



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

November 19, 2021

**Nov 19 2021**

## STATE CLEARINGHOUSE

Mr. Gregg Lodan  
 City of Torrance  
 3031 Torrance Boulevard  
 Torrance, CA 90503  
[GLodan@torranceca.gov](mailto:GLodan@torranceca.gov)

### **Subject: Negative Declaration for the City of Torrance General Plan Housing Element Update (6<sup>th</sup> Cycle) Project, City of Torrance, Los Angeles County**

Dear Mr. Lodan:

The California Department of Fish and Wildlife (CDFW) has reviewed the Negative Declaration (ND) from the City of Torrance (City; Lead Agency) for the City of Torrance General Plan Housing Element Update (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

#### **CDFW's Role**

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

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

Gregg Lodan  
City of Torrance  
November 19, 2021  
Page 2 of 10

## Project Description and Summary

**Objective:** The City of Torrance is preparing an update of its Housing Element, which will adequately plan to meet their share of the State's overall housing need through October 2029. Key components of the Housing Element include:

- Demographic profile and analysis of population growth and trends in the community;
- Identification and analysis of existing and projected housing needs for all economic segments of the community;
- Identification of adequate sites that are zoned and available within the 8-year housing cycle to meet the City's fair share of regional housing needs at all income levels, as prescribed by the Regional Housing Needs Allowance;
- Evaluation of local constraints or barriers to housing development as well as opportunities to develop housing; and,
- Housing goals, policies, quantified objectives and scheduled programs to preserve, improve and develop housing within the City.

This update focuses on the adoption of the Housing Element Update and related long-range housing policies and identification of programmatic implementation actions.

**Location:** The Project would apply to the entire City of Torrance. The City is located in the southern portion of Los Angeles County. The City of Redondo Beach is located to the west, the City of Los Angeles is to the east, Rolling Hills Estates and Palos Verdes Estates to the south, and Lawndale and Gardena to the north. The Interstate 405 runs through the north portion of the City, and the Pacific Coast Highway runs through the southern portion.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

### Specific Comments

#### Comment #1: Tree Diseases, Pests, and Pathogens

**Issue:** The Project may remove trees with the potential to spread material infected with invasive tree diseases, pests, and pathogens.

**Specific impacts:** Housing development activities may require tree removal. However, without a specific plan in place, tree removal activities may spread tree insect pests and diseases into areas not currently exposed to these stressors. This could result in expediting the loss of native trees and plant communities. Loss of trees may result in loss of foraging and perching habitat for small mammals, birds, and raptors.

Gregg Lodan  
City of Torrance  
November 19, 2021  
Page 3 of 10

**Why impacts would occur:** The Project may remove trees that could host diseases and pests. One such pathogen is sudden oak death. Sudden oak death has become the most common cause of mortality of oak (*Quercus* genus) and other native trees (Phytosphere 2015). Mortality rates of oak trees are greater than 50 percent in some areas impacted by sudden oak death (Phytosphere 2012). Tree dieback can have cascading impacts on the habitat and ecosystem, particularly avian distribution and abundance (Monahan and Koenig 2006). Another pest is the polyphagous shot hole borer, which hosts on many native trees species that include box elder (*Acer negundo*), California sycamore (*Platanus racemosa*), willows (*Salix* genus), oaks, cottonwoods (*Populus* genus), and alders (*Alnus* genus) (Calinvasives 2021). Diseases such as sudden oak death can spread via equipment and transport of infected material. These fragments can be spread to new locations if equipment and tools are not disinfected or cleaned before moving to the next work location. Infected material that is transported off site for disposal may expose trees and plant communities to pest and disease. This could result in expediting the loss of California sycamore, oak trees, and other native trees and plant communities within and adjacent to a project area.

**Evidence impacts would be significant:** The Project may have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW. The Project may result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW that are dependent on woodlands susceptible to insect and disease pathogens.

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

**Mitigation Measure:** CDFW recommends that the ND include a measure whereby subsequent projects include a measure to mitigate the spread of invasive pests and diseases by implementing the following:

- 1) Prior to tree removal, a certified arborist should evaluate trees for infectious tree diseases including but not limited to: [sudden oak death](#) (*Phytophthora ramorum*), [thousand canker fungus](#) (*Geosmithia morbida*), [polyphagous shot hole borer](#) (*Euwallacea* spp.), and [goldspotted oak borer](#) (*Agrilus auroguttatus*) (TCD 2021; UCANR 2021; Phytosphere Research 2012; UCIPM 2013).
- 2) If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist should prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list should provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees should not be transported from a project area without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures.
- 3) If possible, all tree material, especially infected tree material, should be left on site. The material could be chipped for use as ground cover or mulch. Pruning and power tools should be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.

Gregg Lodan  
City of Torrance  
November 19, 2021  
Page 4 of 10

### **Additional Recommendations**

Habitat Assessment and Focused Surveys for Special-Status Species. CDFW recommends including all special-status species in focused surveys. CDFW recommends modifying BIO-1 by including the underlined language and excluding the ~~striketrough~~ as follows:

Prior to the issuance of any grading, building, or other construction permit for undeveloped parcels (excludes previously developed parcels) in the Project area, a habitat assessment shall be conducted for the parcel to determine whether the potential exists for special-status species to occur. If the habitat assessment identifies potentially suitable habitat for special-status species including, threatened and endangered species, California Species of Special Concern (SSC), Fully Protected Species, and Rare Plants, focused surveys shall be conducted by a qualified biologist to determine presence or absence. Early consultation with the wildlife agencies (i.e., USFWS, ~~CDFG~~CDFW) shall be undertaken for ~~ESA and CESA-listed~~ special-status species to ensure avoidance to the greatest extent feasible and appropriate “take” authorization.

If ~~threatened and endangered~~ special-status species are observed/detected, project-specific mitigation measures shall be developed to mitigate impacts on threatened and endangered species to below a level of significance. This shall apply to all projects if there is a potential to disturb habitat, including grading and other ministerial construction permits.

Bird Nest Avoidance. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying BIO-2 and BIO-3 by including the underlined language and excluding the ~~striketrough~~ as follows:

BIO-2: If construction activities occur between January 15~~1~~ and ~~August 31~~September 15, a preconstruction survey (within 7 days prior to construction activities) shall be conducted by a qualified biologist within a 500-foot radius of the construction site. This should occur prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the project site. The nesting bird surveys should be conducted at appropriate nesting times to determine if active nests are present within or adjacent to the area proposed for development in order to avoid the nesting activities of breeding birds/raptors.

BIO-3: If nesting activities within ~~200~~ 500 feet of the proposed work area are not detected, construction activities may proceed. If project activities are delayed or suspended for more than 7 days during the breeding season, surveys shall be repeated. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. ~~If nesting activities are confirmed,~~ eConstruction activities shall be delayed within an appropriate buffer from the active nest until the young birds have fledged and left the nest or until the nest is no longer active as determined by a qualified biologist. The size of the appropriate buffer shall be determined by a qualified biologist based on field conditions.

Gregg Lodan  
City of Torrance  
November 19, 2021  
Page 5 of 10

It should 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. Mitigation ratios should increase with the occurrence of a SSC and should further increase with the occurrence of a CESA-listed species.

Rodenticides. CDFW recommends the ND require subsequent project proponents prevent the use of second-generation anticoagulant rodenticides on all future housing development associated with the Project.

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, CDFW recommends that the subsequent CEQA documents include measures where lead agencies of individual projects report any special status species detected during preparation of project-level environmental impact analyses/environmental documents. Special status species information should be submitted to the CNDDDB by completing the [Online Field Survey Form](#) (CDFW 2021). The lead agency should ensure all pertinent data has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting an environmental document.

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist project proponents in developing 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). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

### **Filing Fees**

The Project, as proposed, would 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 and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

### **Conclusion**

We appreciate the opportunity to comment on the Project to assist the City of Torrance in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov).

Gregg Lodan  
City of Torrance  
November 19, 2021  
Page 6 of 10

Sincerely,

DocuSigned by:  
  
B6E58CFE24724F5...

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

cc: CDFW

Erinn Wilson-Olgin, Los Alamitos – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)  
Victoria Tang, Los Alamitos – [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)  
Ruby Kwan-Davis, Los Alamitos – [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)  
Felicia Silva, Los Alamitos – [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)  
Julisa Portugal, Los Alamitos – [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov)  
Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)  
CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)  
State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

#### References:

- [CDFW] California Department of Fish and Wildlife. 2021. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- [CDFW] California Department of Fish and Wildlife. 2020. Natural Communities. Accessed at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>
- Calinvasives. 2021. *Euwallacea nr. fornicatus* - Polyphagous Shot Hole. Calflora. Available from: <https://www.calflora.org/entry/pathogen.html?id=pth18>
- Monahan, W.B. and W.D. Koenig. Estimating the potential effects of sudden oak death on oak-dependent birds. *Biological Conservation* 127:146-157.
- Phytosphere Research. 2015. Phytophthora in nursery stock and restoration plantings. Accessed at: [http://phytosphere.com/soilphytophthora/Issues\\_implications\\_Phytophthora\\_container\\_stock.htm](http://phytosphere.com/soilphytophthora/Issues_implications_Phytophthora_container_stock.htm)
- Phytosphere Research. 2012. Understanding and Managing Sudden Oak Death in California. Accessed at: <http://phytosphere.com/SODmgtPUB/pg6Sidebar1-1SODmgtpub.htm>
- [TCD] Thousand Cankers Disease. 2021. What is Thousand Cankers? Accessed at: <http://thousandcankers.com/>.
- [USACE] United States Army Corps of Engineers. 2015. Los Angeles River ecosystem restoration integrated feasibility report: Final feasibility report and environmental impact statement/environmental impact report. Available from: <https://usace.contentdm.oclc.org/digital/collection/p16021coll7/id/2339>
- [UCANR] University of California Agriculture and Natural Resources Division. 2021. Invasive Shot Hole Borers. Accessed at: <https://ucanr.edu/sites/pshb/>.
- [UCIPM] University of California Statewide Integrated Pest Management Program. 2013. How to Manage Pests. Pests in Gardens and Landscapes. Goldspotted Oak Borer. Accessed at: <http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html>.



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**



### Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
<b>MM-BIO-1-Tree Disease, Pests, and Pathogens</b>	<p>The ND shall include a measure whereby subsequent projects include a measure to mitigate the spread of invasive pests and diseases by implementing the following:</p> <ol style="list-style-type: none"> <li>1) Prior to tree removal, a certified arborist shall evaluate trees for infectious tree diseases including but not limited to: <a href="#">sudden oak death</a> (<i>Phytophthora ramorum</i>), <a href="#">thousand canker fungus</a> (<i>Geosmithia morbida</i>), <a href="#">polyphagous shot hole borer</a> (<i>Euwallacea</i> spp.), and <a href="#">goldspotted oak borer</a> (<i>Agrilus auroguttatus</i>) (TCD 2021; UCANR 2021; Phytosphere Research 2012; UCIPM 2013).</li> <li>2) If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist shall prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list shall provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees shall not be transported from a project area without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures.</li> <li>3) If possible, all tree material, especially infected tree material, shall be left on site. The material could be chipped</li> </ol>	Prior to project ground-disturbing activities	Project-level lead agency

Gregg Lodan  
 City of Torrance  
 November 19, 2021  
 Page 8 of 10

	<p>for use as ground cover or mulch. Pruning and power tools shall be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.</p>		
<p><b>REC-1-Focused Surveys for Special Status Species</b></p>	<p>CDFW recommends including all special-status species in focused surveys. CDFW recommends modifying BIO-1 by including the <u>underlined</u> language and excluding the <del>strikethrough</del> as follows:</p> <p>Prior to the issuance of any grading, building, or other construction permit for undeveloped parcels (excludes previously developed parcels) in the Project area, a habitat assessment shall be conducted for the parcel to determine whether the potential exists for special-status species to occur. If the habitat assessment identifies potentially suitable habitat for <u>all special-status species including, threatened and endangered species, California Species of Special Concern (SSC), Fully Protected Species, and Rare Plants,</u> focused surveys shall be conducted by a qualified biologist to determine presence or absence. Early consultation with the wildlife agencies (i.e., USFWS, <del>CDFG</del>CDFW) shall be undertaken for <del>ESA- and CESA-</del><u>listed special-status</u> species to ensure avoidance to the greatest extent feasible and appropriate “take” authorization.</p> <p>If <del>threatened and endangered</del> <u>special-status</u> species are observed/detected, project-specific mitigation measures shall be developed to mitigate impacts on threatened and endangered species to below a level of significance. This shall apply to all projects if there is a potential to disturb habitat, including grading and other ministerial construction permits.</p>	<p>Prior to project ground-disturbing activities</p>	<p>Project-level lead agency</p>

Gregg Lodan  
 City of Torrance  
 November 19, 2021  
 Page 9 of 10

<p><b>REC-2-Bird Nest Avoidance</b></p>	<p>CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying BIO-2 and BIO-3 by including the <u>underlined</u> language and excluding the <del>strike through</del> as follows:</p> <p>BIO-2: If construction activities occur between January 4<del>5</del><u>1</u> and August 31<del>September 15</del>, a preconstruction survey (within 7 days prior to construction activities) shall be conducted by a qualified biologist <u>within a 500-foot radius of the construction site, prior to any ground-disturbing activities (e.g., staging, mobilization, grading) as well as prior to any vegetation removal within the project site. The nesting bird surveys should be conducted at appropriate nesting times to determine if active nests are present within or adjacent to the area proposed for development in order to avoid the nesting activities of breeding birds/raptors.</u></p> <p>BIO-3: If nesting activities within <del>200</del> <u>500</u> feet of the proposed work area are not detected, construction activities may proceed. <u>If project activities are delayed or suspended for more than 7 days during the breeding season, repeat the surveys. If nesting raptors and migratory songbirds are identified, CDFW recommends the following minimum no-disturbance buffers be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. If nesting activities are confirmed, eConstruction</u> activities shall be delayed within an appropriate buffer from the active nest until the young birds have fledged and left the nest or until the nest is no longer active as determined by a qualified biologist. The size of the appropriate buffer shall be determined by a qualified biologist based on field conditions.</p>	<p>Prior to finalizing ND /During/After project</p>	<p>City of Torrance/project-level lead agency</p>
---	---	---	---

Gregg Lodan  
 City of Torrance  
 November 19, 2021  
 Page 10 of 10

	It should 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. Mitigation ratios should increase with the occurrence of a SSC and should further increase with the occurrence of a CESA-listed species.		
<b>REC-3-Rodenticides</b>	CDFW recommends the ND require subsequent project proponents prevent the use of second-generation anticoagulant rodenticides on all future housing development associated with the Project.	Prior to finalizing ND /During/After project	City of Torrance/project-level lead agency
<b>REC-4-Data</b>	Project-level lead agencies shall ensure sensitive and special status species data has been properly submitted to the <a href="#">California Natural Diversity Database</a> with all data fields applicable filled out. Confirmation of data submittal shall be provided to CDFW.	Prior to finalizing/adopting project-level CEQA document	Project-level lead agency
<b>REC-5-Mitigation and Monitoring Reporting Plan</b>	The City shall update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.	Prior to finalizing CEQA Document	City of Torrance