



State of California – Natural Resources Agency  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

September 15, 2020

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## STATE CLEARINGHOUSE

Eimon Smith  
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**Subject: Taft Charter High School Comprehensive Modernization Project, Mitigated Negative Declaration (MND), Los Angeles County, SCH #2020080265**

Dear Mr. Smith:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Taft Charter High School Comprehensive Modernization Project (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & 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 State-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*) authorization as provided by the applicable Fish and Game Code will be required.

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## Project Description and Summary

**Objective:** The Los Angeles Unified School District (LAUSD) is proposing to address physical ground and building concerns on campus through building replacement, renovation, and modernization. The proposed Project includes demolishing eight permanent buildings, removing existing portable buildings, constructing new permanent buildings that provide adequate learning spaces and support areas, upgrading and replacing aging utilities and infrastructure, improving existing athletic facilities, and providing new landscaping and hardscaping. The proposed Project also includes limited modernization of existing structures including accessible facilities consistent with the requirements of the Americans with Disabilities Act, seismic retrofit pursuant to California Assembly Bill 300, and low voltage upgrades to support current technology.

**Location:** Taft Charter High School is located at 5461 Winnetka Avenue within the Woodland Hills neighborhood of Los Angeles, California, 91364. The school boundary includes two discontinuous parcels located on opposite sides of Winnetka Avenue totaling 32.4 acres. The larger 29.81-acre parcel to the west of Winnetka Avenue (Assessor Parcel Number [APN] 2166-042-902) includes the main campus of Taft Charter High School (Campus). The smaller 2.59-acre parcel to the east (APN 2166-034-900) includes a surface parking lot as well as two portable buildings for the Thoreau Continuation High School. The community that surrounds the Campus is an urban mix of commercial and residential development, mostly comprised of single-family homes, particularly along the southern and western boundaries. Land uses at the properties bordering the Campus generally consist of commercial and office uses as well as single family residences.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the LAUSD 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 recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

### Comment #1: Biological Report and Survey

**Issue:** The LAUSD Conditions of Approval SC-BIO-1 of the Initial Study states, "If a report is necessary and the LAUSD qualified nesting bird Surveyor or Biologist determines that a school construction project will affect an identified sensitive plant, animal, or habitat, a biological resources report shall be prepared." Thus, it appears that a biological assessment has not yet been made for the Project.

**Specific impacts:** Project implementation may result in impacts to wildlife that may be located on site or near the Project vicinity. The impacts from construction activity may result in direct mortality, reduced reproductive capacity, or population declines in protected or CDFW special status species.

**Why impact would occur:** CEQA Guidelines sections 15070 and 15071 require the Negative Declaration to analyze if the Project may have a significant effect on the environment as well as review if the Project will "avoid the effect or mitigate to a point where clearly no significant

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effects would occur.” Relying on future surveys, a future biological report and investigation, or the preparation of future management plans are considered deferred mitigation under CEQA.

In order to analyze if a project may have a significant effect on the environment, Project related impacts, including survey results for species that occur in the Project footprint, need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

**Evidence impact would be significant:** CEQA Guidelines sections 15070 and 15071 require the Negative Declaration to analyze if the Project may have a significant effect on the environment as well as review if the Project will ‘avoid the effect or mitigate to a point where clearly no significant effects would occur’. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint should be disclosed during the public comment period. This information allows CDFW to comment on alternatives to avoid impacts as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity). Absent survey data, CDFW is unable to provide meaningful avoidance, minimization, or mitigation measures related to biological resources.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure:** CDFW recommends a Biological Resources Survey be conducted. Such a survey should include specific information regarding impacts to any potential habitat, including trees, vegetation, or buildings that are scheduled for deconstruction. This should also include the acreage of any temporary and permanent construction impacts and types of vegetation to be removed. CDFW concurs that the Biological Resources Report should include, “a complete assessment of the flora and fauna within and adjacent to a site-specific project impact area, with particular emphasis on identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats,” as stated in the Initial Study.

#### **Comment #2: Mitigation for Impacts to Birds**

**Issue:** The measures “Bird Surveys- Construction Demolition or Vegetation Removal in or adjacent to Native Habitat” and “Bird Surveys- Construction, Demolition, or Vegetation Removal at Existing Campuses” in SC-BIO-3 do not address the potential need for mitigation for removal of potentially occupied habitat.

**Specific impacts:** Construction 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 in or directly adjacent to the Project boundary. In addition, construction and demolition activities and temporary increase in human activity, even outside of breeding activity, may result in habitat disturbance or destruction. These activities may cause the death or injury of adults or juveniles as well as impact potential foraging areas, absent specific mitigation.

**Why impact would occur:** Impacts to nesting birds could result from ground disturbing and demolition activities. Project disturbance activities could potentially result in mortality or injury to nestlings. Construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment. In addition, Project

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implementation includes vegetation removal and demolition activities that may result in direct mortality, population declines, or local extirpation of special status bird species.

**Evidence impact would be significant:** The loss of occupied habitat or reductions in the number of rare bird species, either directly or indirectly through nest abandonment, reproductive suppression, or adequate habitat removal would constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species, not only special status species, are protected under State laws and regulations, including Fish and Game Code sections 3503 and 3503.5.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** To account for unavoidable impacts to occupied habitat, on-site habitat restoration or enhancement should be discussed in detail. CDFW recommends LAUSD consider phased removal of trees to minimize impacts resulting from the temporal loss of tree habitat and to still provide available habitat while mitigation (i.e., restoration or enhancement) of habitat occurs. If on-site mitigation is not feasible or would not be biologically viable and therefore would 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 pursued. If off-site mitigation is selected, CDFW recommends it be at a state-approved mitigation bank or via an entity that has been approved by CDFW to hold and manage mitigation lands pursuant to AB 1094 (2012), which amended Government Code, sections 65965-65968. All mitigation and mitigation plans should be provided in advance of any Project entitlements and the MND should include the specific performance standards detailed in these plans. CDFW can provide guidance to LAUSD regarding appropriate mitigation ratios.

**Mitigation Measure #2:** Permanent impacts to special status species, including occupied and foraging habitat should be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, that should include an appropriate non-wasting endowment to provide for the long-term management of mitigation lands.

### **Comment #3: Tree Removal and Planting List**

**Issue #1:** Section 3.2.3 Landscaping in the Initial Study states, "The Project landscaping would be designed to be compatible with the Campus and would incorporate, to the extent possible, native plants and vegetation that are appropriate for the Campus and the Southern California setting." While CDFW recognizes that the Project plans to utilize native plants "to the extent possible," CDFW is concerned that there is no mention of the avoidance of the use of invasive plant species.

**Issue #2:** Section 3.2.3 Landscaping in the Initial Study also states, "The Project would involve the removal of approximately 16 percent of the existing trees on Campus. There are at least 417 trees on the property, of which approximately 67 are proposed for removal." CDFW is concerned that, with this number of trees to be removed, the MND does not contain procedures for disposal of removed trees that may be infested with invasive pests and disease.

**Specific Impact:** Using plants not native to California in a landscape plan, reduces the value of habitat for native wildlife. Habitat loss and invasive plants are a leading cause of native

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biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. Invasive plants reduce native plant species diversity. The list of invasive plants is available at [Cal-IPC Invasive Plant Checklist](#) (Cal-IPC 2018).

In addition, 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 trees in California which may support a high biological diversity including special status species.

**Why impact would occur:** CDFW is concerned that planting known non-native or potentially invasive plant species as part of this Project, would contribute to the degradation of native plant populations. CDFW is concerned that by not requiring all trees and plants be replaced by native tree and plant species, the replacement trees would not be fully mitigating the function and improving the value of the impacted tree species.

In addition, trees will be removed and presumably hauled to off-site locations for disposal, thereby exposing off-site tree species to potential infestation and disease.

**Evidence Impact would be significant:** Invasive species have contributed to the decline of forty-two percent of U.S. threatened and endangered species (USDA, 2019). Increased competition of water from invasive tree species stresses native tree species, increasing the probability of being attacked by invasive insects (USDA PNRS, 2019).

The Project may result in a substantial adverse effect, either directly or through habitat modifications, by exposing other habitats to insect and/or disease pathogens. Exposure to insect and/or disease pathogens may have a substantial adverse effect on any sensitive natural communities (e.g., California walnut woodlands) identified in local or regional plans, policies, and regulations or by the CDFW or U.S. Fish and Wildlife Service.

### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends that the Project prohibit the planting of any species contained in the [Cal-IPC Invasive Plant Checklist](#) (Cal-IPC 2018) listed for any region.

**Mitigation Measure #2:** CDFW recommends replacing all trees removed as a result of the proposed work activities at least a 1:1 ratio with native trees.

**Mitigation Measure #3:** 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 canker fungus](#) (*Geosmithia morbida*), [Polyphagous Shot Hole Borer](#) (*Euwallacea spp.*), and [goldspotted oak borer](#) (*Agrilus auroguttatus*) (TCD 2020; UCANR 2020; UCIPM 2013). 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.

### **Filing Fees**

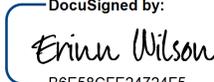
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The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the LAUSD and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

## Conclusion

We appreciate the opportunity to comment on the Project to assist LAUSD in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the LAUSD has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding this letter and further coordination on these issues should be directed to Felicia Silva, Environmental Scientist, at [felicia.silva@wildlife.ca.gov](mailto:felicia.silva@wildlife.ca.gov) or (562) 430-0098.

Sincerely,

DocuSigned by:  
  
Erinn Wilson  
Environmental Program Manager I

ec: CDFW

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## References:

- [Cal-IPC] California Invasive Plant Council. 2018. Invasive Plant Checklist for California Landscaping. Accessed at: <https://www.cal-ipc.org/wp-content/uploads/2018/05/InvasivePlantChecklistforCaliforniaLandscaping.pdf>.
- [TCD] Thousand Cankers Disease. 2020. What is Thousand Cankers? Accessed at: <http://thousandcankers.com/>.
- [UCANR] University of California Agriculture and Natural Resources Division. 2020. Invasive Shot Hole Borers. Accessed at: <https://ucanr.edu/sites/eskalenlab/?file=/avocado.html>.
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CDFW recommends the following language to be incorporated into a future environmental document for the Project.

<b>Biological Resources</b>			
	<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1- Biological Report and Survey</b>	CDFW recommends including specific information regarding impacts to any potential habitat, including trees, vegetation, or buildings that are scheduled for deconstruction. This shall include the acreage of any temporary and permanent construction impacts and types of vegetation to be removed. CDFW concurs that the Biological Resources Report should include, “a complete assessment of the flora and fauna within and adjacent to a site-specific project impact area, with particular emphasis on identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats,” as stated in the Initial Study.	Prior to Construction	LAUSD Project Proponent
<b>MM-BIO-2- Impacts to Birds</b>	To account for unavoidable impacts to occupied habitat, on-site habitat restoration or enhancement shall be discussed in detail. LAUSD shall conduct a phased removal of trees (i.e., phased approach) to minimize impacts resulting from the temporal loss of tree habitat and to still provide available habitat while mitigation (i.e., restoration or enhancement) of habitat occurs. If on-site mitigation is not feasible or would not be biologically viable and therefore would not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity shall be pursued. If off-site mitigation is selected, CDFW recommends it be at a state-approved mitigation bank or via an entity that has been approved by CDFW to hold and manage mitigation lands pursuant to AB 1094 (2012), which amended Government Code, sections 65965-65968. All mitigation and mitigation plans shall be provided in advance of any Project entitlements and the MND shall include the specific performance standards detailed in these plans. CDFW can provide guidance to LAUSD regarding appropriate	Prior to Construction	LAUSD Project Proponent

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	mitigation ratios.		
<b>MM-BIO-3- Impacts to Birds</b>	Permanent impacts to special status species, including occupied and foraging habitat shall be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, that shall include an appropriate non-wasting endowment to provide for the long-term management of mitigation lands.	Prior to Construction	LAUSD Project Proponent
<b>MM-BIO-4- Planting List</b>	The Project shall prohibit the planting of any species contained in the <a href="#">Cal-IPC Invasive Plant Checklist</a> (Cal-IPC 2018) listed for any region.	Prior to Construction	LAUSD Project Proponent
<b>MM-BIO-5-Tree Removal</b>	All trees removed as a result of the proposed work activities shall be replaced by at least a 1:1 ratio with native trees.	Prior to Construction	LAUSD Project Proponent
<b>MM-BIO-6- Tree Removal</b>	To reduce impacts to less than significant the final environmental document shall 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 shall be inspected for contagious tree diseases including but not limited to: <a href="#">thousand canker fungus</a> ( <i>Geosmithia morbida</i> ), <a href="#">Polyphagous Shot Hole Borer</a> ( <i>Euwallacea spp.</i> ), and <a href="#">goldspotted oak borer</a> ( <i>Agrilus auroguttatus</i> ) (TCD 2020; UCANR 2020; UCIPM 2013). To avoid the spread of infectious tree diseases, diseased trees shall not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed.	Prior to Construction	LAUSD Project Proponent