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Governor's Office of Planning & Research

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DEC 08 2020

STATE CLEARINGHOUSE

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Subject: Notice of Preparation of a Draft Environmental Impact Report for the Retreat at Benedict Canyon Project, SCH # 2020110171, City of Los Angeles, Los Angeles County

Dear Mr. McCrea:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Los Angeles (City; Lead Agency) for the Retreat at Benedict Canyon Project (Project). The NOP's supporting documentation includes *Appendix A Tree Survey Letter Report*. 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 Project proposes to demolish two existing single-family residences and construct a 59-guest room hotel and eight single-family residences on an approximately 33-acre property in Benedict Canyon. Approximately 16 acres on the northern portion of the site will be for a hotel with 19 buildings. Approximately 17 acres on the southern portion of the site will be eight single-family residential lots ranging from 1.5 to 5.62 acres.

The total floor area for the hotel portion of the site would be 144,650 square feet. The main five-story hotel building includes up to 18 guest rooms, 7,960 square feet of bar/restaurant uses, 10,900 square feet of spa/fitness uses, outdoor pool and spa amenities, and an additional two floors of subterranean parking. An additional 15 bungalow-style hotel buildings, each up to two stories in height, would be dispersed throughout the hotel portion of the site, and would contain the remaining 41 hotel guest rooms. Three ancillary hotel buildings containing the main valet and hotel reception area, a rooftop restaurant, screening room, administrative uses, other hotel support services, and parking. The eight single-family residences would range in size from approximately 12,000 to 48,000 square feet of residential floor area and would have a combined residential floor area of up to 181,000 square feet.

The Project also includes removal of existing trees and vegetation and the installation of new landscaping, pathways, exterior decks, and other outdoor amenities. Preliminary site grading would require approximately 117,230 cubic yards of total grading and result in the off-site export of approximately 950 cubic yards of soil. The remaining 116,280 cubic yards of cut would be balanced on-site. Maximum excavation depths would be approximately 62 feet below existing grade. The Project includes construction of a private street varying in width from 24 to 40 feet. The private street would provide vehicular access from both Oak Pass Road and Hutton Drive to the future hotel and residences.

Location: The Project site is located at 9712 Oak Pass Road in the City of Los Angeles and includes 15 individual parcels. The Project site covers approximately 33-acres of mostly undeveloped land. The Project site is bounded by Benedict Canyon Drive to the west, Hutton Drive to the north, Oak Pass Road to the east, and Yoakum Drive to the south, and is surrounded by existing single-family residential uses on all sides.

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. 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) Dog Park. The Project proposes a new publicly accessible dog park. On- and off-leash dogs have been demonstrated to disturb wildlife in natural areas, causing grassland songbirds and mule deer (*Odocoileus hemionus*) to immediately become alerted and subsequently expend energy to disperse away from the disturbance (Miller et al. 2001). These effects on wildlife are greater when dogs and pedestrians go off trail (Miller et al. 2001). CDFW

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recommends the Project thoroughly discuss the potential impacts of the proposed dog park on wildlife. CDFW recommends the DEIR provide an analysis of the expected increase in human and dog presence, and any subsequent change in level and frequency of noise and artificial lighting relative to a no dog park alternative. CDFW also recommends the Project consider placing a dog park away from sensitive habitat areas.

- 2) Potential Impacts to Aquatic and Riparian Resources. Project construction and activities may occur adjacent to and potentially impact streams. Runoff from the Project site may develop into ephemeral streams flowing down the multiple deep canyons on site. The United States Fish and Wildlife Service's [National Wetlands Inventory](#) shows approximately 0.31 acres of riverine habitat, consisting of two intermittent streams originating at Oak Pass Road (USFWS 2020). The two streams drain into a larger stream, 0.42 acres of riverine habitat, along Yoakum Drive. Lastly, the Project proposes to remove native tree species that typically occur alongside streams (i.e., riparian habitat). These species are: Arroyo willow (*Salix lasiolepis*); southern California black walnut (*Juglans californica* var. *californica*), and three California sycamore (*Platanus racemosa*). As a result, the Project may be subject to notification for a Lake and Streambed Alteration Agreement (LSAA) if the Project would impact features potentially subject to Fish and Game Code section 1600 *et seq.*
 - a) Lake and Streambed Alteration (LSA) Agreement. 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 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 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 Agreement.
 - 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. A preliminary jurisdictional delineation of the streams and their associated riparian habitats should be included in the DEIR. The DEIR should evaluate all rivers, streams, and lakes, including culverts, ditches, storm channels that may transport water, sediment, pollutants, and discharge into rivers, streams, and lakes. 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 the City consult with a hydrologist to determine whether additional

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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.
- 3) Impacts to Oak Trees and Oak woodlands. The Project proposes to remove 279 coast live oak trees (*Quercus agrifolia*). Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding; regulating water flow in watersheds; and maintaining water quality in streams and rivers. Oak woodlands also have higher levels of biodiversity than any other terrestrial ecosystem in California (Block et al. 1990). Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. CDFW considers oak woodlands a sensitive vegetation community.
- a) Oak woodlands. CDFW recommends a qualified botanist identify impacts to oak woodlands. The DEIR should provide a vegetation community map showing where oak woodlands occur in the Project site (also see General Comment #3); where impacts to oak woodlands would occur; and, total acreage of oak woodlands impacted in each separate area. Oak woodlands are structurally diverse vegetation communities. Accordingly, for each area of oak woodland impacted, provide a list of both native and non-native understory plants present. A list should be organized by layer and/or life form such as vine, groundcover, forb, subshrub, shrub, and tree. For each area, also provide the abundance, density, and cover of each plant species and vegetation layer impacted.
- b) Avoidance and Disclosure of Potential Impacts. CDFW recommends the DEIR provide measures to avoid impacts to oak trees and oak woodlands during and after Project construction to the extent feasible. Avoidance measures should be effective, specific, enforceable, and feasible. During the Project, the City should provide measures to fully protect the Critical Root Zone of all oak trees not targeted for removal from ground disturbance activities. The City should also provide measures to protect the outer edge of oak woodlands with appropriate setbacks. After the Project, CDFW recommends oak trees and woodlands be protected by including into the final project design appropriate setbacks between the Retreat at Benedict Canyon and protected oak woodlands.

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

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acres of oak woodlands; and, 8) total number of replacement trees and appropriate understory species, to occur in suitable on- and/or off-site mitigation lands.

- c) Mitigation. CDFW recommends creating or restoring on- or off-site oak woodland habitat at a ratio comparable to the Project's level of impacts to individual oak trees and acres of oak woodland habitat. CDFW recommends the City consider phased removal of oak trees (i.e., phased Project approach) in order to minimize impacts resulting from the temporal loss of oak trees and to provide structurally diverse oak woodland habitat while mitigation for impacts to oak woodland habitat occurs.
 - d) On- or Off-Site Mitigation. CDFW recommends the DEIR provide an on- or off-site mitigation plan and discuss the suitability of selected location(s) for mitigating impacts to oak trees and oak woodlands. The DEIR should provide information about reference sites, with similar species and habitat as being mitigated and the suitability of selected reference site(s) to inform the Project's mitigation plan. Lastly, a mitigation plan should provide specific mitigation goals and actions to achieve those goals to establish self-sustaining oak trees and oak woodlands.
- 4) Invasive Tree Pests and Diseases. Page 2 of Appendix A Tree Survey Letter Report states that "almost all of the Southern California black walnut [*Juglans californica*] trees were found to be suffering from drought and Thousand Canker Disease [*Geosmithia morbida*]."
- a) Project activities have the potential to spread tree pests and diseases throughout the Project site and into adjacent natural habitat not currently exposed to these stressors. Pests and diseases include (but not limited to): [sudden oak death](#) (*Phytophthora ramorum*), [thousand canker fungus](#) (*Geosmithia morbida*), [Polyphagous shot hole borer](#) (*Euwallacea* spp.), and [goldspotted oak borer](#) (*Agilus auroguttatus*) (Phytosphere Research 2012; TCD 2020; UCANR 2020; UCIPM 2013). This could result in expediting the loss of native trees and woodlands. The Project may have a substantial adverse effect on any tree species and/or sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW.
 - b) CDFW recommends the DEIR include an infectious tree disease management plan or a list of preventative measures, developed in consultation with an arborist, and describe how it will be implemented to avoid or reduce the spread of tree insect pests and diseases.
- 5) Wildlife Corridor and Mountain Lions. The Project site may impact wildlife corridor and movement of large mammals between natural habitat areas/open space. The Project site is surrounded by natural areas that provide essential habitat connectivity between the Santa Monica Mountains and Griffith Park (CDFW 2017). Additionally, the Project site could serve as an essential habitat block according to the [Eastern Santa Monica Mountains Habitat Linkage Planning Map](#) (SMMC 2017). Mountain lions may occur within the Project footprint or in areas immediate adjacent to the Project (Elbroch 2020).

The Project proposes to surround the property with retaining walls screened with landscaping. The retaining wall and other physical barriers could impede wildlife movement. Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap et al. 2019). Maintaining wildlife

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corridors and habitat continuity is essential for wildlife survival and is increasingly important considering habitat loss and climate change. In preparation of the DEIR, CDFW recommends the City conduct studies to document wildlife activity and movement through the Project site. The results, including mapped data, and a discussion of how the Project may affect wildlife movement and dispersal should be provided. The DEIR should also include mitigation measures that would address the reduction of wildlife corridor and impacts to wildlife movement.

- 6) Braunton's Milkvetch. According to [iNaturalist](#), there is an observation (September 3, 2020) of Braunton's milkvetch (*Astragalus brauntonii*) adjacent to the Project site on Hutton Drive (iNaturalist 2020a). Braunton's milkvetch is listed as endangered under the Endangered Species Act and has a California Rare Plant Rank (CRPR) of 1B.1. Plants with a [CRPR of 1B](#) are rare throughout their range, endemic to California, and are seriously or moderately threatened in California (CNPS 2020). All plants constituting CRPR 1B meet the definitions of CESA (CEQA Guidelines, § 15380) and are eligible for State listing. Therefore, impacts to CRPR 1B species should be analyzed during preparation of environmental documents relating to CEQA. In preparation of the DEIR, CDFW recommends a qualified botanist conduct multiple spring-time surveys for Braunton's milkvetch (also see General Comment #3).
- 7) Monarch Butterfly. According to [iNaturalist](#), there is an observation (September 4, 2020) of monarch butterfly (*Danaus plexippus*) adjacent to the Project site on Oak Pass Road (iNaturalist 2020b). There are multiple observations of monarch butterflies within two miles from the Project site. Furthermore, according to Appendix A, the Project site contains eucalyptus trees which could provide overwintering habitat for monarch butterfly.
 - a) The western monarch butterfly (*Danaus plexippus plexippus*) relies on the California landscape for both breeding and overwintering habitat. The monarch butterfly occurs globally, however the subspecies that inhabits North America, western monarch butterfly, is imperiled (CDFW 2020). Western monarchs overwintering in coastal California have declined 74 percent since the late 1990s, from more than 1.2 million to less than 200,000 individuals. A recent population viability analysis of long-term California overwintering count data estimated a decline of more than 95 percent since the 1980s (Western Monarch Working Group 2019).
 - b) CDFW recommends the City assess the Project site for western monarch butterfly breeding and overwintering habitat. A habitat assessment should be performed by a qualified biologist knowledge and experience surveying for monarch butterfly. If suitable habitat is present, the qualified biologist should perform a species-specific survey at the appropriate time of year to determine presence/absence.
- 8) Nesting Birds. The Project will require removal or disturbance of trees, shrubs, and grasslands that could support nesting birds and raptors. Accordingly, Project construction and activities may impact nesting birds and raptors. Project activities occurring during the bird and raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. The Project may also lead to the temporal or permanent loss of nesting habitat for birds and raptors.

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- 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). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
- b) CDFW recommends that measures be taken to fully avoid Project impacts to nesting birds and raptors. Proposed Project-related ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal 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, raptors, or their eggs.
- c) If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the DEIR include measures to mitigate for impacts. CDFW recommends surveys by a qualified biologist with experience conducting breeding bird and raptor surveys. Surveys are needed to detect protected native birds and raptors occurring in suitable nesting habitat that may be disturbed and any other such habitat within 300 feet of the Project disturbance area, to the extent allowable and accessible. For raptors, this radius should be expanded to 500 feet and 0.5 mile for special status species. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- d) CDFW recommends the DEIR provide an analysis of the expected increase in human presence and any subsequent change in traffic, noise level and frequency, and artificial lighting relative to a no build alternative. Using these expected elevated levels of human-driven disturbances, further consideration should be given to potential impacts to birds and raptors nesting within and adjacent to the Project site.
- e) It should be noted that the temporary exclusion of Project activities within nesting buffers during nesting season may not constitute effective mitigation for the purposes of offsetting Project impacts associated with the loss of breeding and nesting habitat. Effective mitigation for impacts to nesting habitat for birds and raptors requires structurally (e.g., ground cover, subshrubs, shrubs, and trees) and species diverse vegetation as part of habitat restoration.

Additional mitigation, separate from impacts to vegetation communities, should be considered to compensate for the temporal or permanent loss of occupied nesting habitat within the Project site. Depending on the status of the bird or raptor species impacted, replacement habitat acres should increase with the occurrence of a California Species of Special Concern (SCC). Replacement habitat acres should further increase with the occurrence of a CESA-listed threatened or endangered species.

- 9) Bats. Numerous bat species are known to roost in trees and structures throughout Los Angeles County (Remington and Cooper 2014). In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts. The Project site contains areas of dense tree canopy spread across canyons and hilltops that could support bat roosts.

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- 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) ground disturbance, vegetation removal, and any activities leading to increased noise levels 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 and activities including (but not limited to) ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal. 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)].
- 10) Landscaping. The Project may involve landscaping and proposes to plant approximately 1,000 trees. CDFW recommends the DEIR provide the Project's landscaping plant palette and replacement tree species list. CDFW recommends the City use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The City should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#) (Cal-IPC 2020). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.

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 through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 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 the City 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

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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 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 Project site 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 2020b);
 - 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 et al. 2009). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation

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conditions;

- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CDFW's [California Natural Diversity Database](#) (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2020c). The DEIR should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at the Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
 - 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 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 the Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. 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. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2020d). Acceptable species-specific survey procedures may 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.
- 4) Data. 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). The City should ensure the data has been properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 5) 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.,

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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 both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
 - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures;
 - d) A discussion on Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project 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;
 - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - f) 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 and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the environmental document should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 6) 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,

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- 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 the City 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 the City 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. As a general rule, CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

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 the City consider alternatives that would fully avoid impacts to such resources. CDFW also recommends alternatives that would allow not impede, alter, or otherwise modify existing surface flow; watercourse and meander; and water-dependent ecosystems and vegetation 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.
- 7) 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.
- 8) 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.

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- 9) 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.
- 10) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California (CFGC 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
- a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
- b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this state; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

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Conclusion

We appreciate the opportunity to comment on the NOP for the Retreat at Benedict Canyon Project to assist the City of Los Angeles 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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B6E58CFE24724F5...

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