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September 11, 2020

Mr. Richard Claghorn
Los Angeles County Department of Regional Planning
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Subject: Notice of Preparation of a Draft Environmental Impact Report for the Castaic Mountain View Apartments, SCH #2020070041, Los Angeles County Department of Regional Planning, Los Angeles County

Dear Mr. Claghorn:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Castaic Mountain View Apartments Project (Project). The NOP's supporting documentation includes the *Initial Study* (IS). 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 & 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.

Project Description and Summary

Objective: The Los Angeles County Department of Regional Planning (Regional Planning) is the Lead Agency for the proposed Project. Castaic Mountain View Apartments LLC (Project Applicant) proposes the following:

- Develop 106 acres with a total of 648 apartment units, including 354 one-bedroom units, 234 two-bedroom units, and 60 three-bedroom units in 24 apartment buildings.
- Grade building pads within the 24.69-acre Light Manufacturing (M-1) Zone. The building pad grading would provide approximately 7.92 acres of light industrial/commercial pad area, which could house an estimated 344,995 square feet of future industrial/commercial space.
- Grading of 872,650 cubic yards of cut and 872,650 cubic yards of fill, to be balanced on site.
- Change the zoning of Assessor's Parcel Number 2865-019-066 from Single Family Residence (R-1) to Residential Planned Development (RPD-18U), encompassing an area of 21.28 acres.
- Removal of 59 oak trees and development encroaching into the protected zones of an additional 48 oak trees.

Location: The Project site is located at the intersection of The Old Road and Romeo Canyon Road, approximately 2.5 miles south from Castaic Dam. The Project is surrounded by steep undeveloped land on the north, south, and west. Light industrial and commercial uses are located to the east of the site, along the frontage of The Old Road. Interstate 5 is located immediately east of The Old Road. Large residential neighborhoods are located slightly to the south of the site. The main part of Castaic Area Community, including a mix of commercial, industrial, and residential land use types, are located a short distance to the north of the Project.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Regional Planning in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW looks forward to commenting on the DEIR when it is released. CDFW may have additional comments to the DEIR not addressed in this letter.

Specific Comments

1) Impacts to Rare Plants. The IS states slender mariposa lily (*Calochortus clavatus* var. *gracilis*) is present on site. Plants with a California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened. Please see California Native Plant Society's (CNPS) Rare Plant Ranks page for additional rank definitions (CNPS 2020a). All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to

these species and their habitat must be analyzed during preparation of environmental documents relating to CEQA as they meet the definition of rare or endangered (CEQA Guidelines, § 15380).

a) Field Survey. CDFW recommends a thorough assessment of rare and special status plants. An adequate rare plant assessment should include multiple spring-time surveys performed for at least two growing seasons (i.e., years).
   i. *Season.* Botanical surveys conducted during the fall and winter, or ongoing drought conditions during the summer do not maximize detection of rare plants if any are present. Spring-time surveys are recommended.
   ii. *Spring-time surveys*. A single survey in spring may not accurately capture rare plant population distribution and abundance because plants typically emerge at different times throughout its bloom period. Multiple spring-time surveys are recommended.
   iii. *Multiple years.* The abundance and distribution of many California rare plants vary annually depending on the timing, duration, and amount of seasonal rainfall. As a result of this variation, a survey conducted during a year of rainfall inadequate to germinate the species may result in missed detections. One year of no detection (i.e., absence of above-ground plants) may not necessarily be indicative of actual population absence or size that may appear the following year. Multiple surveys are necessary to accurately capture where rare plants are distributed in the Project site.

b) Data. CDFW recommends the DEIR include a map showing the location of individual plants or populations. CDFW recommends the rare plant map show surveyor(s) track lines to document that the entire site was covered during field surveys.

c) Avoidance and Disclosure of Potential Impacts. For potential impacts to rare plants, CDFW recommends the DEIR provide species-specific, effective, enforceable, and feasible avoidance measures. Avoidance measures should include appropriate setbacks to protect plants/populations and habitat.

   For unavoidable Project impacts, the DEIR should fully disclose impacts by species, number of individuals, and habitat acres. A map should clearly show which plants or populations may be impacted. Impacts to habitat should describe the plant composition (e.g., density, cover, abundance) within impacted habitat, and a list of individual plants impacted separated by vegetation class (i.e., groundcover, forb, subshrub, shrub, tree).

   Please note that CDFW does not consider transplanting or salvaging rare plants within a development as appropriate mitigation for rare plants (please see General Comment #5).

d) Mitigation. CDFW recommends the DEIR provide species-specific on- or off-site mitigation for impacts to individual plants and habitat acreage. Rare plants are habitat specialists that require specific conditions to persist. Such conditions may include vegetation composition (species abundance, diversity, cover), soils, mycorrhizal fungi, substrate, slope, hydrology, and pollinators. Accordingly, the DEIR

should identify physical and biological factors for mitigation habitat that support rare plants. Mitigation should be comparable to the Project's level of impacts to individual plants and total habitat acreage. In considering the appropriate level of mitigation, CDFW recommends the DEIR/Regional Planning consider factors that include (but not limited to) the rarity, endemism, and/or special status of the plant impacted; impacts to or loss of the seed bank; propagation viability from vegetative material; and, risk of failure (e.g., high level of attrition, low survivorship) of field plantings for creating or restoring self-sustaining stable populations of rare plants and habitat.

e) On- or Off-Site Mitigation. CDFW recommends the DEIR provide information about an on- or off-site mitigation plan and discuss the suitability of selected location(s) for mitigating impacts to rare plants and habitat (e.g., slope, soil, vegetation composition, pollinators). The DEIR should provide information about reference sites, with similar species and habitat as being mitigated, and the suitability of selected reference site(s) for informing the Project's on- or off-site mitigation plan. Lastly, an on- or off-site mitigation plan should provide specific goals and actions to achieve those goals to establish self-sustaining populations.

2) Impacts to Oak Trees and Oak woodlands. The Project proposes to remove 59 oak trees (*Quercus agrifolia*). Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). As vegetation community, oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. CDFW considers oak woodlands a sensitive vegetation community.

a) Arborist Report.

i. *Oak trees.* CDFW concurs with an updated oak tree report proposed on page 16 in the IS. A tree inventory should include saplings, specifically in oak woodlands. CDFW considers smaller to sapling oak trees a valuable part of a woodland, indicating natural recruitment, oak woodland regeneration, and a thriving oak woodland community. Identifying smaller oak trees in the environmental assessment demonstrates healthy tree regeneration. A summary report documenting inspection methods; surveyor qualifications; number of trees inspected; scientific and common name of each individual tree inspected; results (i.e., a comment on the health and vigor of each tree, diameter at breast height, number of trunks); identification of heritage trees; and conclusions, should be included in the DEIR. A tree inventory report should also include photographic documentation of entry/exit holes and evidence of any pests/diseases including but not limited to: sudden oak death (*Phytophthora ramorum*), thousand canker fungus (*Geosmithia morbida*), Polyphagous shot hole borer (*Euwallacea* spp.), and goldspotted oak borer (*Agrilus auroguttatus*) (Phytosphere Research 2012; TCD 2020; UCANR 2020; UCIPM 2013).

ii. *Oak woodlands*. CDFW recommends a qualified arborist also identify impacts to oak woodlands. The arborists' summary report should provide a map showing where oak woodlands occur in the Project site (please also see General Comment #2); where impacts to oak woodlands would occur; and, total acreage of oak woodlands impacted in each separate area. Oak woodlands are structurally diverse vegetation communities. Accordingly, for each area of oak woodland impacted, provide a list of both native and non-native understory plants present. A list should be organized by layer and/or life form such as vine, groundcover, forb, subshrub, shrub, and tree. For each area, also provide the abundance, density, and cover of each plant species and vegetation layer impacted.

b) Avoidance and Disclosure of Potential Impacts. CDFW recommends the DEIR provide measures to fully avoid impacts to oak trees and oak woodlands during and after Project construction. Avoidance measures should be effective, specific, enforceable, and feasible. During the Project, measures to fully protect the Critical Root Zone (CRZ) of all oak trees, or oak trees not targeted for removal, from ground disturbance activities should be provided. Measures to protect the outer edge of oak woodlands with an appropriate setback should also be provided. After the Project, CDFW recommends oak trees and woodlands be protected by incorporating an appropriate setback between the Castaic Mountain View Apartments and oak woodlands into the final Project design.

For unavoidable Project impacts, adequate disclosure includes providing the following information at a minimum: 1) location of each tree and area of oak woodland impacted shown as a point feature or polygon on a map; 2) scientific (Genus, species, subspecies, or variety) and common name of each tree and understory plant species impacted; 3) the size (diameter at breast height, inches) of each tree impacted; 4) a clear identifier to distinguish heritage trees; 5) acres of oak woodlands impacted; 6) mitigation ratio for individual trees and acres of oak woodlands; 7) total number of replacement trees and acres of oak woodlands; and, 8) total number of replacement trees and appropriate understory species, to occur in suitable on- and/or off-site mitigation lands.

Please note that CDFW does not consider transplanting oak trees within a development as appropriate mitigation for impacts to oak trees and oak woodlands. CDFW also does not consider oak trees purchased from a nursery and planted as part of the Castaic Mountain View Apartment's landscaping plan as appropriate mitigation for the biological value of an oak woodland. Planting individual trees does not restore or create the appropriate oak woodland understory to support microbial, invertebrate, and vertebrate communities.

c) Mitigation. CDFW recommends restoring or creating on- or off-site oak woodland habitat at a ratio comparable to the Project's level of impacts to individual oak trees and acres of oak woodland habitat. CDFW recommends replacing all non-native trees removed as a result of the proposed work activities at least a 1:1 ratio with native trees. CDFW recommends Regional Planning consider phased removal of oak trees (i.e., phased Project approach) in order to minimize impacts resulting from the

temporal loss of oak trees and to provide structurally diverse oak woodland habitat while mitigation (i.e., restoration or creation) of oak woodland habitat occurs.

d) On- or Off-Site Mitigation. CDFW recommends the DEIR provide an on- or off-site mitigation plan and discuss the suitability of selected location(s) for mitigating impacts to oak trees and oak woodlands (e.g., slope, soil, vegetation composition). The DEIR should provide information about reference sites, with similar species and habitat as being mitigated, and the suitability of selected reference site(s) to inform the Project's mitigation plan. Lastly, a mitigation plan should provide specific mitigation goals and actions to achieve those goals to establish self-sustaining oak trees.

e) Infectious Tree Management Plan. Trees may be removed as part of this Project. Project activities have the potential to spread tree insect pests and diseases into areas not currently exposed to these stressors. This could result in expediting the loss of oaks, alders, sycamore, and other trees in California which support a high biological diversity including special status species. CDFW recommends the DEIR provide an infectious tree disease management plan or a list of preventative measures and describe how it will be implemented to avoid or reduce the spread of potential tree insect pests and diseases.

3) Known Existing Biological Resources. The IS states that coastal western whiptail (*Aspidoscelis tigris stejnegeri*), southern California rufous crowned sparrow (*Aimophila ruficeps canescens*), oak titmouse (*Baeolophus inornatus*), and greater roadrunner (*Geococcyx californianus*) are present on site.

a) CDFW considers impacts to California Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures [CEQA Guidelines, §§ 15064, 15065, 15125(c), and 15380].

b) CDFW concurs that the DEIR should evaluate the Project's potential impacts to these and any additional special status wildlife species. Species, season, and time of day field surveys should be conducted in preparation of the DEIR. Survey protocols and guidelines for select special status plants and wildlife may be found on CDFW's Survey and Monitoring Protocols and Guidelines webpage (CDFW 2018). Surveys should not deviate from established protocols and guidelines except with documented approval specific to this Project. Species-specific surveys would identify any areas where these species occur which may help inform plans to fully avoid these areas/impacts and/or appropriate mitigation measures.

c) CDFW recommends the DEIR fully disclose potential species-specific impacts and provide measures to fully avoid impacts to wildlife and habitat during and after the Project.

4) Nesting Birds. Oak woodlands, sage scrub, and chaparral provide habitat for nesting birds. Project activities occurring 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 Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species. If construction must occur during the breeding season, impacts should be mitigated appropriately.

a) Migratory nongame native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).

b) CDFW recommends that measures be taken to avoid Project impacts to nesting birds. To avoid take of birds or their eggs, and reduce impacts to less than significant, CDFW recommends the DEIR be conditioned to include a measure so that no Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates will occur during the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors).

5) Bats. A search of CDFW's California Natural Diversity Database (CNDDB) found an occurrence of spotted bat (*Euderma maculatum*) less than one mile from the Project site and an occurrence of pallid bat (*Antrozous pallidus*) containing the Project site (CDFW 2020a). Numerous bat species are known to roost in trees and structures throughout Los Angeles County. Cracks and crevices in large concrete structures and buildings provide suitable analogs for daytime and nighttime roosts.

a) Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). Project construction and activities, including (but not limited to) vegetation removal, increased noise; and ground disturbing activities, may have direct and/or indirect impacts on bats and roosts.

b) CDFW recommends the DEIR provide a thorough discussion and adequate disclosure of potential impacts to bats and roosts from Project construction including (but not limited to) disturbances to vegetation, trees, and structures; demolition; grading; and excavating. If necessary, to reduce impacts to less than significant, the DEIR should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].

6) Least Bell's Vireo. A search of the CNDDB found a record of least Bell's vireo (*Vireo bellii pusillus*; vireo) approximately 2.6 miles downstream along the Santa Clara River (CDFW 2020a). Consistent with CEQA Guidelines, section 15380, the status of least Bell's vireo as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C., § 1531 *et seq*.) and CESA (Fish & G. Code, § 2050 *et seq*.) qualifies least Bell's vireo as an endangered, rare, or threatened species under CEQA. Project activities involving ground disturbance may increase sediment and pollutant input into waterways. Sediment and pollutants may be transported downstream and impact wildlife and/or impair habitat for wildlife such as least Bell's vireo. The primary cause of decline for this species has been the loss and alteration of riparian woodland habitats (USFWS 2006). CDFW recommends the

DEIR provide a thorough discussion and adequate disclosure of the Project's potential indirect impacts to least Bell's vireo where they may or are known to occur downstream from the Project site.

7) Herpetofauna and Fish. The U.S. Fish and Wildlife Service's (USFWS) National Wetlands Inventory shows approximately 1.3 acres of riverine habitat, consisting of an intermittent transitioning to perennial stream, flowing through the middle of the Project site (USFWS 2020). The stream terminates at a depression in the landscape that may flood and hold water throughout the growing season in most years.

    a) The water body may provide suitable breeding and nursery habitat for wildlife such as frogs and salamanders. Appropriate species, season, and time of day field surveys should be conducted to identify presence of any herpetofauna. Surveys may help inform plans to fully avoid these areas/impacts and/or provide appropriate mitigation measures.

    b) Modifications to the berm or concrete-line channel downstream of the flood-prone area may reduce the quantity and duration of water retention. This may result in desiccation of any frog and salamander eggs or inability of those species to completely metamorphose if the area dries up too early before frog tadpoles become juveniles. CDFW recommends the DEIR fully evaluate and discuss potential impacts to wildlife as a result of potential modifications to the flood-prone area.

    c) Page 16 of the IS states unarmored stickleback fish (*Gasterosteus aculeatus*; stickleback) are present in the Santa Clara River. Stickleback is a Fully Protected Species (FPS). CDFW concurs that the DEIR should evaluate if any portion of the Project site may drain into tributaries of the Santa Clara River (e.g., Castaic Creek) and thus potentially indirectly affect stickleback.

    d) CDFW recommends the DEIR evaluate and discuss potential impacts to any additional special status species potentially occurring downstream from the Project. Project activities involving ground disturbance my increase sediment and pollutant input into waterways. Sediment and pollutants may be transported downstream and impact wildlife and/or impair wetland habitat.

8) Crotch Bumble Bee. A search of CNDDB found an occurrence of Crotch bumble bee (*Bombus crotchii*) within the Project site (CDFW 2020a). Project ground disturbing activities may result in crushing or filling of active bee colonies, causing the death or injury of adults, eggs, and larvae. The Project may remove bee habitat by eliminating vegetation that may support essential foraging habitat. Impacts to Crotch's bumble bee could result from ground disturbing activities. Project disturbance activities could result in mortality or injury to hibernating bees, as well as temporary or long-term loss of suitable foraging habitats. Construction during the breeding season of bees could result in the incidental loss of breeding success or otherwise lead to nest abandonment.

    a) CDFW recommends that measures be taken, primarily, to avoid Project impacts to Crotch bumble bee. On June 12, 2019, the California Fish and Game Commission (Commission) accepted a petition to list the crotch bumble bee as endangered under

the CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process.

b) CDFW recommends the DEIR be conditioned to include a mitigation measure for Crotch bumble bee. CDFW recommends, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to initiation of Project activities. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the Lead Agency must consult CDFW to determine if a CESA Incidental Take Permit (ITP) is required (pursuant to Fish and Game Code, § 2080 et seq.).

CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed rare plant species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an ITP or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.

9) Impacts to Wildlife Dispersal. Google Earth imagery show wildlife trails in the Project site and adjacent areas. Direct impacts to wildlife may occur from ground disturbing activities (e.g., staging, excavating, grading); wildlife may become trapped or entangled in construction materials and fencing; and, wildlife could be trampled by heavy equipment and vehicles. Increased traffic (e.g., vehicle strikes), artificial light, noise exposure, and human presence have been shown to affect birds and mammals.

a) Mammals occurring naturally in California are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1).

b) CDFW recommends the DEIR discuss potential adverse impacts on wildlife from increased lighting, noise, and human activity. To reduce impacts to less than

significant, CDFW recommends the DEIR provide measures to reduce direct and indirect impacts to wildlife during the Project. Additionally, temporary fencing used during construction should not impede wildlife dispersal.

10) Impacts to Mountain Lions. On August 10, 2015, a mountain lion (*Puma concolor*) named P-32 was struck and killed by a vehicle on Interstate 5 less than one mile north of the Project site. P-32's dispersal path covered the Santa Monica Mountains National Recreation Area, Simi Valley, Santa Susana Mountains, Lake Piru, and Pyramid Lake. Two more vehicle strikes occurred in 2014 near Castaic Junction. Impacts to mountain lions may occur because mountain lions may travel through the Project site or adjacent areas.

    a) The mountain lion is a specially protected mammal in California (Fish & G. Code, § 4800). In addition, on April 21, 2020, the Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA. Therefore, any new development project should analyze the potential for mountain lion to be impacted.

    b) Mountain lions may be impacted by increased traffic, human presence, light, and noise. CDFW recommends the DEIR evaluate potential adverse impacts to mountain lions during and after Project construction as a result of stressors described.

    c) Given suitable habitat within the Project site and documented use of areas adjacent to the Project site, to reduce impacts to less than significant, CDFW recommends the DEIR be conditioned to provide a mitigation measure for mountain lion. CDFW recommends within one year prior to Project construction, 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*.).

11) Impacts to Aquatic and Riparian Resources. The proposed Project will result in loss of riparian habitat. The USFWS's National Wetlands Inventory shows approximately 1.3 acres of riverine habitat, consisting of an intermittent then perennial stream flowing through the Project site (USFWS 2020). At the bottom of the stream is a landscape depression that may flood and hold water throughout the growing season in most years. The Project site may drain into Castaic Creek, a tributary of the Santa Clara River.

    a) Lake Streambed Alteration Agreement (LSA). As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use material from a streambed. 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 an LSA Agreement with the applicant is required prior to conducting the proposed activities. CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require related environmental compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq*. and/or under CEQA, the DEIR 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 Agreement.

b) Delineation. The IS identified one major drainage and two minor drainages within the Project site. A preliminary jurisdictional delineation of the streams and their associated riparian habitats should be included in the DEIR. The DEIR should evaluate all rivers, streams, and lakes, including culverts, ditches, storm channels that may transport water, sediment, pollutants, and discharge into rivers, streams, and lakes.

c) Changes to Drainage Patterns. Project-related impacts, temporary, and permanent changes in drainage patterns, runoff, and sedimentation should be thoroughly evaluated in the DEIR. Project construction and activities may cause erosion and landslides, resulting in siltation in the stream adjacent to the Project site. Development on top of a hill/in areas with 25% or greater natural slopes may have long-term, permanent impacts to the stream and riparian vegetation. Impervious surfaces would divert water, increase runoff, and impact groundwater infiltration.

d) Oak Trees. Most of the oak trees in the Project site are located on steep slopes. Removing oak trees, or the action of, may temporarily or permanently divert or increase surface water flow, increase slope instability, and increase erosion. CDFW recommends the DEIR thoroughly evaluate and disclose the potential for soil erosion and landslides during and after oak tree removal, and whether this may impact wetland resources during and after the Project. CDFW recommends avoiding impacts to oak trees to avoid or minimize impacts to wetland resources.

e) Downstream. Portions of the Project may drain into Castaic Creek, which is a tributary to the Santa Clara River. Project activities involving ground disturbance my increase sediment and pollutant input into waterways. Sediment and pollutants may be transported downstream and impact wildlife and/or impair habitat for wildlife. CDFW recommends the DEIR evaluate and discuss potential indirect impacts to sensitive plants, wildlife, and vegetation communities downstream of the Project site.

f) Setbacks. In areas of the Project site which may support perennial, intermittent, or ephemeral streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of ephemeral channels and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages. Setbacks should not be impacted by ground disturbance or

hydrological changes for the duration of the Project and after the Project from any future development.

12) Non-Native Plants and Landscaping. Castaic Mountain View Apartments may involve landscaping for aesthetic purposes. Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. CDFW recommends using native, locally appropriate plant species for landscaping on the Project site, similar to species found in adjacent natural habitats.

    a) If the Project may involve landscaping, CDFW recommends the DEIR provide the landscaping plant palette and restrict use of species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2020). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

    b) If non-native invasive plants are on site, CDFW recommends the DEIR provide measures to reduce the spread of non-native during Project construction and activities. Spreading non-native plants during Project activities or per the Project's landscaping may have the potential to impact areas not currently exposed to non-native plants. This could result in expediting the loss of natural habitats in and adjacent to the Project site.

General Comments

1) Disclosure. A DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

2) Updated Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific avoidance or mitigation measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures [CEQA Guidelines, §§ 15064, 15065, 15125(c), and 15380]. The DEIR should provide the following information:

    a) Regional setting. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)].

    b) Database search. An updated and thorough assessment of biological resources in

nine quadrangles containing the Project site and surrounding areas. A 5-mile radius should be applied for a database search of raptors. CDFW's California Natural Diversity Database in Sacramento should be contacted to obtain current information on any recently reported sensitive wildlife, plants, and sensitive plant communities (CDFW 2020a). In addition, CDFW recommends an updated search for rare plants from Calflora's Information on Wild California Plants database (Calflora 2020) and CNPS Inventory of Rare and Endangered Plants of California database (CNPS 2020b).

c) Rare plant mapping. An updated and thorough floristic-based assessment of special status plants following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site. Species-specific surveys would identify any areas where these species occur which would help inform plans to fully avoid these areas/impacts and/or appropriate mitigation measures. The DEIR should disclose specific impacts to sensitive plants and habitat and provide measures to fully avoid Project-related impacts.

d) Sensitive vegetation community mapping. An updated and thorough floristic-based alliance- and/or association-based mapping of sensitive vegetation communities and impact assessments conducted at the Project site and within the neighboring vicinity. The Manual of California Vegetation (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer 2008). CDFW only tracks rare natural communities using the MCV classification system. CDFW considers sensitive vegetation communities as threatened habitats having both regional and local significance. Vegetation communities, alliances, and associations with a state-wide ranking of S1, S2, S3, and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting CDFW's Vegetation Classification and Mapping Program webpage (CDFW 2020b). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions. The DEIR should fully disclose specific impacts to sensitive vegetation communities and provide measures to fully avoid Project-related impacts.

e) Wildlife. A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). The DEIR should include a nine-quadrangle search of the CNDDB (CDFW 2020a) to determine a list of species potentially present at the Project site. A larger search area may help account for change in species range and distribution, especially due to climate change effects. Seasonal variations in use of the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Many wildlife species utilize fossorial mammal dens and burrows as habitat structure. Typically, a field survey includes the Project site and a 500-foot buffer. Focused species-specific

surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and USFWS. Survey protocols and guidelines for special status plants and wildlife may be found on CDFW's Survey and Monitoring Protocols and Guidelines webpage (CDFW 2018).

f) Disclosure of Potential Impacts. CDFW recommends the DEIR provide measures to fully avoid impacts to sensitive plants, wildlife, habitat, and vegetation communities. Avoidance measures should be effective, specific, enforceable, and feasible measures. For unavoidable Project impacts, adequate disclosure includes providing specific measures for on- or off-site mitigation of individual plants and/or habitat acres depending on the biological resource impacted.

g) Environmental Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting CNDDB Field Survey Forms (CDFW 2020a).

h) CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years, except when significant environmental changes occur, such as disturbance from wildfire. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.

3) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:

a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,

b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated (CEQA Guidelines, § 15126.6). CDFW recommends Regional Planning consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to rare plants, oak trees, and oak woodlands. CDFW also recommends Regional Planning consider establishing appropriate setbacks from rare plants, oak trees, and oak woodlands. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project and from any future development. Project alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources. Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more

costly (CEQA Guidelines, § 15126.6).

4) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The DEIR should address the following:

    a) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP), Fish & G. Code, § 2800 *et. seq.*]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated.

    b) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures.

    c) A discussion on potential Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. Mitigation measures proposed to alleviate such Project impacts should be included.

    d) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included.

    e) A cumulative effects analysis, as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plants, wildlife, habitats, and vegetation communities found on the Project site.

5) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual plant or animal from the Project site and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

6) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable

impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

7) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

8) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The Wetlands Resources policy the Commission "…seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California (CFGC 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

    a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this state; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

CONCLUSION

We appreciate the opportunity to comment on the NOP for Castaic Mountain View Apartments Project to assist the Los Angeles County Department of Regional Planning in identifying and mitigating Project impacts on biological resources. 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.

Sincerely,

DocuSigned by:
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