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November 10, 2020

Nov 10 2020

STATE CLEARINGHOUSE

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Subject: Notice of Preparation of a Draft Environmental Impact Report for the Antelope Valley Line Capacity and Service Improvements Program, SCH #2020109001, Los Angeles County Metropolitan Transportation Authority, Los Angeles County

Dear Mr. Balderrama:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Antelope Valley Line Capacity and Service Improvements Program. 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.

Conserving California's Wildlife Since 1870

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Project Description and Summary

Objective: The Los Angeles County Metropolitan Transportation Authority (Metro; Lead Agency) proposes the Antelope Valley Line Capacity and Service Improvements Program (Project). The Antelope Valley Line (AVL) is a 76.6-mile long commuter rail line that serves Northern Los Angeles County as part of the Metrolink system. The AVL extends from the Los Angeles Union Station in the City of Los Angeles and terminates in the City of Lancaster. Stations along the AVL are located in the cities and communities of Los Angeles, Glendale, Burbank, Sun Valley, Sylmar, San Fernando, Newhall, Santa Clarita, Acton, Palmdale, and Lancaster. To meet forecasted ridership demands of up to 17,500 daily riders by 2028, more capacity on the AVL corridor will be required to meet the forecasted ridership and to provide riders with more regular and frequent peak and off-peak services. The proposed Project would expand commuter rail service along the entire AVL corridor and involve three capital improvements required to facilitate forecasted service increase. These improvements are:

- 1) Balboa Double Track Extension: extend the existing double track approximately 6,300 feet north from Balboa Boulevard to the Sierra Highway;
- 2) Canyon Sliding Extension: add approximately 8,400 feet of new double track between Soledad Canyon Road to Golden Oak Road. The improvements would also provide a second station platform at the existing Santa Clarita Metrolink station; and
- 3) Lancaster Terminal Improvements: expand the existing yard with two new 1,000-foot long train storage tracks, and a second station platform at the Lancaster Metrolink Station. The improvements also include double tracking the track section between W Avenue to Jackman Street.

Location: The Balboa Double Track Extension improvements are located within the City of Los Angeles and would extend an existing double track north from Balboa Boulevard to the Sierra Highway. The Balboa Double Track Extension improvements would be located between the Newhall Metrolink Station (24300 Railroad Avenue, Santa Clarita, CA) and Sylmar/San Fernando Metrolink Station (12219 Frank Modugno Dr., Los Angeles, CA). The Canyon Sliding Extension improvements are located at the Santa Clarita Metrolink Station (22122 Soledad Canyon Road, Santa Clarita, CA). The Lancaster Terminal improvements are located at the Lancaster Metrolink Station (44812 N. Sierra Highway, Lancaster, CA).

Comments and Recommendations

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

Specific Comments

- 1) Western Joshua Trees. The Project could impact western Joshua trees (*Yucca brevifolia*), habitat, and soils supporting seeds and yucca moths (*Tegeticula synthetica*). Specifically, the Project may remove western Joshua trees to facilitate Lancaster Terminal Improvements

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and other activities along the AVL. Encroachment or impacts to western Joshua tree roots may result in suppressed or stunted growth or mortality of a western Joshua tree. Ground disturbing activities where western Joshua trees occur may result in permanent loss of seeds buried by abiotic processes and seed caches made by rodents. Additionally, ground disturbing activities may impact the yucca moth, the sole pollinator of western Joshua trees, during the yucca moth's pupal stage.

- a) CESA Listing. On November 1, 2019, CDFW accepted a petition for western Joshua tree as a threatened species for listing under the CESA (CDFW 2020a). CDFW determined that listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process (CDFW 2020a). On September 22, 2020, the California Fish and Game Commission determined that listing western Joshua tree as threatened under CESA may be warranted (CDFW 2020b). As a CESA candidate species, western Joshua tree is granted full protection of a threatened species under CESA.
- b) Field survey. CDFW recommends a thorough assessment of western Joshua trees where proposed expansions and improvements along the AVL line would occur within the range of the western Joshua tree. A qualified botanist(s) should conduct a census of all western Joshua trees within a 500-foot buffer from proposed Project construction and activities, including all staging areas; vehicle and worker parking areas; ingress and egress routes; and areas subject to Project ground disturbing activities. The census should be conducted by walking transect surveys so that 100 percent visual coverage of Project impact areas is achieved.
- c) Data. The qualified botanist should count and classify each western Joshua tree by three height categories. The height categories are trees less than one meter in height, trees one meter or greater but less than five meters in height, and trees five meters or greater in height. CDFW recommends the qualified botanist prepare maps showing all census areas, Project impact areas, and locations of individual western Joshua trees identified.
- d) Avoidance and Disclosure of Potential Impacts. CDFW recommends that measures be taken, primarily, to avoid Project impacts to western Joshua trees. CDFW recommends the DEIR provide effective, enforceable, and feasible avoidance measures. Avoidance measures should include appropriate buffer to protect a tree's seed bank, pollinator (yucca moth), and entire root system during Project implementation. For unavoidable Project impacts, the DEIR should fully disclose impacts by number of individuals and habitat acres. A map should clearly show which trees will be impacted. If "take" or adverse impacts to western Joshua trees cannot be avoided either during Project activities or over the life of the Project, the City must consult CDFW to determine if a CESA incidental take permit is required (pursuant to Fish & Game Code, § 2080 *et seq.*).

Please note that CDFW does not consider transplanting or salvaging western Joshua trees as appropriate mitigation [see General Comment #6 (Translocation/Salvage of Plants and Animal Species)].

- 2) Potential Impacts to Aquatic and Riparian Resources. Project construction and activities may occur adjacent to and/or potentially impact multiple waterways within the AVL service area. Specifically, the proposed Balboa Double Track Extension improvement runs adjacent

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to a stream. The Project may be subject to notification for a Lake and Streambed Alteration Agreement (LSA) if the Project would impact features potentially subject to Fish and Game Code section 1600 *et seq.*

- a) Lake and Streambed Alteration Agreement (LSA). As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code section 1600 *et seq.* CDFW's issuance of an LSA 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 Environmental Impact Report of 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 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.
 - i. *Hydrological Evaluation*. As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the DEIR discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- b) Delineation. If the Project may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the United States Fish and Wildlife Service (USFWS) wetland definition (Cowardin et al. 1970). The delineation should focus on any features around the three capital improvements. Be advised that some wetland and riparian habitats subject to CDFW's authority 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.
- c) Changes to Drainage Patterns. Where Project activities would impact a stream, CDFW recommends that Metro consult with a hydrologist to determine whether additional indirect impacts or modifications to the stream channel may occur. CDFW recommends that an appropriate stream reach, both upstream and downstream, be studied for potential Project-related indirect impacts. CDFW recommends preparation of a hydrological report to discuss and identify the potential, magnitude, and location of impacts related to stream geomorphology, water sources, and discharge.
- d) Setbacks. In areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes. Therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages.

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- 3) Los Angeles Significant Ecological Areas. The proposed Balboa Double Track Extension improvement would occur near two [Los Angeles Significant Ecological Areas](#) (SEA): Santa Susana Mountains/Simi Hills and Santa Clara River SEAs (Department of Regional Planning 2019). CDFW recommends the DEIR provide a thorough disclosure, analysis, and discussion of the Project's potential to encroach upon or impact SEAs including, but not limited to, Santa Susana Mountains/Simi Hills and Santa Clara River SEAs. Project related impacts include construction and activities, including all staging areas; vehicle and worker parking areas; ingress and egress routes; and areas subject to Project ground disturbing activities. If the Project would impact biological resources within a SEA, the environmental document should be conditioned to provide avoidance and/or mitigation measures.
- 4) Tree Removal. The proposed Balboa Double Track Extension improvement may remove trees, potentially oak trees (*Quercus* genus), in order to facilitate improvements.
 - a) Arborist Report. CDFW recommends the DEIR include an arborist report identifying all native and non-native trees that may be removed as part of the Project. The arborist should identify saplings, specifically any oak tree saplings, that may be removed. A summary report documenting inspection methods; surveyor qualifications; number of trees inspected; scientific and common name of each individual tree inspected; results (i.e., a comment on the health and vigor of each tree, diameter at breast height, number of trunks); identification of heritage trees; and conclusions, should be included in the DEIR. A tree inventory report should also include photographic documentation of entry/exit holes and evidence of any pests/diseases including but not limited to: [sudden oak death](#) (*Phytophthora ramorum*), [thousand canker fungus](#) (*Geosmithia morbida*), [Polyphagous shot hole borer](#) (*Euwallacea* spp.), and [goldspotted oak borer](#) (*Agrilus auroguttatus*) (TCD 2020; UCANR 2020; Phytosphere Research 2012; UCIPM 2013).
 - b) Avoidance and Disclosure of Potential Impacts. CDFW recommends the DEIR provide measures to fully avoid impacts to native trees during and after Project construction. Avoidance measures should be effective, specific, enforceable, and feasible. During the Project, measures to fully protect the Critical Root Zone (CRZ) of all native trees, or native trees not targeted for removal, from ground disturbance activities should be provided. For unavoidable Project impacts, adequate disclosure includes providing the following information at a minimum: 1) location of each tree impacted shown as a point feature or polygon on a map; 2) scientific (Genus, species, subspecies, or variety) and common name of each tree and understory plant species impacted; 3) the size (diameter at breast height, inches) of each tree impacted; and 4) a clear identifier to distinguish any heritage-sized trees protected by local ordinance.
 - c) Mitigation. To compensate for any loss of trees, CDFW recommends replacing all non-native trees with native trees. CDFW recommends replacing both non-native and native trees at a ratio comparable to the Project's level of impacts to individual oak trees. CDFW also recommends replacing appropriate habitat and understory/lower canopy vegetation suitable to support and sustain impacted tree species. Adequate disclosure of proposed mitigation measures includes the following information at a minimum: 1) replacement ratio for individual trees and understory plant species; 2) total number of replacement trees and acres of understory vegetation; 3) specific location of replacement trees and appropriate understory species to occur in suitable on- and/or off-site mitigation lands, 4) a discussion (supported by science, data, and reference sites) of

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the suitability of on- and/or off-site mitigation lands to support replacement trees, understory vegetation, and habitat; and 5) a long-term Mitigation and Monitoring Reporting Plan [see General Comment #2 (Discussion of Mitigation Measures)].

- 5) Nesting Birds. The Project may involve removal or disturbance of trees, specifically during the proposed Balboa Double Track Extension improvement. Accordingly, Project construction and activities may impact nesting birds. Project activities occurring during the bird breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment in trees directly adjacent to Project-related construction and activities. The Project may also lead to the temporal or permanent loss of nesting habitat for birds.
- a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
 - b) CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs.
 - c) If impacts to nesting birds cannot be avoided, CDFW recommends the DEIR include measures to mitigate for impacts. CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys. Surveys should focus on detecting special status bird species occurring in suitable nesting habitat that may be disturbed and any other such habitat (as access to adjacent areas allows) within 300 feet of the disturbance area (within 500-feet for raptors and 0.5 mile for special status species). Field contractors and project personnel should be instructed on the sensitivity of nesting birds and buffer zones. 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.
 - d) CDFW recommends the DEIR provide an analysis of the increased use of the AVL. Such analysis should include the expected increase in rail traffic along the AVL and any subsequent change in sound levels and frequency of noise relative to a no build alternative. The analysis should include forecasted changes in sound and seismic levels resulting from the long-term daily operation of the rail line after the Project has completed. Using these expected elevated levels of sound and vibration, further consideration should be given to potential impacts to bird species nesting adjacent to the AVL.
- 6) Bats. Numerous bat species are known to roost in trees and structures throughout Los Angeles County. The three capital improvements, specifically the Balboa Double Track Extension improvement, would occur near highways, overpasses, tunnels, and buildings. In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts. Bridges frequently serve to replace natural roosts in anthropogenically altered landscapes.

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Concrete bridges have structural features that offer suitable analogs to natural roosts. The large mass of concrete bridges offers the kind of thermal buffering that bats require (Johnston et al. 2004).

- a) Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). Project construction and activities, including (but not limited to) vegetation removal, increased noise, and ground disturbing activities, may have direct and/or indirect impacts on bats and roosts.
- b) CDFW recommends the DEIR provide a thorough discussion and adequate disclosure of potential impacts to bats and roosts from Project construction including (but not limited to) disturbances to vegetation, trees, and structures; demolition; grading; and excavating. If necessary, to reduce impacts to less than significant, the DEIR should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].

General Comments

- 1) Disclosure. A DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental impact report shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.
 - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency (CEQA Guidelines, § 15041). A public agency shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures (Pub. Resources Code, § 21081.6). CDFW recommends that Metro prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
 - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the environmental document should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the environmental document should provide an adequate, complete, and detailed disclosure

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about a project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

- 3) Biological Baseline Assessment. In preparation of the DEIR, CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the three capital improvements and where the Project may result in ground disturbance. The assessment and analysis should place 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 DEIR should include the following information:
- 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 DEIR 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 [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2020c);
 - 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 Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;
 - 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](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer 2008). 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](#) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2020d);
 - 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

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Species of Special Concern, and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the three capital improvements 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, may be required if suitable habitat is present. 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.
 - g) CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2020e).
- 4) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The DEIR should address the following:
- a) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
 - b) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures;
 - c) A discussion on Project-related changes on drainage patterns and downstream of the Project sites; 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 sites. 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.

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A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; 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.
- 5) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas;
 - b) CEQA Guidelines section 15126.6(a) states that an environmental document shall describe a reasonable range of potentially feasible alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. CEQA Guidelines section 15126.6(f)(2) states if the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include reasons in the environmental document; and,
 - c) A range of feasible alternatives to Project component location and design features to avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas. CDFW recommends Metro consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and sensitive vegetation communities. CDFW also recommends Metro consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project and from any future development. Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6).
 - d) Where the Project may impact aquatic and riparian resources, CDFW recommends Metro consider alternatives that would fully avoid impacts to such resources. This may include shifting or reconfiguring the location/placement of new tracks; reducing the length of tracks if feasible; or considering alternative locations for new tracks. CDFW also recommends alternatives that would allow not impede, alter, or otherwise modify existing surface flow; watercourse and meander; and water-dependent ecosystems and plant communities. Project-related designs should consider elevated crossings to avoid channelizing or narrowing of streams. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the stream to alter its course of flow.

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- 6) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from a 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.
- 7) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 8) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
- 9) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California (CFGC 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
 - a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization

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measures have been exhausted, the Project must include mitigation measures to assure a “no net loss” of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

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

Conclusion

We appreciate the opportunity to comment on the NOP for the Antelope Valley Line Capacity and Service Improvements Program to assist Metro in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Environmental Program Manager I

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November 10, 2020
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