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DEPARTMENT OF FISH AND WILDLIFE

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October 8, 2026

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Subject: Mitigated Negative Declaration for the Proposed Vello Retreat Project, SCH No. 2026090012, Ventura County, CA

Dear Shanna Farley:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) from the City of San Buenaventura (City; Lead Agency) for the Proposed Vello Retreat Project (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife or be subject to Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (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). CDFW is also directed to provide biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.), or

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CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Proponent: Ravello Holdings, Inc.

Objective: The objective of the Project is to annex Assessor's Parcel Number (APN) 069-0-020-015 area from Ventura County into the City, change the zoning of the parcel from open space to allow housing, and develop 117 residential units and associated infrastructure. The development would include 76 residential buildings, community park, tot lot, dog park, paseo, greenbelt, and other common spaces. Off-site fuel modification will be maintained by a homeowner's association (HOA).

While main access to the site would occur via Cedar Street, the Project would also improve and repave School Canyon Road. Upon implementation, School Canyon Road would be used for emergency access only and would be equipped with an emergency access gate.

Portions of the site historically contained storage tanks for petroleum. Soil cleanup will occur concurrently with the development.

Location: The Project site is at the intersection of North Ventura Avenue and School Canyon Road. It is bound by Cañada de San Joaquin Creek, open space, and residential uses to the north, industrial and educational (Benita Wallick Head Start) uses to the west, residential uses to the south, and a psychiatric hospital (Aurora Vista Del Mar) and open space uses to the east. The Project site encompasses 17.54 acres and is identified by Assessor Parcel Number 069-0- 020-015 in unincorporated Ventura County, California.

Timeframe: Construction is anticipated to occur in two phases over an approximately 21month-period beginning in spring 2027 and ending in winter 2029.

Biological Setting: The Project site is bound by Cañada de San Joaquin Creek to the north. Canada de San Joaquin Creek is tributary to the Ventura River approximately 3000 feet to the west of the Project. The Ventura River is known to support southwestern pond turtle (*Actinemys pallida*), least Bell's vireo (*Vireo bellii pusillus*), two-striped garter snake (*Thamnophis hammondii*), and southern California steelhead trout (*Oncorhynchus mykiss irideus* pop. 10) right at the confluence of Cañada de San Joaquin Creek and the Ventura River. The proposed off-site fuel modification area contains three sensitive natural communities (Coast Live Oak – California Sagebrush – Grass (*Quercus agrifolia – Artemisia californica – Grass*) vegetation association (association 71.060.08), *Artemisia californica – Eriogonum fasciculatum – Salvia leucophylla* association (association 32.110.03), and possibly *Juglans californica* Forest & Woodland Alliance (Southern California black walnut groves) (alliance 72.100.00) and is part of a larger contiguous habitat unit.

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Special-status species that have the potential to occur on site, and may be impacted by the Project, include, but are not limited to:

Reptiles and Amphibians:

- southwestern pond turtle (*Actinemys pallida*; California Species of Special Concern (SSC))
- California red-legged frog (*Rana draytonii*; Federal Endangered Species Act (ESA)-listed endangered, CESA-listed endangered)
- California legless lizard (*Anniella pulchra*; SSC)

Birds:

- least Bell's vireo (*Vireo bellii pusillus*; ESA-listed endangered, CESA-listed endangered)
- burrowing owl *(Athene cunicularia; CESA candidate species)*
- coastal California gnatcatcher (*Polioptila californica californica*; ESA-listed threatened, SSC)

Mammals:

- American badger (*Taxidea taxus*; SSC)
- Mexican long-tongued bat (*Choeronycteris* Mexican; SSC)
- pallid bat (*Antrozous pallidus*; SSC)
- western mastiff bat (*Eumops perotis californicus*; SSC)

Invertebrates:

- Crotch's bumble bee (*Bombus crotchii*; CESA candidate species)
- American bumble bee (*Bombus pensylvanicus*; International Union for the Conservation of Nature, Vulnerable (IUCN_VU))
- monarch butterfly (*Danaus plexippus plexippus*; federally proposed threatened, IUCN_VU)

Plants/Vegetation:

- late-flowered mariposa-lily (*Calochortus fimbriatus*; California Rare Plant Rank (CRPR)1B.1)
- Miles' milk-vetch (*Astragalus didymocarpus var. milesianus*; CRPR 1B.2)
- Ventura Marsh milk-vetch (*Astragalus pycnostachyus var. lanosissimus*; ESA-listed endangered, CESA-listed endangered)
- Ojai navarretia (*Navarretia ojaiensis;* CRPR 1B.1)
- aphanisma (*Aphanisma blitoides; CRPR 1B.2)*
- Coulter's goldfields (*Lasthenia glabrata ssp. Coulteri; CRPR 1B.1)*

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- Coulter's saltbush (*Atriplex coulteri;* CRPR 1B.2)
- white-veined monardella (*Monardella hypoleuca ssp. Hypoleuca*; CRPR 1B.3)
- south coast saltscale (*Atriplex pacifica*; CRPR 1B.2)
- coast Live Oak Woodland (California Sagebrush Association; State Rarity Ranking S4)
- sagebrush associations, coast live oak vegetation associations; State Rarity Ranking S3)
- California Walnut Woodland (California Walnut Woodland; CRPR 4.2)

Fish:

- southern California steelhead (*Oncorhynchus mykiss*; ESA-listed endangered, CESA listed endangered)

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: Inaccurate Biological Baseline

Issue: A biological assessment report was not circulated for public review with the MND; therefore, the MND does not contain sufficient information to allow for a meaningful discussion of impacts. The MND's analysis seems to be based on a reconnaissance biological assessment on November 4, 2025 (MND Page 36). Absent survey data, CDFW is unable to provide meaningful avoidance, minimization, or mitigation measures related to biological resources, including Crotch's bumble bee, western burrowing owl, late-flowered mariposa-lily, Coulter's saltbush, Coast Live Oak – California Sagebrush – Grass (*Quercus agrifolia – Artemisia californica – Grass*) vegetation association (association 71.060.08), *Artemisia californica – Eriogonum fasciculatum – Salvia leucophylla* association (association 32.110.03), and possibly *Juglans californica* Forest & Woodland Alliance (Southern California black walnut groves) (alliance 72.100.00).

Specific Impact: The Project may result in significant impacts to rare plant and animal species because it does not include any specific disclosure or analysis in the MND. Deferring impact assessment and disclosure to pre-construction botanical and animal surveys does not allow adequate disclosure of impacts during the MND's public review period.

Surveys should be conducted during the appropriate times, following established protocols to determine what, if any, sensitive species and natural communities occur in the Project footprint including the fuel modification zones. This information should be included in the MND, including location (map), population/occurrence size estimates, and an assessment of

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specific impacts with avoidance, minimization, and mitigation measures. CDFW does not consider pre-construction surveys as adequate mitigation under CEQA.

Why impact would occur: Direct impacts include Project activities that result in vegetation crushing, trimming or removal or thinning, burial, human intrusion, and the erosion, crushing and compaction or excavation of soil. Indirect effects include the spread of invasive, non-native weeds, which impact adjacent habitat as well as vibration and construction noise and lighting. Without detailed seasonally appropriate survey data which verifies absence of sensitive species, or without the MND's assumption of sensitive species in suitable habitat, it is nearly impossible for the MND to accurately ascertain whether significant impacts can be avoided with mitigation.

We are especially concerned about an inaccurate biological baseline because data was collected in November, which is not a seasonally appropriate time to assess sensitive blooming species, Crotch's bumble bee, bats, or western burrowing owls. Until data is collected during the correct time of year, and per protocol where applicable, the MND should be assuming presence and requiring mitigation which is proportional with potential significant impacts.

Evidence impact would be significant: CEQA Guidelines §15070 and §15071 require the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including vegetation mapping, species compendia, and survey results for species that occur in the entire Project footprint, need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity). Impacts to CEQA-rare plant and animal species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive 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 in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service.

Recommended Potentially Feasible Mitigation Measures

To evaluate potential impacts of the Project to biological resources, CDFW recommends the following mitigation measures as conditions of approval in the Project's CEQA document.

Mitigation Measure #1: A biological assessment report shall be prepared for the Project, including fuel modification, road work, and staging areas. The study area shall include the entire Study Area as defined in Figure 9, as well as the Fuel modification boundaries.

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Recommendation #1: Appropriate surveys, including protocol botanical and animal surveys, should be conducted at the appropriate time of year to document the presence/absence of CEQA-rare species prior to finalizing the MND. Based on the survey results, the MND should be amended to propose avoidance and specific avoidance, minimization, or mitigation measures for Project impacts to CEQA-rare species. Surveys should be timed during the appropriate season for maximum detection of sensitive species and vegetation alliances. For botanical species, CDFW's Updated protocols (CDFW, 2018) should be utilized.

Comment 2: Mitigation for Sensitive Vegetation Communities

Issue: The vegetation community assessment is not adequate to allow CDFW to determine what natural communities occur in the Project area. Therefore, significant impacts to natural communities could occur, even with mitigation.

Specific Impact: The MND states a minimum of 1.05 acres of sensitive vegetation community habitats would be impacted due to construction, impacts to sensitive vegetation communities due to fuel modification will only be mitigated at a 0.5:1 ratio, and all other impacts to sensitive vegetation communities will be mitigated at a 1:1 ratio (page 43). CDFW is concerned that the majority of the Project site is labeled developed/disturbed, which are not vegetation communities. Looking at Google Earth, there appears to be mappable vegetation alliances within developed/disturbed areas. In the Crotch's bumble bee section of the MND, bunch grass is mentioned (page 37); however, it is not accounted for. The MND lacks a botanical species compendium and description of the vegetation communities listed.

Why Impact Would Occur: Sensitive vegetation communities are a defined by their dominant plant species, such as *Baccharis salicifolia – Lepidospartum squamatum – Hazardia squarrosa* association and *Hazardia squarrosa – Artemisia californica* association and have a separate ranking system than that of individual rare plants. Descriptions of the vegetation communities included in the MND are not defined. California sagebrush scrub can be a sensitive natural community if it includes black sage, however, it was listed as S4 with no further explanation. In order to analyze if a project may have a significant effect on the environment, the location, species composition, and success criteria of proposed mitigation information is necessary to allow the CDFW to comment on alternatives to avoid impacts, as well assess the adequacy of the mitigation proposed.

Evidence Impact would be significant: An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. CDFW considers natural communities with ranks of S1-S3 to be sensitive natural communities that meet the CEQA definition (CEQA Guidelines, §§ 15380, 15063, 15065) to be addressed in CEQA (CEQA Guidelines, § 15125[c]). Without appropriate vegetation classification, the Project may result in substantial adverse direct and cumulative effect,

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either directly or through habitat modifications, on any Sensitive Natural Communities and S1-S3 ranked species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

CEQA Guidelines sections 15070 and 15071 require the MND to analyze if the Project may have a significant effect on the environment as well as review if the Project will "avoid the effect or mitigate to a point where clearly no significant effects would occur." Inadequate avoidance, minimization, and mitigation measures for impacts to these CEQA-rare vegetation communities 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 in local or regional plans, policies, or regulations, or by the Wildlife Agencies.

Mitigation Measure #2: Sensitive natural communities within the Project Area shall be avoided to the extent feasible. If avoidance is not feasible, the Project proponent shall mitigate at a ratio sufficient to achieve a no-net loss for impacts to sensitive natural communities:

- impacts to S1 and S2 ranked sensitive vegetation alliances and associations shall be mitigated at a 5:1 ratio;
- impacts to S3 sensitive vegetation alliances and associations should be mitigated at a 4:1 ratio; and,
- impacts to the S4 and S5 communities be mitigated at a 2:1 ratio due to the overall decline of coastal bluff/scrub habitats region wide.

All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation shall have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

Mitigation Measure #3: Success criteria shall be based on the specific composition of the vegetation communities being impacted. Success shall not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria shall be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being

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mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in MCV2, ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw, 1998, Dixon, 2018). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

COMMENT # 3: Fuel Modification Analysis

Issue: The Project will impact off-site, adjacent mitigation land and open space habitat for fuel modification, the impacts of which are not fully analyzed and discussed in the MND.

Specific impact: The Project Description identifies fuel modification as part of the Project; however, several figures (Figures 2, 7, and 9) omit the fuel modification impact areas with the rationale that they are off site. Omitting fuel modification areas from these figures results in an insufficient analysis of Project impacts. Additionally, the map quality is also insufficient for CDFW to accurately evaluate the full extent of Project impacts.

CDFW is concerned the Project will impact mitigation parcels to conduct its fuel modification requirements. The off-site parcel identified in the MND is Seneca Gardens Open Space, which is open space mitigation from a 1989 condominium development (Seneca Gardens, Figures 1 and 2). Additionally, the off-site fuel modification impact area potentially includes three sensitive natural communities (Coast Live Oak – California Sagebrush – Grass (*Quercus agrifolia – Artemisia californica – Grass*) vegetation association (association 71.060.08), *Artemisia californica – Eriogonum fasciculatum – Salvia leucophylla* association (association 32.110.03), and possibly *Juglans californica* Forest & Woodland Alliance (Southern California black walnut groves) (alliance 72.100.00) and is part of a larger contiguous habitat unit.

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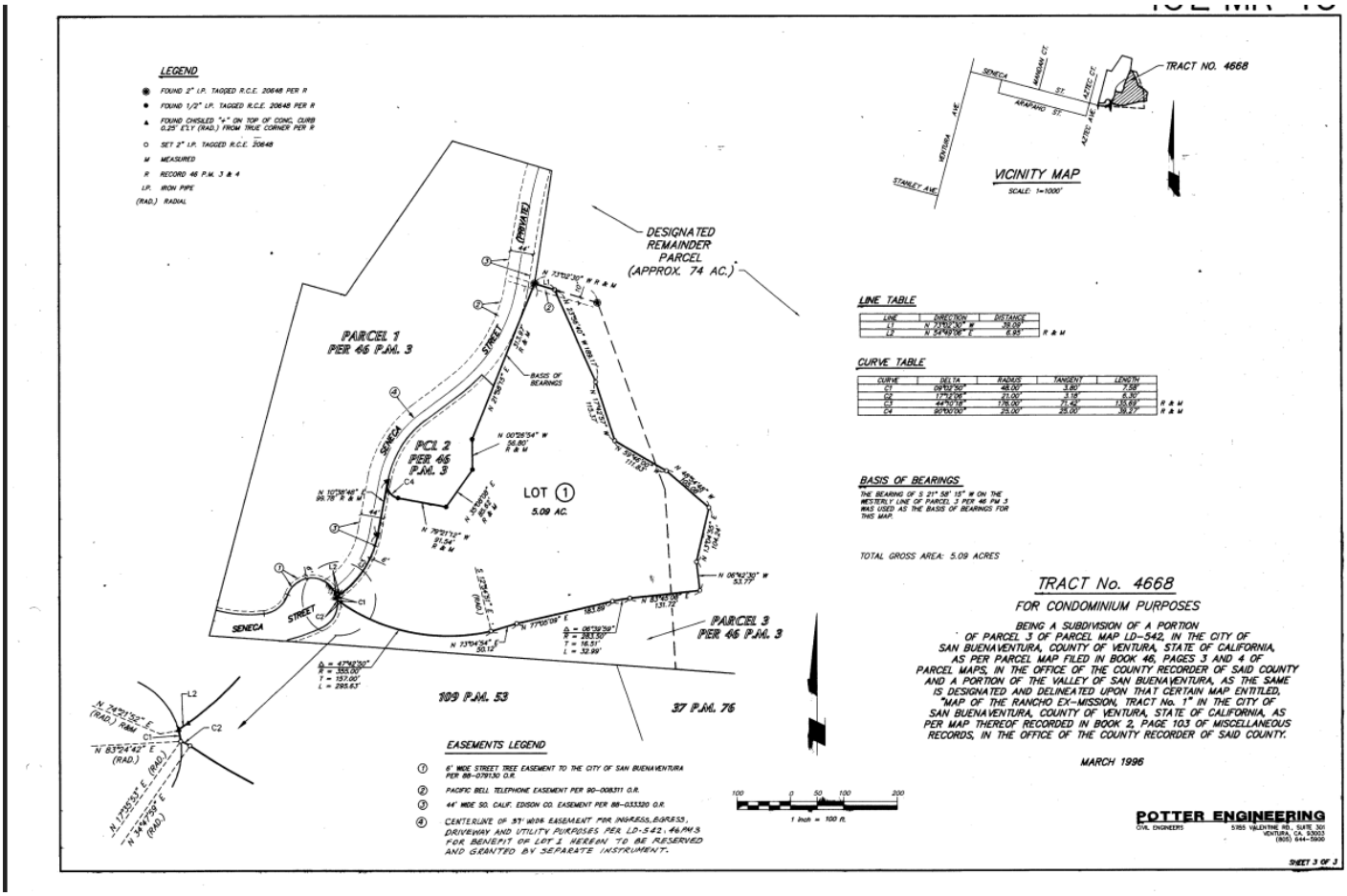

Figure 1. Seneca Gardens tract map showing the 74-acre Designated Remainder Parcel

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Figure 2. Map showing parcel boundaries for Seneca Gardens Open Space.

Why impact would occur: Fuel modification provides a point source for invasive weedy species to become established and spread into adjacent areas, usually type-converting native, shrub dominated landscape to non-native grassland over time. This is especially concerning given the Project will impact existing mitigation, without offering additional mitigation to offset these impacts.

CDFW considers fuel modification a permanent impact to sensitive natural communities. Thinning, pruning, plant removal, and removal of dead debris and litter permanently alters or removes valuable, necessary parts of a functioning ecosystem, increases edge effect disturbances, facilitates invasive weed establishment and spread, increases soil evaporation and evapotranspiration rates reducing native seed germination, and increases soil temperature. Irrigation requirements in fuel modification zones contribute to the invasion of Argentine ants which negatively impact and displace native ants, altering the ecosystem. Arthropods, predators, birds, soils, and plants respond to the decrease in structural diversity associated with fuel modification (Longcore, 2003). Additionally, Thinning vegetation exposes topsoil to wind and rain, leading to erosion that washes into nearby surface waters and degrades aquatic habitats.

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Additionally, HOA access to adjacent open space often leads to greater impacts to adjacent open space because the lack of a fuel modification demarcation leads to inadvertent expansion over time. Gates placed for HOA access to the adjacent parcel provide points of entry for increased human disturbance.

Evidence impact would be significant:

The MND's current fuel modification analysis could result in a substantial adverse effect, either directly via removal of habitat or through habitat modifications, on rare vegetation communities and species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the Wildlife Agencies (CDFW or U.S. Fish and Wildlife Service).

Invasive species have contributed to the decline of forty-two percent of U.S. threatened and endangered species (USDA, 2019). CDFW is concerned that introducing more invasive species into the area would further degrade Cañada de San Joaquin Creek as well as further degrade natural areas in the vicinity. Increased competition of water from invasive tree species stresses native tree species, increasing the probability of being attacked by invasive insects (USDA PNRS, 2019).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts of the Project, CDFW recommends the following mitigation measures as conditions of approval in the Project's CEQA document.

Mitigation Measure #4:

If fuel modification must occur off site, the off-site area shall be fenced to clearly separate the fuel modification area from Seneca Gardens Open Space. The HOA shall be responsible for detection and removal of invasive and non-native species. The HOA shall have access only within the fenced area to maintain vegetation. The HOA shall develop and implement a long-term weed monitoring and management plan within any fuel modification zones that encroach into open space.

Mitigation Measure #5. All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be reviewed and approved by the Wildlife Agencies prior to ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions in the event success criteria are not met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation shall have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968). Success criteria shall be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the

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metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in the Manual of California Vegetation (MCV), ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

Mitigation Measure #6. Mitigation for past development projects shall be avoided to the extent feasible. If previous mitigation property (i.e., Seneca Gardens Open Space) is impacted for this Project, mitigation shall occur at a ratio of 10:1. The conserved habitat shall exhibit the same vegetation communities and be placed under a conservation easement. Any plans associated with the mitigation shall be reviewed by the Wildlife Agencies prior to implementation.

Mitigation Measure #7. Adjacent habitat and open space, including any on-site open space being used to mitigate biological impacts from this Project, shall not be modified for purposes of fire safety.

Recommendation #2: CDFW recommends that fuel modification requirements be met within the boundaries of the Project parcel through Project redesign. Drive D should be relocated to the eastern property line and the structures shifted to the west to provide additional offset from the east boundary, reducing the amount of off-site fuel modification necessary.

Recommendation #3: Fuel modification areas should be clearly depicted in all figures. Fuel modification impacts should be fully quantified, analyzed, and discussed in the MND, particularly as the impacts pertain to sensitive species, habitats, and dedicated open space. These zones should not be included in the acreage set aside to offset impacts to biological resources.

Recommendation #4: CDFW recommends investigating other ways to meet fire reduction goals on the Project site, such as cinder block walls, using non-flammable construction materials, redesigning the layout of the development, and other alternatives to meet fire reduction requirements within the parcel boundaries.

COMMENT # 4: Crotch's Bumble Bee

Issue: The Project may have significant impacts to Crotch's bumble bee.

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Specific impact: Crotch's bumble bee has been documented extensively near the Project area, as close as 1100 feet from the Project (CNDDB, 2026). The Project's ground, rock, and vegetation disturbance could result in potentially significant impacts to Crotch's bumble bee including loss of foraging resources, overwintering mortality, 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 MND states that there are minimal floral resources, a few sparse bunch grasses, and a few small mammal burrows and concludes Crotch's bumble bee has a low potential to occur on the Project site, but the fuel modification area is moderate habitat. The California Natural Diversity Database, (CNDDB), shows extensive records of Crotch's bumble bee very close to the Project site in similar habitat (CNDDB 2026). Because the biological assessment was undertaken in November, it missed most annual plants' growing season and possibly underrated the suitability of the site for Crotch's bumble bee. The MND did not include a biological resources report and protocol surveys for Crotch's bumble bee were not completed.

With so many documented occurrences of Crotch's bumble bee in the immediate area, the MND should assume presence if it chooses not to include protocol-level survey results. CDFW disagrees with the MND conclusion that the Project will not impact Crotch's bumble bee. The MND does not address the potential for overwintering impacts, nesting bee and nest impacts, or direct mortality to foraging individuals or include any mitigation measures for Crotch's bumble bee habitat loss. The biological assessment conducted to support the MND (November 4, 2025) do not meet the timing and duration necessary to identify Crotch's bumble bee. Vegetation clearing in the presence of Crotch's bumble bee, ground disturbance, Project construction, and activity at the staging/road construction areas could result in direct impacts through individual mortality, which would be considered take under CESA. CDFW does not agree that a 50-foot buffer is adequate to avoid take.

Evidence impact would 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 (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA

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Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the County (CEQA Guidelines, § 1565).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts of the Project to Crotch's bumble bee, CDFW recommends the following mitigation measures as conditions of approval in the Project's CEQA document.

Mitigation Measure #8: The applicant shall provide CDFW negative Crotch's bumble bee survey results or shall coordinate with CDFW to obtain appropriate CESA take authorization for Crotch's bumble bee (assumed presence based on documented Crotch's bumble bee). Appropriate take authorization shall be obtained prior to Project initiation.

If the County conducts Crotch's bumble bee surveys, the survey shall include 1) a habitat assessment and 2) focused surveys for the entire study area, based on the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*[1] released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023. The habitat assessment and focused surveys will be performed by a biologist with appropriate handling permits for handling Crotch's bumble bee. All areas, including staging and off-site road and infrastructure improvement locations shall be included in the survey.

If a Crotch's bumble bee is found, the applicant shall consult with CDFW to obtain an Incidental Take Permit.

Mitigation Measure #9: In the event an Incidental Take Permit is needed, mitigation for impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum of 3:1 nesting or foraging habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. Mitigation will be accomplished either through on-site or off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a Project-specific cost estimate analysis to calculate the costs of in-perpetuity land management. The cost estimate analysis will take into account all management activities required in the Incidental

[1] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

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Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

Recommendation #5: If California Fish and Game Commission does not list Crotch's bumble bee under CESA, it is still an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Thus, CDFW still recommends that there be no net loss of suitable habitat for Crotch's bumble bee. If the species is not listed, the Project should offset impacts on habitat for Crotch's bumble bee at no less than 2:1, so there is no net loss of suitable habitat.

Comment # 5: Western Burrowing Owl

Issue: The Project may significantly impact western burrowing owl, as impacts to this CESA candidate species were not analyzed.

Specific impacts: The Project may potentially result in the loss of foraging, overwintering, and nesting habitat for western burrowing owl. Project activities may result in a loss of refugia, nest abandonment, and/or decreased feeding frequency. These impacts would be significant without mitigation.

Why impacts would occur: Western burrowing owl have been observed within 1.5 miles of the Project, and the Project area contains suitable habitat for overwintering. The MND mentioned that bunch grasses, rodent burrows, and rock piles are present at the project site, which indicate potentially suitable habitat. Project activities include vegetation removal, grading, and construction. Project activities are likely to result in elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These disturbances and stressors occurring near potential nests or overwintering sites could cause individuals to abandon their nests.

With regard to environmental analysis, the MND did not contain a biological resources report. It is unclear if western burrowing owl was considered during the one-time biological assessment. Typically, MNDs include a species list derived from a 9-quadrangle search of the California Natural Diversity Database and an assessment of the suitable habitat for these species at the Project site. CDFW is concerned that limiting detection of a CESA-candidate species to a narrow pre-construction window prevents us from analyzing Project impacts to western burrowing owl and providing effective avoidance and minimization measures. If western burrowing owl is observed during a pre-construction survey, the Project would then need to be delayed until take is authorized. Without a site suitability assessment or focused surveys following the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report; CDFG 2012), it is our conclusion that nesting bird surveys are not sufficient to avoid significant impacts and unauthorized take of western burrowing owl.

Evidence impacts would be significant: On October 10, 2024, the Fish and Game Commission voted unanimously to advance the western burrowing owl to candidacy under

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CESA. As such, it is afforded all the legal protections of a CESA-listed species. CDFW considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. CDFW considers adverse impacts to a species protected by CESA, absent appropriate mitigation, to be significant under CEQA. Under CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CDFW considers impacts to CESA-listed species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. In addition, nests of all native bird species are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5.

Recommended Potentially Feasible Mitigation Measure(s)

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

Mitigation Measure #10: Western burrowing owls have the potential to occur in the Project site. Surveys for western burrowing owl shall occur within a 1000-foot buffer (if accessible) of all ground disturbing construction activities including fuel modification and road improvements. Surveys following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG, 2012) shall be completed during the appropriate season, including overwintering season, prior to Project Commencement. If overwintering or breeding western burrowing owl are detected within 1000 feet of Project Impact, 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 County prior to implementing Project ground-disturbing activities and vegetation removal.

Comment #6: Bats

Issue: Several species of bats have the potential to occur on-site including the fuel modification zone. Surveys to detect potential year-round roosting use were not conducted prior to circulation of the MND to determine if bats currently use woodland tree habitat for roosting. Therefore, the MND does not adequately describe the potential for impacts to bats.

Specific impacts: Potential direct impacts include removal of structures/trees that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, fuel modification, herbicide use, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats potentially using man-made structures or surrounding trees as roost sites.

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Why impact would occur: The Project site contains suitable habitat for several bat species that have the potential to occur on the Project site including but not limited to Mexican long-tongued bat, pallid bat, and western mastiff bat.

Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code § 4150, CCR § 251.1). Several bat species are also considered Species of Special Concern (SSC), which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065). CDFW considers adverse impacts to an SSC, for the purposes of CEQA, to be significant without mitigation. Mitigation is not just exclusion from maternity roosts, wintering sites, night roosts, mating roosts and foraging sites, but providing similarly functioning habitat to what is impacted.

Impacts to bats due to the implementation of the Project are not fully disclosed in the MND.

Evidence impact would be significant: CEQA Guidelines §15070 and §15071 require the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. Relying on future surveys, the preparation of future management plans, moving out of harm's way, or mitigating by obtaining permits from CDFW are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint, need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Absent the above requested information, the MND does not analyze impacts to bats, and the MND does not provide any alternatives discussion or any avoidance strategies to mitigate the loss of occupied bat habitat.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #11: For bat species utilizing the tree habitat for any roosting activity, bat mitigation shall have the same, species-specific features to accommodate the return of bats to the mitigation habitat. The mitigation shall be monitored for 5 years to ensure the intended bats return and utilize the mitigation. Adaptive mitigation should be a component of any mitigation plan for bats. CDFW requests approval of any bat mitigation and relocation plan.

Additionally, prior to any exclusion of bats from trees or structures, temporary roosting habitat specific to the parameters of the particular bat species present shall be installed adjacent to the Project. Exclusion shall be coupled with ensuring bats have suitable temporary habitat available nearby to move to, as well as monitoring the effectiveness of the exclusion.

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Mitigation Measure #12: Bat surveys shall be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). Surveys shall include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The MND should document the presence of any bats roosting in or near the Project and include species specific mitigation measures to reduce impacts to below a level of significance.

To avoid the direct loss of bats that could result from removal of trees or structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), the following steps shall be implemented:

1) Identify the species of bats present on the site by conducting appropriate surveys for winter roosting/hibernacula, summer roosting, and maternity roosting. Acoustic monitoring shall be used to identify species of bats present.

2) Determine how and when these species utilize the site and what specific habitat requirements are necessary [thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (e.g., height, aspect, etc.)];

3) Avoid the areas being utilized by bats for hibernacula/roosting; if avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with CDFW;

4) The bat specialist should document all demolition monitoring activities and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. The Department requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);

5) If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained at a nearby suitable undisturbed area. Bat habitat mitigation shall be determined by the bat specialist in consultation with CDFW;

6) A monitoring plan should be prepared and submitted to CDFW and the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and,

7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to the Lead Agency and the CDFW for five years following relocation or until performance standards are met. Effective October 1, 2018,

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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 Permits webpage for information (CDFWa 2021). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.

ADDITIONAL COMMENTS

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

Landscaping. CDFW recommends the following mitigation measure be included in the MND to address the spread of non-native plant species to adjacent open space.

> **Mitigation Measure #13.** The HOA shall restrict landscaping plants to locally appropriate native plant species and non-invasive drought tolerant plants for landscaping in the Project site, including common space, parks, and building landscaping. Native tree species shall be used for all common areas. Invasive/exotic plants, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus), shall be prohibited from being used in landscape plans for this Project. A list of invasive/exotic plants that shall be avoided as well as suggestions for better landscape plants can be found at the California Invasive Plant Council's (CalIPC) Responsible Landscaping page[2]. Plants listed on CalIPC's invasive plant lists (high, moderate, watch, and limited) shall not be planted as part of the Project.

Invasive Weeds During Construction. CDFW recommends the following mitigation measure be included in the MND to address invasive weeds during construction activities.

> **Mitigation Measure #14:** Non-native plants, including noxious weeds (as listed by the California Invasive Plant Council lists high, moderate, watch, and limited), shall be prevented from establishing in the Project area (staging, stockpile, access routes, and construction zones), by hand-weeding. A weed monitoring program with regular inspection, mapping, and removal should be implemented to ensure. A weed management plan shall be developed for the Project area and implemented both during construction and for at least 3 years post-Project. Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native

[2] https://www.cal-ipc.org/solutions/prevention/landscaping/

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weeds should be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included.

Rodenticides. CDFW recommends the following mitigation measure be included in the MND to address rodenticide effects to wildlife in adjacent open space.

> **Mitigation Measure #15.** Rodenticides that could result in direct or secondary poisoning to animals shall not be used for the duration of the Project and after the Project is complete in perpetuity. The HOA shall prohibit use of rodenticides or other poisons used to control burrowing animals in the Project Area during the life of the Project or within mitigation lands. Permittee shall prohibit management of ground squirrel populations or any rodents by any means, including, but not limited to, rodenticide, pellets, and gas, within the Project Area, including any fuel modification zones, for the duration of construction and long-term maintenance.

Pesticides. CDFW recommends the following mitigation measure be included in the MND to address pesticide effects to wildlife in adjacent open space.

> **Mitigation Measure #16.** The HOA shall (1) restrict pesticide use following best management practices described by Xerces Society's Guidance to Protect Habitat from Pesticide Contamination; (2) avoid mixtures with fungicides and adjuvants (like those that contain alkylphenol ethoxylates), and use of soil fumigants, which penetrate the soil and can poison ground nesting bees; (3) avoid spraying herbicides, especially on plants that are in bloom to minimize direct or indirect contact with invertebrate species; (4) use target methods only; (5) avoid using surfactants; (6) avoid the use of pesticides marked with the U.S. Environmental Protection Agency's bee hazard icon; and (7) preferentially use chemicals that are rated green/III in the University of California Integrated Pest Management Bee Precaution Database and chemicals of the least toxic products at the least concentrated application possible. This pesticide restriction shall include the Project Area, including any on- or off-site fuel modification zones, in perpetuity.

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

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during Project surveys to CNDDB. The CNDDB website[3] provides directions regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form[4].

The County should ensure data collected for the preparation of the Project's environmental document is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 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 the City in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the County 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 Kelly Schmoker[5], Senior Environmental Scientist (Specialist).

Sincerely,

Signed by:
Glen Lubcke
AD7D070BCB66466...

Glen M. Lubcke
Environmental Program Manager
South Coast Region

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[3] https://wildlife.ca.gov/Data/CNDDB
[4] Natural Communities — Submitting Information
[5] Email: Kelly.Schmoker@wildlife.ca.gov

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ATTACHMENTS

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Frederic (Fritz) Rieman, Senior Environmental Scientist (Supervisory)
Kelly Schmoker, Senion Environmental Scientist (Specialist)
Cindy Hailey, Staff Services Analyst

Office of Land Use and Climate Innovation
State.clearinghouse@lci.ca.gov mailto:

References:

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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

South Coast Region
3883 Ruffin Road
San Diego, California 92123
(858) 467-4201
wildlife.ca.gov

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: A biological assessment report shall be prepared for the Project, including fuel modification, road work, and staging areas. The study area shall include the entire Study Area as defined in Figure 9, as well as the Fuel modification boundaries.	Prior to Project Implementation	Project Proponent
Mitigation Measure #2: Sensitive natural communities within the Project Area shall be avoided to the extent feasible. If avoidance is not feasible, the Project proponent shall mitigate at a ratio sufficient to achieve a no-net loss for impacts to sensitive natural communities: • impacts to S1 and S2 ranked sensitive vegetation alliances and associations shall be mitigated at a 5:1 ratio; • impacts to S3 sensitive vegetation alliances and associations should be mitigated at a 4:1 ratio; and, • impacts to the S4 and S5 communities be mitigated at a 2:1 ratio due to the overall decline of coastal bluff/scrub habitats region wide. All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be approved by CDFW prior to any	Prior to Project Implementation	Project Proponent

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ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation shall have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).		
Mitigation Measure #3: Success criteria shall be based on the specific composition of the vegetation communities being impacted. Success shall not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria shall be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in MCV2, ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements. CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw, 1998, Dixon, 2018). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.	Prior to Project Implementation	Project Proponent

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Mitigation Measure #4: If fuel modification must occur off site, the off-site area shall be fenced to clearly separate the fuel modification area from Seneca Gardens Open Space. The HOA shall be responsible for detection and removal of invasive and non-native species. The HOA shall have access only within the fenced area to maintain vegetation. The HOA shall develop and implement a long-term weed monitoring and management plan within any fuel modification zones that encroach into open space.	Prior to Project Implementation	Project Proponent
Mitigation Measure #5: All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be reviewed and approved by the Wildlife Agencies prior to ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions in the event success criteria are not met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation shall have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968). Success criteria shall be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria shall include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria shall be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer shall be compared to the success criteria of the reference site, as well as the alliance criteria in the Manual of California Vegetation (MCV), ensuring one species or layer does not	Prior to Project Implementation	Project Proponent

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disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements.		
Mitigation Measure #6: Mitigation for past development projects shall be avoided to the extent feasible. If previous mitigation property (i.e., Seneca Gardens Open Space) is impacted for this Project, mitigation shall occur at a ratio of 10:1. The conserved habitat shall exhibit the same vegetation communities and be placed under a conservation easement. Any plans associated with the mitigation shall be reviewed by the Wildlife Agencies prior to implementation.	Prior to Project Implementation	Project Proponent
Mitigation Measure #7: Adjacent habitat and open space, including any on-site open space being used to mitigate biological impacts from this Project, shall not be modified for purposes of fire safety.	Prior to Project Implementation	Project Proponent
Mitigation Measure #8: The applicant shall provide CDFW negative Crotch's bumble bee survey results or shall coordinate with CDFW to obtain appropriate CESA take authorization for Crotch's bumble bee (assumed presence based on documented Crotch's bumble bee). Appropriate take authorization shall be obtained prior to Project initiation. If the County conducts Crotch's bumble bee surveys, the survey shall include 1) a habitat assessment and 2) focused surveys for the entire study area, based on the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*[6] released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023. The habitat assessment and focused surveys will be performed by a biologist with appropriate handling permits for handling Crotch's bumble bee. All areas,	Prior to Project Implementation	Project Proponent

[6] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

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including staging and off-site road and infrastructure improvement locations shall be included in the survey. If a Crotch's bumble bee is found, the applicant shall consult with CDFW to obtain an Incidental Take Permit.		
Mitigation Measure #9: In the event an Incidental Take Permit is needed, mitigation for impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum of 3:1 nesting or foraging habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the Incidental Take Permit process. Mitigation will be accomplished either through on-site or off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a Project-specific cost estimate analysis to calculate the costs of in-perpetuity land management. The cost estimate analysis will take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.	Prior to Project Implementation	Project Proponent
Mitigation Measure #10: Western burrowing owls have the potential to occur in the Project site. Surveys for western burrowing owl shall occur within a 1000-foot buffer (if accessible) of all ground disturbing construction activities including fuel modification and road improvements. Surveys following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG, 2012) shall be completed during the appropriate season, including overwintering season, prior to Project	Prior to Project Implementation	Project Proponent

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Commencement. If overwintering or breeding western burrowing owl are detected within 1000 feet of Project Impact, 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 County prior to implementing Project ground-disturbing activities and vegetation removal.		
Mitigation Measure #11: For bat species utilizing the tree habitat for any roosting activity, bat mitigation shall have the same, species-specific features to accommodate the return of bats to the mitigation habitat. The mitigation shall be monitored for 5 years to ensure the intended bats return and utilize the mitigation. Adaptive mitigation should be a component of any mitigation plan for bats. CDFW requests approval of any bat mitigation and relocation plan. Additionally, prior to any exclusion of bats from trees or structures, temporary roosting habitat specific to the parameters of the particular bat species present shall be installed adjacent to the Project. Exclusion shall be coupled with ensuring bats have suitable temporary habitat available nearby to move to, as well as monitoring the effectiveness of the exclusion.	Prior to Project Implementation	Project Proponent
Mitigation Measure #12: Bat surveys shall be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). Surveys shall include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The MND should document the presence of any bats roosting in or near the Project and include species specific mitigation measures to reduce impacts to below a level of significance.	Prior to Project Implementation	Project Proponent

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To avoid the direct loss of bats that could result from removal of trees or structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), the following steps shall be implemented: 1) Identify the species of bats present on the site by conducting appropriate surveys for winter roosting/hibernacula, summer roosting, and maternity roosting. Acoustic monitoring shall be used to identify species of bats present. 2) Determine how and when these species utilize the site and what specific habitat requirements are necessary [thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (e.g., height, aspect, etc.)]; 3) Avoid the areas being utilized by bats for hibernacula/roosting; if avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with CDFW; 4) The bat specialist should document all demolition monitoring activities and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. The Department requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition); 5) If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained at a nearby suitable undisturbed area. The bat habitat mitigation shall be determined by the bat specialist in consultation with CDFW;		

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6) A monitoring plan should be prepared and submitted to CDFW and the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and, 7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to the Lead Agency and the CDFW for five years following relocation or until performance standards are met. 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 Permits webpage for information (CDFWa 2021). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.		
Mitigation Measure #13: The HOA shall restrict landscaping plants to locally appropriate native plant species and non-invasive drought tolerant plants for landscaping in the Project site, including common space, parks, and building landscaping. Native tree species shall be used for all common areas. Invasive/exotic plants, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus), shall be prohibited from being used in landscape plans for this Project. A list of invasive/exotic plants that shall be avoided as well as suggestions for better landscape plants can be found at the California	Prior to Project Implementation	Project Proponent

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Invasive Plant Council's (CalIPC) Responsible Landscaping page[7]. Plants listed on CalIPC's invasive plant lists (high, moderate, watch, and limited) shall not be planted as part of the Project.		
Mitigation Measure #14: Non-native plants, including noxious weeds (as listed by the California Invasive Plant Council lists high, moderate, watch, and limited), shall be prevented from establishing in the Project area (staging, stockpile, access routes, and construction zones), by hand-weeding. A weed monitoring program with regular inspection, mapping, and removal should be implemented to ensure. A weed management plan shall be developed for the Project area and implemented both during construction and for at least 3 years post-Project. Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included.	Prior to Project Implementation	Project Proponent
Mitigation Measure #15: Rodenticides that could result in direct or secondary poisoning to animals shall not be used for the duration of the Project and after the Project is complete in perpetuity. The HOA shall prohibit use of rodenticides or other poisons used to control burrowing animals in the Project Area during the life of the Project or within mitigation lands. Permittee shall prohibit management of ground squirrel populations or any rodents by any means, including, but not limited to, rodenticide, pellets, and gas, within the	Prior to Project Implementation	Project Proponent

[7] https://www.cal-ipc.org/solutions/prevention/landscaping/

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Project Area, including any fuel modification zones, for the duration of construction and long-term maintenance.		
Mitigation Measure #16: The HOA shall (1) restrict pesticide use following best management practices described by Xerces Society's Guidance to Protect Habitat from Pesticide Contamination; (2) avoid mixtures with fungicides and adjuvants (like those that contain alkylphenol ethoxylates), and use of soil fumigants, which penetrate the soil and can poison ground nesting bees; (3) avoid spraying herbicides, especially on plants that are in bloom to minimize direct or indirect contact with invertebrate species; (4) use target methods only; (5) avoid using surfactants; (6) avoid the use of pesticides marked with the U.S. Environmental Protection Agency's bee hazard icon; and (7) preferentially use chemicals that are rated green/III in the University of California Integrated Pest Management Bee Precaution Database and chemicals of the least toxic products at the least concentrated application possible. This pesticide restriction shall include the Project Area, including any on- or off-site fuel modification zones, in perpetuity.	Prior to Project Implementation	Project Proponent
Recommendation #1: Appropriate surveys, including protocol botanical and animal surveys, should be conducted at the appropriate time of year to document the presence/absence of CEQA-rare species prior to finalizing the MND. Based on the survey results, the MND should be amended to propose avoidance and specific avoidance, minimization, or mitigation measures for Project impacts to CEQA-rare species. Surveys should be timed during the appropriate season for maximum detection of sensitive species and vegetation alliances. For botanical species, CDFW's Updated protocols (CDFW, 2018) should be utilized.	Prior to Project Implementation	Project Proponent
Recommendation #2: CDFW recommends that fuel modification requirements be met within the boundaries of the Project parcel through Project redesign. Drive D should be relocated to the eastern property line and the structures	Prior to Project Implementation	Project Proponent

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shifted to the west to provide additional offset from the east boundary, reducing the amount of off-site fuel modification necessary.		
Recommendation #3: Fuel modification areas should be clearly depicted in all figures. Fuel modification impacts should be fully quantified, analyzed, and discussed in the MND, particularly as the impacts pertain to sensitive species, habitats, and dedicated open space. These zones should not be included in the acreage set aside to offset impacts to biological resources.	Prior to Project Implementation	Project Proponent
Recommendation #4: CDFW recommends investigating other ways to meet fire reduction goals on the Project site, such as cinder block walls, using non-flammable construction materials, redesigning the layout of the development, and other alternatives to meet fire reduction requirements within the parcel boundaries.	Prior to Project Implementation	Project Proponent
Recommendation #5: If California Fish and Game Commission does not list Crotch's bumble bee under CESA, it is still an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Thus, CDFW still recommends that there be no net loss of suitable habitat for Crotch's bumble bee. If the species is not listed, the Project should offset impacts on habitat for Crotch's bumble bee at no less than 2:1, so there is no net loss of suitable habitat.	Prior to Project Implementation	Project Proponent