



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**Feb 09 2021**

February 9, 2021

## STATE CLEARINGHOUSE

Jui Ing Chien  
County of Los Angeles Department of Parks and Recreation  
1000 S. Fremont Ave., Unit #40  
Alhambra, CA 91803  
[JChien@parks.lacounty.gov](mailto:JChien@parks.lacounty.gov)

**Subject: Comments on the Various Park Improvements at Stephen Sorensen Park, Mitigated Negative Declaration, SCH #2021010124, County of Los Angeles Department of Parks and Recreation, Los Angeles County**

Dear Ms. Chien:

The California Department of Fish and Wildlife (CDFW) has reviewed the Various Park Improvements at Stephen Sorensen Park (Project) from the County of Los Angeles Department of Parks and Recreation (County; Lead Agency). The Project's supporting documentation includes a *Biological Technical Report* (BTR).

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", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish

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& Game Code, §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

### **Project Description and Summary**

**Objective:** The County proposes to develop various new park amenities at Stephen Sorensen Park. The Project site consists of three non-contiguous areas (Areas 1, 2, and 3). The Project includes a skate park of approximately 25,000 square feet in size (Area 1), a shade structure for existing playground measuring 1,800 square feet (Area 2), a gazebo measuring 2,500 square feet, a concrete slab with fitness zone and shade structure measuring 1,600 square feet (Area 3), and associated Americans with Disabilities Act (ADA) improvements. Areas 2 and 3 are located within the existing park area. Construction of the proposed skate park (Area 1) would increase total useable park space by approximately 0.57 acres.

**Location:** The proposed Project is located in the unincorporated community of Lake Los Angeles, approximately 15 miles east of Palmdale. The Project site is within the existing Stephen Sorensen Park located at 16801 East Avenue P. The Stephen Sorensen Park shares the parcel with Tameobit Wildlife Sanctuary on a 100-acre lot, which is owned by 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.

#### **Comment #1: Swainson's Hawk (*Buteo swainsoni*)**

**Issue:** According to eBird (March 15, 2020), there is a record of the Swainson's hawk (*Buteo swainsoni*), a species classified as threatened under CESA, identified in flight from Stephen Sorensen Park. Swainson's hawk are also regularly observed foraging throughout the Palmdale and Lancaster area.

**Specific impacts:** The Project may potentially result in the loss of foraging and nesting habitat for a CESA-listed raptor species.

**Why impact would occur:** Ground clearing and construction activities may potentially result in the loss of foraging and nesting habitat for listed raptor species.

**Evidence impact would be significant:** Consistent with CEQA Guidelines, Section 15380, the status of the Swainson's hawk as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20<sup>th</sup> century, Bloom (1980) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016). CDFW considers a Swainson's hawk nest site to be active if it was used at least once

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within the past five years and impacts to suitable habitat or individual birds within a five-mile radius of an active nest as significant. Based on the foregoing, Project impacts would potentially reduce the number and/or restrict the range of Swainson's hawk or contribute to the abandonment of an active nest and/or the loss of significant foraging habitat for a given nest territory and thus result in "take" as defined under CESA.

### **Recommended Potentially Feasible Mitigation Measure(s)**

**Mitigation Measure #1:** CDFW released guidance for this species entitled [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California](#) (2010a). CDFW recommends conducting focused surveys for Swainson's hawk following the 2010 guidance and disclosing the results in the Project's environmental documentation.

**Mitigation Measure #2:** If "take" of Swainson's hawk would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP))] would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.

**Mitigation Measure #3:** CDFW recommends that permanent impacts to foraging habitat for Swainson's hawk be offset by purchasing credits at a CDFW-approved bank based on acreage of impact and vegetation composition.

### **Comment #2: Fully Protected Species – Peregrine Falcon (*Falco peregrinus*)**

**Issue:** According to eBird (January 9, 2021), there is a record of the American peregrine falcon (*Falco peregrinus anatum*), a species classified as fully protected under CDFW, sighted on the Project site.

**Specific impacts:** Direct impacts in the form of habitat loss and indirect impacts in the form of construction noise and ground vibrations may occur and remove potential foraging habitat for a fully protected species.

**Why impact would occur:** Project disturbance activities could result in temporary or permanent loss of suitable foraging habitats. In addition, construction during the breeding season of nesting birds could result in the incidental loss of breeding success or otherwise lead to nest abandonment on site and around the Project vicinity, which may be considered take of a fully protected species.

**Evidence impact would be significant:** Species designated under Fish and Game code as Fully Protected may not be taken or possessed at any time and no licenses or permits may be issued for their take (Fish & G. Code §§ 3511, 4700, 5050, and 5515). Fully protected status precludes CDFW from authorizing any amount of incidental take or intentional take to meet any project mitigation requirement. Given the legal status of fully protected animals, take avoidance measures should meet very high standards of effectiveness, substantially greater than the measures to minimize take required under Incidental Take Permits.

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### **Recommended Potentially Feasible Mitigation Measure(s)**

**Mitigation Measure #1:** CDFW recommends surveying the entire Project site and at least 500 feet surrounding the Project vicinity, if feasible. This survey should determine the potential distribution of fully protected species and assure that “take” will be avoided during Project construction activities.

**Recommendation #2:** CDFW recommends the environmental document include measures to preclude “take” on the Project site during operations and from the increase in temporary traffic and human presence in relation to construction. The environmental document should view the potential “take” as a result of habitat modification. If a development project’s modification of occupied habitat causes mortality of individuals, then the development project will be considered the cause of the take. Therefore, to avoid take, construction and operation activities should avoid all raptors by a distance of no less than the distance that the specific species are known or expected to travel within their home range, based on telemetry, mark-recapture, or other data.

### **Comment #3: Impacts to Burrowing Owl (*Athene cunicularia*)**

**Issue:** The BTR states that burrowing owl (*Athene cunicularia*) has a low potential to occur on site “because limited or marginal habitat for the species occurs within the Project site”. In addition, only one general biological survey was conducted in November 2019. There is no indication that a recent species-specific survey was conducted.

**Specific impact:** Identification of potential for burrowing owls during non-winter months, including the nesting season, may be missed. A species-specific survey would determine if burrowing owls and wintering habitat occur in other areas in or adjacent to the Project site. Therefore, the Project may result in direct and indirect burrowing owl mortality or injury; disruption of natural burrowing owl breeding behavior; and loss of breeding, wintering and foraging habitat for the species. In addition, burrowing owl survey protocols require multiple surveys to be conducted during the breeding season to determine if, when, and how the site is used by burrowing owls. Burrowing owl nesting season begins as early as February 1 and continues through August 31.

Project impacts may contribute to statewide population declines for burrowing owl. Within the Antelope Valley, the species persists in low densities and continues to experience significant direct and cumulative habitat loss.

**Why impact would occur:** Burrowing owls have been known to use highly degraded and marginal habitat where existing burrows or stem pipes are available. Nest and roost burrows of the burrowing owl are most commonly dug by ground squirrels, but they have also been known to use a variety of other species dens or holes (Gervais, J.A., Rosenberg, D.K., & Comrack, L.A., 2008). Impacts to burrowing owl could result from vegetation clearing and other ground disturbing activities. Project disturbance activities may result in crushing or filling of active owl burrows, causing the death or injury of adults, eggs, and young. In addition, the Project may remove burrowing owl foraging habitat by eliminating vegetation that supports essential rodent, insect, and reptile that are prey for burrowing owl. Rodent control activities could result in direct and secondary poisoning of burrowing owl ingesting treated rodents.

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**Evidence impact would be significant:** Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86 and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Without appropriate take avoidance surveys prior to Project operations including, but not limited to, ground and vegetation disturbing activities and rodent control activities, adverse impacts to burrowing owl may occur because species presence/absence has not been verified. In addition, burrowing owl qualifies for enhanced consideration afforded to species under CEQA, which can be shown to meet the criteria for listing as endangered, rare or threatened (CEQA Guidelines, § 15380(d)).

In addition, insufficient survey efforts for burrowing owl may conclude false negative results, which would not require avoidance and mitigation measure implementation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

#### **Recommended Potentially Feasible Mitigation Measure(s)**

**Mitigation Measure #1:** To reduce impacts to burrowing owl, CDFW recommends that the Project adhere to CDFW’s March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012). All survey efforts should be conducted prior to any Project activities that could result in habitat disturbance to soil, vegetation or other sheltering habitat for burrowing owl. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.

**Mitigation Measure #2:** Any permanent impacts to identified occupied owl burrows and adjacent foraging habitat should be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate non-wasting endowment to provide for the long-term management of mitigation lands. In the event of the presence of burrowing owls on site, CDFW recommends that the County require a burrowing owl mitigation plan be submitted to CDFW for review and comment prior to Project implementation.

**Mitigation Measure #3:** For proposed preservation and/or restoration, the final environmental document should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts (see Comment #1, Swainson’s Hawk Mitigation Measure #3).

**Mitigation Measure #4:** Project use of rodenticides that could result in direct or secondary poisoning to burrowing owl should be avoided.

#### **Comment #4: Impacts to Streams and Riparian Habitat**

**Issue:** BIO-3 in the Initial Study states, “Mitigation can include onsite or offsite options or could include payment of an in-lieu fee to a conservation organization. Types of mitigation can include

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restoration, creation, rehabilitation, enhancement or other types of habitat improvement". CDFW is concerned that the Project's mitigation measure BIO-3 as it is currently proposed is inadequate to mitigate for impacts to streams and associated habitat.

**Specific impacts:** The Project activities may result in impacts to 183 linear feet of ephemeral drainages and 0.41 acres of associated vegetation. The Project's proposed mitigation may result in temporal or permanent loss of streams and associated habitat.

**Why impacts would occur:** Ground disturbing activities from grading and filling or water diversions would physically remove or otherwise alter existing streams or their function and associated habitat on the Project site. The Project's construction may temporarily or permanently impact 183 linear feet of ephemeral drainages and 0.41 acres of associated tamarisk thickets and Fremont cottonwood (*Populus fremontii*) forest. Biological resources downstream and beyond the Project development footprint may also be impacted by Project related releases of sediment and altered watershed effects.

**Evidence impacts would be significant:** Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

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

The Project may substantially adversely affect the existing hydrology pattern of the Project site. This may occur through the alteration or diversion of ephemeral streams, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project. In addition, associated riparian plant communities are present within the Project site. Accordingly, impacts to sensitive or rare riparian plant communities may occur.

Also, the Project has proposed payment of in-lieu fees as possible mitigation. It is unclear how or when in-lieu fees would be applied to appropriately mitigate for impacts to streams and riparian plant communities. Therefore, the Project may result in prolonged temporal or permanent loss of streams and riparian habitat.

### **Recommended Potentially Feasible Mitigation Measure(s)**

**Mitigation Measure #1:** CDFW has concluded that the Project would result in the alteration of streams. As such, CDFW concurs with the Project's proposal to notify CDFW pursuant under Fish and Game Code, section 1600 et seq. The Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020a).

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**Mitigation Measure #2:** CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering streams within the Project site may impact headwater streams where there is hydrologic connectivity. The hydrology report should also include a scour analysis to demonstrate that stream banks and streambed would not erode as a result of impacts within the Project site. Also, CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

**Recommendation #1:** CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the County for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

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

#### **Comment #5: Impacts to Special Status Plant Species**

**Issue:** The BTR identifies a number of sensitive plant species that are presumed absent on site. CDFW is concerned that some of these species have potential to occur on site but would be missed due to the timing and unfocused nature of the survey conducted in November 2019. These species include the Parish's popcorn flower (*Plagiobothrys parishii*), pigmy poppy (*Canbya candida*), Peirson's morning-glory (*Calystegia peirsonii*), and alkali mariposa lily (*Calochortus striatus*).

**Specific impact:** The survey methodology used to identify these rare plants for the Project has the potential to miss any that may occur on the Project site. In addition, the Project may cause immediate species injury or death, habitat fragmentation, alteration of soil chemical and physical makeup, increased competition with exotic invasive weeds, and reduced photosynthesis and reproductive capacity. This may result in native plant population declines or local extirpation of special status plant species. The effects of these impacts would be permanent or occur over several years.

**Why impact would occur:** Project implementation includes grading, construction, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species. In addition, the timing of general biological reconnaissance surveys was outside of the blooming period for all sensitive species listed in the BTR (Jepson eFlora).

**Evidence impact would be significant:** Impacts to rare plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to this sensitive plant association will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a

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candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

### **Recommended Potentially Feasible Mitigation Measure(s)**

**Mitigation Measure #1:** CDFW recommends conducting focused surveys for Parish's popcorn flower (*Plagiobothrys parishii*), pigmy poppy (*Canbya candida*), Peirson's morning-glory (*Calystegia peirsonii*), and alkali mariposa lily (*Calochortus striatus*). The survey should be conducted on site and in the surrounding 200-ft buffer, the results should be disclosed in the CEQA document. Based on the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018), a qualified biologist should "conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting." The final CEQA documentation should provide a thorough discussion on the extent of sensitive species and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

**Mitigation Measure #2:** CDFW recommends avoiding any rare and sensitive plants found on the Project site. If avoidance is not feasible, replacement ratios for mitigation should be implemented. Replacement ratios are for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

**Recommendation #1:** In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the [Manual of California Vegetation](#) (Sawyer 2008). To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

### **Additional Recommendations**

#### **Recommendation #1: Nesting Birds**

The Project's Mitigation Measure BIO-3 Pre-construction Nesting Bird Survey, as it is currently proposed, does not include an accurate breeding and nesting season of raptors even though the Project site supports multiple raptor species. Primarily, CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying Mitigation Measure BIO-3 by expanding the time period for bird and raptor nesting from February through August to January 1 through August 31. If the Project occurs between January 1 through August 31, a nesting bird and raptor survey should be conducted prior to any

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ground-disturbing activities (e.g., staging, mobilization, excavation, grading) as well as prior to any vegetation removal within the Project site.

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

### **Recommendation #2: Entrapment**

The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc. CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.

### **Recommendation #3: Salvage of Wildlife**

CDFW recommends a biological monitor be present before and during grubbing and grading operations to salvage wildlife species that may be killed or injured by heavy equipment. Many wildlife species will utilize fossorial mammal den sites. Such den sites should be inspected and not disturbed until confirmed unoccupied. Salvaged wildlife of low mobility should be removed and placed onto adjacent habitat out of harm's way. Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

### **Recommendation #4: Scientific Collecting Permit**

If the Project may require wildlife to be moved out of harm's way (see Recommendation #3 above) by capture, handling, and relocation of any kind, a Scientific Collection Permit will be required. Pursuant to the [California Code of Regulations, title 14, section 650](#), the County/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. Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2020b). An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #4: Impacts to Streams and Riparian Habitat).

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

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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).

### **Filing Fees**

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

### **Conclusion**

We appreciate the opportunity to comment on the Project to assist the County in adequately analyzing and minimizing/mitigating impacts to biological resources. Please consider incorporating the attached Biological Mitigation Measure and Recommendation Table into a future environmental document for the Project. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

cc: CDFW

Victoria Tang, Los Alamitos – [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)  
Felicia Silva, Los Alamitos – [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)  
Andrew Valand, Los Alamitos – [Andrew.Valand@wildlife.ca.gov](mailto:Andrew.Valand@wildlife.ca.gov)  
Ruby Kwan-Davis, Los Alamitos – [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)  
Frederic Rieman, Fillmore – [Frederic.Rieman@wildlife.ca.gov](mailto:Frederic.Rieman@wildlife.ca.gov)  
Susan Howell, San Diego – [Susan.Howell@wildlife.ca.gov](mailto:Susan.Howell@wildlife.ca.gov)  
CEQA Program Coordinator, Sacramento – [CEQA@wildlife.ca.gov](mailto:CEQA@wildlife.ca.gov)

State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 South Coast Region  
 3883 Ruffin Road  
 San Diego, CA 92123  
 (858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

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CDFW recommends the following language to be incorporated into a future environmental document for the Project.

<b>Biological Resources</b>			
	<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1-Swainson's Hawk</b>	CDFW released guidance for this species entitled <i>Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California</i> (2010). Focused surveys shall be conducted for Swainson's hawk following the 2010 guidance and disclosing the results in the Project's environmental documentation.	Prior to Construction	County of Los Angeles Department of Parks and Recreation
<b>MM-BIO-2-Swainson's Hawk</b>	If "take" of Swainson's hawk would occur from Project construction or operation, CESA authorization [(i.e., incidental take permit (ITP))] would be required for the Project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to state-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of state-listed species.	Prior to Construction	County of Los Angeles Department of Parks and Recreation
<b>MM-BIO-3-Swainson's Hawk</b>	Permanent impacts to foraging habitat for Swainson's hawk shall be offset by purchasing credits at a CDFW-approved bank based on acreage of impact and vegetation composition.	Prior to Construction	County of Los Angeles Department of Parks and Recreation

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<b>MM-BIO-4-Fully Protected Species</b>	The entire Project site and at least 500 feet surrounding the Project vicinity shall be surveyed. This survey shall determine the potential distribution of fully protected species and assure that “take” will be avoided during development project construction.	Prior to Construction	County of Los Angeles Department of Parks and Recreation
<b>MM-BIO-5-Burrowing Owl</b>	To reduce impacts to burrowing owl, the Project shall adhere to CDFW’s March 7, 2012, <a href="#">Staff Report on Burrowing Owl Mitigation</a> (CDFW 2012). All survey efforts shall be conducted prior to any Project activities that could result in habitat disturbance to soil, vegetation or other sheltering habitat for burrowing owl. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.	Prior to Construction	County of Los Angeles Department of Parks and Recreation
<b>MM-BIO-6-Burrowing Owl</b>	Permanent impacts to occupied owl burrows and adjacent foraging habitat shall be offset by setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which shall include an appropriate non-wasting endowment to provide for the long-term management of mitigation lands. The County shall require a burrowing owl mitigation plan be submitted to CDFW for review and comment prior to Project implementation.	Prior to Construction	County of Los Angeles Department of Parks and Recreation
<b>MM-BIO-7-Burrowing Owl</b>	For proposed preservation and/or restoration, the final environmental document shall include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. The objective shall be to offset the Project-induced qualitative and	Prior to Construction	County of Los Angeles Department of Parks and Recreation

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	quantitative losses of wildlife habitat values. Issues that shall 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 shall be provided for the long-term monitoring and management of mitigation lands. Mitigation shall occur at a state-approved bank or via an entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), 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.		
<b>MM-BIO-8-Burrowing Owl</b>	Project use of rodenticides that could result in direct or secondary poisoning to burrowing owl shall be avoided.	During Construction	County of Los Angeles Department of Parks and Recreation
<b>MM-BIO-9-Impacts to streams and riparian habitat</b>	CDFW concurs with the Project's proposal to notify CDFW pursuant under Fish and Game Code, section 1600 et seq. The Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities.	Prior to Construction	County of Los Angeles Department of Parks and Recreation

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	Please visit CDFW's <a href="#">Lake and Streambed Alteration Program</a> webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020a).		
<b>MM-BIO-10-Impacts to streams and riparian habitat</b>	The LSA Notification will include a hydrology report to evaluate whether altering streams within the Project site may impact headwater streams where there is hydrologic connectivity. The hydrology report shall also include a scour analysis to demonstrate that stream banks and streambed would not erode as a result of impacts within the Project site. The Notification will also include a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.		County of Los Angeles Department of Parks and Recreation
<b>MM-BIO-11-Impacts to special status plants</b>	Focused surveys shall be conducted for Parish's popcorn flower ( <i>Plagiobothrys parishii</i> ), pigmy poppy ( <i>Canbya candida</i> ), Peirson's morning-glory ( <i>Calystegia peirsonii</i> ), and alkali mariposa lily ( <i>Calochortus striatus</i> ) on-site and in the surrounding 200-ft buffer. Results will be disclosed in the CEQA document. Based on the <a href="#">Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</a> (CDFW, 2018), a qualified biologist shall "conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting." The final CEQA documentation will provide a thorough discussion on the extent of sensitive species and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.	Prior to Construction	County of Los Angeles Department of Parks and Recreation

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<p><b>MM-BIO-12- Impacts to special status plants</b></p>	<p>Any rare and sensitive plants found on the Project site shall be avoided. If avoidance is not feasible, appropriate replacement ratios for mitigation shall be implemented. Replacement ratios are for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan shall include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation shall have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).</p>	<p>During Construction</p>	<p>County of Los Angeles        Department of Parks and Recreation</p>
<p><b>Recommendations</b></p>			
<p><b>Recommendation-1</b></p>	<p>CDFW recommends the environmental document include measures to preclude “take” on the Project site during operations and from the increase in temporary traffic and human presence in relation to construction. The environmental document should view the potential “take” as a result of habitat modification. If a development project’s modification of occupied habitat causes mortality of individuals, then the development project will be considered the cause of the take. Therefore, to avoid take, construction and operation activities should avoid all raptors by a distance of no less than the distance that the specific species are known or expected to travel within their home range, based on telemetry, mark-recapture, or other data.</p>	<p>Prior to Construction</p>	<p>County of Los Angeles        Department of Parks and Recreation</p>

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<p><b>Recommendation-2</b></p>	<p>CDFW’s issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the County for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p> <p>To compensate for any on- and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.</p>	<p>Prior to Construction</p>	<p>County of Los Angeles                  Department of Parks and Recreation</p>
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<b>Recommendation-3</b>	<p>In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish &amp; Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the <a href="#">Manual of California Vegetation</a> (Sawyer 2008). To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.</p>	Prior to Construction	County of Los Angeles Department of Parks and Recreation
<b>Recommendation-4</b>	<p>The Project's Mitigation Measure BIO-3 Pre-construction Nesting Bird Survey, as it is currently proposed, does not include an accurate breeding and nesting season of raptors even though the Project site supports multiple raptor species. Primarily, CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying Mitigation Measure BIO-3 by expanding the time period for bird and raptor nesting from February through August to January 1 through August 31. If the Project occurs between January 1 through August 31, a nesting bird and raptor survey should be conducted prior to any ground-disturbing activities (e.g., staging, mobilization, excavation, grading) as well as prior to any vegetation removal within the Project site.</p> <p>It shall be noted that the temporary halt of Project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.</p>	Prior to Construction	County of Los Angeles Department of Parks and Recreation

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	<p>Additional mitigation would be necessary to compensate for the removal of nesting habitat within the Project site based on acreage of impact and vegetation composition. CDFW shall be consulted to determine proper mitigation for impacts to occupied habitat depending on the status of the bird species. Mitigation ratios would increase with the occurrence a California Species of Special Concern and would further increase with the occurrence of a CESA-listed species.</p>		
<p><b>Recommendation-5</b></p>	<p>The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc. CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.</p>	<p>Prior to Construction</p>	<p>County of Los Angeles                  Department of Parks and Recreation</p>

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<b>Recommendation-6</b>	<p>CDFW recommends a biological monitor be present before and during grubbing and grading operations to salvage wildlife species that may be killed or injured by heavy equipment. Many wildlife species will utilize fossorial mammal den sites. Such den sites should be inspected and not disturbed until confirmed unoccupied. Salvaged wildlife of low mobility should be removed and placed onto adjacent habitat out of harm's way. Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.</p>	Prior to Construction	County of Los Angeles Department of Parks and Recreation
<b>Recommendation-7</b>	<p>If the Project may require wildlife to be moved out of harm's way by capture, handling, and relocation of any kind, a Scientific Collection Permit will be required. Pursuant to the <a href="#">California Code of Regulations, title 14, section 650</a>, the County/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. Please visit CDFW's <a href="#">Scientific Collection Permits</a> webpage for information (CDFW 2020b). An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement (see Comment #4: Impacts to Streams and Riparian Habitat).</p> <p>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 &amp; G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit</p>	Prior to Construction	County of Los Angeles Department of Parks and Recreation

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	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).		
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