



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

May 1, 2020

MAY 04 2020

STATE CLEARINGHOUSE

Monica Dionne
City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063
mdionne@simivalley.org

Subject: GPA-105/SP-S-9, AMD.5/Z-S-746/TP-S-695/CUP-S-822, Mitigated Negative Declaration (MND), SCH #2020039049, Ventura County

Dear Ms. Dionne:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced GPA-105/SP-S-9, AMD.5/Z-S-746/TP-S-695/CUP-S-822 (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. 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's 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, subdivision (a) & 1802; Public 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). 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 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 & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Project Description and Summary

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Objective: The Project includes the construction of a 357-unit Residential Care Facility for the Elderly (RCFE) with 306 independent living units and 51 assisted/ memory care units in three, two- to four-story buildings with underground parking on a vacant 20.7-acre site. A total of 282 vehicle parking spaces will be provided on-site as well as 16 bicycle parking spaces. The Project also includes construction of two bridges across Meier Creek for emergency access, and flood protection and grading of the entire site.

Location: The subject property is located on the southwest corner of Tapo Canyon Road and Guardian Street. The Project site consists of 20.7 acres of undeveloped land located within the Brandeis Bardin Specific Plan area and bisected by Meier Creek. Meier Creek crosses the site in a southeast to northwest direction through the central portion of the site. Approximately 12.5 acres of the site are available for development. The site and the west hillside have been previously graded. The site is generally bordered by light industrial and office uses on the north and east, open space hillsides on the south and west, and The American Jewish University and single-family residential uses to the southeast. Furthermore, the Project is within 1.25 miles of Commercial areas such as Santa Susana Plaza, Griffin Plaza, and the Civic Center Plaza.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City of Simi Valley (City) in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

Comment #1: Botanical Surveys

Issue #1: The Initial Study (IS) states that field surveys were conducted, "between July and November 2018. An additional site survey was conducted in June 2019." A review of the California Natural Diversity Database (CNDDB) indicates an occurrence of Payne's bush lupine (*Lupinus paynei*) less than a mile east of the Project site. Payne's bush lupine blooms in early spring and could have been missed along with other rare plant species that bloom in spring.

Issue #2: The IS also states, "Field surveys focusing on the presence of special status amphibians and birds were conducted on the Project site." Payne's bush lupine is designated with a California State Rank of critically imperiled (S1) and CDFW is concerned surveys were not also focusing on special status plant species.

Specific impacts: The survey conducted was not thorough in focusing on special status plant species or during a time of year when some plant species would be evident and identifiable; therefore, there may be potential of missing species. This may result in native plant population declines or local extirpation of special status plant species. The effects of these impacts would be permanent or occur over several years.

Why impact would occur: Project implementation includes grading, vegetation clearing, building construction, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant and wildlife species. Impacts to species not previously

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known or identified to be on the Project site or within its vicinity have the possibility to occur.

Evidence impact would be significant: Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect. This, 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 (USFWS). Impacts to special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that updated botanical surveys be conducted to inform impact assessments, avoidance, minimization, and mitigation measures in the IS. Focused surveys for sensitive/rare plants on-site should be disclosed in the CEQA document. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, 2018), a qualified biologist should “conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting.” CEQA documentation should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

Recommendation #2: Please note, in 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance- and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Comment #2: Impacts to nesting birds

Issue #1: Mitigation Measure BIO-1 in the IS indicates, “pre-construction survey will determine if special status or other bird species are breeding and/or nesting in the trees in the construction zone or within 100 feet (300 feet for raptors) of the construction zone.”

Issue #2: Mitigation Measure BIO-2 in the IS indicates that the, “If active nests are found, Applicant must erect a fence barrier around the nest site, at a minimum distance of 300 feet from raptor nests, 100 feet from special status songbird nests, and 50 feet from common songbird nests,” CDFW recommends a larger buffer for preservation of nesting birds.

Specific impacts: Construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

Why impact would occur: Impacts to nesting birds could result from ground disturbing activities. Project disturbance activities could result in mortality or injury to nestlings, as well

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temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, 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):

Mitigation Measure: To protect nesting birds that may occur on site or adjacent to the Project boundary, CDFW recommends that no construction should occur from February 15 (January 1 for raptors) through August 31 unless a qualified biologist completes a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. CDFW recommends the Lead Agency require surveys be conducted by a qualified biologist no more than 14 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 14 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests.

These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Comment #3: Impacts to Riparian Habitat

Issue: The IS states, "Permanent impacts to riparian habitat would result from construction of the two bridges across Meier Creek proposed to provide primary and secondary emergency access to Building A. The Project would result in permanent impacts to approximately 0.23 acres of ACOE and CDFW streams. This calculated loss is the result of bridge placements over Meier Creek."

While CDFW recognizes mitigation measures BIO-5 through BIO-13 should make impacts to riparian habitats less than significant, CDFW is concerned that insufficient consideration was taken to prepare a specific revegetation/restoration management plans with specific performance standards identified in the MND.

Specific impact: The Project activities may cause immediate species injury or death, habitat fragmentation, alteration of soil chemical and physical makeup, increased competition with exotic invasive weeds, and reduced photosynthesis and reproductive capacity. This would result in native plant population declines or local extirpation of special status plant species. The effects of these impacts would be permanent or occur over several years. This, in turn, has a negative impact on the surrounding habitat and should be addressed in a management plan.

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Why impact would occur: Project implementation includes grading, vegetation clearing, bridge construction, operation and maintenance activities, and other activities that may result in direct mortality, population declines, or local extirpation of riparian habitat areas and associated wildlife.

Evidence impact would be significant: Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on riparian habitats. Without a specific conceptual restoration plan with performance/success criteria to evaluate, the mitigation measures provided may be insufficient in protecting riparian habitat (CEQA Guidelines § 15126.4).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends avoiding any riparian areas found on the Project site. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to riparian habitat. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should 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 to assure for in perpetuity management and reporting. Areas proposed as mitigation should 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 #2: Seed mixes for vegetation communities should be planted with the specific species that comprise the impacted vegetation community alliance. This would ensure the unique ecoregion diversity will be preserved over the Project site.

Mitigation Measure #3: Any onsite restoration should include a specific plan that identifies seed collection protocol, maps, and agreements with landholders. Collection sites should be located within all the unique vegetation communities/alliances identified. All seed should be locally collected.

Mitigation Measure #4: The MND should include success criteria for any mitigation proposed. Success criteria should include targets for average percent cover and species diversity, by layer (tree, shrub, sub-shrub, vine, forb/grass) for each vegetation community. With some desert communities that have naturally low percent cover, the goal of the restoration should be to reestablish the vegetation community in a similar percent cover/species composition. Monitoring should also include a reference site component. A monitoring period of a minimum 10 years should be established for long-lived arid communities such as oaks, chamise, scale broom sage scrub, and other slow to recover arid communities being impacted. Other communities should be monitored for a minimum 5 years or until a defined success criterion has been met. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

Mitigation Measure #5: A weed management plan should be developed for the entire Project area and implemented in perpetuity. CDFW requests this weed management plan be reviewed and approved by CDFW.

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Comment #4: Insufficient Mitigation for Endangered/Threatened Species

Issue: Mitigation Measure BIO-9 of the IS states, “If any federal- or state-listed Endangered or Threatened (E/T) plant species are found within the work area, the plants should be mapped and recorded, and the information sent to CDFW and the Environmental Services Director prior to issuance of grading permit. If any populations of E/T plants are impacted, a qualified biologist should collect seeds from the impacted plants under a permit from CDFW and use the seeds to propagate the plant species.” This is insufficient mitigation for California Endangered Species Act (CESA) or federal Endangered Species Act (ESA) listed Endangered/Threatened species.

Specific impacts: Project activities could potentially result in a substantial adverse effect, either directly or indirectly, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Why impacts would occur: Project implementation includes grading, vegetation clearing, bridge construction, operation and maintenance activities, and other activities that may result in take of special status plant species, including CESA- and ESA- listed species, without adequate detection, avoidance, and mitigation measures.

Evidence impacts would be significant: CDFW has concerns where the IS states it will utilize seeds collected to, “propagate the plant species.” Transplant species at an unspecified location (potentially off-site) implies other areas will be subject to impact by this action. This additional impact would then need mitigation as this ecosystem is now being altered. The biological implication of mixing genes and specific alleles into new areas is not supported CDFW and may cause loss of both the transplanted species as well as the population they are being moved to/near. Some plants do not bloom annually and may go dormant many years before conditions become favorable to germinate. The problem with relying on collection immediately before construction is that the plants may not germinate or germinate in far less numbers than are actually present. For this reason CDFW supports avoidance of on-site populations of endangered/threatened species. To fully mitigate for take of plants listed under CESA, or rare plants listed under the Native Plant Protection Act (NPPA, Fish & Game Code §1900 *et seq.*), further consultation with CDFW may be required.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Mitigation should not substitute for implementation of an alternative that would completely avoid impacts to Endangered/Threatened species. Completely avoiding impacts to Endangered/Threatened species would significantly reduce adverse impacts of the Project on these sensitive plant species.

Mitigation Measure #2: CDFW recommends conducting focused surveys for endangered/threatened plants on-site and disclosing the results in the MND. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018), a qualified biologist should “conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting.” If “take” of such plants would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP))] would be required for the Project. CDFW may consider the Lead Agency’s CEQA documentation for its CESA-related actions if it adequately

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analyzes/discloses impacts and mitigation to state-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of state-listed species.

Mitigation Measure #3: Permanent impacts to endangered/threatened species should be offset by setting aside replacement acreage to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity.

Comment #5: Impacts to Bat Species, including California Species of Special Concern

Issue: The Project includes activities that will result in the removal of trees that may provide habitat for bats. In addition, a review of CNDDDB indicates occurrences of two bat species within 5 miles of the Project vicinity. Both of these species are California Species of Special Concern (including western mastiff bat (*Eumops perotis* ssp. *californicus*) and California leaf-nosed bat (*Macrotus californicus*)).

Specific impacts: Project activities include the removal of trees, vegetation, and/or structures that may provide maternity roost (e.g., in cavities or under loose bark) or foraging habitat, and therefore has the potential for the direct loss of bats.

Why impacts would occur: The removal of trees, buildings, or other adequate structures will potentially result in the loss of habitat for bats.

Evidence impacts would be significant: Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Bat species, such as the western yellow bat, can be found year-round in urban areas throughout the south coast region (Miner & Stokes, 2005). Several bat species are considered California Species of Special Concern and meet the CEQA definition of rare, threatened or endangered species (CEQA Guidelines, § 15065). Take of California Species of Special Concern could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To the extent feasible, tree removal or relocation should be scheduled between October 1 and February 28, outside of the maternity roosting season. Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season.

Mitigation Measure #2: If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.

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Mitigation Measure #3: If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and should remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

The bat specialist should document all demolition monitoring activities and prepare a summary report to the City upon completion of tree disturbance and/or building demolition activities.

Comment #6: Impacts to California Species of Special Concern

Issue: A review of CNDDDB indicate multiple occurrences of San Diego desert woodrat (*Neotoma lepida* ssp. *intermedia*) within five miles of the Project site.

Specific impact: Project ground disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat.

Why impact would occur: Project implementation includes grading, vegetation clearing, and other activities that may result in direct mortality, population declines, or local extirpation of Special Status reptile and mammal species.

Evidence impact would be significant: CEQA provides protection not only for state and federally listed species, but for any species including but not limited to California Species of Special Concern which can be shown to meet the criteria for State listing. These Species of Special Concern meet the CEQA definition of rare, threatened or endangered species (CEQA Guidelines, § 15065). Take of Species of Special Concern could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Due to potentially suitable habitat within the Project site, prior to vegetation removal and/or grading, qualified biologists familiar with the mammal species behavior and life history should conduct specialized surveys to determine the presence/absence of Species of Special Concern. Surveys should be conducted when species are active. The desert woodrat is mainly nocturnal but also crepuscular and occasionally diurnal and are active year-round (Stones and Hayward, 1968). Survey results, including negative findings, should be submitted to CDFW prior to initiation of Project activities.

Mitigation Measure #2: To further avoid direct mortality, CDFW recommends that a qualified biological monitor approved by CDFW be on-site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of on-site

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wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the Project clearly identify that the designated entity should obtain all appropriate state and federal permits.

Filing Fees

The Project, as proposed, could 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

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding this letter and further coordination on these issues should be directed to Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 430-0098.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

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Erinn Wilson
Environmental Program Manager I

ec: CDFW

Steve Gibson – Los Alamitos
Felicia Silva – Los Alamitos
Baron Barrera – Los Alamitos
Emily Galli – Fillmore
Malinda Santonil – Los Alamitos
Susan Howell – San Diego
CEQA Program Coordinator - Sacramento

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References:

California Department of Fish and Wildlife, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.

Accessed at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

Miner, Karen L. & Stokes, Drew C. 2005. Bats in the South Coast Ecoregion: Status, Conservation Issues, and Research Needs. USDA Forest Service General Technical Report PSW-GTR-195.

https://www.fs.fed.us/psw/publications/documents/psw_gtr195/psw_gtr195_2_13_Miner.pdf

Stones, R.C. and Hayward, C.L. 1968. Natural History of the desert woodrat, *Neotoma lepida*. Am. Midl. Nat. 80:458-476.



State of California – Natural Resources Agency
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CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources			
	Mitigation Measure	Timing	Responsible Party
MM-BIO-1- Botanical Surveys	updated botanical surveys be conducted to inform impact assessments, avoidance, minimization, and mitigation measures in the IS. Focused surveys for sensitive/rare plants on-site should be disclosed in the CEQA document. Based on the <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (CDFW, 2018), a qualified biologist should “conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting.” CEQA documentation should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.	Prior to Construction	City of Simi Valley
MM-BIO-2-Nesting Birds	No construction shall occur from February 15 through August 31 (January 1 for raptors) unless a qualified biologist completes a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. Surveys shall be conducted by a qualified biologist no more than 14 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site.	Prior to Construction	City of Simi Valley

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MM-BIO-3- Revegetation/Restoration	The Project proponent shall mitigate at a ratio sufficient to achieve a no-net loss for impacts to riparian habitat. All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions shall success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. 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).	Prior to Construction	City of Simi Valley
MM-BIO-4- Revegetation/Restoration	Seed mixes for vegetation communities shall be planted with the specific species that comprise the impacted vegetation community alliance. This would ensure the unique ecoregion diversity will be preserved over the Project site.	Prior to Construction	City of Simi Valley
MM-BIO-5- Revegetation/Restoration	Any onsite restoration shall include a specific plan that identifies seed collection protocol, maps, and agreements with landholders. Collection sites shall be located within all the unique vegetation communities/alliances identified. All seed shall be locally collected.	Prior to Construction	City of Simi Valley
MM-BIO-6- Revegetation/Restoration	The MND shall include success criteria for any mitigation proposed. Success criteria shall include targets for average percent cover and species diversity, by layer (tree, shrub, sub-shrub, vine, forb/grass) for each vegetation community. With some desert communities that have naturally low percent cover, the goal of the restoration shall be to reestablish the vegetation community in a similar percent cover/species	Prior to Construction	City of Simi Valley

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	composition. Monitoring shall also include a reference site component. A monitoring period of a minimum 10 years shall be established for long-lived arid communities such as oaks, chamise, scale broom sage scrub, and other slow to recover arid communities being impacted. Other communities shall be monitored for a minimum 5 years or until a defined success criterion has been met. Monitoring of restoration areas shall extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.		
MM-BIO-7-Revegetation/Restoration	A weed management plan shall be developed for the entire Project area and implemented in perpetuity. CDFW requests this weed management plan be reviewed and approved by CDFW.	Prior to Construction	City of Simi Valley
MM-BIO-8-Endangered/Threatened Species	Implementation of an alternative that would completely avoid impacts to Endangered/Threatened species. Completely avoiding impacts to Endangered/Threatened species would significantly reduce adverse impacts of the Project on these sensitive plant species.	Prior to Construction	City of Simi Valley
MM-BIO-9-Endangered/Threatened Species	CDFW recommends conducting focused surveys for endangered/threatened plants on-site and disclosing the results in the MND. Based on the <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (CDFW, 2018), a qualified biologist shall “conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting.” If “take” of such plants would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP)] would be required for the Project. CDFW may consider the Lead Agency’s CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to	Prior to Construction	City of Simi Valley

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	state-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of state-listed species.		
MM-BIO-10-Endangered/Threatened Species	Permanent impacts to endangered/threatened species shall be offset by setting aside replacement acreage to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity	Prior to Construction	City of Simi Valley
MM-BIO-11-Bat Species	To the extent feasible, tree removal or relocation shall be scheduled between October 1 and February 28, outside of the maternity roosting season. Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season.	Prior to Construction	City of Simi Valley
MM-BIO-12-Bat Species	If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats.	Prior to Construction	City of Simi Valley
MM-BIO-13-Bat Species	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active.	Prior to Construction	City of Simi Valley
MM-BIO-14-Species of Special Concern	Prior to vegetation removal and/or grading, qualified biologists familiar with the reptile and mammal species behavior and life history shall conduct specialized surveys to determine the presence/absence of Species	Prior to Construction	City of Simi Valley

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	of Special Concern. Surveys shall be conducted during active season when the reptile and mammal species are most likely to be detected.		
MM-BIO-15-Out of Harm's Way	A qualified biological monitor shall be on-site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities.	Prior to Construction	City of Simi Valley