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Aug 05 2020

STATE CLEARINGHOUSE

August 5, 2020

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Comments on the Notice of Preparation of a Draft Programmatic Environmental Impact Report for 2020 LA River Master Plan, SCH #2020070128, Los Angeles County

Dear Ms. Villanueva:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) of a Draft Programmatic Environmental Impact Report (DPEIR) for the 2020 LA River Master Plan (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; 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 California Environmental Quality Act (CEQA), CDFW is directed to provide biological expertise to lead agencies as part of environmental review, focusing on project 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 (LSA) regulatory authority (Fish & Game Code, § 1600 *et seq.*) and the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*). To the extent implementation of the Project as proposed may result in "take", as defined by State law, or CESA-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.

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Project Description and Summary

Objective: The County of Los Angeles (County), through the Department of Public Works (LACPW), is proposing the Project, which would provide program-level direction for development along the Los Angeles River (LA River) over 25 years. The Project proposes multiple components within 6 categories: (1) trails, access gateways, and shelters; (2) channel modifications; (3) crossings and platforms; (4) diversions; (5) floodplain reclamation; and (6) off channel land assets. Examples include public open spaces, parks, benches, bridges, platforms, trails, shelters, diversion pipes, storage facilities, terraced banks, and affordable housing. Future actions or component projects proposed under the Project would range from “extra-small” (1-acre or less) to “extra-large” (150+ acre/10+ miles). Examples of extra-small projects include pavilions, lighting, environmental graphics, bike racks, and benches. Examples of extra-large projects include regional parks and water recharge areas.

Location: The Project addresses approximately a 2-mile wide corridor along 51 miles of the LA River from the San Fernando Valley to Long Beach on the Pacific Ocean. The Project provides program-level regional planning and does not include any site-specific locations for individual actions or component projects.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the 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.

Specific Comments

- 1) Lake and Streambed Alteration Agreements: 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 a Lake and Streambed Alteration (LSA) Agreement (Agreement) with the applicant is required prior to conducting the proposed activities. CDFW’s issuance of an 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 DPEIR 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 Agreement.
 - a) The Project area supports aquatic, riparian, and wetland habitats; therefore, a preliminary delineation of the lateral extent of the streams should be included in the DPEIR. Activities in the streams subject to 1600 *et seq.* of the Fish and Game code may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers’ Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

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- b) In areas of the Project site which may support 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.
 - c) Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the DPEIR.
 - d) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-, 50-, 25-, 10-, 5-, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the DPEIR evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 2) Wetlands Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's policies. The Wetlands Resources policy (<https://fgc.ca.gov/About/Policies/Miscellaneous#Wetlands>) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. 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 DPEIR 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;

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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 & Game Code, § 5650).

- 3) Nesting Birds. Based on a review of satellite imagery, there is scattered vegetation throughout the Project location that may provide potential habitat where Project activities may impact 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.
 - a) CDFW recommends that measures be taken to avoid Project impacts to nesting birds. 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 Federal MBTA).
 - b) Proposed Project activities including (but not limited to) staging and disturbances to native and non-native vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 4) Bat Species. A review of the California Natural Diversity Database (CNDDDB) indicates occurrences of several bat species within the Project vicinity. These species include but are not limited to the big free-tailed bat (*Nyctinomops macrotis*), hoary bat (*Lasiurus cinereus*), pallid bat (*Antrozous pallidus*), western yellow bat (*Lasiurus xanthinus*), and western mastiff bat (*Eumops perotis californicus*). The pallid bat and the western mastiff bat are both California Species of Special Concern. Bridges, buildings, trees, and scattered vegetation throughout the Project location may provide potential habitat where Project activities may impact bats. Activities that will result in the removal of trees, buildings or other habitat for bats should consider avoiding adverse impacts to bats.

Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & Game Code § 4150, California Code of Regulations § 251.1). A DPEIR should provide a thorough discussion of potential impacts to bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures. The CEQA document shall

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describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines §15126.4[a][1]).

- 5) Impacts to sensitive species. The Project location is within the floodplain and active channel of the LA River. CDFW is concerned the Project may affect sensitive species that occur within the LA River and areas adjacent to the Project. Areas of particular concern include reaches of the LA River near the Sepulveda Basin, Griffith Park, and Glendale Narrows where the occurrence of the endangered least Bell's vireo (*Vireo bellii pusillus*), has been documented. Other sensitive or special status species may include (but are not limited to) Crotch bumble bee (*Bombus crotchii*), southwestern willow flycatcher (*Empidonax traillii extimus*), coastal California gnatcatcher (*Polioptila californica californica*), burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), big free-tailed bat (*Nyctinomops macrotis*), hoary bat (*Lasiurus cinereus*), pallid bat (*Antrozous pallidus*), western yellow bat (*Lasiurus xanthinus*), western mastiff bat (*Eumops perotis californicus*), western spadefoot (*Spea hammondi*), western pond turtle (*Emys marmorata*), coast horned lizard (*Phrynosoma blainvillii*), southern California legless lizard (*Anniella stebbinsi*), mesa horkelia (*Horkelia cuneata* var. *puberula*), Parish's brittle scale (*Atriplex parishii*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), and Peruvian dodder (*Cuscuta obtusiflora* var. *glandulosa*). Grading, vegetation removal, and other ground disturbances could crush and bury listed or sensitive plants and animals, resulting in direct mortality. The Project may also affect adjacent habitat by loud noises, lighting, increased human presence and activity, fugitive dust, increased temperatures from asphalt (heat island effect), hydrocarbons from asphalt paving within the LA River floodplain, and spreading invasive weeds, resulting in stress, displacement, and mortality of these species. CDFW recommends to following:
- a) The Project should use alternatives to hydrocarbon-based asphalt paving. Asphalt pavement continues to leach hydrocarbons and heavy metals, becoming a significant point source of environmental contamination (Sadler, 1999).
 - b) Given this Project is proposed for a sensitive location (within the LA River channel and floodplain), the potential for direct and indirect impacts to sensitive, listed, and fully protected species should be further addressed. The DPEIR should include specific information on species locations, and specifically how the project will be sited to avoid impacts to this species or vegetation communities. If the Project will impact a sensitive species or vegetation community, specific mitigation to offset the loss of habitat (acreage and type) should be included in the DPEIR. Any mitigation proposed should be covered under a conservation easement, include a long-term management plan, and ensure funding to manage the mitigation land in perpetuity.
- 6) Landscaping. The NOP includes parks, open spaces, and trails among the Project objectives. 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. CDFW recommends invasive/exotic plants, such as pampas grass (*Cortaderia selloana*) and salt cedar (*Tamarisk* spp.), be restricted from use in landscape plans for this Project. A list of invasive/exotic plants that

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should be avoided as well as suggestions for better landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>

- 7) Tree Removal. Satellite imagery indicates the presence of trees in areas of the Project site that might be developed for parks, trails, channel modifications, or other Project components. Habitat loss is one of the leading causes of native biodiversity loss. To compensate for any loss of trees, 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 replacing native trees at least a 3:1 ratio with a combination of native trees and/or appropriate understory and lower canopy plantings.

Due to tree removal, Project activities have the potential to result in the spread of tree insect pests and disease 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. To reduce impacts to less than significant the final environmental document should describe an infectious tree disease management plan and how it will be implemented to avoid significant impacts under CEQA. All trees identified for removal resulting from the Project should be inspected for contagious tree diseases including but not limited to: thousand cankers fungus (*Geosmithia morbida*), see <http://www.thousandcankers.com/>; polyphagous shot hole borer (*Euwallacea* spp.), see <https://anrcatalog.ucanr.edu/pdf/8590.pdf> and <https://www2.ipm.ucanr.edu/agriculture/avocado/polyphagous-shot-hole-borer-and-kuroshio-shot-hole-borer/>; and goldspotted oak borer (*Agrilus auroguttatus*), see <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.

- 8) Biological Direct, Indirect, and Cumulative Impacts. The NOP states that the Project location broadly includes “a 51-mile-long, 2-mile-wide corridor (i.e., 1 mile on each side) of the LA River in Los Angeles County”. The LA River is a major riparian corridor in the Los Angeles Basin and serves as an important wildlife movement corridor connecting much of the open spaces through the rapidly urbanizing city. It is essential to understand how these open spaces and the biological diversity within them may be impacted by Project activities. This should aid in identifying specific mitigation or avoidance measures necessary to offset those 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 following should be addressed in the DPEIR:
- 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 & Game 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 in the DPEIR;
 - b) A discussion of potential adverse impacts from lighting, noise, human activity, and exotic species and identification of any mitigation measures;

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- c) A discussion on Project-related changes on drainage patterns and downstream of the Project site; 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. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
- d) An analysis of impacts from land use designations 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 in the DPEIR; and,
- 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 plant communities and wildlife habitats.

General Comments

- 1) 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 DPEIR:
 - 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. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 2) Biological Baseline Assessment. The Project site consists of land developed with a variety of uses, as well as vacant land, undeveloped land containing native and non-native vegetation. Undisturbed land may be considered sensitive habitat or may provide suitable habitat for special status or regionally and locally unique species. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, 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 mitigation or avoidance 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 Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The DPEIR should include the following information:

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- a) 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)]. The DPEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant 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 <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://wildlife.ca.gov/Conservation/Plants>);
- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment. 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;
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>;
- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California SSC and California Fully Protected Species (Fish & Game 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 (see CEQA Guidelines § 15380). Seasonal variations in use of the project area should also be addressed. 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 the USFWS; and,
- f) A recent, wildlife and rare plant survey. 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. 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.

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- 3) California Endangered Species Act. 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 & Game Code, §§ 2080, 2085; California Code of Regulations, 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 Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game 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 a CESA ITP.
- 4) Avoidance, Minimization, and Mitigation for Sensitive Plants. The DPEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts. CDFW considers these communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in the *Manual of California Vegetation*.
- 5) Compensatory Mitigation. The DPEIR should include mitigation measures for adverse Project-related 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.
- 6) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DPEIR 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

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pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

- 7) Translocation/Salvage of Plants and Animal Species. Translocation or transplantation is the process of moving an individual 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.
- 8) Moving out of Harm's Way. The proposed Project is anticipated to result in clearing of natural habitats that support many species of indigenous wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DPEIR clearly identify that the designated entity should obtain all appropriate state and federal permits.
- 9) Revegetation/Restoration Plan. Plans for restoration and re-vegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.
 - a) CDFW recommends that local on-site propagules from the Project area and nearby vicinity be collected and used for restoration purposes. On-site seed collection should be initiated in the near future to accumulate sufficient propagule material for subsequent use in future years. On-site vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate.
 - b) Restoration objectives should include providing special habitat elements where feasible to benefit key wildlife species. These physical and biological features can include (for example) retention of woody material, logs, snags, rocks, and brush piles (see Mayer and Laudenslayer, 1988).

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CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County of Los Angeles in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact David T. Lin, Senior Environmental Scientist (Specialist), at (562) 430-0097 or by email at David.Lin@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Erinn Wilson
Environmental Program Manager I

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State Clearinghouse

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