



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region
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GAVIN NEWSOM, Governor
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April 25, 2022

Kimberly Henry
City of Los Angeles
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
Kimberly.Henry@lacity.org

Subject: Comments on the Draft Environmental Impact Report for Harvard-Westlake River Park Project, SCH #2020090536, Los Angeles County

Dear Ms. Henry:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) for Harvard-Westlake River Park Project (Project) from the City of Los Angeles (City). 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.

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Project Description and Summary

Objective: The Harvard-Westlake River Park Project (Project) involves the redevelopment of the approximately 16.1-acre Weddington Golf & Tennis site and an adjacent approximately 1.1-acre open space portion of property along the Los Angeles River leased from Los Angeles County. The collective 17.2-acre Project site will be developed for use as an athletic and recreational facility for the Harvard-Westlake School and for shared public use. The Project would remove the existing golf course, driving range, and tennis facility. The Project would then develop two athletic fields with bleacher seating; an 80,249-square-foot, two-story multi-purpose gymnasium; a 52-meter swimming pool with seating; eight tennis courts with seating; one level of below-grade parking; and a surface parking lot. The Project would include ancillary field buildings, three security kiosks, exterior light poles, walls/fencing, retention of the existing clubhouse structure, putting green, low brick retaining wall with weeping mortar, and golf ball-shaped light standards. The Project would remove 240 of the existing 421 trees and plant 393 new trees. The Project would include a 1-million-gallon stormwater capture and reuse system for water conservation and treatment purposes. The Project would also provide approximately 5.4 acres of publicly accessible open space and landscaped trails connecting to the adjacent Zev Yaroslavsky Los Angeles River Greenway (Zev Greenway). The Project would also provide on-site landscaped areas, water features, and recreational facilities. The Project involves off-site improvements to the Valleyheart Drive public right-of-way, portions of the Zev Greenway adjacent to the Project site, and an ADA compliant ramp to provide a pedestrian connection between the Zev Greenway and Coldwater Canyon Avenue northwest of the Project site. Project development would require excavation and grading of the Project site to a maximum depth of approximately 21 feet below grade and a net cut/fill volume of approximately 250,000 cubic yards.

Location: The area proposed for the Project is owned by the Harvard-Westlake School located at 4047, 4141, and 4155 N. Whittett Avenue and 12506, 12600, and 12630 W. Valley Spring Lane. The Project site consists of one parcel generally bounded by Bellaire Avenue to the west, Valley Spring Lane to the north, the Los Angeles River and Valleyheart Drive to the south, Whittett Avenue to the east, and Los Angeles Fire Department Fire Station 78 to the southeast. The property leased from Los Angeles County is located between the Project site and the Los Angeles River.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. 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 (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

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Specific Comments

Comment #1: Impacts from New Path Installation

Issue: The Project proposes to install a trail along the Zev Greenway.

Specific Impacts: The DEIR states, “implementation of the Project would result in limited impacts from a proposed river connection (trail), river fence, and river overlook to 0.14 acre of recently restored California brittlebush scrub (16 percent of off-site sensitive natural community).” Elevated pedestrian usage is likely to create direct and indirect impacts to local wildlife species through the loss of potential habitat.

Why impacts would occur: The area of influence that the trail has upon the surrounding habitat is being increased. An increase in use has potential to impact sensitive wildlife species and their habitat through a variety of ways:

- increased numbers of people and dogs using the trail
- loss of habitat due to erosion from footpaths
- increased noise levels
- increased trash or pet waste
- introduction of unnatural food sources via trash and trash receptacles
- introduction of invasive species from other sites

Outdoor recreation has the potential to disturb wildlife, resulting in energetic costs, impacts to animals’ behavior and fitness, and avoidance of otherwise suitable habitat. These impacts may negatively affect wildlife’s ability to persist in an area or cause potential mortality. Studies have shown that outdoor recreation is the second leading cause of the decline of federally threatened and endangered species on public lands (Losos et al. 1995) and fourth leading cause on all lands (Czech et al. 2000). As a result, natural resource managers are becoming increasingly concerned about impacts of recreation on wildlife (Knight and Gutzwiller 1995).

Recreational trails can fragment the habitat that they pass through. These negative impacts generally result from the expansion of the area of influence that a trail has on its surrounding open space. Trails can create artificial boundaries or areas of avoidance for wildlife as they bring outsiders into areas that would otherwise be unvisited. Along with these perceived outsiders, in this case pedestrians, comes a new set of perceived threats to local wildlife in the form of visual, auditory, and olfactory cues that remain along the trail well after recreational usage.

If habitat is available, wildlife may move to areas farther from trails, beyond the areas of influence, to avoid recreation-related disturbance (Reed et al. 2019). However, the Los Angeles County leased area and Zev Greenway, is already small (1.1 acres) and is the only open space in the Project vicinity where wildlife might retreat to. With the addition of the trail, it reduces the opportunities for wildlife to retreat from nearby recreational users in an area with already little habitat available.

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With increased recreational usage of trails through open spaces comes increased exposure of wildlife to humans. Habituated urban wildlife is less likely to avoid contact with humans, which may increase the probability of human-wildlife conflicts and of attraction to anthropogenic food sources; both are considered problematic in many urban areas (Whittaker and Knight 1998; George and Crooks 2006). Wildlife habituation to humans may also increase wildlife aggression toward humans, or render wildlife more vulnerable to predators, poaching, or roadkill (Whittaker and Knight 1998; George and Crooks 2006; Marzano and Dandy 2012). Furthermore, habituation of wildlife may impact their reproductive success. Habituation of adult individuals may also be associated with negative consequences for their offspring as habituation of adults does not necessarily lead to immediate habituation of juveniles (Reilly et al. 2017).

Evidence impacts would be significant: Project activities and humans that may utilize the trail may negatively impact wildlife behaviors. Appropriate avoidance, minimization, and mitigations have not been included for the trail creation. Without avoidance, minimization, or mitigation measures, the Project may have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Educational materials and signage should be made available to trail users to keep aware of the impacts that human disturbance brings to open spaces. People should be made aware of the impacts that they have on surrounding habitat (such as noise or smells), particularly during breeding seasons.

CDFW recommends the City install appropriate public information signage at trailheads to: 1) educate and inform the public about wildlife present in the area; 2) advise on proper use of the trail in a manner respectful to wildlife; and 3) provide local contact information to report injured or dead wildlife. Signage should be written in the language(s) understandable to all those likely to recreate and use the trails. Signage should not be made of materials harmful to wildlife such as spikes or glass. The City should provide a long-term maintenance plan to repair and replace the signs.

Mitigation Measure #2: Trash receptacles should be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste.

Comment #2: Impacts to Rivers

Issue: The DEIR proposes a 1-million-gallon underground stormwater capture and reuse system. The system will treat water that is collected on site as well as water collected from the 39-acre residential neighborhood to the north of the Project site.

Specific impacts: The Project has potential to result in the permanent impacts to stream function and biological diversity downstream of the Project.

Why impacts would occur: Project activities will potentially permanently alter the stormwater flow into the Los Angeles River, potentially impacting fish and wildlife resources downstream. According to the DEIR, "during rainfall events and with dry weather flows (such as residential

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landscape irrigation and car washing), water flows from this residential neighborhood to an inlet that directs water into the Los Angeles River.” CDFW is concerned this could potentially reduce water availability in stream, which could be considered a significant impact to biological resources. Flow reductions, especially dry season flow, could impact beneficial uses directly or indirectly through habitat modifications. Diverting water from streams, such as Los Angeles River, during the dry season could reduce the availability and extent of shallow water sheet flow. The resulting sheet flows may allow phytoplankton (algae and cyanobacteria), microorganisms, and herbaceous vegetation to establish. The algae provide habitat and a food source for benthic invertebrates, a vital food source for wading birds. The diversion of water could potentially impact algae and benthic invertebrates, and eventually birds.

Seasonality: During the dry season, typically April through September in southern California, the many concrete-lined channels are largely maintained by urban runoff and discharge from wastewater reclamation plants. Diverting water could be significant during the dry season and could either significantly reduce water flow or result in complete loss of water flow.

Drought: Since 2000, the longest duration of drought in California lasted between 2011 and 2019 (USGS 2021) and in southern California, between 2012 through 2016 (Los Angeles Almanac 2021). The 2017-2018 rainfall season was below normal and the driest for Los Angeles since 2006-2007 (Los Angeles Almanac 2021). Diverting water during a below-normal rainfall year may significantly reduce water flow or result in complete loss of water flow.

Downstream and associated biological resources beyond the Project development footprint may also be impacted by Project-related releases of sediment or debris and altered watershed effects resulting from Project activities.

Evidence impacts would be significant: Changes to hydrology, both within the Project area and downstream, are reasonable potential direct and indirect physical changes in the environment. Said changes and their potential impacts on biological resources should be analyzed and disclosed in an environmental document. Adequate disclosure is necessary for CDFW to assist a lead agency in adequately identifying, avoiding, and/or mitigating a project's significant, or potentially significant, direct, and indirect impacts on biological resources.

Fish and Game Code section 1602 requires any person, State or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

The Project may adversely affect the existing hydrology pattern of the Project site as well as downstream. This may occur through the alteration of flows to streams. In addition, impacts to biological resources off site, such as the Glendale Narrows, may occur. The Project may substantially adversely affect the existing stormwater flows into streams through the alteration of drainages on site. It is unclear if these stormwater diversions would impact biological resources offsite because an investigation has not been made to determine so. Therefore, appropriate avoidance, minimization, and mitigations have not been determined. Inadequate investigation

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may result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Project may result in the alteration of streams. For any such activities, the Project applicant (or “entity”) must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2021a).

Mitigation Measure #2: CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report should also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream. The hydrology report should also determine if the Project will result in substantial changes to water availability downstream for biological resources in the Glendale Narrows. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.

Mitigation Measure #3: CDFW recommends the Project implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into drainages during Project activities. CDFW recommends BMPs be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent should prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site should be free of nonnative plant materials. Fiber rolls or erosion control mesh should be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Recommendation #1: CDFW recommends the DEIR include an analysis of potential impacts on biological resources resulting from the proposed water diversion. At a minimum, the analysis should evaluate a study reach that includes the channel downstream from the Project site. The study reach should extend a minimum of one mile downstream or an appropriate distance determined by both a qualified biologist and hydrologist, whichever is greater. The analysis of the study reach should discuss changes in hydrology and hydraulics, including the following:

1. Under pre-project (i.e., baseline) conditions, the volume of water flow from both the Project area and study reach during a) the wet (November through March); b) the dry

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- season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). The analysis should clearly define above-average or below-average rainfall year.
2. Under proposed Project conditions, the percent reduction in flow from both the Project area and study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year.
 3. A quantitative analysis comparing the flow from the Project area and other tributaries into the study reach, and their relative contribution to the hydrograph of the study reach.
 4. A quantitative analysis of other potential stormwater diversion Projects along the Los Angeles River, both up and downstream, and their cumulative impact to the hydrograph of the study reach.
 5. An analysis of potential Project-related changes to river hydraulics in both concrete-lined and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change).

Recommendation #2: CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

To compensate for any on- and off-site impacts to wetlands or riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity

Additional Comments and Recommendations

Phased Removal. CDFW recommends the City consider phased removal of trees (i.e., phased Project approach) in order to minimize impacts resulting from the temporal loss of trees and to provide structurally diverse tree replacement habitat while mitigation for impacts to tree removal occurs.

Bats. CDFW recommends modifying BIO-MM-1 to include underlined language and remove language with strikethrough.

“Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:

1. Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species.

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2. Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special status bat species are roosting within trees that would be removed. The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist. A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions. Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.

3. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed using heavy machinery prior to using a chainsaw to remove them. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape”.

Nesting Birds. As currently written, the measures included in Section 2.a.2.a. *California Department of Fish and Wildlife* on pages IV.C-4 and IV.C-5 of the DEIR for nesting birds may not be enforceable as they are not listed as mitigation. CDFW recommends the measures be considered enforceable biological mitigation measures for the Project and be included as BIO-MM-4.

It should be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.

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 detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2021b). This includes all documented occurrences of Nevin’s barberry and other special status species. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing

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activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Los Angeles and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required 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 the City of Los Angeles in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Los Angeles has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:



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Erinn Wilson-Olgin
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South Coast Region

ec: CDFW

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM-BIO-1-Trail Installation	Educational materials and signage shall be made available to trail users to keep aware of the impacts that human disturbance brings to open spaces. People shall be made aware of the impacts that they have on surrounding habitat (such as noise or smells), particularly during breeding seasons. CDFW recommends the City install appropriate public information signage at trailheads to: 1) educate and inform the public about wildlife present in the area; 2) advise on proper use of the trail in a manner respectful to wildlife; and 3) provide local contact information to report injured or dead wildlife. Signage shall be written in the language(s) understandable to all those likely to recreate and use the trails. Signage shall not be made of materials harmful to wildlife such as spikes or glass. The City should provide a long-term maintenance plan to repair and replace the signs.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-2-Trail Installation	Trash receptacles shall be placed only at trailheads to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.	Prior to Project construction and activities	City/Project Applicant
MM-BIO-3-LSA	The Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> of the Fish and Game Code. Based on this notification and other information,	Prior to Construction	Project Applicant

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	CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2021a).		
MM-BIO-4-Hydrology Report	The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report shall also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream. The hydrology report shall also determine if the Project will result in substantial changes to water availability downstream for biological resources in the Whittier Narrows. CDFW also requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.	Prior to Construction	Project Applicant
MM-BIO-5-BMPs	The Project shall implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into drainages during Project activities. BMPs shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded	Prior to Construction	Project Applicant

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	<p>weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.</p>		
<p>REC-1-Diversion Analysis</p>	<p>CDFW recommends the DEIR include an analysis of potential impacts on biological resources resulting from the proposed water diversion. At a minimum, the analysis should evaluate a study reach that includes the channel downstream from the Project site. The study reach should extend a minimum of one mile downstream or an appropriate distance determined by both a qualified biologist and hydrologist, whichever is greater. The analysis of the study reach should discuss changes in hydrology and hydraulics, including the following:</p> <ol style="list-style-type: none"> 1. Under pre-project (i.e., baseline) conditions, the volume of water flow from both the Project area and study reach during a) the wet (November through March); b) the dry season (April through October); and c) above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year). The analysis should clearly define above-average or below-average rainfall year. 2. Under proposed Project conditions, the percent reduction in flow from both the Project area and study reach for a wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year. 3. A quantitative analysis comparing the flow from the Project area and other tributaries into the study reach, and their relative contribution to the hydrograph of the study reach 4. A quantitative analysis of other potential stormwater diversion Projects along the Los Angeles River, both up and downstream, and their cumulative impact to the hydrograph of the study reach. 	<p>Prior to Construction</p>	<p>Project Applicant</p>

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	5. An analysis of potential Project-related changes to river hydraulics in both concrete-lined and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change).		
REC-2-Phased Removal	CDFW recommends the City consider phased removal of trees (i.e., phased Project approach) in order to minimize impacts resulting from the temporal loss of trees and to provide structurally diverse tree replacement habitat while mitigation for impacts to tree removal occurs.	Prior to Construction	Project Applicant
REC-3-Bats	<p>CDFW recommends modifying BIO-MM-1 to include <u>underlined</u> language and remove language with strikethrough.</p> <p>Due to the presence of potentially suitable roosting habitat (ornamental trees) for special-status bat species (i.e., western yellow bat), Harvard-Westlake School shall demonstrate and guarantee to the satisfaction of the Los Angeles Department of City Planning that either of the following has been or shall be accomplished:</p> <ol style="list-style-type: none"> 1. Tree removal activities shall be scheduled outside of the maternity roosting season (October 1 through February 28) to avoid potential impacts to special-status bat species. 2. Any construction or palm tree removal activities that occur during the maternity roosting season for special-status bat species (March 1 through September 30) shall require a qualified biologist experienced with bat roost biology to conduct a pre-construction (or pre-tree removal) survey, using sonic bat detectors (e.g., Anabat or Sonobat) to determine whether special status bat species are roosting within trees that would be removed. The surveys shall be conducted at dusk and after nightfall by a biologist. If an active roost site is located during the pre-construction survey, the roost shall be avoided and Project activities shall be conducted as recommended by the 	Prior to Construction	Project Applicant

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	<p>biologist to avoid the area, which may include temporary postponement or provision of a suitable buffer established around the roost until roosting activities cease. Suitable buffers could include netting, canvas, or similar materials as recommended by the biologist. A report shall be submitted to the City with the results of the pre-construction or tree removal survey and any needed maternity roost avoidance actions. <u>Depending on the survey results, a qualified bat specialist should discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist should be completed and submitted to the City prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of roosting habitat for bats.</u></p> <p><u>3. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year and could roost in trees at a given location, during tree removal, trees should be pushed using heavy machinery prior to using a chainsaw to remove them. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape</u></p>		
<p>REC-4-Nesting Birds</p>	<p>As currently written, the measures included in Section 2.a.2.a. <i>California Department of Fish and Wildlife</i> on pages IV.C-4 and IV.C-5 of the DEIR for nesting birds may not be enforceable as they are not listed as mitigation. CDFW recommends the measures be considered enforceable biological mitigation measures for the Project and be included as BIO-MM-4.</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>

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	<p>It shall be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.</p>		
REC-5-Data	<p>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)]. The City shall ensure that all data concerning special status species within the Project site be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms. The City shall ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry shall also list pending development as a threat and then update this occurrence after impacts have occurred. The City shall provide CDFW with confirmation of data submittal.</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>
REC-6-Mitigation and Monitoring Plan	<p>Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.</p>	<p>Prior to approval of CEQA document</p>	<p>City/Project Applicant</p>