

Appendix K

Responses to Comments on the Draft IS-MND

Responses to Comments on the Draft IS-MND

This section includes comments received during public circulation of the Draft Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the Conejo Community Park and Center Project (project).

The Draft IS-MND was circulated for a 30-day public review period that began on May 3, 2021 and ended on June 2, 2021. The City received two comment letters on the Draft IS-MND. The comment letters are included herein, along with responses to the environmental concerns raised by the commenters. The commenters and the page number on which each commenter's letter appear are listed below.

| Letter Number and Commenter | | Page Number |
|-----------------------------|---|-------------|
| 1 | Erinn Wilson, Environmental Program Manager I, South Coast Region, California Department of Fish and Wildlife | 2 |
| 2 | Jessie Korb | 22 |

The comment letters and responses follow. The comment letters are numbered sequentially, and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in Comment Letter 1).

Where a comment resulted in a change to the Draft IS-MND text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeout font (~~strikeout font~~) where text was removed and by underlined font (underlined font) where text was added. These changes in text are noted in the Final IS-MND.



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Letter 1

May 28, 2021

Mr. Andrew Mooney
 Conejo Recreation and Parks District
 403 W. Hillcrest Drive
 Thousand Oaks, CA 91360
AMooney@crdp.org

Subject: Conejo Community Park and Center Project, Mitigated Negative Declaration, SCH No. 2021050004; Conejo Recreation and Park District, Ventura County

Dear Mr. Mooney:

The California Department of Fish and Wildlife (CDFW) has reviewed Conejo Recreation and Parks District's (District) Mitigated Negative Declaration (MND) for the Conejo Community Park and Center Project (Project). The MND's supporting documentation includes *Appendix E: Arborist Report*.

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 & Game 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 & Game 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 & Game Code, § 2050 *et seq.*), or 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.

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Project Description and Summary

Objective: The proposed Project will enhance the facilities, play areas, trails, utilities, and landscaping at Conejo Community Park (Park). The Project includes the following activities:

Community Center

A new two-story community center building would replace the existing one-story structure. The footprint of the new building will be slightly larger than existing structure and will reorient the entrance from east-facing to northeast-facing. The proposed structure would be approximately 16,653 square feet (sf), replacing the 6,955 sf existing structure.

Parking Lot Renovations

Minor alterations to the shape of the parking lot off Hendrix Road would occur as part of Project implementation. This includes removing and replacing retaining walls (slightly different configuration) and extending the parking lot by approximately ten feet. Existing parking-lot light poles would be removed and replaced as well.

Landscape Improvements

The Park features mature sycamore and oak tree groves and pockets of landscaping that make it a welcome outdoor space for the community. The proposed project would enhance the existing landscape around an unnamed creek, including a new bridge; add new landscape areas throughout the Park; and provide landscape improvements around the new community center.

Exterior Lighting

In the evening, security lighting on the community center building and in the parking lot would be limited to the number of fixtures necessary to illuminate the area for safety. The lighting would be positioned so that it would not affect adjacent uses by spilling onto or shining into nearby residential or open space uses. Events held in the evening within the Park may install temporary lights, but these would be limited to the duration of the event.

Grading and Construction

The proposed Project includes demolition of the existing community building, grading and over-excavation of the community center footprint, and some vegetation removal. Some paved pedestrian paths would be improved for ADA access. All work would be completed in one phase within one year. Grading would occur after demolition of the community center and would involve the generation of 3,500 cubic yards of cut and 3,500 cubic yards of fill. The earthwork is expected to be balanced on site, and thus no soil will need to be imported or exported to or from the site.

Off-Site Improvements

The proposed Project would include off-site improvements limited to utility connection upgrades necessary to serve the Project, including water, sewer, gas, and electrical. These utilities are available via Hendrix Avenue, the public street adjacent to the east property line of the project.

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Location:

The proposed Project is located at 1175 Hendrix Avenue, Thousand Oaks, Ventura County. Surrounding land uses include one-story, single-family homes to the east, north, and northwest; open-space hillsides in the Conejo Valley Botanic Garden to the west/southwest; and undeveloped open-space hillsides outside the Conejo Valley Botanic Garden directly to the south.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the District in adequately identifying, avoiding, 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 MND. 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 Resource Code, § 21081.6; CEQA Guidelines, § 15097).

Comment #1: Impacts to Aquatic and Riparian Resources

Issue #1: CDFW agrees with the District that the streams and washes (as mapped on Figure 23 and Figure 24 of the MND) may be subject to Fish and Game Code. Jurisdictional surveys should evaluate all rivers, streams, and lakes including culverts, ditches, storm channels that may transport water, sediment, and pollutants and discharge into rivers, streams, and lakes.

Specific Impacts: The Project may result in permanent loss of riparian and wetland vegetation within the Project site.

Why impacts would occur: Project implementation includes grading, excavating, material staging, grubbing, and vegetation clearing that may result in direct mortality and loss of sensitive vegetation communities, including riparian and wetland habitats, in the Project site. Increased sediment deposition can bury seedlings and saplings of riparian trees, resulting in increased mortality of new recruits (Kui and Stella 2016). Construction equipment, vehicles, import of fill material, disposal piles, and staging areas can introduce and spread non-native, invasive plants. Invasive plant seeds, rhizomes, or stolons can be transported along streams and spread upstream and downstream.

Evidence impacts would be significant: Riparian habitats provide important food, nesting habitat, cover, and migration corridors for wildlife. Only 5 to 10% of California's original riparian habitat exists today and much of the remaining habitat is in a degraded condition.

The riparian and wetland vegetation alliances addressed within the MND are considered sensitive. Impacts to sensitive vegetation communities 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 sensitive plant 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 or vegetation community identified as a candidate, sensitive, or special status species.

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Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW concurs with the District's statement to notify CDFW pursuant to Fish and Game Code, section 1600 *et seq* (pending jurisdictional analysis). The District should notify prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. Please visit the Lake and Streambed Alteration Program (<https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>) webpage to obtain a notification package for an LSA.

CDFW's issuance of an LSA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the District for the Project. However, the MND does not meet CDFW's standards for the habitat mitigation measures and monitoring needed to meet the no net loss of aquatic habitats. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.

Any LSA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project site. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian and wetland resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Mitigation Measure #2: Jurisdiction surveys should evaluate all rivers, streams, and lakes including culverts, ditches, storm channels that may transport water, sediment, and pollutants and discharge into rivers, streams, and lakes. CDFW recommends LSA Notification following modifications to streams (including washes) throughout the Project site.

Recommendation #1: CDFW recommends mapping vegetation communities. Surveys should be conducted by a qualified botanist with appropriate experience and knowledge of southern California flora. Surveys should follow CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities ([file:///C:/Users/BBarrera/Downloads/2018%20Protocols%2013%20rev1%20\(1\).pdf](file:///C:/Users/BBarrera/Downloads/2018%20Protocols%2013%20rev1%20(1).pdf)). The Manual of California Vegetation should be used to inform survey and mapping of natural vegetation communities which would allow CDFW to appropriately comment on potential impacts to sensitive plants and vegetation communities. CDFW recommends mapping vegetation communities such as mulefat thickets, Arroyo willow thickets, California bullrush marshes, and adjacent areas where Project activities could have direct or indirect impacts on biological resources.

Recommendation #2: The District should consider restoring and enhancing riparian and wetland habitat throughout the park and protecting streams and washes from degradation. In addition, CDFW recommends including appropriate native plants and habitats, wherever possible, which can enhance flora and fauna biodiversity and reduce water runoff, irrigation, and chemical inputs (Cristol and Rodewald 2005; Merola-Zwartjes and DeLong 2005; Nooten et al. 2018; Terman 1997). Naturalistic parks may also promote critical ecosystem services (e.g.,

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seed dispersal, pest regulation, pollination) and form habitat linkages between different habitats (Petrosillo et al. 2019).

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Comment #2: Spreading invasive pests and diseases

Issue: CDFW is concerned that the MND does not describe procedures for disposal of removed trees which may be infested with invasive pests and disease. For example, the environmental document should address the presence or absence of goldspotted oak borer (*Agrilus auroguttatus*), Polyphagous shot-hole borer (*Euwallacea* sp.), and thousand canker fungus (*Geosmithia morbida*) in on-site trees and, if present, describe how any effected trees would be disposed of as part of the Project.

Specific impacts: The Project proposes to remove an unspecified amount of vegetation. Improper disposal of vegetation may result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks and other trees in California which support a high biological diversity including special status species.

Why impacts would occur: The Project may remove tree species that could host insect pests and diseases. Trees will be removed and presumably hauled to off-site locations for disposal thereby potentially exposing off-site oak and other tree species to infestation and disease.

Evidence impact would be significant: The Project may have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or U. S. Fish and Wildlife Service (USFWS). The Project may result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS that are dependent on habitats susceptible to insect and disease pathogens.

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Mitigation Measure #1: CDFW recommends the District work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (<https://thousandcankers.com/>), Polyphagous shot hole borer (<https://ucanr.edu/sites/eskalenlab/?file=index.html>), and goldspotted oak borer (<http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease.

Mitigation Measure #2: If invasive pests and/or diseases are detected, the District should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management plan should be submitted to CDFW for review and included as an appendix in the final environmental document.

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Comment #4: Impacts to Bats

Issue: The Park contains potential open water foraging habitat and is adjacent to natural habitats where bats may forage and roost. There is no mention of potential bat presence in the Project site.

Specific impacts: The Project proposes to remove an unspecified amount of vegetation and to replace a small bridge structure. Direct impacts include removal of trees, vegetation, and/or structures 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, 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.

Why impacts would occur: In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts, and forage in sources of open water such as ponds and lakes (Avila-Flores and Fenton 2005; Oprea et al. 2009; Remington and Cooper 2014). Forested patches on parks and/or golf courses provide good habitat for foraging and commuting bats and may provide important refuge for bats in highly urbanized landscapes (Sewell 2019). Mature riparian trees and crevices in buildings and facilities in the Project site could provide roosting habitat for bats. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Extra noise, vibration, or the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Human disturbance can also lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004).

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the District (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends a qualified bat specialist conduct bat surveys to determine baseline conditions within the Project site and within a 500-foot buffer to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites. CDFW recommends using acoustic recognition technology to maximize detection of bats. Night roosts are typically utilized from the approach of sunset until sunrise. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).

Mitigation Measure #2: Survey methodology and results, including negative findings, should be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific

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mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

Mitigation Measure #3: If maternity roosts are found, CDFW recommends, the following three mitigation measures.

- a) If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30).
- b) If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, 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. Acoustic recognition technology will be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise.
- c) If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees will be pushed down using heavy machinery rather than felling it with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall 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 shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall 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.

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Comment #4: Impacts to Non-Game Mammals and Wildlife

Issue: Wildlife may move through the Project site during the daytime or nighttime. CDFW is concerned that any wildlife potentially moving through or seeking temporary refuge in the Park may be directly impacted during Project activities and construction. Any final fence, or other design features, design should allow for wildlife movement.

Specific impacts: Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge in the park. This could result in wildlife and bird mortality. Furthermore, depending on the final fencing design, the Project may cumulatively restrict wildlife movement opportunity.

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Why impacts would occur: Direct impacts to wildlife may occur from: ground disturbing activities (e.g., staging, access, excavation, grading); wildlife being trapped or entangled in construction materials and erection of restrictive fencing; and wildlife could be trampled by heavy equipment operating in the Project site.

Evidence impact would be significant: Mammals occurring naturally in California are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1).

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the following four mitigation measures to avoid and minimize direct impacts to wildlife during Project construction and activities.

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas.

Mitigation Measure #2: To avoid direct mortality, a qualified biological monitor shall be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way.

It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

Mitigation Measure #3: Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

Mitigation Measure #4: Before starting or moving construction vehicles, especially after a few days of nonoperation, operators shall inspect under all vehicles to avoid impacts to any wildlife that may have sought refuge under equipment.

Mitigation Measure #5: All hollow posts and pipes will be capped, and metal fence stakes will be plugged with bolts or other plugging materials to prevent wildlife entrapment and mortality.

The Project may result in the use of open pipes as fence posts, property line stakes, signs, etc. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality.

Recommendation #1: CDFW recommends the District consider permeable fencing as part of its mitigation for Project-related impacts which may include a naturalistic park design. Wildlife impermeable fencing is fencing that prevents or creates a barrier for the passage of wildlife from one side to the other. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide (<https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA->

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[IG-2-6-20.pdf](#)) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards.

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Additional Comments

Per CEQA Guidelines, section 21081.6(a)(1), CDFW has provided the District with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

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 District and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & Game Code, § 711.4; Public Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the District in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the District has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at Baron.Barrera@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

B6E58CFE24724F5...

Erinn Wilson
Environmental Program Manager I
South Coast Region

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

| Biological Resources (BIO) | | | |
|--|--|--|-------------------|
| Mitigation Measure (MM) | | Timing | Responsible Party |
| MM-BIO-1- Impacts to Aquatic and Riparian Resources | <p>CDFW concurs with the District's statement to notify CDFW pursuant to Fish and Game Code, section 1600 et seq (pending jurisdictional analysis). The District should notify prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. Please visit the Lake and Streambed Alteration Program (https://wildlife.ca.gov/Conservation/Environmental-Review/LSA) webpage to obtain a notification package for a LSA.</p> <p>CDFW's issuance of an LSA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the District for the Project. However, the MND does not meet CDFW's standards for the habitat mitigation measures and monitoring needed to meet the no net loss of aquatic habitats. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.</p> <p>Any LSA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream</p> | Prior to Project construction and activities | District |

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| | of the Project site. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian and wetland resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity. | | |
| MM-BIO-2- Impacts to Aquatic and Riparian Resources | Jurisdiction surveys should evaluate all rivers, streams, and lakes including culverts, ditches, storm channels that may transport water, sediment, and pollutants and discharge into rivers, streams, and lakes. CDFW recommends LSA Notification following modifications to streams (including washes) throughout the Project site. | Prior to Project construction and activities | District |
| MM-BIO-3- Impacts to Aquatic and Riparian Resources | CDFW recommends mapping vegetation communities. Surveys should be conducted by a qualified botanist with appropriate experience and knowledge of southern California flora. Surveys should follow CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (file:///C:/Users/BBarrera/Downloads/2018%20Protocols%2013%20rev1%20(1).pdf). The Manual of California Vegetation should be used to inform survey and mapping of natural vegetation communities which would allow CDFW to appropriately comment on potential impacts to sensitive plants and vegetation communities. CDFW recommends mapping vegetation communities such as mulefat thickets, Arroyo willow thickets, California bullrush marshes, and adjacent areas where Project activities could have direct or indirect impacts on biological resources. | Prior to Project construction and activities | District |

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| MM-BIO-4- Impacts to Aquatic and Riparian Resources | The District should consider restoring and enhancing riparian and wetland habitat throughout the park and protecting streams and washes from degradation. In addition, CDFW recommends including appropriate native plants and habitats, wherever possible, which can enhance flora and fauna biodiversity and reduce water runoff, irrigation, and chemical inputs (Cristol and Rodewald 2005; Merola-Zwartjes and DeLong 2005; Nooten et al. 2018; Terman 1997). Naturalistic parks may also promote critical ecosystem services (e.g., seed dispersal, pest regulation, pollination) and form habitat linkages between different habitats (Petrosillo et al. 2019). | Prior to Project construction and activities | District |
| MM-BIO-5- Spreading invasive pests and diseases | CDFW recommends the District work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (https://thousandcankers.com/), Polyphagous shot hole borer (https://ucanr.edu/sites/eskalenlab/?file=index.html), and goldspotted oak borer (http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease. | Prior to Project construction and activities | District |
| MM-BIO-6- Spreading invasive pests and diseases | If invasive pests and/or diseases are detected, the District should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management plan should be submitted to CDFW for review and included as an appendix in the final environmental document. | Prior to Project construction and activities | District |

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| | A management plan shall be submitted to CDFW for review and included as an appendix in the final environmental document. | | |
| MM-BIO-7- Impacts to Bats | A qualified bat specialist shall conducted bat surveys to determine baseline conditions within the Project site and within a 500-foot buffer to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites. Acoustic recognition technology shall be used to maximize detection of bats. | Prior to Project construction and activities | District |
| MM-BIO-8- Impacts to Bats | The District shall include survey methodology and results, including negative findings, in final environmental documents. Depending on survey results, the District shall provide a discussion of potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance. | Prior to Project construction and activities | District |
| MM-BIO-9- Impacts to Bats | If maternity roosts are found, the District shall schedule work, to the extent feasible, to occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30). | During Project activities | District |
| MM-BIO-10- Impacts to Bats | If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, 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. Acoustic recognition technology will be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season. Work shall not occur within | During Project activities | District |

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| | 100 feet of or directly under or adjacent to an active roost and work shall not occur between 30 minutes before sunset and 30 minutes after sunrise. | | |
| MM-BIO-11- Impacts to Bats | If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees will be pushed 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, trees shall 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 shall then be pushed to the ground slowly and remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts shall not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall 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. | During Project activities | District |
| MM-BIO-12- Impacts to Non-game mammals and wildlife | If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas. | During Project construction and activities | District |
| MM-BIO-13- Impacts to Non-game mammals and wildlife | To avoid direct mortality, a qualified biological monitor shall be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e. species appropriate) habitat out of harm's way. | During Project construction and activities | District |
| MM-BIO-14- Impacts to Non- | Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of | During Project | District |

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| game mammals and wildlife | the Project site, working outward towards adjacent habitat off site where wildlife may safely escape. | construction and activities | |
| MM-BIO-15- Impacts to Non-game mammals and wildlife | Before starting or moving construction vehicles, especially after a few days of nonoperation, operators shall inspect under all vehicles to avoid impacts to any wildlife that may have sought refuge under equipment. | During Project construction and activities | District |

Letter 1

COMMENTER: Erinn Wilson, Environmental Program Manager I, South Coast Region, California Department of Fish and Wildlife

DATE: May 28, 2021

The commenter (the California Department of Fish and Wildlife, or CDFW) states that they have reviewed the Draft IS-MND; explains CDFW's role as a Trustee Agency for fish and wildlife resources and a Responsible Agency for this project; provides a Project Description and Summary; and then briefly introduces the nature and purpose of their comments and recommendations regarding the Draft IS-MND. These comments and recommendations are described below.

Response 1.1

The comment states that the Project may result in permanent loss of riparian and wetland vegetation within the Project site, and that impacts to sensitive riparian and wetland vegetation alliances should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The comment further states that the IS-MND does not meet CDFW's standards for the habitat mitigation measures and monitoring needed to ensure no net loss of aquatic habitats. Lastly, the comment recommends that the District consider future restoration of native and riparian habitats within the park as feasible.

As described in the IS-MND, the Project site has potentially jurisdictional streambed features that could be impacted by Project activities. Consistent with CDFW's comment, the IS-MND identifies the impact to streambeds as potentially significant, and provides a mitigation measure (MM) reducing this impact to a less than significant level. Where work would occur within 200 feet of the creek centerline, MM BIO-4 requires that a formal jurisdictional delineation be conducted to identify and delineate the jurisdictional extent of these features. Jurisdictional areas identified in the delineation will be avoided where possible through project design, and applicable agency permits will be obtained if avoidance is not feasible. MM BIO-4 also requires compensatory mitigation at a ratio not less than 1:1, or greater if required by the resource agencies. By requiring this minimum ratio, the measure set forth in the IS-MND does in fact ensure that there would be no net loss of streambeds or riparian habitat. Regarding CDFW's recommendation that future restoration of riparian habitats within the park be considered, while this comment does not have direct bearing on the adequacy of the IS-MND, the District does have a policy in place to utilize native and drought tolerant species when possible.

Response 1.2

CDFW notes that the MND does not describe procedures for disposal of removed trees which may be infested with invasive pests and disease, and states that improper disposal of vegetation may result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks and other trees in California which support a high biological diversity including special status species. The comment recommends that the District work with a certified arborist to identify all trees proposed for removal from the Project site and inspect those trees for contagious tree diseases, creating and implementing a management plan if infectious agents are detected.

The IS-MND included a mitigation measure (MM BIO-5) describing protective procedures to be taken when working near oaks or landmark trees. As requested by CDFW, a new mitigation measure

will be added to the IS-MND requiring any tree removed during the life of the Project and any tree material removed from the Project site to be disposed of in a way that does not increase or further spread pests or disease. The text of this measure is as follows:

BIO-6: Prevention of Tree Pest and Pathogen Spread

Tree material to be removed will be disposed of in a way that does not increase or further spread pests or disease. Tree material and wood will be treated by containment, grinding, or heat treatment methods, all of which have been shown to reduce the spread of invasive pests and pathogens. Containment of infested wood involves tarping the wood in an area of adequate sun exposure for a period of 2 years. Wood that has been dead for greater than 2 years is unlikely to contain living invasive pests, though pathogens may still be present. Grinding wood to a 1-inch minus chip size greatly reduces the number of invasive pests and becomes suitable for transport to another disposal site. Heat treatment of infested wood to a core temperature of 160° F for a minimum of 75 minutes has been shown to eliminate most insects and diseases.

Response 1.3

The comment states that the Park contains potential open water foraging habitat and is adjacent to natural habitats where bats may forage and roost, but that there is no mention of potential bat presence in the IS-MND. The comment further requests that a qualified bat specialist should conduct bat surveys to determine baseline conditions within the Project site and within a 500-foot buffer to identify trees and/or structures that could provide daytime and/or nighttime roost sites, and that mitigation measures be developed depending on the survey results.

The biological resources analysis in the IS-MND was based largely on a literature search, which included a nine-quadrangle review of the California Natural Diversity Database. The database query did not indicate any documented occurrences of special-status bat species in the review area, which encompassed the Park and a radius exceeding ten miles. As a result, special-status bats are not believed to occur within the Park and impacts to these species are not reasonably foreseeable consequences of the project. Nevertheless, the IS-MND includes a mitigation measure (MM BIO-1) requiring a pre-construction survey for potential rare, listed, or other special status wildlife species before Project activities begin. The survey shall include all proposed work areas, access routes, and staging areas plus a 50-foot buffer where accessible. If bats are found during the survey, Rincon will work with CDFW to address their presence per CDFW's recommendation in the May 28th comment letter. The text of MM BIO-1 has been revised as follows to implement this change:

BIO-1 Pre-activity Survey

Within 48 hours prior to ground disturbance and vegetation removal, a qualified biologist shall conduct a pre-construction survey for potential rare, listed, or other special status wildlife species. The survey shall include all proposed work areas, access routes, and staging areas plus a 50-foot buffer where accessible. If special status species are observed during the survey, they shall be relocated by the qualified biologist to nearby suitable habitat but far enough where they will not re-enter the project site. If a threatened or endangered species is observed, however, further consultation with the appropriate regulatory agency shall be conducted prior to moving the species and work will not commence until approved by regulatory agency. If roosts of special status bat species are detected in trees or structures to be removed, the District shall work with CDFW to develop a plan for avoiding impacts to roosting bats. Avoidance strategies may

include conducting work activities during a season when bats are not present, excluding bats from the roost sites prior to construction, or other avoidance methods.

Response 1.4

The comment requests that any final fence, or other design features, should allow for wildlife movement and that the District consider permeable fencing as part of its mitigation for Project-related impacts which may include a naturalistic park design. The comment also requests presence of a monitor to move wildlife out of harm's way during construction and recommends grading be conducted in a manner that avoids entrapping wildlife.

The proposed project would largely involve redevelopment of existing facilities and includes only minimal grading. As such, there is little to no potential for animals to become stranded or entrapped by grading patterns. Long term fencing will include split rail fencing only and any permeable or temporary fencing will be chain-link. Fencing associated with this Project will be used only as necessary and will be used during construction to protect wildlife and biological resources. The IS-MND includes a measure (MM BIO-1) requiring a pre-construction survey and capture/relocation of any special-status species out of harm's way prior to construction, which would reduce impacts on nongame wildlife.

Letter 2

Greg Martin

From: Andrew Mooney <amooney@crpd.org>
Sent: Thursday, May 6, 2021 5:37 PM
To: Greg Martin
Cc: Michael DeMartini
Subject: [EXT] FW: Conejo Community Center

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

See below resident comment.

Andrew Mooney
Senior Park Planner
Conejo Recreation & Park District
403 W Hillcrest Drive, Thousand Oaks, CA 91360
Phone: 805-495-6471 | Fax: 805-497-3199

-----Original Message-----

From: jessie korb <korb.jessie@gmail.com>
Sent: Thursday, May 6, 2021 11:54 AM
To: Andrew Mooney <amooney@crpd.org>
Subject: Conejo Community Center

With all the planned improvements for the park, I was wondering if we could also work towards getting the intersection of Dover and Hendrix a 4-way stop. I know this is a city street so not actually part of your area but for the safety of the children and families using this park, I think a 4 way stop is very important. People speed down Hendrix around the blind curve making the cross walk unsafe and I have seen more than a few car accidents happen at this intersection. I know as a resident I could request that the city look into it but I was hoping that if it was requested by the park district we might get more traction on it. Let me know if this is too far outside the scope of the project.

Thank you!

Jessie Korb
(805)469-1511
1174 Hendrix Ave.

Letter 2

COMMENTER: Jesse Korb

DATE: May 6, 2021

Response 2.1

The commenter requests that the CRPD asks the City to make the intersection of Dover and Hendrix a 4-way stop to improve safety.

As the project plans are coordinated further with the City of Thousand Oaks for permitting and development, CRPD will provide the City's Public Works Division with the commenter's concerns regarding the intersection.

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