



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

Dec 14 2021

SENT BY EMAIL ONLY

STATE CLEARINGHOUSE

December 13, 2021

Ms. Gena Guisar
City of Carson
701 East Carson Street
Carson, CA 90745
gguisar@carsonca.gov

Subject: Supplemental Environmental Impact Report for The District at South Bay Specific Plan Amendment, SCH #2005051059, City of Carson, Los Angeles County

Dear Ms. Guisar:

The California Department of Fish and Wildlife (CDFW) has reviewed the Supplemental Environmental Impact Report (SEIR) from the City of Carson (City; Lead Agency) for The District at South Bay Specific Plan Amendment (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; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). 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 (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, 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 CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish

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& G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The Project includes the adoption and implementation of the District at South Bay Specific Plan Amendment (2021 Specific Plan Amendment). Under the 2021 Specific Plan Amendment, the Project would retain the wide range of land uses included in The District at South Bay Specific Plan that was approved by the City in 2018 (2018 Specific Plan). The Project does not propose any changes to the residential or regional commercial uses previously approved under the 2018 Specific Plan for 61 acres of the 157-acre site (i.e., Planning Areas 1 and 2). Instead, the Project proposes to replace the general commercial and hotel uses that were previously approved under the 2018 Specific Plan (within Planning Area 3) with light industrial uses, and separate commercial uses. This will be included with privately maintained, publicly accessible open space and community amenity areas. Specifically, in Planning Area 3, the Project will replace the previously approved general commercial uses under the 2018 Specific Plan with a maximum of 1,567,090 square feet (sf) of light industrial development and supportive office uses and the Carson Country Mart. The Carson Country Mart will consist of passive and active uses including a dog park, botanic garden, children's play area, plaza areas, garden terrace, flexible event/social lawn, performance pavilion, beer garden, water feature, sculpture garden, bioretention garden, games terrace, and pedestrian and bicycle pathways. Ultimately, the Carson Country Mart will include up to 10,000 sf of commercial/retail uses, 12,600 sf of restaurants (with drive-through capability), a 2,200 sf walk-up cafe adjacent to the dog park and event lawn, and 9,000 sf of food and beverage kiosks.

Location: The 157-acre site is generally located at 20400 South Main Street in the City of Carson, approximately 17 miles south of downtown Los Angeles and approximately 6.5 miles east of the Pacific Ocean. The Project site is located in the South Bay area of Los Angeles County. It is located west of the San Diego Freeway (Interstate 405 [I-405] Freeway), south of Del Amo Boulevard, and north of the Avalon Boulevard interchange with the I-405 Freeway.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the 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 (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Impacts to Wading Bird Habitat

Issue: The Project will remove water retention/detention basins on site that are often utilized by wading birds, ducks, and shorebirds.

Specific impacts: The SEIR states, "avian species are attracted to the surface water and wet soil conditions associated with the basins on site, including mallard (*Anas platyrhynchos*), ruddy

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duck (*Oxyura jamaicensis*), American avocet (*Recurvirostra americana*), and black necked stilt (*Himantopus mexicanus*)." There will be a loss of foraging habitat for a variety of avian species in the vicinity.

Why impacts would occur: The Project site will be entirely graded and redeveloped, and the multiple retention/detention basins on site will be completely removed. The variety of birds that currently utilize this site will no longer have the ability to forage. This will force individuals to the surrounding area, which lowers the carrying capacity of the surrounding habitat by putting more pressure on the resources available to the individuals currently occupying these areas.

Evidence impacts would be significant: The Project may have an adverse effect on avian species that utilize the site for foraging activities. In addition, the forced movement of individuals to surrounding areas lowers the carrying capacity of the surrounding habitat by putting more pressure on the resources available to the individuals currently occupying these areas. The Project will modify the habitat, resulting in a net loss of what is already little habitat available.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: Due to the loss of functional foraging habitat, CDFW recommends mitigating this loss at a 1:1 ratio on site. These on-site areas should provide foraging habitat for wading birds and include requisite elements for wading birds, such as snags, shade, native wetland vegetation, and other vegetation beneficial to birds and insects.

Additional Recommendations

Coyotes: The SEIR states, "During surveys conducted in both 2020 and 2021, a family group of coyotes (*Canis latrans*) were observed and at least one den was noted near the north end of the Project Site." In order to prevent potential interaction during construction activities with coyotes known to be on site, CDFW recommends the following.

1. Outside of breeding and pupping season, sound or visual stimuli should be utilized to keep coyotes away from the den area.
2. Once it is confirmed that coyotes have left the den, it may be necessary for exclusionary fencing to be constructed that discourages coyotes from returning to the site during construction activities. Such a fence may have the following design characteristics.
 - a. Fence height should be a minimum of 5-1/2 feet and should be built higher on sloping terrain.
 - b. Net wire-mesh should be no larger than 6 inches between stays.
 - c. To deter digging under, bury a galvanized wire-mesh apron, attached securely to the bottom of the fence, 4 to 6 inches below the soil and extending outward at least 15 inches.
3. An extra degree of protection against coyotes scaling a fence can be obtained by installing a wire-mesh overhang of at least 18 inches, slanted outward, or roller-type devices designed to be attached to the top of a fence, which prevent coyotes from getting a foothold in their attempts to climb or jump over (Timm 2007).
4. Maintain fencing on site until the den area is graded.

Ephemeral Ditch: Figure IV F-1 Biological Observations on the Project Site indicates a lined ephemeral ditch on the southeast corner of the Project area. From the information provided by the SEIR and aerial photography, it is unclear where this ditch flows and if there is any potential connectivity at this time with the Carson Lateral. If there is connectivity, Project activities may be

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subject to notification pursuant to Fish and Game Code section 1600 *et seq.* CDFW recommends the SEIR clarify where this ephemeral ditch flows and whether there is any connectivity with other streams (i.e., the Carson Lateral).

Nesting Birds. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying Mitigation Measure K-1 by including the underlined language and excluding the ~~strikethrough~~ as follows:

Impacts to nesting birds would be avoided by conducting all construction activities outside of the bird nesting season (i.e., from September 4 15 to February 14 for most birds, from July 1 to January 4 1 for raptors). However, if construction activities must occur during the nesting season, the following measures shall apply:

A. Prior to work during the bird nesting season (February 15 to ~~August 31~~ September 15 for most birds, January 4 ~~5~~ 1 to June 31 for raptors), a qualified biologist shall conduct a pre-construction survey of all suitable habitat for the presence of nesting birds no more than 7 days prior to construction activities, including any ground-disturbing activities (e.g., staging, mobilization, grading), as well as prior to any vegetation removal within the Project site. The results of the pre-construction survey shall be valid for 7 days; if vegetation removal activities do not commence within 7 days following the survey or if activities cease for more than 7 consecutive days, a new pre-construction nesting bird survey shall be conducted before construction resumes.

It should be noted that the temporary halt of project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the project site based on acreage of impact and vegetation composition. Mitigation ratios should increase with the occurrence of an SSC and should further increase with the occurrence of a CESA-listed species.

Rodenticides. CDFW recommends the SEIR prevent the use of second-generation anticoagulant rodenticides on all future housing development associated with the Project.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, CDFW recommends that the subsequent CEQA documents include measures where lead agencies of individual projects report any special status species detected during preparation of project-level environmental impact analyses/environmental documents. Special status species information should be submitted to the CNDDDB by completing the [Online Field Survey Form](#) (CDFW 2021). The lead agency should ensure all pertinent data has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting an environmental document.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist project proponents in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The

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City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City 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 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 & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Carson 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 [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at Felicia.Silva@wildlife.ca.gov.

Sincerely,

DocuSigned by:


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Erinn Wilson-Olgin
Environmental Program Manager I

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State Clearinghouse - state.clearinghouse@opr.ca.gov

References:

[CDFW] California Department of Fish and Wildlife. 2021. Submitting Data to the CNDDDB.

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[CDFW] California Department of Fish and Wildlife. 2020. Natural Communities. Accessed at:

<https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

R. M. Timm, UC Research & Extension Center, Hopland; C. C. Coolahan, USDA-APHIS Wildlife Services, Sacramento, CA.; R. O. Baker, emeritus, CA State Polytechnic Univ.-Pomona; and S. F. Beckerman, USDA-APHIS Wildlife Services, Springfield, IL. Produced by IPM Education and

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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) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1-Wading Birds	Due to the loss of functional foraging habitat, the City shall mitigate this loss at a 1:1 ratio on-site. These on-site areas shall provide foraging habitat for wading birds and include requisite elements for wading birds, such as snags, shade, native wetland vegetation, and other vegetation beneficial to birds and insects.	Prior to project ground-disturbing activities	Lead Agency/Project proponent
REC-1-Coyotes	<p>The SEIR states, "During surveys conducted in both 2020 and 2021, a family group of coyotes (<i>Canis latrans</i>) were observed and at least one den was noted near the north end of the Project Site." In order to prevent potential interaction during construction activities with coyotes known to be on site, CDFW recommends the following.</p> <ol style="list-style-type: none"> 1. Outside of breeding and pupping season, sound or visual stimuli should be utilized to keep coyotes away from the den area. 2. Once it is confirmed that coyotes have left the den, it may be necessary for exclusionary fencing to be constructed that discourages coyotes from returning to the site during construction activities. Such a fence may have the following design characteristics. <ol style="list-style-type: none"> a. Fence height should be a minimum of 5-1/2 feet and should be built higher on sloping terrain. b. Net wire-mesh should be no larger than 6 inches between stays. c. To deter digging under, bury a galvanized wire- 	Prior to project ground-disturbing activities	Lead Agency/Project proponent

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	<p>mesh apron, attached securely to the bottom of the fence, 4 to 6 inches below the soil and extending outward at least 15 inches.</p> <p>3. An extra degree of protection against coyotes scaling a fence can be obtained by installing a wire-mesh overhang of at least 18 inches, slanted outward, or roller-type devices designed to be attached to the top of a fence, which prevent coyotes from getting a foothold in their attempts to climb or jump over (Timm 2007).</p> <p>4. Maintain fencing on site until the den area is graded.</p>		
<p>REC-2- Ephemeral Ditch</p>	<p>Figure IV F-1 Biological Observations on the Project Site indicates a lined ephemeral ditch on the southeast corner of the Project area. From the information provided by the SEIR and aerial photography, it is unclear where this ditch flows and if there is any potential connectivity at this time with the Carson Lateral. If there is connectivity, Project activities may be subject to notification pursuant to Fish and Game Code section 1600 <i>et seq.</i> CDFW recommends the SEIR clarify where this ephemeral ditch flows and whether there is any connectivity with other streams (i.e., the Carson Lateral).</p>	<p>Prior to project ground-disturbing activities</p>	<p>Lead Agency/Project proponent</p>
<p>REC-3-Nesting Birds</p>	<p>CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying Mitigation Measure K-1 by including the <u>underlined</u> language and excluding the strike through as follows:</p> <p>Impacts to nesting birds would be avoided by conducting all construction activities outside of the bird nesting season (i.e., from September 4 <u>15</u> to February 14 for most birds, from July 1 to January 4 <u>1</u> for raptors). However, if construction activities must occur during the nesting season, the following measures shall apply:</p> <p>A. Prior to work during the bird nesting season (February 15 to August 31 <u>September 15</u> for most birds, January 4 <u>1</u> to June 31 for raptors), a qualified biologist shall conduct a</p>	<p>Prior to finalizing ND /During/After project</p>	<p>Lead Agency/Project proponent</p>

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	<p>pre-construction survey of all suitable habitat for the presence of nesting birds no more than 7 days prior to construction activities, <u>including any ground-disturbing activities (e.g., staging, mobilization, grading), as well as prior to any vegetation removal within the Project site.</u> The results of the pre-construction survey shall be valid for 7 days; if vegetation removal activities do not commence within 7 days following the survey or if activities cease for more than 7 consecutive days, a new pre-construction nesting bird survey shall be conducted before construction resumes.</p>		
REC-4-Rodenticides	<p>CDFW recommends the ND require subsequent project proponents prevent the use of second-generation anticoagulant rodenticides on all future housing development associated with the Project.</p>	<p>Prior to finalizing ND /During/After project</p>	<p>Lead Agency/Project proponent</p>
REC-5-Data	<p>Project-level lead agencies shall ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. Confirmation of data submittal shall be provided to CDFW.</p>	<p>Prior to finalizing/adopting project-level CEQA document</p>	<p>Lead Agency/Project proponent</p>
REC-6-Mitigation and Monitoring Reporting Plan	<p>The City shall update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.</p>	<p>Prior to finalizing CEQA Document</p>	<p>Lead Agency/Project proponent</p>