

State of California – Natural Resources Agency

GAVIN NEWSOM, Governor

DEPARTMENT OF FISH AND WILDLIFE

CHARLTON H. BONHAM, Director

South Coast Region

3883 Ruffin Road

San Diego, CA 82123

(858) 467-4201

www.wildlife.ca.gov

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Governor's Office of Planning & Research

Mr. Oscar Martinez

City of Torrance

3031 Torrance Boulevard

Torrance, CA 90503

OMartinez@TorranceCA.Gov

AUG 02 2019

STATE CLEARINGHOUSE

Subject: Draft Environmental Impact Report for the Solana Residential Project, City of Torrance, Los Angeles County

Dear Mr. Martinez:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Solana Residential Project (Project) provided by the City of Torrance (City). 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 State-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Project Description and Summary



Objective: The Project includes a residential housing development on 24.68 acres of a vacant former diatomaceous earth mine. The Project would involve consolidating 17 parcels into three lots:

- Lot 1 would consist of 5.71 acres in the footprint of the former mining area.
- Lot 2 would be along the bluff immediately above the former diatomaceous earth mine and would be 6.0 acres in area.
- Lot 3 would be primarily comprised of the level blufftop to the south of Lot 2 and would be 12.92 acres in area.

All of the site development would occur in Lot 1. Lots 2 and 3 would be preserved as undeveloped open space, for a total of 18.92 acres.

Location: The Project site is on the southern boundary of the City of Torrance at the northern foot of the Palos Verdes Hills in southwestern Los Angeles County. The nearest freeway to the site is Interstate 110 (I-110 or the Harbor Freeway) approximately 3.9 miles to the east via Pacific Coast Highway (State Route 1). The two nearest state highways to the Project site are State Route 1 (SR-1), approximately 0.7 mile to the north; and State Route 107 (SR-107), Hawthorne Boulevard, also approximately 0.7 mile to the north. Local access is provided by Hawthorne Boulevard, with secondary access from Via Valmonte. The north half of the southwest site boundary is bounded by the City of Palos Verdes Estates, and the south half by the City of Rolling Hills Estates. The Project site includes Assessor's Parcel Numbers (APNs) 7547-001-018, 7547-001-019, 7547-001-020, 7547-001-021, 7547-002-011, 7547-001-007, 7547-001-008, 7547-001-009, 7547-001-024, 7547-001-025, 7547-001-026, 7547-002-005, 7547-002-006, 7547-002-007, 7547-002-008, 7547-002-009, 7547-002-010.

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 (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

Project Description and Related Impact Shortcoming

Comment #1: Impacts to nesting birds

Issue: According to the California Natural Diversity Database (CNDDB), there are records of the coastal California gnatcatcher (*Polioptila californica californica*) about 3 miles south of the Project site in Sepulveda Canyon in the Palo Verde Hills. "Figure 5 – Coastal California Gnatcatcher Map" of the *Biological Resources Technical Report for the Solana Torrance Project* (Dudek 2017) maps out coastal California gnatcatcher habitat and shows the overlap with the Project site. Page 31 of the same biological report indicates that "No California gnatcatcher pairs or individuals were observed within the study area during focused surveys conducted for coastal California gnatcatcher between April and June 2016." These results may now be considered outdated.

Specific impacts: Construction during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. The Project could also lead to the loss of foraging habitat.

Why impact would occur: Impacts to nesting birds could result from vegetation clearing and other ground disturbing activities. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

Evidence impact would be significant: The loss of occupied habitat or reductions in the number of nesting bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under both federal and state laws and regulations, including the Migratory Bird Treaty Act (MBTA; U.S.C., §§ 703 - 712) and California Fish and Game Code sections 3503 and 3503.5, respectively.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To protect nesting birds that may occur on site, CDFW recommends that the final environmental document include a measure that no construction shall occur from February 15 through August 31 unless a qualified biologist completes a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrated on potential roosting or perch sites. If any nests of birds of prey are observed, these nests should be designated as an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during Project construction.

Mitigation Measure #2: To ensure accurate and up to date survey results, CDFW recommends that pre-construction surveys be conducted prior to Project activities. Protocol for conducting Coastal California gnatcatcher surveys can be found on the CDFW website at https://www.fws.gov/ventura/docs/species/protocols/cagn/coastal-gnatcatcher_survey-guidelines.pdf.

Comment #2: Impacts to Streams

Issue: “Figure 6 – Jurisdictional Delineation Map” of the *Biological Resources Technical Report for the Solana Torrance Project* (Dudek 2017) indicates that there are numerous “erosional features” on the north end of the Project site that may be considered streams, as defined by CDFW. The same map acknowledges a water feature along the southern border of the Project site.

On November 3, 2016, Brock Ortega of Dudek and Andrew Valand of CDFW visited the proposed Project site to discuss whether the onsite features would be subject to notification for a Lake and Streambed Alteration Agreement pursuant to Fish and Game Code section 1600 et seq.

Specific impacts: The Project may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography, and thus the hydrology, of the Project site.

Why impacts would occur: Ground-disturbing activities from grading and filling, water diversions, and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat on the Project site. Downstream streams and associated biological resources beyond the Project development footprint may also be impacted by Project-related releases of sediment and altered watershed effects resulting from Project activities.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern of the Project site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Based on the November 3, 2016 site visit, CDFW has concluded that the Project may result in the alteration of streams. For any such activities, the Project applicant (or “entity”) must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW’s web site at <https://www.wildlife.ca.gov/conservation/lisa>.

CDFW’s issuance of an LSA Agreement 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 of the Lead Agency for the Project. 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 stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

Mitigation measure #2: Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement 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.

Filing Fees

The project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the project. If you have any questions or comments regarding this letter, please contact Andrew Valand, Environmental Scientist, at Andrew.Valand@wildlife.ca.gov or (562) 342-2142.

Sincerely,



Erinn Wilson
Environmental Program Manager I

ec: CDFW

Victoria Tang – Los Alamitos
Andrew Valand – Los Alamitos
Kelly Schmoker – Glendora
Audrey Kelly – Los Alamitos

Scott Morgan (State Clearinghouse)