



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region
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GAVIN NEWSOM, Governor
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Via Electronic Mail Only

March 2, 2022

Gabriella Golik
Mountains Recreation and Conservation Authority
570 W. Avenue 26, Suite 100
Los Angeles, CA 90065
Gabriella.Golik@mrca.ca.gov



**Subject: Mission Canyon Park Project, Mitigated Negative Declaration,
SCH #2018081044, Mountains Recreation and Conservation Authority,
Los Angeles County**

Dear Ms. Golik:

The California Department of Fish and Wildlife (CDFW) has reviewed a Mitigated Negative Declaration (MND) from the Mountains Recreation and Conservation Authority (MRCA) for the Mission Canyon Park Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's 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 & G. 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 Project proposes improvements within the 500-acre Mission Canyon Park (Project site) to accommodate park and passive recreational uses. The Sanitation Districts of Los Angeles County (Sanitation Districts) operated the Project site from 1959 to 1980 as an active landfill for non-hazardous, municipal waste. Since refuse disposal ended in 1980, the Sanitation Districts have continued to perform maintenance and monitoring of the Project site, including maintenance of the roads, landscapes, and the environmental control systems (including the on-site methane dispersal, drainage structures, and seepage management). From the landfill's inception, Mission Canyon Landfill was intended to be used for park and recreation purposes after the landfill ceased operations. In November 2014, the County of Los Angeles granted MRCA funding to acquire, develop schematic designs, and complete due diligence activities in support of proposed improvements to the Project site.

All of the improvements proposed by the Project would be completed within previously disturbed areas (i.e., former landfill driveways, trails, existing roadways, etc.) located throughout the Project site as well as within the existing footprint of the gravel yard located at the southern portion of the Project site. The proposed Project may include the following improvements:

- **Loop Trail:** A 2.5-mile multi-modal loop trail would be established throughout the Project site.
- **Improved Trailhead/Connector Trail:** At least one trail connection at the northwest portion of the Project site between the Project site and the Canyonback Road Trail would be established. Advanced or secondary trails would be constructed alongside the existing loop trail based upon the topography.
- **Infiltration:** New infiltration areas for stormwater or bioswales would be installed on the Project site.
- **Restroom Facilities:** A portion of the existing gravel yard would be used to install new single-story prefabricated restroom facilities. The new restroom facilities would be approximately 1,000 square feet and would contain drinking water stations.
- **Ranger Residence:** A residence that is used by the rangers at the Project site would be installed at the existing gravel yard. The residence would consist of a single-story bungalow style trailer that would be located near the Sepulveda Boulevard entry parking lot.
- **Picnic Areas:** Picnic areas and maintenance storage would be developed at the existing gravel yard.
- **Parking:** The existing parking area would be covered with pavement and gravel for approximately 105 parking spaces. The existing graded areas would be retained. Existing truck scales would be removed.
- **Site Access Off Sepulveda Boulevard:** Access to the Project site would be improved and signalized to ensure that all Project-related traffic would access the Project site off Sepulveda Boulevard. The final design is subject to refinement as the design is finalized with the Los Angeles Department of Transportation. Mulholland Drive would continue to be used for authorized vehicles only. No additional improvements or public access from Mulholland Drive would be provided as a part of the proposed Project.
- **Asphalt Paving:** Deteriorated asphalt parking paving in the existing parking area would be removed and replaced with new asphalt and/or road base (where necessary).
- **Landscaping and Trees:** Landscaping and trees would be provided throughout the

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updated parking area. Landscaping at the Project site would include native plants (and limited lighting fixtures that are designed to reduce glare, light trespass, and sky glow lighting).

- **Updated Gate:** A formal entrance gate would replace the gate that is currently located the southern access to the Project site.
- **Best Management Practices/Fire Avoidance:** The Project would include the implementation of construction and operational best management practices including the use of bioswales. Also, water tanks would be provided at two locations for firefighting/prevention purposes.
- **Additional Security Fencing:** The Project site currently contains perimeter fencing along most borders to restrict access to the site. The Project may expand and supplement the existing fencing to cover additional areas along the perimeter of the site that are currently unfenced.
- **Fitness Trail:** A set of fitness trail steps (approximately 600 steps) would be constructed within the southeastern portion of the site.
- **Riparian Stream Restoration:** The restoration (i.e., vegetation planting for natural riparian habitat) of a riparian stream located on site would be completed.
- **Signage:** Informational and safety signage would be posted throughout the Project site. Standard MRCA signage would also be posted throughout the Project site to display important information such as hours of operation, consistent with the requirements of the provisions of the MRCA Park Ordinance, and emergency contact information.
- **Electric Vehicle Charging Station:** An electric vehicle charging station may be incorporated into the improved parking lot.
- **Bike Racks:** Bike racks would be installed at the Project site.
- **Utility Improvements:** The Project would include upgrades to the existing utilities at the Project site to accommodate the proposed recreational facilities. These upgrades would include connecting a water line from the Project site to the existing connections amongst other improvements (e.g., safety lighting) that would be necessary for the proposed Project. The Sanitation Districts will continue to perform maintenance and monitoring of the Project site including maintenance of the road and landscape as well as the environmental control systems (including methane dispersal, drainage structures, and seepage management).

Location: The approximately 500-acre Project site is located in the Santa Monica Mountains at 2301 North Sepulveda Boulevard (Assessor's Parcel Numbers 4490-002-906 and 4490-002-800). The Project site is generally bound by residential property, private schools, and Mulholland Drive to the north; Sepulveda Boulevard and Interstate 405 to the east; open space, to the west and south; and the Mountaingate Country Club to the south.

Comments and Recommendations

CDFW visited the Project site with MRCA on February 9, 2022. Based on the documents for review and the site visit, CDFW offers the comments and recommendations below to assist MRCA 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 are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the

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Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment: Potential Impact on Streams

Issue: The Project may impact ephemeral or intermittent streams in the Project site.

Specific impacts: The Project may result in temporary impacts on the Mission Canyon ephemeral stream and/or minor watercourses in the Project site.

Why impact would occur: The *Mission Canyon Park Biological Technical Report* (Appendix B) states, "the drainage of Mission Canyon consists of an ephemeral stream that has been altered by human activity and does not have its traditional connection downstream. Prior to anthropological disturbances, waters from Mission Canyon would have flowed downstream into Sepulveda Canyon, which would have then flown into the Pacific Ocean. Within the Mission Canyon watershed there are numerous minor drainages contributing to the Mission Canyon ephemeral stream. It is expected that all of these features would be jurisdictional waters regulated by USACE, RWQCB, and CDFW." Project activities including (but not limited to) riparian stream restoration, asphalt paving, minor trenching for installation of utilities, and construction of new infiltration areas could result in soil erosion. These types of ground-disturbing activities occurring adjacent to the Mission Canyon ephemeral stream and/or minor drainages could result in sediment input into a watercourse and stream bank erosion. As a result, the Project would have an impact on a watercourse.

Evidence impacts would be significant: CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake¹;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration (LSA) Notification when a project activity may substantially adversely affect fish and wildlife resources. The Project could result in reasonably foreseeable impacts on streams. Accordingly, the Project may have a significant impact on streams. The MND does not yet provide measures to mitigate for potentially significant impacts. Accordingly, the Project may have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on fish and wildlife resources, including rivers, streams, or lakes and associated natural communities identified by CDFW.

¹ "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

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Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: MRCA should notify CDFW pursuant to Fish and Game Code 1602 prior to implementing any Project activities that may impact a watercourse.

Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2022a).

Recommendation #1: 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 from MRCA for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the Project's potential impacts on stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. As such, CDFW recommends MRCA consider CDFW's comments and revise the MND by incorporating the mitigation measures and revisions recommended in this letter into the Project's final environmental document.

To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation, enhancement, or restoration, and/or protection; and management of mitigation lands in perpetuity.

Additional Comments and Recommendations

Recommendation #2: The Project site is in the Santa Monica Mountains and within the range of the Southern California/Central Coast Evolutionary Significant Unit of mountain lion (mountain lion; *Puma concolor*). The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list the mountain lion as threatened under CESA (CDFW 2020). As a CESA candidate species, the mountain lion is granted full protection of a threatened species under CESA. As to CEQA, impacts on mountain lion could be significant (CEQA Guidelines, § 15380).

CDFW appreciates that the Project would preserve 500 acres of land within the range of the mountain lion. As it is currently written, the MND does not discuss the Project's benefits and potential impacts on mountain lion. Given the Project's location, CDFW recommends MRCA revise the MND to disclose the Project's benefits and potential impacts on mountain lion. The Project proposes to allow public access onto land that is currently closed to the public. The Project could have an indirect impact on mountain lion by increasing human-wildlife encounters that could potentially lead to mountain lion depredation, as well as altering mountain movement/dispersal through the Project site. CDFW recommends the MND discuss the Project's potential impact on mountain lion from the standpoint of recreational activities, trails and access, perimeter fencing, and ambient nighttime lighting (if applicable).

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Recommendation #3: CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2022b). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (VegCAMP) (CDFW 2022c). Data collected on Sensitive Natural Communities discussed in the *Mission Canyon Park Biological Technical Report* (Appendix B) should be submitted to the CNDDDB and/or VegCAMP.

Recommendation #4: CDFW recommends MRCA condition the Project's MND to include mitigation measures recommended in this letter. CDFW provides comments to assist MRCA in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear 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). MRCA 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 MRCA 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, 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 Mountains Recreation and Conservation Authority 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 & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the Mountains Recreation and Conservation Authority in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the Mountains Recreation and Conservation Authority 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 Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov or (562) 619-2230.

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Sincerely,

DocuSigned by:



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Victoria Tang signing for

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

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CEQA Program Coordinator – Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

References:

[CDFWa] California Department of Fish and Wildlife. 2022. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>

[CDFWb] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

[CDFWc] California Department of Fish and Wildlife. 2022. Natural Communities — Submitting Information. Available from: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

[CDFW] California Department of Fish and Wildlife. 2020. Notice of Findings - Mountain Lion ESU declared a candidate species. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178623&inline>



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Attachment A: Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO – Impacts on Streams – Notify CDFW pursuant to Fish and Game Code section 1602	MRCA shall notify CDFW pursuant to Fish and Game Code 1602 prior to implementing any Project activities that may impact a watercourse.	Prior to implementing any Project activities that may impact a watercourse	Mountains Recreation and Conservation Authority
REC-1 – Fish and Game Code section 1602 Notification	To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the Project's MND should fully identify the Project's potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. MRCA should consider CDFW's comments and revise the MND by incorporating the mitigation measures and revisions recommended in this letter into the Project's final environmental document.	Prior to finalizing CEQA document	Mountains Recreation and Conservation Authority
REC-2 – Disclose Project's Potential Impacts on Mountain Lion	MRCA should revise the MND to disclose the Project's benefits and potential impacts on mountain lion. The MND should discuss the Project's potential impact on mountain lion from the standpoint of recreational activities, trails and access, perimeter fencing, and ambient nighttime lighting (if applicable).	Prior to finalizing CEQA document	Mountains Recreation and Conservation Authority
REC-3 – Submitting Data for Sensitive and Special Status	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations	Prior to finalizing the Project's CEQA document	Mountains Recreation and

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Species and Natural Communities	[Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms . Information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Relevé Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (VegCAMP). Data collected on Sensitive Natural Communities discussed in the <i>Mission Canyon Park Biological Technical Report</i> (Appendix B) should be submitted to the CNDDDB and/or VegCAMP.		Conservation Authority
REC-4 – Mitigation and Monitoring Reporting Plan	MRCA should condition the environmental document to include mitigation measures recommended in CDFW's comment letter.	Prior to finalizing the Project's CEQA document	Mountains Recreation and Conservation Authority