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Dec 15 2020

STATE CLEARINGHOUSE

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the West Hills Crest Residential Project, SCH #2020110124, Los Angeles County

Dear Ms. Pavlovic:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the Los Angeles County Department of Regional Planning (DRP; Lead Agency) for the West Hills Crest Residential Project (Project).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & Game Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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Project Location: The Project site is an approximately 58-acre property located on the eastern flank of the Simi Hills, at the western end of the San Fernando Valley, and north of Hidden Hills. The site is located in an unincorporated area of Los Angeles County, west of Randiwood Lane and adjacent to the Ventura County line. The site is bordered on the east entirely by a 175-unit single family residential development across Randiwood Lane. To the north of the site is El Escorpion Park, to the south is Knapp Ranch Park West and a Los Angeles City Department of Water and Power facility, including two large water tanks. To the west of the site is the 5,477-acre Upper Las Virgenes Canyon Open Space Preserve. Both El Escorpion Park and Knapp Ranch Park West are in Los Angeles County while Las Virgenes Canyon is in Ventura County. The northwestern portion of the site is within the Los Angeles County Santa Susana Mountains/Simi Hills Significant Ecological Area. This portion will remain undeveloped. In total, the Project consists of four parcels: Assessor's Parcel Numbers 2031-015-002, 2031-015-003, 2031-015-011, and 2031-015-012.

Project Description/Objectives: The Project would provide 25 single-family residences on lots ranging from 0.61 to 2.86 acres. Access to the residences would be through an extension of Kittridge Street that would be extended to connect in a loop to the approximate midpoint of Randiwood Lane. The northeast corner of the property would contain a 33-foot-wide access strip and include the detention basin. The northwest portion of the site, consisting of 26.47 acres, would be open space area of the development. The southwest corner of the property would provide recreational amenities consisting of four tennis courts, a parking lot, and a shade structure. There would also be a variable width easement for the Rim of the Valley Trail in the northwest corner of the property. Immediately north of the tennis courts would contain two large water storage tanks that would be dedicated to the Las Virgenes Municipal Water District and would supplement fire flows to the surrounding area. A cul-de-sac would connect from the Kittridge Street extension and provide access to 10 of the single-family lots. Grading includes 975,000 cubic yards of cut and 975,000 cubic yards of fill balanced on site.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the DRP in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

- 1) Wildlife Corridor and Mountain Lions. The Initial Study states Project activities will "remove approximately 16 acres of undeveloped natural habitats within the Santa Monica – Sierra Madre Connection habitat linkage." The Project is surrounded by park and open space to the north, south, and west; the development will reduce the habitat available for wildlife to move through these areas. In addition, the open spaces around the Project site may provide essential habitat connectivity between evolutionarily significant units of southern California and central coast mountain lion (*Puma concolor*) populations. CDFW is concerned the Project site development will further impact the wildlife corridor and movement of large mammals between natural habitat areas/open space. The mountain lion population within the central coast are some of the most at risk within the State (Yap et al. 2019). Habitat loss and fragmentation due to roads and development have driven the southern California mountain lion population towards extinction (Yap et al. 2019). Maintaining wildlife corridors and habitat continuity is essential for wildlife survival and is increasingly important considering habitat loss and climate change.

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- a) In preparation of the DEIR, CDFW recommends the DRP 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.
- 2) Bat Species. The Initial Study indicates that bats may forage within the Project area. In addition, review of the California Natural Diversity Database (CNDDDB) indicates an occurrence of the California leaf-nosed bat (*Macrotus californicus*), a designated California Species of Special Concern, on site. Despite the high diversity and sensitivity of bats in Southern California, numerous bat species are known to roost in trees and structures throughout Los Angeles County. Project activities may have the potential to adversely impact bat populations within the Project site and vicinity.
 - a) Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish and Game Code, § 4150, California Code of Regulations, § 251.1). The DEIR should provide a thorough discussion of potential impacts to bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures. The DEIR should describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines, §15126.4[a][1]).
 - 3) Reptile Species. The Initial Study indicates that reptile species may reside within the Project area. In addition, review of CNDDDB indicates occurrences of coast horned lizard (*Phrynosoma coronatum*), California legless lizard (*Aniella pulchra*), and coastal whiptail (*Aspidoscelis tigris stejnegeri*) within the Project vicinity, all of which are designated California Species of Concern. Project ground disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating vegetation that may support essential foraging and breeding habitat.
 - a) CEQA provides protection not only for State and federally listed species, but for any species including, but not limited to, California Species of Special Concern which can be shown to meet the criteria for State listing. These Species of Special Concern meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of Species of Special Concern could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).
 - b) CDFW recommends, prior to vegetation removal and/or grading, qualified biologists familiar with the reptile species behavior and life history should conduct specialized surveys to determine the presence/absence of Species of Special Concern. Surveys should be conducted during active season when each reptile species are most likely to be detected. Survey results, including negative findings, should be submitted to CDFW two weeks prior to initiation of Project activities.
 - c) To further avoid direct mortality, CDFW recommends that a qualified biological monitor be on-site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of

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on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.

- d) CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2020a). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.
- 4) Impacts to Oak trees and Oak woodlands. The Project proposes to grade approximately "0.25 acres of oak woodland canopy area and understory habitat." 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 Los Angeles County Code 22.56.2060 and Fish and Game Code sections 1360-1372, Oak Woodlands Conservation Act. CDFW also 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, the DRP should 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, DRP should 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 DRP should provide measures to fully protect the Critical Root Zone of all oak trees not targeted for removal from ground disturbance activities. The DRP 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 residential development 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

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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 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 DRP 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.
- 5) Rare Plants. The Initial Study states, "a small population of narrowleaf queen's-root (*Stillingia linearifolia*) within the grading footprint, which would be removed by the Project. Narrowleaf queen's-root is rare in the region and is considered locally sensitive by the County of Los Angeles. In addition, Catalina mariposa lilies (*Calochortus catalinae*), were located on the western portion of the site, in areas that would be preserved by the Project as open space." Catalina mariposa lily has a California Rare Plant Rank (CRPR) ranking of 4.2. Plants with a CRPR of 4.2 are limited in their distribution and are fairly threatened in California (CNPSa 2020). Therefore, impacts to CRPR ranked species as well as locally and regionally sensitive 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 narrowleaf queen's-root and Catalina mariposa lily (also see General Comment #3).
- 6) Sensitive vegetation communities. The Initial Study indicates the removal of several other sensitive vegetation alliances, including California walnut woodlands (*Juglans californica*), California encelia scrub (*Encelia californica*), and Sawtooth goldenbush scrub (*Hazardia squarrosa*). All these communities have a State rarity ranking of S3, indicating that there are 21 to 100 occurrences of this community in existence in California. CDFW considers natural communities with ranks of S1, S2, and S3 to be sensitive natural communities that meet the CEQA definition (CEQA Guidelines, §§ 15380, 15063, 15065) that should be addressed in CEQA [CEQA Guidelines, § 15125(c)]. California walnut woodlands have been reduced historically as a result of urban development, type conversion, and agricultural clearing (CNPSb 2020). There are no large stands (greater than 10 acres) of California walnut woodland within the Project vicinity, however there are a few smaller stands located in the open space surrounding the Project area (NPS 2020). California encelia scrub has been impacted by increased urbanization, especially in the South Coast, and non-native invasive

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plants are impacting the range of this alliance. California Encelia scrub generally rapidly colonizes roadsides and other disturbed areas, but increased fire intensity and frequency negatively impact stands by increasing the abundance of non-native species (CNPSc 2020). Lastly, Sawtooth goldenbush scrub stands tend to have higher native herbaceous component than many other adjacent shrublands (CNPSd 2020), so the loss of this alliance may impact other native species associated with it. The Project may impact sensitive vegetation communities or wildlife species that depend on these communities. The Project may result in substantial adverse direct effect on any S1, S2, or S3 sensitive vegetation communities.

- a) CDFW recommends that DRP, in consultation with a qualified botanist familiar with southern California vegetation communities, map sensitive vegetation communities based on alliance/associate according to the [Manual of California Vegetation](#) (MCV), second edition (Sawyer et al. 2009) and [California Natural Community List](#) (CDFWb 2020). DRP should disclose total acres of temporary and permanent impacts associated with each MCV alliance/association.
- b) The Project will impact sensitive vegetation communities. Therefore, CDFW recommends the Project mitigate for impacts as follows:
 - i. A minimum of 10:1 for permanent and 7:1 for temporary impacts to S1 communities;
 - ii. A minimum of 7:1 for permanent and 5:1 for temporary impacts to S2 communities; and,
 - iii. A minimum of 5:1 for permanent and 3:1 for temporary impacts for S3 communities.

CDFW makes these recommendations based on factors that include (but not limited to) the rarity of the vegetation community in the State; local significance; potential rarity of specific plant species associated with each vegetation community; temporal loss of habitat; and the likelihood that the Project would impact communities associated with wetlands, streams, rivers, and creeks, which provide important food, nesting habitat, cover, and migration corridors for wildlife.

- c) Prior to any Project-related ground-disturbing activities where impacts to sensitive vegetation communities will occur, CDFW recommends that DRP, in consultation with a qualified botanist and restoration specialist, develop an ecosystem-based Habitat Mitigation and Monitoring Plan (HMMP) for impacts to sensitive vegetation communities. The HMMP should include the following components at a minimum:
 - i. A map and table showing location of impacts; number of plants impacted by species; acres of habitat impacted; and mitigation ratio applied; and
 - ii. Vegetation community-specific measures for on- or off-site mitigation. Each vegetation community-specific mitigation measure, or robust restoration plan, should be of sufficient detail and resolution to describe the following at a minimum: a) Acres of vegetation community impacted and density, coverage, and abundance of associated vegetation species impacted by life form (i.e., grass, forb, shrub, subshrub, vine); b) Mitigation ratio applied and total number and/or area of replacement acres and vegetation; c) Location of

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restoration/mitigation areas and a discussion of the adequacy of the location(s) to serve as mitigation (e.g., would support the vegetation community impacted); d) Location and assessment of appropriate reference site(s) to inform the appropriate planting rate to recreate the pre-project function, density, percent basal, canopy, and vegetation cover of community impacted; e) Scientific [Genus and species (subspecies/variety if applicable)] of all plants being used for restoration; f) Location(s) of propagule source from plants/trees of the same species (i.e., Genus, species, subspecies, and variety) as the species impacted, sourced from on-site or adjacent areas within the same watershed (not be purchased from a supplier); g) Species-specific planting methods (i.e., container or bulbs); h) Planting schedule; i) Measures to control exotic vegetation and protection from herbivory; j) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); k) Contingency measures should success criteria not be met; l) Monitoring for a minimum of 5 years; m) Adaptive management techniques; and, n) Annual reporting criteria and requirements.

- 7) Lake and Streambed Alteration Agreement (LSA). The Initial Study states that “erosional drainages with possible connections to an off-site blue-line stream were observed on the north-facing slopes along the northern boundary of the Project Site.” CDFW is concerned that Project activities may have potential for changes in water quality, quantity, and turbidity in the drainages and stream in the northern area of the Project site. The Project may substantially adversely affect the existing stream pattern of the stream through grading and discharge activities to a stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.
- a) As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use material from a streambed. For any such activities, the Project applicant (or “entity”) must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether an LSA Agreement (Agreement) with the applicant is required prior to conducting the proposed activities. CDFW’s issuance of an Agreement for a Project that is subject to CEQA will require related environmental compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR 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](#) (CDFWc, 2020).
 - b) The Project area contains ephemeral drainages with possible connection to blue line stream, CDFW recommends an investigation of the site for possible surface drainages to the surrounding areas that may feed into this channel. A preliminary jurisdictional delineation of the streams and any associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service (USFWS) wetland definition adopted by the CDFW

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(Cowardin et al. 1970). 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) The Initial Study states, "The northern site area flows through two major canyons and a small canyon that eventually merge, and continues to flow north into Bell Creek, an existing natural water course and a tributary to the Los Angeles River, which runs through Bell Canyon Park." CDFW recommends a hydrological study to determine if an increase in impervious surfaces due to residential development will adversely impact locations currently utilizing water that drains off site or from groundwater recharge on site. Finally, Project-related changes in runoff and sedimentation in upstream and downstream drainage patterns should be included and evaluated in the hydrological study.
 - d) As part of the LSA Notification process, CDFW requests the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the DEIR evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 8) Nesting Birds. The Initial Study states, "Ground and vegetation disturbing activities including but not limited to grading and fuel modification, if conducted during the nesting bird season (February 1 to August 31), would have the potential to result in removal or disturbance to trees and shrubs that could contain active bird nests, including ground-nesting species. The loss of protected bird nests, eggs, or young due to Project activities would be a significant, but mitigable impact." Vegetation on site may provide potential nesting habitat, and Project activities may impact nesting birds. CDFW recommends that measures be taken to avoid Project impacts to nesting 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) 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 avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

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- 9) Landscaping. The Initial Study states, “invasive plant species introduced to the Site in Project landscaping or in fuel modification zones could be dispersed by stormwater, wind, or wildlife, or by various other means to native habitats in the surrounding area, including the open space preserves located adjacent to the site.” CDFW recommends the DEIR provide the Project’s landscaping plant palette and replacement tree species list. CDFW also recommends using native, locally appropriate plant species for landscaping on the Project site. CDFW recommends invasive/exotic plants, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus), be restricted from use in landscape plans for this Project. A list of invasive/exotic plants that should be avoided as well as suggestions for better landscape plants can be found at [California Invasive Plant Species Council](#) website (Cal-IPC, 2020).
- 10) Tree replacement and removal. Project activities include grading and vegetation removal, which include the removal of oak and walnut trees on site. To compensate for any loss of trees, CDFW recommends replacing all non-native trees removed as a result of the proposed work activities at least a 1:1 ratio with native trees. Other than oaks previously mentioned in Comment #4 and walnuts mentioned in Comment #6, CDFW recommends replacing native trees at least a 3:1 ratio with a combination of native trees and/or appropriate understory and lower canopy plantings. In addition, with removal of trees on site, 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.
- 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](#) (*Agrilus auroguttatus*) (Phytosphere Research 2012; TCD 2020; UCANR 2020; UCIPM 2013). This could result in expediting the loss of native trees and woodlands. 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.

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.

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- 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 DRP 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 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 and Impact Analysis. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts, as referred in General Comment 6. 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 (CDFWb 2020).
 - b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities](#) (CDFW 2018);

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- c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should also be used to inform this mapping and assessment (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 Data Base (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that [CNDDDB Field Survey Forms](#) be completed and submitted to CNDDDB to document survey results (CDFWd 2020).
 - 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 & Game Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
 - f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 4) 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; and,
 - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 5) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or State-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if the Project, Project construction, or any Project-related activity

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during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

- 6) Biological Direct, Indirect, and Cumulative Impacts. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:
- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - b) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & Game Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
 - c) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - d) 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.
- 7) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site

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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) Moving out of Harm's Way. The proposed Project may result in impacting natural habitats on and/or adjacent to the Project site that may support species of wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the DRP in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at (562) 430-0098 or by email at Felicia.Silva@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
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