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Governor's Office of Planning & Research

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STATE CLEARINGHOUSE

Mr. Mike Rohde, Project Manager
Laguna Beach Fire Department
505 Forest Avenue
Laguna Beach, California 92651
MRohde@lagunabeachcity.net

Subject: Comments on the Notice of Intent to adopt a Mitigated Negative Declaration for Fuel Breaks in Fuel Modification Zone 23 – Canyon Acres and Fuel Modification Zone 24 – Laguna Canyon: Laguna Canyon Unified Fuel Modification and Habitat Restoration Project, Laguna Beach, California

Dear Mr. Rohde:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) dated September 5, 2019, for the Laguna Canyon Unified Fuel Modification and Habitat Restoration Project (Project). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 et seq.) and Fish and Game Code section 1600 et seq. The comments and recommendations provided are based on our knowledge of sensitive and declining vegetation communities in the area and our participation in the NCCP/HCP.

The Project proposes to implement fuel management activities in the Laguna Canyon area, utilizing one-time funding from the California Department of Forestry and Fire Protection's (CalFire) California Climate Investment Fire Prevention Program. Fuel management activities would be focused along 100-foot wide fuel modification zones (FMZs) that are adjacent to existing residential and commercial structures along Laguna Canyon Road and Canyon Acres Drive within the City of Laguna Beach (City) and unincorporated Orange County. Vegetation thinning and removal methods would involve a combination of selective thinning by hand crews in areas of "High" or "Very High Habitat Value" and goat grazing in areas of "Low" to "Moderate Habitat Value". Non-native species would be prioritized and completely removed from FMZ's, while the canopy of sensitive vegetation such as coastal sage scrub (CSS) would be reduced to 50 percent cover. In sensitive vegetation communities where greater than 50 percent canopy cover remains after removal of non-native and dead vegetation, native species will be selectively removed in accordance with a hierarchical list, beginning with non-sensitive native species such as coastal goldenbush (*Isocoma menziesii*). Native tree species, such as coast live oak (*Quercus agrifolia*) or western sycamore (*Platanus racemosa*), would be left in place and pruned of dead components, and lower small branches would be removed to a height of 8

feet or one half the plant height, whichever is less. No live native trees would be removed by the Project.

Sensitive species detected on site include the state and federally endangered least Bell's vireo (*Vireo belli pusillus*) and the state and federally threatened Laguna Beach dudleya (*Dudleya stolonifera*). The federally threatened coastal California gnatcatcher (*Poliioptila californica californica*; gnatcatcher) also has the potential to occur on site; however, gnatcatcher was not detected during 2019 protocol surveys. Impacts to special status species will be avoided by conducting pre-project biological surveys and flagging and installing avoidance buffers around special status species and sensitive resources. Initial clearing of vegetation is expected to occur in 2020, and all grant-funded activities would conclude by December of 2021. At the conclusion of the grant period, the FMZs are proposed to be maintained by the City, Orange County Parks, and/or Orange County Fire Authority.

The Department offers the following comments and recommendations to assist the City of Laguna Beach Fire Department (LBFD) in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources.

1. Portions of the Project adjoining the Laguna College of Art and Design (LCAD) and Annaliese School appear to overlap the habitat Reserve (Reserve) created pursuant to the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The NCCP/HCP was developed by the Department, the U.S. Fish and Wildlife Service, the County of Orange, and participating landowners and jurisdictions to provide for conservation of coastal sage scrub (CSS) and associated habitat types, and to mitigate for impacts to sensitive and listed species from Planned Activities within the Central and Coastal Subregions. Fire management and planning in the NCCP/HCP Reserve is guided by an approved Wildland Fire Management Plan (WFMP) and associated Stakeholder Implementation Guide (SIG). The creation of FMZ's surrounding LCAD and Annaliese School is consistent with fuel management recommendations included within the WFMP and SIG. The Department recommends LBFD consider additional pre-fire hazard reduction measures from the WFMP and the SIG that may be appropriate to incorporate into the current Project. These may include but are not limited to: 1) access restrictions during red flag warning days; 2) roadside fuel modification and/or hardening; 3) conversion of FMZs to cactus scrub habitat (see Comment 2); 4) restoration of non-native grasses to shrub cover in areas outside of the FMZs; and 5) initiating education campaigns regarding fire-adapted communities (SIG Sections 3.2.1, 3.2.11, 3.2.17, 3.2.19, 3.2.21, and 3.2.32).
2. As an alternative to the complete removal of vegetation from FMZs dominated by non-native species, the Department recommends LBFD consider planting these areas with native cacti where appropriate. This would enable these portions of the FMZs to function as wildlife habitat without compromising fire protection goals. Once fully established, a cactus dominated FMZ could also reduce long-term maintenance needs.

3. In order to minimize the potential for the use of goats to spread non-native invasive plant species within the FMZs and adjoining natural areas, the Project includes measures that require the fur and hooves of all goats be cleaned of seeds and debris prior to their introduction to the FMZs, and implementation of a targeted invasive control plan in all grazed areas. In addition to these measures, the Department recommends the City incorporate a best management practice of confining the goats in an appropriate off-site area and feeding them a weed-free diet for at least 24-48 hours prior to their introduction to the FMZs. This will help ensure their digestive tracts have cleared any non-native plant propagules, minimizing the potential for introduction of invasive species into a new area.
4. The non-native Argentine ant (*Linepithema humile*) has become established throughout California and is commonly associated with human development where it benefits from increased soil moisture associated with ornamental landscapes and high food availability. Fragmentation of habitat from human development facilitates the spread of Argentine ants into adjoining native upland coastal habitats, where Argentine ants displace native ants and arthropods, thereby disrupting the natural food web and degrading habitat quality for a variety of fauna (e.g., arthropods, herptiles, small mammals, birds). Mulching of the FMZs has the potential to extend the edge effects from human development by extending the zone of increased soil moisture into the adjoining native upland habitat. Therefore, the Department recommends avoiding disposal of pruned vegetation as mulch in the FMZs to prevent facilitating the spread of Argentine and other non-native ants (e.g. red imported fire ant) from the residential and commercial development along Laguna Canyon Road and Canyon Acres into adjoining native habitat.
5. Mitigation Measure BIO-7 includes creating and enhancing habitat in and adjacent to Laguna Coast Wilderness Park per the Rattlesnake Canyon Restoration Project and along the west side of Laguna Canyon Road per the Cactus Restoration Project, both proposed by the City. In order to promote the success of the proposed restoration, the measure should specify the location(s) where this restoration will be performed to demonstrate that it is proposed in an appropriate setting, and include the standards that will be achieved at the conclusion of restoration. Standards typically require, at a minimum, that habitat restoration and enhancement will be monitored for five years, will replicate cover and species diversity within an intact highly functioning reference site, and will include no more than 5-10 percent cover of non-native plant species.
6. Mitigation Measure BIO-3 helps ensure impacts to nesting bird species will be avoided by requiring vegetation removal to be performed outside of the bird- breeding season (listed as February 15 through August 15) or only after a pre-construction nesting bird survey has been completed. Generally, we consider February 1 through September 1 to be the peak avian nesting season and for some raptors, this period can start as early as January 1. We recommend considering updating the nesting season in BIO-3 to reflect peak season nesting dates and incorporating the January 1 start date in portions of the Project area that may support nesting raptors.

7. The Biological Technical Reports prepared in support of the MND either conclude that the habitat within the FMZs is unsuitable for the federally endangered Pacific pocket mouse (*Perognathus longimembris pacificus*; PPM) (Glenn Lukos Associates, July 2019) or do not acknowledge the potential for PPM to occur within the project area (Aspen Environmental Group, June 2019). PPM's historic range extends from near El Segundo in Los Angeles County to the vicinity of the U.S.-Mexican border, and is associated with sandy soils in coastal strand, coastal dunes, river alluvium, and coastal sage scrub habitats within about 3 miles of the ocean. As PPM is known to remain extant at the Dana Point Headlands, there is a historic occurrence of PPM known from the San Joaquin Hills, and the project area includes sandy loam soils and appropriate vegetation attributes for PPM, it is not clear what information was used to conclude that the habitat conditions within the project area are unsuitable for this species. To properly evaluate the potential for this project to impact PPM, we recommend targeted trapping surveys be performed within portions of the FMZs where there is appropriate habitat for PPM.
8. For fuel management activities in coast live oak woodlands and oak-sycamore woodlands, the Department recommends flagging native seedlings and saplings for avoidance during fuel management activities to help encourage native species recruitment. In addition, all tools used for pruning should be cleaned and disinfected between trees to help reduce the potential spread of pathogens. This is especially important given the detection of Invasive Shot Hole Borer (ISHB) just north of the SR-133/SR-73 interchange in western sycamores. During fuel management activities, it is recommended that the on-site biologist inspect all trees prior to pruning for signs of ISHB, and, if detected, coordinate with local experts (see, for example, Eskalen Lab at <https://ucanr.edu/sites/pshb/>), the Department, and the U.S. Fish and Wildlife Service to determine appropriate management actions.

We appreciate the opportunity to comment on this NOI. If you have questions or comments regarding this letter, please contact Kyle Rice of the Department at (858) 467-4250 or kyle.rice@wildlife.ca.gov.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: William Miller (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)