



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



August 30, 2021

Governor's Office of Planning & Research

August 31 2021

STATE CLEARINGHOUSE

Board of Supervisors
 Los Angeles County
 Kenneth Hahn Hall of Administration
 500 W. Temple Street
 Los Angeles, California 90012
 E-mail: publichearing@bos.lacounty.gov

Subject: Revised Mitigated Negative Declaration for the Canyon View Estates Project, Vesting Tentative Tract Map No. 74650, SCH No. 2019089066.

Honorable Supervisors:

On September 30, 2019, the California Department of Fish and Wildlife (CDFW) commented on the August 19, 2019 Los Angeles County Department of Regional Planning's (County; Lead Agency) Mitigated Negative Declaration (MND) for the Canyon View Estates Project (Project). On March 15, 2021, the County revised the MND and provided CDFW an opportunity to comment; however, it was not re-circulated through the State Clearinghouse for public review. CDFW provided comments to the revised MND on April 13, 2021. It came to CDFW's attention that the County revised the MND for a second time on May 12, 2021 (based on the Mitigation Monitoring and Reporting Program version date). However, CDFW did not receive opportunity to comment on this revised MND. CDFW would like to provide the following additional comment regarding mountain lion (*Puma concolor*) of the southern California evolutionary significant unit (ESU), a candidate species protected under the California Endangered Species Act (CESA), observed on the Project which was disclosed in the May 12, 2021 revised MND.

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 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.*), CDFW

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recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The Project proposes to develop 37 single-family residential lots, two open space lots, one public water quality basin, and five public facility lots (basins). The proposed residential lots would occupy approximately 11.09 acres of the Project site. The remaining improved areas of the Project site would include 3.87 acres for supporting public roadway infrastructure, 2.85 acres of desilting basins, and 1.78 acres of water quality basin. Approximately 79 acres of open space is proposed. Onsite drainage would flow to the existing unnamed drainage, which is tributary to Pico Creek. Project activities include vegetation removal, grading, home construction, road construction, municipal infrastructure construction, and ongoing fuel modification.

Location: The Project site is located south of the intersection of Pico Canyon Road and Stevenson Ranch Parkway in unincorporated Los Angeles County, within the Stevenson Ranch Area. The approximately 94-acre Project site is generally situated west of Interstate 5 (I-5), north of California State Route 118 (SR-118), south of California State Route 126 (SR-126), and east of the Los Angeles-Ventura County boundary. The Project site is located within three parcels: Accessor Parcel Numbers 2826-020-012, 2826-020-013, and 2826-020-061.

Mountain Lion

New Information: On August 9, 2021, Johanna Turner captured a photograph of a mountain lion in the middle of the proposed Project site within the tract map grading footprint (Attachment 1). This photograph of a CESA candidate-listed mountain lion constitutes significant new information with potentially new significant impacts on mountain lions not previously identified in the MND that should have been recirculated through the State Clearinghouse for public review.

CEQA Guidelines section 15162(b) requires subsequent CEQA documentation “[i]f changes to a project or its circumstances occur or new information becomes available [...]” The MND only includes one mitigation measure to address direct impacts to mountain lion cubs by conducting a pre-construction presence/absence survey 30 days before grading commences. The MND does not address mitigation for adult mountain lions or for the permanent loss and disturbance of mountain lion habitat.

Distribution through State Clearinghouse: In addition, CEQA Guidelines section 15073(d) states, “Where one or more state agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the Project, or where the Project is of statewide, regional, or areawide environmental significance, the lead agency shall send copies of the proposed negative declaration or mitigated negative declaration to the State Clearinghouse for distribution to the state agencies.” Now that mountain lion use of the property has been documented, the on-site presence of this mountain lion represents new information not addressed in the MND, which requires re-circulation through the State Clearinghouse pursuant to CEQA Guidelines Section 15073(d).

Impacts to Mountain Lion: Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). The Project will increase human presence (e.g., new development, public trail access), traffic, and noise as well as artificial lighting during Project construction and over the

life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trails by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. As human population density increases, the probability of persistence of mountain lions decreases (Woodroffe 2000). For these reasons, the Project will indirectly impact mountain lion, including the most recent individual identified by Ms. Turner.

Protection under CESA: 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 an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened or endangered under CESA (CDFW 2020). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA.

Recommendations

CDFW provides the following recommendations to ensure the MND provides adequate evaluation and disclosure of impacts to mountain lions. In addition, the following recommendations would assist the County to avoid, minimize, and mitigate Project impacts to mountain lions.

Recommendation #1 – Recirculate MND: CDFW recommends the County revise the MND to address this new information regarding mountain lion present on the Project site. The revised MND should evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The County should analyze the change (i.e., increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. The revised MND must be circulated through the State Clearinghouse, as required by CEQA Guidelines Section 15073(d).

Recommendation #2 – Compensatory Mitigation: Based on the positive occurrence of mountain lion on the Project site and the known anthropogenic impacts on mountain lions, CDFW recommends the County provide compensatory mitigation for impacts to mountain lion and their habitat. The revised MND should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant.

Recommendation #3 – Natal Den Surveys: Within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. 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. The survey report should include a

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map of potential denning sites. The survey report should include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.

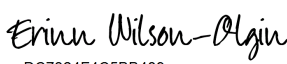
Recommendation #4 – Avoidance of Natal Dens: If potential habitat for natal dens are identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

Recommendation #5 – Incidental Take Permit: If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the County should consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 *et seq.*).

Conclusion

We appreciate the opportunity to comment on the Project to assist the Los Angeles County Department of Regional Planning in adequately analyzing and minimizing/mitigating impacts to biological resources. If you have any questions or comments regarding this letter, please contact Victoria Tang, Senior Environmental Scientist (Supervisory), at Victoria.Tang@wildlife.ca.gov or (562) 233-6324.

Sincerely,

DocuSigned by:

DC7324F4C5BB489
Erinn Wilson-Olgin
Environmental Program Manager I

Attachment 1: Johanna Turner Mountain Lion Letter/Photo

EC: CDFW

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References:

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<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178623&inline>
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- Lucas, E. 2020. Recreation-related disturbance to wildlife in California – better planning for and management of recreation are vital to conserve wildlife in protected areas where recreation occurs. California Fish and Wildlife, Recreation Special Issue 2020: 29-51.
- Pierce, B.M and Bleich, V.C. 2003. Mountain Lion. Pages 744-757 in G.A. Feldhamer, B.C. Thompson, and J.A. Chapman, editors. Wild mammals of North America: biology, management, and conservation. Second edition. The Johns Hopkins University, Baltimore, Maryland, USA.
- Woodroffe, R. 2000. Predators and people: using human densities to interpret declines of large carnivores. Animal Conservation 3:165-173.
- Yap, T., Cummings, B., and J.P. Rose. 2019. A Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA). Available from:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=171208&inline>

Johanna Turner
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I am writing to provide detail about a photo I took of a mountain lion on the Canyon View Estates property (the **Project Site**) proposed for development in Pico Canyon. Over the past 15 years I have worked with groups including but not limited to National Wildlife Federation, Arroyos and Foothills Conservancy, Transition Habitat Conservancy, the National Park Service, and National Geographic. In 2019 I was selected as a Disney Conservation Fund “Conservation Hero” for my work changing public perception of sharing space with large carnivores and contributed data for a study using camera traps to determine population density and habitat use of multiple species in Southern California.

On June 13, 2021 I hiked the drainage on the Project Site (now used as a public park space) to look for any tracks or signs of wildlife use. I placed a motion activated camera (**trailcam**) at 34 22.529, -118 34.824 along a visibly well-used animal trail, anticipating it would be a likely corridor for mountain lions. On August 9, 2021 at 5:50am the camera captured an adult mountain lion traveling up canyon (southwest). The location at which I placed the camera is shown on the map labelled “Mountain Lion Documented Sighting 9/9/2021” attached to this letter. The trailcam captured the following photo of a mountain lion on the Project Site:



This photo shows that mountain lions make use of the Project Site to travel and, due to abundant mule deer sign, also hunt for food. GPS collar data from the well-known National Park Service mountain lion study referenced below also shows this has been the case for at least two of their study lions.

Mountain lions in this area are currently protected under the Endangered Species Act while their listing is being considered for approval. As a candidate for listing, mountain lions living in the proposed *Evolutionarily Significant Unit* (ESU) as proposed by petitioners are temporarily afforded the same protections as a state-listed

endangered or threatened species. A final vote of approval on this listing is expected in November.

Aside from the mountain lion, the camera has also captured most of our local wildlife species with multiple photos of mule deer, bobcats, gray foxes and small mammals and birds. This is as expected, due to the quality of the habitat in this drainage.

Links:

NPS collar data map: <https://www.flickr.com/photos/santamonicamtns/16519202463/in/album-72157670897770258/>

CESA petition listing information: <https://cougarconservancy.org/ca-endangered-species-act>

CDFW: <https://wildlife.ca.gov/Conservation/Mammals/Mountain-Lion>

Sincerely,

Johanna Turner