



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

April 27, 2021

Apr 27 2021

Clare Kelley
City of Los Angeles
200 N. Spring St, Room 667
Los Angeles, CA 90012
Clare.Kelley@lacity.org

STATE CLEARINGHOUSE

Subject: Notice of Preparation of a Draft Environmental Impact Report for Updates to the Cornfield Arroyo Seco Specific Plan, SCH #2021040206, City of Los Angeles, Los Angeles County

Dear Ms. Kelley:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Los Angeles (City; Lead Agency) for the Updates to the Cornfield Arroyo Seco Specific Plan (Project; CASP). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

Conserving California's Wildlife Since 1870

Clare Kelley
City of Los Angeles
April 27, 2021
Page 2 of 14

Project Description and Summary

Objective: The intent of the adopted CASP is to guide the transition of an underserved, vehicular-oriented industrial and public facility area into a cluster of mixed-use, pedestrian-oriented neighborhoods. Policies in the CASP support a range of housing options, new public spaces, opportunities for walking and bicycling, and the retention of land for existing industrial businesses and the clean technology businesses of the future. Among its numerous goals, a key priority of the CASP is to facilitate the production and continued provision of affordable housing for Extremely Low Income and Very Low-Income households. The City of Los Angeles is updating the CASP with the goal of further production of affordable and mixed-income housing in the Project Area. The proposed Project will entail updates to the CASP's zoning regulations, land use incentives, boundaries, and other key provisions to facilitate the production of housing, in a manner consistent with the underlying vision and purpose of the adopted CASP. The primary objectives of the Project will be to:

- Increase the production of affordable and mixed-income housing within the Project Area;
- Protect residents, especially low-income households, from indirect and direct displacement, and ensure stability of existing vulnerable communities;
- Design and regulate housing to promote health and well-being, increase access to amenities such as parks and public transit, contribute to a sense of place, foster community and belonging, and plan for a sustainable future;
- Build, operate, and maintain welcoming and accessible housing for people with unique needs, including those with disabilities, large families, older adults, and other people facing housing barriers and food insecurity;
- Refine CASP standards, processes, and procedures to be more intuitive and transparent, with the goal of enhancing development certainty for both market-rate and affordable developers; and
- Preserve employment areas that show a concentration of jobs, while supporting small and/or legacy businesses, local employment, new productive uses, and employment spaces, such as light industrial and general commercial uses.

Location: The Project location is a geographically contiguous, approximately 660-acre (1.0 square mile) area located within portions of the Central City North, Northeast Los Angeles, and Silver Lake-Echo Park-Elysian Valley Community Plan Areas. The Project area encompasses the Los Angeles State Historic Park, segments of the Los Angeles River and Arroyo Seco, segments of Interstate 5 and California State Route 110, and the Lincoln/Cypress Metro L Line station. The Project area is bordered by the neighborhoods of Chinatown to the west, Lincoln Heights to the east, and Cypress Park to the north.

Comments and Recommendations

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

Specific Comments

- 1) California Protected Areas. CDFW recommends the City consider the Project's potential

Clare Kelley
City of Los Angeles
April 27, 2021
Page 3 of 14

impacts on the following areas within or adjacent to the Project boundary: Arroyo Seco, Los Angeles River, Los Angeles State Historic Park, Confluence Park, Downey Playground and Recreation Center, Albion Riverside Park, and Elysian Park. All these areas are a part of the California Protected Areas Database (CPAD). The CPAD contains data on lands owned in fee by governments, non-profits, and some private entities that are protected for open space purposes. Data includes all such areas in California, from small urban parks to large national parks and forests (CPAD 2020).

CDFW recommends the City avoid development that may have an adverse direct or indirect impact on CPAD sites. CDFW recommends the DEIR include measures where any future development facilitated by the Project mitigate (avoid if feasible) for impacts on biological resources occurring within these CPAD sites, as well as mitigate for impacts on wildlife, sensitive natural communities, and aquatic and riparian resources. CDFW also recommends new development occur in areas that are not adjacent to CPAD sites, if feasible. CDFW recommends the City consider configuring Project construction and activities, as well as the development footprint to fully avoid impacts to areas, such as CPAD sites, that may provide habitat for wildlife (see General Comment #7.d). Lastly, CDFW recommends effective setbacks be established to where building adjacent to these sites is infeasible. The environmental document should provide a justification for the effectiveness of the chosen distance for the setback.

- 2) Jurisdictional Waters. Figure 2 of the NOP shows that the Los Angeles River and the Arroyo Seco flow through the Project area. 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 (CDFWa 2020).
 - 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.

Clare Kelley
City of Los Angeles
April 27, 2021
Page 4 of 14

- 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. The environmental document should provide a justification for the effectiveness of the chosen distance for the setback.
 - 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 200, 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.
- 3) Nesting Birds. CDFW recommends the DEIR include measures where future development facilitated by the Project avoids potential impacts to nesting birds. These avoidance measure should especially consider any development that may occur adjacent to parks and open space, such as the Los Angeles State Historic Park or Elysian Park. 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 September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
 - c) If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the DEIR include measures where future 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, if feasible. 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.

Clare Kelley
City of Los Angeles
April 27, 2021
Page 5 of 14

- 4) Loss of Bird and Raptor Nesting Habitat. The Project site has potential for nesting bird habitat in areas such as Los Angeles State Historic Park and in and around the Los Angeles River and Arroyo Seco. According to ebird, raptors such as the red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparverius*) have been recorded within the Project area. 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 and Cooper's hawks (*Accipiter cooperii*) can nest successfully in urban sites. Red-tailed hawks commonly nest in ornamental vegetation such as eucalyptus (Cooper et al. 2020).
- a) CDFW recommends the DEIR provide measures where future 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 trees protected by the City's Protected Tree Ordinance. CDFW also recommends avoiding impacts to understory vegetation (e.g., ground cover, subshrubs, shrubs, and trees).
 - b) If impacts to trees cannot be avoided, trees should be replaced to compensate for the 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 on selecting native plants and trees beneficial to birds (Audubon Society 2020).
- 5) Loss of Wading Bird Habitat. The Project proposes to increase housing production within the Project area. This increase in residences may increase human presence in and adjacent to the Los Angeles River or Arroyo Seco. This population increase could require the need for new infrastructure for recreational uses within or adjacent to the Los Angeles River or Arroyo Seco. It will be necessary to consider the impacts on wading bird habitat with any new development in or along the Los Angeles River or Arroyo Seco. Aerial photography indicates the presence of algal mats within the Los Angeles River. Any activity that may disturb or cover areas where algal mats form may prevent birds from utilizing the area for foraging. Algal mats along with other herbaceous vegetation might no longer persist in that portion of the river.

In these concrete-lined rivers, the resulting sheet-flows allow phytoplankton (algae and cyanobacteria), microorganisms, and herbaceous vegetation to establish. The algae provide habitat and a food source for benthic invertebrates, a vital food source for wading birds, such as black necked stilts (*Himantopus mexicanus*). In addition, wading birds, such as mallards (*Anas platyrhynchos*), also feed on herbaceous vegetation. Stilts and mallards are

Clare Kelley
City of Los Angeles
April 27, 2021
Page 6 of 14

just some of the wading birds that have been identified in this stretch of the Los Angeles River.

- a) Changes to hydrology through new infrastructure installation are reasonable potential direct and indirect physical changes in the environment. Changes in the occurrence, distribution, movement, and increases/reductions in water flow should be considered with new infrastructure installation. These changes and their potential impacts on biological resources should be analyzed and disclosed in an environmental document.
 - b) CDFW recommends the City include an analysis of potential impacts on biological resources within the river resulting from the Project. At a minimum, an analysis should include:
 - i. A map of plant communities and important bird foraging habitat occurring in the Project area, namely within the Los Angeles River. Plant communities should be mapped at the alliance/association level using the [Manual of California Vegetation](#), second edition (Sawyer et al. 2009). Also, CDFW recommends an updated and thorough floristic-based assessment of plant communities, following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018).
 - ii. A comprehensive list of sensitive and special status plant and wildlife species, and sensitive plant communities, occurring in the Los Angeles River and Arroyo Seco within the Project site. For each biological resource, provide:
 1. A summary of species-specific habitat requirements;
 2. A discussion as to how the species or plant community may be significantly impacted directly or indirectly through habitat modification, as result of changes to hydrology (reduced flow), hydraulics (water depth, wetted perimeter, velocity), and sunlight exposure (photosynthetic ability of plants and algae); and,
 3. A quantitative analysis and/or adequate discussion to evaluate whether the Project would result in those significant impacts.
 - iii. A discussion of whether construction, operations, and maintenance of any development within or adjacent to the river would have direct and/or indirect, permanent, or temporal impact on biological resources.
 - iv. An adequate discussion of Project-related impacts on biological resources in relation to cumulative changes to the hydrologic regime.
- 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 DEIR provide measures where future increases in development, such as in areas in and adjacent to the Los Angeles State Historic Park, Elysian Park, or other parks and open space, 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

Clare Kelley
City of Los Angeles
April 27, 2021
Page 7 of 14

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 other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). A public agency shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures (Pub. Resources Code, § 21081.6). CDFW recommends that the City prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented 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.

Clare Kelley
City of Los Angeles
April 27, 2021
Page 8 of 14

- 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. A Project-level 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, S3 and S4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (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 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 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](#) (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFWc 2020). An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
 - e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California

Clare Kelley
City of Los Angeles
April 27, 2021
Page 9 of 14

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 (CDFWd 2020). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the U.S. Fish and Wildlife Service;

- 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; and,
 - g) 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, ditches, storm channels that may transport water, sediment, pollutants, and discharge into rivers, streams, and lakes.
- 4) 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. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, Project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values" (CFGC 2005).
- 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

Clare Kelley
City of Los Angeles
April 27, 2021
Page 10 of 14

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 (CFGF 1994). 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).
- 5) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2020e). The City should ensure data collected at a Project-level has been properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 6) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The DEIR should address the following:
- a) A discussion regarding 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 DEIR;
 - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
 - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
 - d) A discussion on Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project sites. The discussion should also address the 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;

Clare Kelley
City of Los Angeles
April 27, 2021
Page 11 of 14

- e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the environmental document should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 7) 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;
 - b) CEQA Guidelines section 15126.6(a) states that an environmental document shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project. CEQA Guidelines section 15126.6(f)(2) states if the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include reasons in the environmental document; and,
 - c) A range of feasible alternatives to Project component location and design features to avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas. CDFW recommends the City consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and sensitive vegetation communities. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project and from any future development. As a general rule, CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the City consider alternatives that would fully avoid impacts to such resources. CDFW also recommends alternatives that would allow not impede, alter, or otherwise modify existing

Clare Kelley
City of Los Angeles
April 27, 2021
Page 12 of 14

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.

- 8) 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 requirements for a CESA ITP.
- 9) 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.
- 10) 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 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.
- 11) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration,

Clare Kelley
City of Los Angeles
April 27, 2021
Page 13 of 14

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 Updates to the Cornfield Arroyo Seco Specific Plan to assist the City of Los Angeles in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Los Alamitos – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov
Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
Andrew Valand, Los Alamitos – Andrew.Valand@wildlife.ca.gov
Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov
Frederic Reiman, Los Alamitos – Frederic.Reiman@wildlife.ca.gov
Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

References:

- Audubon Society. 2020. Plants for Birds. Available from:
<https://www.audubon.org/PLANTSFORBIRDS>
- [CDFWa] California Department of Fish and Wildlife. 2020. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.
- [CDFWb] California Department of Fish and Wildlife. 2020. Natural Communities. Accessed at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>.
- [CDFWc] California Department of Fish and Wildlife. 2020. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDb>
- [CDFWd] California Department of Fish and Wildlife. 2020. Survey and Monitoring Protocols and Guidelines. Available from: <https://wildlife.ca.gov/conservation/survey-protocols>

Clare Kelley
City of Los Angeles
April 27, 2021
Page 14 of 14

- [CDFWE] California Department of Fish and Wildlife. 2020. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/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>.
- [CFGCC] California Fish and Game Commission. 2005. Policies. Retention of Wetland Acreage and Habitat Values. Accessed: <https://fgc.ca.gov/About/Policies/Miscellaneous#Wetlands>.
- [CFGCC] California Fish and Game Commission. 1994. Policies. Miscellaneous: Water. Accessed: <https://fgc.ca.gov/About/Policies/Miscellaneous#Water>
- [CNPS] California Native Plant Society. 2020. Rare Plant ranks. Available from: <https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>.
- [CPAD] California Protected Areas Database (CPAD) – www.calands.org/cpad/ (December 2020)
- 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
- Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2009. A Manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.
- [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.