



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

**EDMUND G. BROWN JR., Governor**  
**CHARLTON H. BONHAM, Director**



August 5, 2016

Jeff Kugel, Planning Director  
City of Glendora  
Planning Department  
116 East Foothill Boulevard  
Glendora, California 91741

**SUBJECT: GORDON MULL SUBDIVISION (PROJECT)  
DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (DSEIR)  
SCH# 88121403**

Dear Mr. Kugel:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of an SEIR from the City of Glendora for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** ZH Glendora, LLC

**Objective:** The objective of the Project is to develop 41.4 acres into 18 single-family homes and a 1.34-acre park, including associated infrastructure (roads, drainage, utilities, sidewalks, water lines, booster pumps, fire hydrants, fuel modification, utilities, and equestrian and hiking trails). Primary Project activities include grading 18, 17,221-square-foot building pads, resulting in 155,040 cubic yards of soil to be moved. Site access would occur via Lone Hill Avenue, which would be extended as part of the Project.

The site consists of native coast live oak woodlands, cactus scrub, native grasslands, California sagebrush scrub, and walnut woodland. Slopes range from flat (zero percent) to approximately 75 percent. CESA-listed thread-leaved brodiaea (*Brodiaea filifolia*; brodiaea) occur on Lots 14 and 15.

The DEIR includes two alternatives in addition to the proposed Project:

- 1) Alternative 1 – No Project/No Development Alternative;
- 2) Alternative 2 – Biological Resource Avoidance Alternative, which maintains a 300-foot buffer around the CESA-listed thread-leaved brodiaea populations on Lots 14 and 15, eliminating development on Lots 13-19.

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

**Location:** City of Glendora, Los Angeles County,

**Timeframe:** Three phases planned over 7.25 years.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City of Glendora in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

### **Issue 1: Brodiaea Impact Analysis.**

Known Brodiaea Locations. CDFW is concerned that impacts to brodiaea are not adequately addressed. Specifically the DSEIR does not adequately identify the extent of known brodiaea occurrences on Lot 14 which was documented by Pam Lindsey in the 2009 report referenced in the SEIR. In addition to the brodiaea occurrences identified along the lot line (figure 9 of the Biological Technical Report) in the SEIR (Attachment 1), CDFW staff also observed 9 brodiaea along the northern half of Lot 14 on May 26, 2016. The DSEIR does not specify how the polygon sizes for occupied brodiaea was determined, how the numbers of individuals per polygon were observed, or what survey year(s) were used to determine the extent of brodiaea. It is not clear what survey data was used for the purpose of the DSEIR. For example, it is not clear if the DSEIR analysis includes the 2008 survey showing 49 individuals in three groups or if the DSEIR only considers surveys conducted in drought years between 2013 and 2016, which show dramatically fewer individuals (1 plant in 2013, 7 plants in 2014, and 8 plants in 2015) within only 2 groups, leaving out the documented third group on Lot 14.

The Project could result in take of the CESA-listed brodiaea, beyond what is disclosed in the DSEIR. Brodiaea occur within the building pad footprint on Lot 14, and impacts were not analyzed or disclosed in the DSEIR for this occurrence. The impact analysis did not address minimizing or avoiding impacts to this species on Lot 14, and the drainage study did not include information on pre- and post-surface drainage patterns for brodiaea on Lot 14. Because the DSEIR and technical appendices use data that is not accurately depicting the known location and extent of the brodiaea populations, the results and recommendations cannot be considered accurate. Figure 8 and 9 in the Drainage Study (Appendix G) appears to analyze occurrences on Lot 15 using May 2014 survey results of seven plants in two groups, which leave out the 2008 survey with 49 plants in three groups (third group is on Lot 14) (DSEIR Vol. II Appendix Thread-leaved Brodiaea Survey). Additionally, the DSEIR has not addressed the brodiaea on Lot 14 regarding on-site population size, distribution, loss of individuals, impact significance, and relation to the local and regional population.

CDFW cannot determine the extent of impact to brodiaea based on the DSEIR analysis absent an accurate account of the locations, population size, footprint of the 49 plants found in 2008, and number of plants that would be impacted. Although the DSEIR acknowledges the requirement for an Incidental Take Permit under CESA, it does not provide adequate disclosure of the impacts for CDFW to conclude that the proposed mitigation measures fully mitigate the impacts to brodiaea, thus lacking the fully mitigated threshold needed for CDFW to issue the Incidental Take Permit. CDFW considers any Project-related development activity (both direct and indirect) that would impact the ability of brodiaea to persist long term as take under the CESA, which would require an Incidental Take Permit.

Hydrology. The surface hydrology analysis in the Drainage Study fails to analyze the relationship between the brodiaea and the Miocene Glendora Volcanic outcrops. The Miocene Glendora Volcanic Rocks are fine-grained breccia and andesite rocks that weather into heavy clay and silt dominated soils with heavy shrink-swell capacity. The surface hydrology analysis is inadequate in five main areas:

- 1) The DSEIR analysis relied on modeling the 10 and 50-year storms (though it is unclear what year flow analysis was used for Figures 4.3-6 and 4.3-7 because the source of the map data is not disclosed), which ignores the long-term effect of larger flows (Q100/Q1000) on weathering the parent rock that supports the soils in which brodiaea are found. An analysis of these larger flows in maintaining the composition, mineral content, hydrology (both surface and sub-surface) of the specific soils needs to be conducted because the over-simplistic Q10/Q50 model does not take into account these complex interactions. It appears development of Lots 16, 17, and the

road would remove input of weathered volcanic material in larger runoff events to the areas occupied by brodiaea;

- 2) The DSEIR Drainage Study analysis concludes that catching runoff from the developed housing pad and piping them through the retaining wall with an unspecified energy dissipater will not impact brodiaea. The DSEIR does not address the importance of subsurface hydrology. A nearly 50 percent loss in impervious surface area for soil water recharge via overland flow will occur with the development of Lot 15. The removal of habitat changes the local soil hydrology by altering the “soil hydraulics” or redistributing moisture in the root zone.<sup>2</sup> Collecting water from a concrete pad and discharging it in a single flow outlet approximately 50 feet from brodiaea is not adequate to maintain the subsurface hydrology in the drainage basin that supports the brodiaea;
- 3) The DSEIR proposes to collect water from Lot 15 and discharge it via a pipe to an undisclosed type of energy dissipater to brodiaea in the southern portion of Lot 15. CDFW is concerned that taking low energy overland flow, and concentrating the same volume of water into a single pipe that will discharge approximately 50 feet above brodiaea, will alter soil moisture, resulting in take of these plants. There does not appear to be adequate analysis regarding the potential for this flow to form an entrenched channel as this proposed concentrated “clear” flow is discharged. More detail should be included in the DSEIR as to the type of energy dissipater proposed and an analysis as to how this flow will behave once it is discharged above the brodiaea;
- 4) The DSEIR Drainage Study does not appear to include impacts that will result from improvements associated with construction of Ferguson Motorway north and west of Lot 15. Both the pre- and post-surface drainage flow analysis (Figures 4.3-6 and 4.3-7) appear to include the footprint of the improved cul-de-sac spur, which does not currently exist; and,
- 5) Impacts to brodiaea on Lot 14 were not addressed in the DSEIR. The hydrology studies should include analysis for impacts to brodiaea on Lot 14.

Buffer. The DSEIR uses a 50-foot buffer around brodiaea populations. CDFW does not consider this buffer adequate for the following reasons:

- 1) The heat island effect from large developed concrete structures will modify the microclimate of the brodiaea occurrences. Thermal regimes affect habitat quality and biogeochemical processes. An increase in temperature of 1.5 degrees Celsius has been shown to induce earlier flowering time.<sup>3</sup> This can be significant as blooming is timed to coincide with maximum pollinator availability;
- 2) Large concrete slabs, paving, v-ditches, and irrigated areas retain moisture at the concrete-surface interface. Invasive Argentine ants thrive in this perennially moist zone. Invasion and establishment of Argentine ant colonies may occur due to soil disturbance, introduction of hardened surfaces (paving, cement, storm drains and structures), and irrigation.<sup>4</sup> Sites within 200 meters of urban areas are more likely to have been invaded by Argentine ants.<sup>5</sup> This is significant because Argentine ants negatively impact and displace native ants, altering the ecosystem. Brodiaea are pollinated by native bees<sup>6</sup> and beetles, and studies show native honeybees spend 75 percent less time foraging on inflorescences with Argentine ants;<sup>7</sup>
- 3) Shading effects on brodiaea from developed lots are not analyzed in the DSEIR. All members of the genus *Brodiaea* require full sun;<sup>8</sup>

---

<sup>2</sup> <http://soilslab.cfr.washington.edu/nwfsc/NWFSC-08Winter/3Meinzer.pdf>

<sup>3</sup> HERBARIUM SPECIMENS DEMONSTRATE EARLIER FLOWERING TIMES IN RESPONSE TO WARMING IN BOSTON, American Journal of Botany 91(8): 1260–1264. 2004

<sup>4</sup> S. B. Menke, R. N. Fisher, W. Jetz, and D. A. Holway 2007. BIOTIC AND ABIOTIC CONTROLS OF ARGENTINE ANT INVASION SUCCESS AT LOCAL AND LANDSCAPE SCALES. Ecology 88:3164–3173

<sup>5</sup> *Conservation Biology*, Volume 24, No. 5, 1239–1248

Journal compilation © 2010 Society for Conservation Biology.

<sup>6</sup> <https://www.federalregister.gov/articles/2011/02/08/2011-2403/endangered-and-threatened-wildlife-and-plants-final-revised-critical-habitat-for-brodiaea-filifolia>

<sup>7</sup> Journal of Conservation Biogeography, Volume 14, Issue 2 March 2008 Pages 281–290

<sup>8</sup> <https://www.federalregister.gov/articles/2011/02/08/2011-2403/endangered-and-threatened-wildlife-and-plants-final-revised-critical-habitat-for-brodiaea-filifolia>

- 4) The DSEIR states, "Importantly, it [brodiaea] grows in interstitial areas, where other vegetation such as coastal sage scrub surrounds the preferred grassland type (USFWS 2009). Other researchers have described these vegetation edges as an important component of the species' site preferences (Ann Croissant pers. comm. 2013)". The DSEIR does not include information as to how these habitat requirements will be met with the proposed Project. The Project as currently proposed will reduce the shrub vegetated edge of the grassland occupied by brodiaea by over 50 percent on Lot 15.

CDFW recommends avoiding development on Lots 13, 14, 15, 16, and 17. CDFW also recommends requiring a minimum buffer distance of 200 meters (656-feet), assuming this maintains the necessary surface hydrology, sub-surface hydrology, sun requirements, and supporting shrub/grassland.

### **Issue 2: CDFW-Regulated Waters Found on the Project Site.**

Jurisdictional Delineation. The jurisdictional delineation in the Biological Technical Appendix appears to overlook several streams located on the Project site. Drainages are found on Lots 7, 8, 14, 15, and 16. Lots 1, 2, 3, 4, 5, and 6 as well as the proposed extension of Lone Hill Avenue appear to impact Mull Canyon Creek below the County Debris Basin. Without an accurate accounting for the complete scope of impacts to streams, CDFW cannot concur that MM10-12 mitigates impacts to streams to a below a significant level.

In addition, the DSEIR states fuel modification is considered a temporary impact, but the DSEIR does not include impacts from fuel modification in the Project plans or analysis. CDFW considers fuel modification permanent habitat modification and a permanent impact. All jurisdictional features that fall within any fuel modification zone should be clearly mapped, quantified, and disclosed as permanent impacts.

CDFW recommends avoiding impacts to all jurisdictional water features, if avoidance is not feasible, minimizing impacts to the maximum extent possible is requested. In addition, CDFW requests the DSEIR provide and consider alternatives to avoid impacts to Mull Canyon Creek and any tributaries on-site resulting from the extension of Lone Hill Avenue. Alternatives should allow for the full floodplain to remain intact. This includes designing overcrossings to allow unimpeded flow for at least the 100-year event. CDFW recommends crossings that span waterways as opposed to culvert or piped stream overcrossings.

### **Issue 3: Impacts from Fuel Modification and Temporary Construction-Related Impacts.**

Fuel Modification. The DSEIR states fuel modification is a temporary impact and, therefore, not analyzed in the impact analysis or quantified as an impact (SEIR Vol. II Biological Resources Technical Report, Page 50, 5.1). CDFW considers habitat subjected to fuel modification (e.g., thinning, trimming, removal of mulch layer, removal of dead wood, irrigation) as a permanent impact to these vegetation communities and should be avoided or mitigated accordingly. Fuel modification activities should not take place on lands set aside as mitigation or avoidance for other Project-related impacts. CDFW recommends any irrigation proposed in fuel modification zones drain back into the development and not onto conserved habitat land because perennial sources of water allow for the introduction of invasive Argentine ants.

The lead agency must consider all significant impacts that may result from a proposed project, including direct, indirect, cumulative and growth-inducing (CEQA Guidelines, §§ 15126, 15126.2, and 15130). The DSEIR only discloses impacts based on the permanent outline of the developed pad and does not include fuel modification or any temporary construction-related impacts, which can have long lasting effects on habitat. Excluding permanent impacts to sensitive habitat communities related to fuel modification leads to inaccurate disclosure of the total acreage of impacts to sensitive biological resources, including impacts to cactus wren/cactus wren habitat, brodiaea, oak woodland, and walnut woodland. Impacts from fuel modification and construction staging and activity include: 1) soil compaction, which alters soil's physical properties such as available soil pore space that hold moisture in interstitial spaces, reduces air spaces between particles that create anaerobic conditions, permanently changes soil moisture profiles, and restricts root growth, 2) soil temperature alteration, and 3) decrease of nematodes, microbes, and burrowing worms/insects that naturally cycle nutrients. Based on the site vegetation map provided, it appears significant additional impacts will occur to all vegetation communities on-site, including oak woodlands, native grasslands, walnut woodlands, and brodiaea habitat, which are all considered sensitive communities by CDFW.

CDFW recommends the DSEIR include an updated analysis and map depicting the actual extent of permanent impacts from fuel modification, road construction, and temporary construction impacts as well as address alternative Project designs to avoid or reduce impacts to sensitive natural communities and listed species. CDFW recommends recirculating the DSEIR with this undisclosed data to allow CDFW a “meaningful review” [CEQA Guidelines §§ 15088.5(a)(4)] to weigh the avoidance and mitigation measures and alternatives with the totality of the impacts at hand.

Bluebird Preserve. The DSEIR should indicate if any fuel modification zones would impact Bluebird Preserve. Impacts associated with fuel modification on Bluebird Preserve, which was purchased with Wildlife Conservation Board grant funding for habitat preservation, should be considered a significant impact. Details on alternatives that avoid and minimize impacts to this protected land should be fully investigated.

CDFW recommends reducing or clustering the development footprint to reduce the total area needed for fuel modification. Alternatives should be addressed to avoid impacts to Bluebird Preserve. CDFW recommends working with the local fire agency to find other ways to satisfy fuel modification requirements other than brush alteration and clearing, such as using block walls and fireproof building materials.

#### **Issue 4: Mitigation Proposed for Impacts.**

Impacts to waters regulated by CDFW. MM12 proposes a mitigation ratio of no less than 1:1 at on-, or off-site locations, including a mitigation bank in the Puente-Chino Hills. CDFW may not consider 1:1 mitigation for jurisdictional waters appropriate mitigation for permanent impacts. Mitigation should take into account the type of habitat, the regional loss, local importance for watershed health, habitat provided, wildlife corridors, and proximity to other valuable habitat. Given the sensitivity of riparian oak woodlands, the documented failure rate for past mitigation in the area, and the long timeframe needed to establish functioning oak woodland, CDFW recommends a 10:1 ratio for impact to oak woodlands. Additionally, a 10-year mitigation and monitoring plan should be developed to monitor oak mitigation, and success should be based on a thriving, diverse understory as well as oak tree recruitment and viable seed production.

Impacts to sensitive vegetation communities. BR1 states impacts to native sensitive plant communities shall be mitigated using an in-lieu fee mitigation at a 2:1 ratio. This proposed mitigation of oak woodland, walnut woodland, native grassland, prickly pear cactus scrub, and all other sensitive vegetation communities may not adequately mitigate the loss of these sensitive communities. Because the DSEIR does not disclose all the impacts associated with the Project, such as fuel modification and trails, the totality of impacts cannot be assessed, and CDFW cannot determine the adequacy of the proposed mitigation. Ratios for each sensitive community should be identified independently for each vegetation community after analyzing the total percent of habitat removed from the project, local sensitivity, species diversity, temporal loss to replace the fully functioning ecosystem, and proximity of mitigation to the impact site. As an example, there is 0.2 acre of native grassland on-site closely associated with brodiaea. The DSEIR indicates 0.1 acre will be impacted; however, it appears a significant amount of the on-site native grassland falls into a fuel modification area, which was not included in the impact quantification.

BR2. BR2 states that areas temporarily impacted will be reseeded with native grasses, forbs, and shrub species. Invasive and non-native plant species thrive in disturbed environments and provide a source of seed to spread invasive plants onto adjacent habitat. Non-native species can invade and degrade adjacent habitat, making it less biologically valuable. There should be no increase in non-native plant cover demonstrated for at least 3 years to be considered a successful revegetation. Temporary impacts should be reduced to the maximum extent possible to avoid unnecessary soil compaction, which impacts the quality and function of the soil. A monitoring plan should be developed for all disturbed areas to ensure the site is restored to 100 percent native cover, and no invasive species are present for a minimum of 5 years. CDFW is available to assist the City of Glendora in reviewing any revegetation and/or restoration plans for the Project and providing recommendations as necessary.

#### **Issue 5: Trail Impacts.**

Impact assessment from proposed trails. The DSEIR does not address impacts from the proposed trail in the jurisdictional delineation section, and it is not clear if the vegetation communities that will be impacted by this proposed trail were included in the analysis of impacts in the DSEIR. The proposed trails continue outside of the Project footprint identified as being analyzed in the SEIR (Figure 3-17). Biological impacts associated with the proposed trail

do not appear to be adequately addressed in the DSEIR. The Jurisdictional Delineation did not account for impacts associated with the proposed trail crossing Mull Canyon Creek, nor were specific stream crossing plants included for review. It is not clear if any biological studies were done for the proposed trail. Without accurate surveys disclosing the biological resources present and the impacts, CDFW cannot assess impacts or recommend alternatives to avoid or reduce impacts. The Project is the “whole of the action” and, to avoid the proscription on piecemealing, the trails should be included in the impact analysis of the proposed Project (CEQA Guidelines, §§ 15003, subd. (h), 15378, subd. (a); Laurel Heights Improvement Assoc. v. Regents of the University of California (1988) 47 Cal.3d 376, 396.). Absent the above requested information, the DSEIR does not analyze impacts to this area, and the DSEIR does not provide any alternatives discussion or any avoidance or mitigation strategies for habitat that will be impacted by this proposed trail.

#### **Issue 6: Cactus Wren.**

Assessment of cactus wren. The DSEIR incorrectly identifies the coastal cactus wren occurring on the Project as not being included by CDFW under the designation of Species of Special Concern. Given recent genetic work and numerous studies, CDFW has determined the populations in Los Angeles (coastal side of the San Gabriel's), Orange, and San Diego Counties to be one genetic unit and, therefore, all are afforded the Species of Special Concern title.

The Project identifies 16.4-acres of cactus wren habitat of which 40 percent will be impacted. This quantification does not appear to include fuel modification impacts, trails, water lines, or areas that will be in individual lots under deed restrictions. The DSEIR should be updated to include the full extent of cactus wren habitat that will be impacted.

Adequacy of cactus wren mitigation and recommended potentially feasible mitigation measures. The DSEIR identifies BR4 (education program), BR7 (flagging sensitive areas during construction), BR8 (pre-construction nesting bird surveys, but only within the breeding season), and BR9 (buffers around active nests during breeding season) as mitigation to bring impacts to cactus wren below a level of significance. CDFW recommends the DSEIR include more information regarding the territory size, nesting locations, specific habitat mapping for cactus wren habitat, and how the proposed Project would fragment and impact suitable habitat. Absent this information, CDFW cannot concur that BR4, BR7, BR8, and BR9 bring impacts to cactus wren below a level of significance. Detailed information on avoidance should be included. Any impacts that cannot be avoided should include measures to mitigate the impacted coastal prickly pear scrub habitat in patch sizes large enough to sustain the number of cactus wren impacted. Any plans to mitigate for impacts to occupied cactus wren habitat should include an acreage, location, detailed planting plan, monitoring plan, success criteria, protection, funding, and responsible party.

#### **Issue 7: Wildlife Corridor.**

Wildlife Movement and Connectivity. The Project area supports significant biological resources and is located adjacent to a regional wildlife movement corridor. The Project area contains habitat connections and supports movement across the broader landscape, sustaining both transitory and permanent wildlife populations. On-site features, which contribute to habitat connectivity, should be evaluated and maintained. Aspects of the Project could create physical barriers to wildlife movement from direct or indirect Project-related activities. Indirect impacts from lighting, noise, dust, and increased human activity may displace wildlife in the general area. CDFW recommends the DSEIR include studies that track wildlife movement and dispersal across the Project site, including large mammals, and discuss how the Project will affect the use and dispersal patterns. CDFW also recommends the DSEIR include maps showing local and regional wildlife movement patterns and analyze how the Project will affect these corridors. The DSEIR asserts the Project will not have a significant effect on wildlife movement. CDFW requests the DSEIR include data and maps to support these conclusions.

CDFW recommends reducing or clustering the development footprint to reduce the total area impacted and providing a larger buffer between housing and Bluebird Preserve. CDFW also recommends developing alternative road designs that do not impact Mull Canyon Creek and avoiding oak woodland and other sensitive vegetation communities on-site.

#### **Issue 8: Deferred Mitigation.**

Preconstruction Surveys as Mitigation. The DSEIR addresses the potential for a few sensitive species to be found within the Project footprint and requires limited preconstruction surveys

and relocation as mitigation measures to bring impacts below the significance threshold. Specific surveys were not conducted to disclose if these resources would be impacted and if alternative Project design would avoid or lessen these impacts.

CEQA Guidelines section 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, 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).

#### **Issue 9: Alternatives Analysis.**

Adequacy of Alternatives Analysis. The DSEIR should include a range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.

The DSEIR does not include key biological information that would aid in developing and analyzing alternatives that would avoid sensitive biological resources. The DSEIR impacts appear to be based on the permanent outline of the developed pad while omitting fuel modification, trails, or any temporary construction-related impacts, which can have long lasting effects on habitat. This lack of information on the actual Project impacts, both permanent and temporary, removes the ability to look at alternatives that would avoid or lessen impacts to these undisclosed resources.

Proposed Waterline. The DSEIR does not address any alternatives to constructing a waterline through the Bluebird Preserve. The DSEIR should include an alternative to avoid impacts to this conserved land. The DSEIR does not include biological impacts associated with any of the water lines proposed for construction. Without disclosing the biological resources associated with the water lines proposed in the DSEIR, CDFW is not able to determine if impacts are less than significant with the mitigation measures provided.

#### **Issue 10: Habitat Preservation.**

Deed restrictions. The DSEIR states the habitat remaining on each lot, outside of the developed pad, would not be impacted and would be placed under a deed restriction. CDFW does not consider deed restrictions a mechanism for permanent habitat preservation. Deed restrictions can be removed or altered, and resource agencies would not be notified or have legal remedy. For these reasons, CDFW does not consider lands placed under deed restriction adequate protection for preserved lands. All lands counting toward avoidance and preservation in the DSEIR should be placed under a conservation easement with an appropriate non-wasting endowment for management in perpetuity.

#### **Issue 11: Bats**

Impacts to Bats. The DSEIR states several species of bats have the potential to occur on-site; however, surveys were not conducted prior to circulation of the DSEIR. Therefore, the DSEIR does not adequately disclose the potential for impacts to bats.

The Project site contains mature oak trees, abandoned structures, and is adjacent to a water source on Bluebird Preserve. The Project site has the potential to support several species of bats. 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 (SOC), which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065). Townsend's big-eared bat (*Corynorhinus townsendii*) is a candidate for protection as an endangered species under the CESA as of June 2013. Candidate status provides immediate protection to the bat under CESA. If Townsend's bat is found, CDFW considers adverse impacts to a species protected by the CESA, for the purposes of CEQA, to be significant without mitigation.

CDFW recommends bat surveys be conducted by a qualified bat specialist to determine baseline conditions within the Project site and within a 500-foot buffer, and analyze the

potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). CDFW recommends the DSEIR include the use of acoustic recognition technology to maximize detection of bat species and to minimize impacts to sensitive bat species. The DSEIR should document the presence of any bats and include 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 that may provide maternity roost habitat (e.g., in cavities or under loose bark), CDFW recommends that the following steps should be taken:

- 1) If trees and/or structures must be removed or disturbed as part of Project activities, a qualified bat specialist should conduct surveys to identify use of habitat by any bat species. Focused surveys using electronic detection should be used to identify general bat use and any special status bat species using any habitat proposed for removal or disturbance;
- 2) Maternity season lasts from March 1 to September 30. Trees and/or structures should not be removed until the end of the maternity season;
- 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 overnight and until it is inspected by a bat specialist. Trees that are suspected 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;
- 4) The bat specialist should document all demolition monitoring activities, and prepare a summary report to the Lead Agency upon completion of tree disturbance and/or building demolition activities. CDFW requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);
- 5) If confirmed occupied or formerly occupied bat roosting and foraging habitat is destroyed, habitat of comparable size and quality should be preserved and maintained at a nearby suitable undisturbed area. The bat habitat mitigation shall be determined by the bat specialist in consultation with CDFW;
- 6) A monitoring plan should be prepared and submitted to the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts 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 Lead Agency and CDFW for five years following relocation or until performance standards are met, whichever period is longer.

#### **Issue 12: Human Wildlife Interface.**

Bears and trashcans. CDFW recommends the lead agency require the use of bear-proof trashcans for this and all new developments in the foothills. This requirement is necessary for the local waste management agency to provide each house these special cans.

#### **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following

Jeff Kugel, Planning Director  
City of Glendora  
August 5, 2016  
Page 9 of 9

email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## **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 DSEIR to assist the City of Glendora in identifying and mitigating Project impacts on biological resources. CDFW recommends addressing the information deficiencies raised in this letter and the document be recirculated as a second DSEIR to allow the opportunity to provide meaningful review on specific avoidance, alternatives, impacts, and proposed mitigation.

Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker at (949-581-1015), and [Kelly.Schmoker@wildlife.ca.gov](mailto:Kelly.Schmoker@wildlife.ca.gov).

Sincerely,



Betty J. Courtney  
Environmental Program Manager I  
South Coast Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento  
Victoria Chau CDFW, Los Alamitos  
Scott Harris, CDFW, Ventura  
Christine Medak, USFWS, Carlsbad