



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

September 30, 2019

SEP 30 2019

STATE CLEARINGHOUSE

Ms. Marie Pavlovic
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1348
Los Angeles, CA 90012
mpavlovic@planning.lacounty.gov

Subject: Mitigated Negative Declaration for the Canyon View Estates Project, Los Angeles County

Dear Ms. Pavlovic:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the Canyon View Estates Project (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 & 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.*), CDFW 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; APNs 2826-020-012, 2826-020-013, and 2826-020-061.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the County of Los Angeles (County) in adequately identifying, avoiding and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Special-Status Plant Species

Issue: The Biological Constraints Analysis contains the results of rare plant surveys conducted by ESA in June 2016. Section 5.2 of the Biological Constraints Analysis specifies that during these surveys, "Two sensitive plant species were observed on the [P]roject site, as shown on Figure 8, *Special-Status Plant Species Locations*. These species include slender mariposa lily and Plummer's mariposa lily. The distinctive dried seed pods of both species were observed in various locations throughout the [P]roject site." The locations of these sensitive plant species are within the impact boundaries of the Project.

Specific impact: Both the slender mariposa lily (*Calochortus clavatus var. gracilis*) and Plummer's mariposa lily (*Calochortus plummerae*) are listed by California Native Plant Society (CNPS) as having a rarity ranking of 1B.2, which is considered a locally rare plant species that warrants mitigation. CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Project may have direct or indirect effects to these sensitive species.

Why impact would occur: Project implementation includes grading, vegetation clearing for, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

Evidence impact would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends conducting focused surveys for sensitive/rare plants on-site and disclosing the results in the final environmental document. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018), a qualified biologist should “conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting.” The final 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.

Mitigation Measure #2: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game 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 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.

Mitigation Measure #3: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S-3 ranked communities and 7:1 for S-2 communities should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a 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 #2: Impacts to coast horned lizard (*Phrynomosa coronatum*), California legless lizard (*Anniella pulchra*), and coastal whiptail (*Aspidoscelis tigris stejnegeri*)

Issue: Based on the presence of suitable habitat on the Project site, as indicated in the

Biological Constraints Analysis (ESA 2016), multiple Species of Special Concern (SSC) including coast horned lizard (*Phrynomosa coronatum*), California legless lizard (*Anniella pulchra*), and coastal whiptail (*Aspidoscelis tigris stejnegeri*), have moderate potential to occur and be impacted by Project activities.

Specific impacts: Ground clearing and construction activities could potentially lead to mortality of individual lizards found on the Project site.

Why impact would occur: These reptiles are cryptic species that often evade threats from predators by remaining still and blending into the surrounding landscape. Therefore, untrained workers may not recognize the presence of this species.

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a species of special concern. The loss of occupied habitat could yield a loss of foraging potential, basking sites, or egg-laying sites and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to SSC, including legless lizard, coastal whiptail, and coast horned lizard, a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To mitigate impacts to SSC, CDFW recommends focused surveys for the species. Surveys should typically be scheduled when these animals are most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each of these species. Suitable habitat consists of areas of sandy, loose and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Mitigation Measure #2: In consultation with qualified biologist familiar with the life history of each of the SSC, a relocation plan (Plan) should be developed. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for this species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals of this species; and the documentation/recordation of the number of animals relocated. CDFW recommends the Plan be submitted to the Lead Agency for approval 60 days prior to any ground disturbing activities within potentially occupied habitat.

Mitigation Measure #3: The Plan should include specific survey and relocation efforts that occur during construction activities for the activity period of these reptiles (generally March to November) and for periods when the species may be present in the work area but difficult to detect due to weather conditions (generally December through February). Thirty days prior to construction activities in coastal scrub, chaparral, oak woodland, riparian habitats, or other areas supporting this species, qualified biologists should conduct surveys to capture and relocate individual reptiles to avoid or minimize take of these special-status species. The Plan should require a minimum of three surveys conducted during the time of year/day when these species most likely to be observed. Individuals should be relocated to nearby undisturbed areas with suitable habitat.

Mitigation Measure #4: If construction is to occur during the low activity period (generally December through February), surveys should be conducted prior to this period if possible. Exclusion fencing should be placed to limit the potential for re-colonization of the site prior to construction. CDFW further recommends a qualified biologist be present during ground-disturbing activities immediately adjacent to or within habitat, which supports populations of this species.

Comment #3: Impacts to nesting birds

Issue: The supporting document, *Biological Constraints Analysis (November 2016)* indicates that there is potential for occurrence for coastal California gnatcatcher (*Poliophtila californica californica*), a SSC, on the Project site due to the existence of critical habitat “located less than a mile south of the Project site south of Towsley Canyon Road.”

Specific impacts: Construction during the breeding season for 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 for sensitive bird species.

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 for nesting birds could result in the incidental loss of reproductive 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. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures.

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. If construction during this period must occur, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, they shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction.

Comment #4: Impacts to Streams

Issue: CDFW is concerned that the Project location supports streams subject to notification under Fish and Game Code section 1600 *et seq.* Based on the location of the Project site (at the bottom of multiple canyons) and a review of satellite imagery, the Project is likely to require

a Lake or Streambed Alteration (LSA) Notification for grading and construction activities. Page 31 of the Draft Initial Study indicates that there are riparian resources found onsite and may be impacted. "The jurisdictional area is conservatively estimated to be 1.1 acres of CDFW "waters of the State." A significant portion of the northern parcels of the Project site will be graded. "Project construction will impact 0.54 acre of CDFW "waters of the State". The impacts to streambeds may be underestimated as it does not account for the diminishment of onsite hydrology.

Issue: A formal jurisdictional delineation has not been completed for the site. The materials that were provided for review were based on an informal hydrological evaluation for the site.

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: 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 determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/habcon/1600.

CDFW's issuance of an LSA 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. However, the MND does not meet CDFW's standard at this time. 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.

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

Comment #5: Wildlife Crossing and Use of Site

Issue: Project related activities may impact wildlife movement and usage of the site through loss of suitable habitat, refuge, and permeable landscape. The Project site sits in the Santa Monica-Sierra Madre Habitat Linkage, as identified in Figure 10 of the Biological Constraints Analysis, which is essential for regional movement of wildlife in a north/south fashion.

Specific impact: The Project has the potential to impact wildlife usage of the vital Santa Monica-Sierra Madre Habitat Linkage that faces a significant threat by the I-5 corridor, located about a mile east of the Project site. The South Coast Wildlands Missing Linkages Report (Penrod 2006) identified the Project area and adjacent crossings in their linkage design analysis for the Sierra Madre-Castaic Connection and considers this area highly suitable for regional wildlife movement and connectivity including mountain lion (*Puma concolor*), American badger (*Taxidea taxus*), mule deer (*Odocoileus hemionus*).

Why impacts would occur: The removal of suitable habitat along with the introduction of physical barriers to movement, such as roads or housing, can impede the movement of wildlife species in this peri-urban fringe.

Evidence impact is significant: Aspects of the Project could create physical barriers to wildlife movement from direct or indirect Project-related activities. Impacts from increased traffic, lighting, noise, dust, and increased human activity may interfere with wildlife movement.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the resulting environmental document include studies that track wildlife dispersal, including that for large mammals, across the Project site and across the three under-crossings discussed above, and discuss how the Project will affect the use and dispersal patterns. The environmental document should include maps showing local and regional wildlife movement patterns and analyze how the Project will affect these corridors. The DIS asserts the Project will not have a significant effect on wildlife movement. CDFW requests the environmental document include data and maps to support these conclusions.

As a general rule, CDFW recommends reducing or clustering the development footprint to reduce the total area impacted and providing a larger buffer between housing, maintaining wildlife access to regional under crossings, and allowing access to perennial water sources.

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 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 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

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Los Angeles County Department of Regional Planning
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We appreciate the opportunity to comment on the Project to assist the County of Los Angeles 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 [CEQA Guidelines; § 15073(e)]. 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 - Pasadena
Joseph Stanovich – Los Alamitos

Scott Morgan (State Clearinghouse)

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