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Feb 02 2021

STATE CLEARINGHOUSE

February 2, 2021

Tina Fung
Los Angeles County Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
TFung@planning.lacounty.gov

Subject: Notice of Preparation of a Program Environmental Impact Report for the County of Los Angeles Housing Element Update, SCH #2021010016, Los Angeles County Department of Regional Planning, Los Angeles County

Dear Ms. Fung:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) from the Los Angeles County Department of Regional Planning (County; Lead Agency) for the Los Angeles Housing Element Update (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; 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 update the Housing Element of Los Angeles County's General Plan for the 2021 through 2029 planning period. The Housing Element serves as a policy guide to address the housing needs of the unincorporated areas of Los Angeles County. The primary focus of the Housing Element is to ensure decent, safe, sanitary, and affordable housing for current and future residents of the unincorporated areas, including those with special needs. The County is required to ensure the availability of residential sites in the unincorporated areas to accommodate its share of the Regional Housing Needs Assessment (RHNA) allocation. The RHNA allocation for the County for the 2021–2029 planning period is approximately 90,000 units. As required by State law, the Housing Element must identify the County's ability to accommodate this estimated growth through available sites and appropriate land use and zoning.

The Project will consist of the following main components:

- Adequate Sites Inventory: The Project would include an Adequate Sites Inventory to demonstrate that there are enough sites within the unincorporated areas to accommodate the RHNA allocation. Sites must meet several criteria, including residential zoning of a certain density, a minimum lot size, and that the site must be either vacant or underutilized. If a local jurisdiction cannot demonstrate that there are enough sites to address the RHNA allocation, the local jurisdiction is required to develop a rezoning program. The Project would include a rezoning program. The rezoning program aims to focus growth and density increase in the unincorporated areas. These areas would also include access to services and infrastructure outside of the County's environmentally sensitive and hazardous areas.

- Constraints and Barriers: The Project would include identification and analysis of potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for people with disabilities. At a minimum, the analysis will address the following: codes and enforcement; on- and off-site improvement standards; constraints for people with disabilities; fees and exactions; land use controls; non-governmental constraints; and processing and permitting procedures.

Location: The Project is located within the unincorporated areas of Los Angeles County.

Comments and Recommendations

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

Specific Comments

1) Adequate Sites Inventory. Consistent with the State's 2030 Natural and Working Lands Climate Change Implementation Plan, CDFW recommends the County maximize development where it already exists in order to protect natural habitat from conversion to

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more intensified uses (CalEPA 2019). CDFW recommends the County consider the Project's potential impacts on the following areas where/if present within the Project boundary:

a) Conservation easements or mitigation lands;
b) U.S. Fish and Wildlife Service Threatened & Endangered Species Active Critical Habitat (USFWS 2020);
c) Los Angeles County Significant Ecological Areas (SEAs);
d) Sensitive Natural Communities, including (but not limited to) California walnut groves (*Juglans californica* Alliance), Coast live oak woodland (*Quercus agrifolia* Alliance), Canyon live oak forest (*Quercus chrysolepis* Alliance), and California bay forest (*Umbellularia californica* Alliance); and,
e) Aquatic and riparian resources including (but not limited to) rivers, channels, streams, wetlands, and vernal pools, and associated natural plant communities.

CDFW recommends the County avoid sites that may have a direct or indirect impact on conservation easements or lands set aside as mitigation. CDFW recommends the PEIR include measures where future housing development facilitated by the Project mitigate (avoid if feasible) for impacts on biological resources occurring within SEAs and critical habitat. CDFW also recommends that future development projects mitigate for impacts on sensitive natural communities and aquatic and riparian resource.

2) Impacts on Wildlife Corridors and Wildlife. The South Coast Missing Linkages Project is an inter-agency effort to identify and conserve the highest-priority linkages in the south coast ecoregion (SCW 2017). Based on review Figure 1 in the NOP, the County's unincorporated areas may overlap with wildlife corridors and linkages identified by the South Coast Missing Linkages Project. CDFW is concerned that the Project would impact wildlife corridors. Additionally, development occurring adjacent to natural habitat areas such as wildlife corridors could have direct or indirect impacts on wildlife. Impacts could result from increased human presence, traffic, noise, and artificial lighting. Increased human-wildlife interactions could lead to injury or mortality of wildlife. For instance, as human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety.

   CDFW recommends the PEIR include measures where future housing development facilitated by the Project thoroughly analyze whether the project may impact wildlife corridors. Impacts include habitat loss and fragmentation, narrowing of a wildlife corridor, and introduction of barriers to wildlife movement. Additionally, CDFW recommends future development projects thoroughly analyze whether the project may have direct and indirect impacts wildlife resulting from increased human presence, traffic, noise, and artificial lighting.

3) Biological Resources Survey. CDFW recommends the PEIR include measures where future housing development facilitated by the Project provides a project-level biological resources survey [see General Comments #3 (Biological Baseline Assessment)]. A biological resources survey should include identification and delineation of any rivers, streams, and lakes and their associated natural plant communities/habitats. This includes any culverts,

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ditches, storm channels that may transport water, sediment, pollutants, and discharge into rivers, streams, and lakes.

4) Nesting Birds. CDFW recommends the PEIR include measures where future housing development facilitated by the Project avoids potential impacts to nesting birds. 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.

   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 impacts to nesting birds and raptors. 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 PEIR include measures where future housing development facilitated by the Project mitigates 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.

5) Loss of Bird and Raptor Nesting Habitat. The biggest threat to birds is habitat loss and conversion of natural vegetation into another land use such as development (e.g., commercial, residential, industrial). In the greater Los Angeles, urban forests and street trees, both native and some non-native species, provide habitat for a high diversity of birds (Wood and Esaian 2020). Some species of raptors have adapted to and exploited urban areas for breeding and nesting (Cooper et al. 2020). For example, raptors (*Accipitridae*, *Falconidae*) such as red-tailed hawks (*Buteo jamaicensis*) and Cooper's hawks (*Accipiter cooperii*) can nest successfully in urban sites.

   a) CDFW recommends the PEIR provide measures where future housing development facilitated by the Project avoids removal of any native trees, large and dense-canopied native and non-native trees, and trees occurring in high density (Wood and Esaian 2020). CDFW also recommends avoiding impacts to understory vegetation (e.g., ground cover, subshrubs, and shrubs).

   b) If impacts to trees cannot be avoided, trees should be replaced to compensate for the

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temporal or permanent loss habitat within a 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. Replacement habitat acres should further increase with the occurrence of a CESA-listed threatened or endangered species.

c) CDFW recommends planting native tree species preferred by birds. This includes coast live oak (*Quercus agrifolia*) and California sycamore (*Platanus racemosa*) (Wood and Esaian 2020). CDFW recommends Audubon Society's Plants for Birds for more information (Audubon Society 2020).

6) 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. Accordingly, CDFW recommends the PEIR provide measures where future housing development facilitated by the Project avoids potential impacts to bats.

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 a project-level biological resources survey 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, a project-level environmental document should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].

General Comments

1) Disclosure. An environmental document 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 document 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

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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 County 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. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to a project site and where a 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 a 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. An environmental document 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)]. An environmental document should include measures to fully avoid and otherwise protect Sensitive Natural Communities from project-related impacts. 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, and S3 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 2020a);

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 a project site and within the neighboring vicinity. The Manual

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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 project activities could lead to direct or indirect impacts off site. 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 a project. CDFW's California Natural Diversity Database (CNDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2020b). An assessment should include a nine-quadrangle search of the CNDDB to determine a list of species potentially present at a project site. A lack of records in the CNDDB 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 a 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 2020c). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the U.S. Fish and Wildlife Service; 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 a 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 CNDDB Field Survey Forms (CDFW 2020e). The County should ensure data collected for the preparation of any Project-related environmental document be 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

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biological resources, with specific measures to offset such impacts. The PEIR should address the following:

a) A discussion regarding Project-related indirect 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 PEIR;

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 potential water extraction activities 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 PEIR; 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 County determines that the Project would not have a cumulative impact, the environmental document should indicate why the cumulative impact is not significant. The County's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].

6) <u>Project Description and Alternatives</u>. 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 PEIR:

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

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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 the County 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 County 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 County 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) 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 CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity 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

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requirements for a CESA ITP.

8) Jurisdictional Waters. 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*.

   a) CDFW's issuance of a Lake and Streambed Alteration (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 document 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 environmental 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. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA Notification (CDFW 2020d).

   b) In the event the project area may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the environmental document. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW (Cowardin et al. 1970). 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) In project 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.

   d) Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the environmental document.

   e) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the environmental document evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.

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

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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, a 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 an environmental document 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).

10) 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.

11) Compensatory Mitigation. An environmental document 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-related 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

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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.

12) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an environmental document 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.

Conclusion

We appreciate the opportunity to comment on the NOP for the County of Los Angeles Housing Element Update to assist the Los Angeles County Department of Regional Planning 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:
Erinn Wilson-Olgin
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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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References

Audubon Society. 2020. Plants for Birds. Available from: https://www.audubon.org/PLANTSFORBIRDS

[CDFWa] California Department of Fish and Wildlife. 2020. Natural Communities. Accessed at: https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities.

[CDFWb] California Department of Fish and Wildlife. 2020. California Natural Diversity Database. Available from: https://wildlife.ca.gov/Data/CNDDB

[CDFWc] California Department of Fish and Wildlife. 2020. Survey and Monitoring Protocols and Guidelines. Available from: https://wildlife.ca.gov/conservation/survey-protocols

[CDFWd] California Department of Fish and Wildlife. 2020. Lake and Streambed Alteration Program. Available from: https://wildlife.ca.gov/Conservation/LSA.

[CDFWe] California Department of Fish and Wildlife. 2020. Submitting Data to the CNDDB. Available from: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data

[CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Accessed at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline.

[CDFW] California Department of Fish and Wildlife. 2013. CDFW Departmental Bulletin. Human/Wildlife Interactions in California: Mountain Lion Depredation, Public Safety, and Animal Welfare. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68271&inline

[CalEPA] California Environmental Protection Agency, California Natural Resources Agency, California Department of Food and Agriculture, California Air Resources Board, and California Strategic Growth Council. 2019. January 2019 Draft: CA 2030 NWL Climate Change Implementation Plan. Available from: https://ww3.arb.ca.gov/cc/natandworkinglands/draft-nwl-ip-040419.pdf

[CFGC] California Fish and Game Commission. 2020. Policies. Retention of Wetland Acreage and Habitat Values. Accessed: https://fgc.ca.gov/About/Policies/Miscellaneous.

[CNPS] California Native Plant Society. 2020. Rare Plant ranks. Available from: https://www.cnps.org/rare-plants/cnps-rare-plant-ranks.

Cooper D.S., Yeh, P.J., and D.T. Blumstein. 2020. Tolerance and avoidance of urban cover in a southern California suburban raptor community over five decades. Urban Ecosystems. doi.org/10.1007/s11252-020-01035-w

Cowardin, Lewis M., et al. 1970. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2009. A Manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.

[SCW] SC Wildlands. 2017. Projects, South Coast Missing Linkages. Available from: http://www.scwildlands.org/

[USFWS] U.S. Fish and Wildlife Service. 2020. USFWS Threatened & Endangered Species Active Critical Habitat Report. Online Mapper. Available from: https://ecos.fws.gov/ecp/report/table/critical-habitat.html

Wood, E.M. and S. Esaian. 2020. The importance of street trees to urban avifauna. Ecological Applications 30(7): e02149.