

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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June 29, 2020

Governor's Office of Planning & Research

Thuy Hua
Los Angeles County
Department of Regional Planning
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Jun 30 2020

STATE CLEARINGHOUSE

Subject: Santa Monica Mountains North Area Plan and Community Standards District Update, Draft Environmental Impact Report (DEIR), SCH #2018071065, Los Angeles County

Dear Ms. Hua:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Santa Monica Mountains North Area Plan and Community Standards District Update (Plan). The DEIR's supporting documentation includes the *Santa Monica Mountains North Area Plan and Community Standards District Update Biological Resources Assessment (BRA)*. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Plan 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; 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 & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Plan 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 state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish

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& G. Code, §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Plan Description and Summary

Objective: The County of Los Angeles Department of Regional Planning (DRP) is proposing to update the existing North Area Plan, originally adopted in 2000, and the existing North Area Community Standards District (CSD), originally adopted in 2005 and recently amended in 2015. The proposed Plan addresses several concerns that have developed since adoption in 2000. DRP proposes revisions to the existing North Area Plan and CSD to: strengthen existing environmental resource policies; identify policies and standards that will support the surrounding communities, current rural and semirural lifestyle; and align with the policies and development standards in the 2014 Santa Monica Mountains Local Coastal Program (LCP), which was subsequently amended in 2018, to ensure consistency in land use regulations and environmental policies between the coastal zone and Santa Monica Mountains North Area. The proposed Plan does not include any physical development, but rather identifies land use policies and development standards for future development projects proposed in the North Area.

Location: The North Area encompasses 32.3 square miles of unincorporated land in northwestern Los Angeles County from the US 101 Freeway corridor south to the Coastal Zone boundary. The Plan area is bounded by Agoura Hills, Calabasas, Hidden Hills, and Woodland Hills to the north, the City of Los Angeles to the east, Ventura County and the City of Westlake to the west, and the Santa Monica Mountains Coastal Zone and City of Malibu to the south.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the DRP in adequately identifying, avoiding, and/or mitigating the Plan'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 Plan's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

Comment #1: Impacts to nesting birds

Issue: The Biological Resource Standards (Section 22.336.060) in the DEIR states projects will, "Require nesting bird survey prior to vegetation removal and construction in suitable habitat for nesting birds." While CDFW agrees that nesting bird surveys are necessary, it is important to consider the special status certain bird species may have in the state, which impacts the mitigation necessary.

Specific impacts: Development projects with construction activities during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment in trees directly adjacent to the development project boundary. The development could also lead to the loss of foraging habitat for sensitive bird species.

Why impact would occur: Impacts to nesting birds could result from potential ground disturbing or vegetation removal activities. Development project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging

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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 rare 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 state laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

Fully protected status precludes CDFW from authorizing any amount of incidental take or intentional take to meet any project mitigation requirement. When projects show the potential to cause take of fully protected species, CDFW advises on appropriate measures to avoid take. Given the legal status of fully protected animals, take avoidance measures should meet very high standards of effectiveness, substantially greater than the measures to minimize take required under Incidental Take Permits.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To protect nesting birds that may occur on site or adjacent to a development project boundary, CDFW recommends that no construction should occur from February 15 (January 1 for raptors) through August 31.

Mitigation Measure #2: If avoidance is not feasible, a qualified biologist should complete a survey for nesting bird activity within a 500-foot radius of the construction site, including all access roads and staging areas. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites where a bird keeps returning or flying near. CDFW recommends the Lead Agency require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any development project-related activity likely to impact raptors and migratory songbirds, for the entire development project site. If development project activities are delayed or suspended for more than 7 days during the breeding season, surveys should be repeated. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests.

These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers should be increased if needed to protect the nesting birds. In addition, CDFW recommends any unavoidable impacts during the breeding season should be mitigated.

Mitigation Measure #3: CDFW recommends surveying the entire development project site to determine the potential distribution of fully protected species and assure that “take” will be avoided during development project construction. The environmental document should also include measures to preclude “take” on a development project site during operations and from traffic increased related to a development project. The environmental document should analyze the potential “take” as a result of habitat modification. If a development project’s modification of occupied habitat causes mortality of individuals, then the development project will be considered the cause of the take. Therefore, to avoid take, construction and operation activities should

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avoid all raptors by a distance of no less than the distance that the specific species are known or expected to travel within their home range, based on telemetry, mark-recapture, or other data.

Mitigation Measure #4: Additional buffers may also be warranted to ensure that the development project would not reduce the species' abundance or distribution over time due to nesting and foraging habitat loss and fragmentation. CDFW recommends assessing whether the habitat alteration, habitat loss, and additional traffic would hinder expansion of the local protected species population in good years, which allows the population to maintain viable numbers through poor years.

Comment #2: Pre-Development Surveys

Issue: As part of the "Planning the Pre-Development Site Review Process", the BRA states the first step, "is to conduct a survey to document the type of vegetation, if any, or development that is present on the proposed development project site and within 300 feet of any proposed development." While CDFW recognizes a buffer surrounding a site boundary is necessary, it would be beneficial to have a larger buffer for survey purposes.

Specific impact: A smaller buffer could increase the likelihood of impacting special status species that may be near a development project's vicinity.

Why impact would occur: Development project activities such as construction, lighting, noise, staging materials, and even site access could all pose an impact to the area surrounding the development project footprint. For example, substantial noise may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55-60 dB (Barber et al. 2009). [For reference, normal conversation is approximately 60 dB, and natural ambient noise levels (e.g., forest habitat) are generally measured at less than 50dB.]

Increased ambient lighting levels can increase predation risks and disorientation and disrupt normal behaviors of birds in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004).

Evidence impact would be significant: Without sufficient buffers to protect them, wildlife located outside the development project footprint become susceptible to impacts from temporary and permanent activities resulting from development. Anthropogenic noise can disrupt the communication of many wildlife species including birds (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Construction sites, staging areas, and resulting newly developed areas may result in increased lighting. Impacts from light pollution can be caused by glare, over-illumination, light clutter (unnecessary numbers of light sources), and skyglow, where artificial light is directed towards the sky, scattered by atmospheric molecules and reflected back to earth (Royal Commission on Environmental Pollution 2009; Gaston et al. 2012; Kyba and Hölker 2013). Light-induced

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changes in circadian activity patterns can alter competition both within species (e.g. for mates) and between species (e.g. interference and exploitation competition) (Rowse et al. 2016). Without providing appropriate minimization or mitigation measures, including buffers, development may result in substantial impacts to sensitive wildlife species.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends conducting pre-development surveys with at least a 500 ft buffer around any proposed development.

Mitigation Measure #2: If any proposed development is within half a mile of parklands, designated open-space, suitable habitat for special status species, or biologically sensitive habitat, the survey buffer should increase with at least half a mile around any proposed development.

Recommendation #3: Please note, in 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & G. Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance- and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking and mitigation ratios of vegetation communities on the project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Recommendation #4: Botanical surveys should be based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, 2018), a qualified biologist should “conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting.” CEQA documentation should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts.

Comment #3: Preservation of Sensitive Habitats

Issue: While CDFW recognizes Policies CO-6, CO-8, and CO-11 in the Biological Resources Policies and Standards in the DEIR will be utilized to prioritize the protection of open space within the North Area CDFW is concerned of the use of deed restrictions as a means of protection.

Specific impact: CDFW does not consider deed restrictions a mechanism for permanent habitat preservation in perpetuity.

Why impact would occur: It is possible that deed restrictions can be removed or altered. Resource agencies would not be notified or have legal remedy to continue the protection/preservation of the land if the deed restriction is removed or altered.

Evidence impact would be significant: CDFW does not consider lands placed under deed restriction adequate protection for preserved lands. Deed restrictions are not enforceable and offer no real protection to wildlife or habitat.

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Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: All lands counting toward avoidance and preservation in the DEIR should be placed under a conservation easement with an appropriate non-wasting endowment for management in perpetuity. All revegetation/restoration areas that will serve as mitigation should include preparation of a separate restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

Comment #4: Impacts to Sensitive Habitats

Issue #1: The DEIR states that it will “Identify a mitigation ratio of 3:1 for impacts to S1 Habitat (rare/very sensitive habitat) and 2:1 mitigation ratio for S2 Habitat (sensitive habitat).”

Issue #2: In addition, the DEIR also states, “any development that would result in impacts to S1 habitat that cannot be avoided through the implementation of siting and design alternatives would require a Conditional Use Permit, pursuant to Section 22.336.060 (Biological Resource Standards) and would be subject to payment of Habitat Impact Fees.”

Specific impact: The mitigation ratios presented may be insufficient for habitats that support sensitive natural communities. In addition, monetary means do not mitigate for the complete loss of the most sensitive habitat resources.

Any development project could induce population declines or local extirpation of special status plant communities from the result of several actions. These actions may include immediate death or injury to all or a portion of individual plants making up the community, habitat fragmentation, increased competition with exotic invasive weeds, altered soil chemistry, and reduce photosynthesis and reproductive capacity. The effects of these impacts would occur over several years.

Why impact would occur: A development project may involve activities that could result in direct mortality, population declines, or local extirpation of sensitive habitats. As stated, monetary means would not compensate for mortality, population declines, or extirpation.

Evidence impact would be significant: The goal of the mitigation is to preserve or recreate a functioning habitat of similar composition, structure, and function to the habitat that was impacted. The mitigation ratios recommended in the DEIR could continue to result in a substantial adverse effect on sensitive natural communities (e.g., riparian habitat, coastal sage scrub, oak woodlands, non-jurisdictional wetlands) identified in local or regional plans, policies, and regulations or by the CDFW or United States Fish and Wildlife Service (USFWS). Absent adequate mitigation, the ecosystem function of special status plant communities, including their contribution to breeding, feeding, and cover habitat for wildlife, will be compromised during the several-year period that it will take to restore these communities to their pre-project or better condition. In addition, monetary mitigation does not compensate for the significant impact by

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replacing or providing substitute resources/environments, for such unique, biologically valuable vegetation communities that, if not mitigated in kind, will be lost forever.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: If avoidance is not possible, please see the Mitigation Measure in Comment #3

Mitigation Measure #2: CDFW recommends any revegetation plan proposed for mitigation for special status plant communities be submitted to CDFW for review and comment. The mitigation for unavoidable impacts to special status plant communities should strive to develop a more superior habitat quality and quantity than that which was impacted by any development project to offset the temporal loss of several growing seasons that would likely occur while achieving any revegetation success criteria. This could include higher mitigation ratios of areas occupied by targeted special status plant communities and increased level of protection of revegetated areas to prohibit human-caused degradation.

Recommendation #3: Mitigation should not substitute for implementation of an alternative that would completely avoid impacts to very sensitive habitats. Completely avoiding impacts to very sensitive habitats would significantly reduce adverse impacts of any development on these sensitive habitats.

Comment #5: Impacts from Brush Clearing Activity

Issue: Policy CO-9 in the DEIR states that it will, "Require that any new development or improvement is sited and designed so required fuel modification or brush clearance does not encroach into dedicated open space or parkland." While CDFW agrees that fuel modification activities like brush clearing should not be conducted in dedicated land areas, we are concerned that future development projects may lack adequate impact analysis, and avoidance or mitigation measures for biological resources.

Specific impact: Sensitive species that are not located in dedicated open space or parkland can be adversely impacted by wildfire risk reduction activities. Wildfire risk reduction activities may include, but not limited to brush clearing or other types of vegetation fuel modification by management practices that remove or otherwise disturb habitat for biological resources.

Why impact would occur: Sensitive habitats that are not protected within dedicated open space or parkland can be impacted by fuel modification activities which may result in direct mortality, population declines, or local extirpation of sensitive vegetation communities.

Evidence impact would be significant: CDFW considers fuel modification activities as adverse impacts to ecosystems. Modifying habitat by removal or thinning of vegetation, as well as removing leaf litter, logs, dead trees and shrubs directly impacts the entire function of the habitat, therefore impacting the persistence of any special status vegetation or wildlife located within or around the fuel modification zone.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the final environmental document include thorough biological inventories for every development project of all fuel modification areas.

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These inventories are recommended to assess impacts to Threatened, Rare, Endangered species, and riparian habitats. The final environmental document should include avoidance and mitigation measures for any fuel modification activities conducted within the Plan area.

Mitigation Measure #2: CDFW recommends that the final environmental include the evaluation of alternatives (including no encroachment) to reduce impacts from fuel modification, including brush clearing, targeted thinning, placement of walls, and structural/building features (e.g. boxed eaves, fire-rated walls and windows, and sprinklers), especially where development occurs adjacent to undeveloped areas supporting biological resources.

Mitigation Measure #3: CDFW also recommends any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.

Comment #6: Mountain lion (*Puma concolor*)

Issue: The DEIR did not identify the recent change in protection status of the mountain lion population within the Santa Monica Mountains.

The mountain lion is a specially protected mammal in the State of California (Fish and Game Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission (Commission) accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under the California Endangered Species Act.

Therefore, any new development project should analyze the potential for mountain lion that are known to occur in the Santa Monica Mountains to be impacted by development proposed in the Plan area.

Specific Impact: Especially now due to its updated status, it is important for the final environmental document to analyze the impacts associated with human-wildlife conflicts that come with increases in human development and urbanization.

Why impact would occur: Mountain lions may be impacted by new development through increase in traffic presence, causing vehicle strikes, as well as increased exposure to light and noise. Mountain lion may also cause concern due to property damage if they mistake livestock or pets for food while hunting or concern for public safety if they encounter people. Activities such as feeding other wildlife, for example deer or raccoons, may attract mountain lions.

Evidence impact would be significant: Human interactions are one of the main drivers of mortality and increasing development in this area could increase the need for public safety removal and/or vehicle strikes of mountain lions. CDFW has identified the Santa Monica Mountains population as at risk due to current habitat and genetic concerns, at-risk internal habitat and connectivity, limited external connectivity, and lack of protected habitat (Dellinger 2019). Therefore, as a CESA candidate, the species is granted full protection of a threatened or endangered species under CESA.

Recommended Potentially Feasible Mitigation Measure (s):

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CDFW recommends in the environmental document, new project proponents should address the potential to substantially reduce and adversely modify habitat for the mountain lion, reduce and potentially seriously impair the viability of populations of mountain lion, and reduce the number and range of the species.

Mitigation Measure: Due to suitable habitat within the Plan site, within one year prior to beginning a new development project, a qualified biologist familiar with the species behavior and life history should conduct surveys in areas that may provide possible habitat for mountain lion to determine the potential presence/absence of the species. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings should be submitted to CDFW prior to initiation of project activities. If “take” or adverse impacts to mountain lion cannot be avoided either during project development activities or over the life of the development project, the project proponent must consult CDFW to determine if a CESA incidental take permit is required (pursuant to Fish & Game Code, § 2080 et seq.).

Filing Fees

The Plan, 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 in order for the underlying Plan 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 Plan to assist the County 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 Plan. Questions regarding this letter and further coordination on these issues should be directed to Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 430-0098.

Sincerely,

DocuSigned by:

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Erinn Wilson
Environmental Program Manager I

ec: CDFW

Victoria Tang – Los Alamitos
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CDFW recommends the following language to be incorporated into a future environmental document for the Plan.

Biological Resources			
	Mitigation Measure	Timing	Responsible Party
MM-BIO-1-Nesting Birds	To protect nesting birds that may occur on site or adjacent to a development project boundary, no construction shall occur from February 15 (January 1 for raptors) through August 31.	Prior to Construction	County of Los Angeles Plan Proponent
MM-BIO-2-Nesting Birds	If avoidance is not feasible, a qualified biologist a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site, this includes all access roads and staging areas. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites where a bird keeps returning or flying near. CDFW recommends the Lead Agency require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any development project-related activity likely to impact raptors and migratory songbirds, for the entire development project site. If development project activities are delayed or suspended for more than 7 days during the breeding season, surveys should be repeated. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. In addition, any unavoidable impacts during the breeding season shall be mitigated.	Prior to Construction	County of Los Angeles Plan Proponent

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	These buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers should be increased if needed to protect the nesting birds.		
MM-BIO-3-Nesting Birds	The entire development project site shall be surveyed to determine the potential distribution of a fully protected species and assure that “take” will be avoided during construction. The environmental document shall also include measures to preclude “take” on the project site during operations and from traffic increased related to the project. The environmental document shall analyze the potential “take” as a result of habitat modification. If a project’s modification of occupied habitat causes mortality of individuals, then the project will be considered the cause of the take. Therefore, to avoid take, construction and operation activities shall avoid all raptors by a distance of no less than the distance that peregrine falcon are known or expected to travel within their home range, based on telemetry, mark-recapture, or other data.	Prior to Construction	County of Los Angeles Plan Proponent
MM-BIO-4-Nesting Birds	Additional buffers may also be warranted to ensure that the development project would not reduce the species’ abundance or distribution over time due to nesting and foraging habitat loss and fragmentation. Project assessment shall analyze whether the habitat alteration, habitat loss, or additional traffic would hinder expansion of the local protected species population in good years, which allows the population to maintain viable numbers through poor years.	Prior to Construction	County of Los Angeles Plan Proponent
MM-BIO-5-Predevelopment survey	Pre-development surveys shall be conducted with at least a 500 ft buffer around any proposed development.	Prior to Construction	County of Los Angeles

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			Plan Proponent
MM-BIO-6- Predevelopment survey	If any proposed development is within half a mile of parklands, designated open-space, suitable habitat for special status species, or biologically sensitive habitat, the survey buffer shall increase to at least half a mile around any proposed development.	Prior to Construction	County of Los Angeles Plan Proponent
MM-BIO-7-Preservation of Sensitive habitat	All lands counting toward avoidance and preservation in the final environmental document shall be placed under a conservation easement with an appropriate non-wasting endowment for management in perpetuity. All revegetation/restoration areas that will serve as mitigation shall include preparation of a separate restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions if success criteria is not met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation shall have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).	Prior to Construction	County of Los Angeles Plan Proponent
MM-BIO-8-Impacts to Sensitive Habitats	Please see previous MM-BIO-7-Preservation of Sensitive Habitat	Prior to Construction	County of Los Angeles Plan Proponent
MM-BIO-9- Impacts to Sensitive Habitats	Any revegetation plan proposed for mitigation for special status plant communities shall be submitted to CDFW for review and comment. The mitigation for unavoidable impacts to special status plant communities shall strive to develop a more superior habitat quality and quantity than that which was impacted by any development project to offset the temporal loss of several growing	Prior to Construction	County of Los Angeles Plan Proponent

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	seasons that would likely occur while achieving any revegetation success criteria. This could include higher mitigation ratios of areas occupied by targeted special status plant communities and increased level of protection of revegetated areas to prohibit human-caused degradation.		
MM-BIO-10- Impacts from Brush Clearing Activity	The final environmental document shall include thorough biological inventories for every development project of all fuel modification areas. These inventories are recommended to assess impacts to Threatened, Rare, Endangered species, and riparian habitats. The final environmental document shall include avoidance and mitigation measures for any fuel modification activities conducted within the Plan area.	Prior to Construction	County of Los Angeles Plan Proponent
MM-BIO-11-Impacts from Brush Clearing Activity	The final environmental document shall include the evaluation of alternatives (including no encroachment) to reduce impacts from fuel modification, including brush clearing, targeted thinning, placement of walls, and structural/building features (e.g. boxed eaves, fire-rated walls and windows, and sprinklers), especially where development occurs adjacent to undeveloped areas supporting biological resources.	Prior to Construction	County of Los Angeles Plan Proponent
MM-BIO-12-Impacts from Brush Clearing Activity	Any irrigation proposed in fuel modification zones shall drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.	Prior to Construction	County of Los Angeles Plan Proponent
MM-BIO-13-Mountain lion	Due to suitable habitat within the Plan site, within one year prior to beginning a new development project, a qualified biologist familiar with the species behavior and life history should conduct surveys in areas that may provide possible habitat for mountain lion to determine the potential presence/absence of the species. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and	Prior to Construction	County of Los Angeles Plan Proponent

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	<p>dusk (Pierce and Bleich 2003). Survey results including negative findings should be submitted to CDFW prior to initiation of project activities. If “take” or adverse impacts to mountain lion cannot be avoided either during project development activities or over the life of the development project, the project proponent must consult CDFW to determine if a CESA incidental take permit is required (pursuant to Fish & Game Code, § 2080 et seq.).</p>		
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