbing activities.</p>	<p>Prior to Project Initiation</p>	<p>Project proponent /Qualified Biologist</p>
<p>Recommendation #1: Biological Assessment Surveys – The Project proponent should retain a qualified biologist to perform updated biological field surveys to account for the current state of the Project site and the inventory of biological species that may be present. The survey should be conducted at the appropriate time of year and time of day when sensitive species are active, or otherwise identifiable, for both plants and wildlife. The Project Proponent should include details necessary for CDFW to understand the extent of the information collected, including survey methods used and include details such as the date and time of day each survey was conducted. Based on the survey results, the final CEQA document should propose updated avoidance</p>	<p>Prior to Final CEQA Document</p>	<p>Lead Agency /Qualified Biologist</p>

⁹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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Mitigation Measure	Timing	Responsible Party
measures and specific mitigation for Project impacts to special-status species. Findings from the general field surveys should be disclosed in the CEQA document for public review.		
<p>Recommendation # 2: Burrowing Owl Discussion – The Subsequent MND should be revised to acknowledge that burrowing owl are designated as a CESA candidate species and afforded full protection under CESA. The Subsequent MND should also provide a thorough discussion on the Project's potential direct and indirect impact on burrowing owl. If the Project may impact burrowing owl, the CEQA Document should incorporate up to date measures to mitigate potential impacts to 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 CEQA Document.</p>	Prior to Final CEQA Document	Lead Agency
<p>Recommendation # 3: Burrowing Owl Take Authorization If burrowing owls are identified during surveys, the Project proponent should consult with CDFW to determine if the Project can avoid take, and if avoidance is not feasible, to acquire a CESA incidental take permit, pursuant to Fish and Game Code section 2081, subdivision (b) prior to any earthwork activities.</p>	Prior to Project Initiation	Project proponent
<p>Recommendation # 4: Incidental take permit for Crotch's bumble bee. If survey information indicates the Project may result in take of Crotch's Bumble Bee, 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.</p>	Prior to Project Initiation	Project proponent
<p>Mitigation Measure BIO-9. CDFW recommends The City revise Mitigation Measure BIO-9 by incorporating the underlined language and removing the language with strikethrough:</p> <p>To avoid the accidental take of any migratory bird species or raptors, the removal or pruning of trees shall be conducted between September 15 and February 15, outside of the typical breeding season, as feasible. Surveys shall follow USFWS and CDFW guidance and/or protocols, as applicable. Should avoidance of the</p>	Prior to Final CEQA Document	Lead Agency

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Mitigation Measure	Timing	Responsible Party
<p>nesting season not be feasible as determined by the city, a qualified biologist/ ornithologist satisfactory to the City's Environmental Analyst shall be retained by the applicant to conduct focused nesting surveys 30 <u>3</u> days prior to grading or initial construction activity. The results of the nest survey shall be submitted to the City's Environmental Analyst <u>and CDFW</u> within one week of completion for review via a letter report prior to initiation of grading or other construction activity with the last survey conducted no more than three days before any clearance of vegetation or other construction activity. <u>If no active nests or nesting birds are identified during the pre-construction survey, then ground-disturbing activities may proceed, and no further mitigation measures shall be required for nesting birds.</u></p> <p>In the event that a nesting migratory bird species or raptor is observed in the habitat to be removed or in other habitat within 300 feet of the construction work areas (500 feet for raptors), the applicant has the option of delaying all construction work in the suitable habitat area or within 300 feet thereof (500 feet for raptors), until after September 15, or continuing focused surveys in order to locate any nests. If an active nest is found, <u>a non disturbance buffer of 300 feet (500 feet for raptors) of from the nest shall be established until the breeding season has ended. be postponed until the Non-disturbance buffers can be removed when a Qualified Biologist has determined the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction Non-disturbance buffers to avoid a nest site shall be established by the city approved biologist in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the ecological sensitivity of the area on their own. Intrusion into the buffer may only be conducted at the discretion of the biologist. <u>Non-disturbance buffers can be removed when a Qualified Biologist has determined that the birds have fledged, are no longer reliant on the nest or parental care for survival and adult birds are no longer occupying the nest, or the nest is no longer active (e.g., failed).</u></u></p>		