



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

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STATE CLEARINGHOUSE

July 1, 2021

Martin Gies
Los Angeles County Department of Regional Planning
320 W. Temple Street Land Division Section
Los Angeles, CA 90012
MGies@planning.lacounty.gov

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Brookview Ranch Project, SCH #2021050195, Los Angeles County

Dear Mr. Gies:

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

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

CDFW's Role

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

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

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Project Description: The Project proposes to convert an existing outdoor dance pavilion into an event facility with a sound-insulated reception building and ancillary structures. The site currently contains outdoor dance pavilion facilities, equestrian barns, smaller ancillary structures, and a Caretaker's Residence. The Project also proposes to reconstruct structures damaged in the 2018 Woolsey Fire, which include the Bride's Dressing Room and a horse barn. The Project will also install a steel access bridge with a concrete deck over Triunfo Creek as the new means of ingress and egress to Brookview Ranch and improve water and wastewater infrastructure. Finally, a new Caretaker's Residence will be reconstructed in the same location as the existing Caretaker's Residence. At Project completion, there would be 20 structures total on the Project site.

Project Location: The Project site is located at 2972 Triunfo Canyon Road on 23 acres of land in the unincorporated Agoura Hills area of the County within the Santa Monica Mountains. The Project location is identified by the County Office of the Assessor as Assessor's Parcel Numbers (APNs) 2063-003-026 and 2063-003-028. The Project site is bounded by Triunfo Canyon Road to the southwest, an existing residence to the northwest, the Santa Monica Mountains to the east and northeast, and an existing residence to the south.

COMMENTS AND RECOMMENDATIONS

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

Specific Comments

- 1) CESA and Mountain Lions. The Project is surrounded by rural residential and open space to the north, south, and west. The development activities may temporarily and permanently impact the habitat available for wildlife to move through these areas. In addition, the open spaces around the Project site may provide essential habitat connectivity between evolutionarily significant units of southern California and central coast mountain lion (*Puma concolor*) populations. CDFW is concerned the Project site development may further impact the wildlife corridor and movement of large mammals between natural habitat areas/open space. The mountain lion population within the central coast are some of the most at risk within the State (Yap et al. 2019). Habitat loss and fragmentation due to roads and development have driven the southern California mountain lion population towards extinction (Yap et al. 2019). Maintaining wildlife corridors and habitat continuity is essential for wildlife survival and is increasingly important considering habitat loss and climate change.

The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Therefore, the Project may have significant impacts because no mitigation has been proposed for any unavoidable direct and indirect, permanent or temporal losses, of habitat for mountain lion. As to CESA, take of any endangered, threatened, candidate species, or State-listed rare plant species that results

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from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

- a) If the Project, Project construction, 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.
- b) CDFW recommends the DRP evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. The DRP should analyze the change (i.e. increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the DRP provide compensatory mitigation measures for impacts to mountain lion. Compensatory mitigation measures should emphasize avoidance and reduction of Project 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.
- c) Due to potential habitat within the Project footprint, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. The survey report should include a map of potential denning sites.

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The survey report should include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.

- d) If potential habitat for natal dens are identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.
- 2) Golden eagle - Fully Protected Species. According to California Natural Diversity Database (CNDDDB), there is a record of a golden eagle (*Aquila chrysaetos*), a species classified as fully protected under CDFW, sighted directly southwest of the Project site. 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 this fully protected species. 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. 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.
- a) CDFW recommends surveying the entire Project site and at least a half mile surrounding the Project vicinity, if feasible. This survey should determine the potential distribution of golden eagle and assure that take will be avoided during Project construction activities.
 - b) 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.

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- 3) Bat Species. A review of the California Natural Diversity Database (CNDDDB) indicates occurrences of the western mastiff bat (*Eumops perotis californicus*), hoary bat (*Lasiurus cinereus*), western red bat (*Lasiurus blossevillii*), and Yuma myotis (*Myotis yumanensis*) within two and half miles of the Project vicinity. In addition, the western red bat and western mastiff bat are designated California Species of Special Concern. Despite the high diversity and sensitivity of bats in Southern California, numerous bat species are known to roost in trees and structures throughout Los Angeles County. Project activities may have the potential to adversely impact bat populations within the Project site and vicinity.
- a) Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish and Game Code, § 4150, California Code of Regulations, § 251.1). The DEIR should provide a thorough discussion of potential impacts to bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures. The DEIR should describe feasible measures which could minimize significant adverse impacts (CEQA Guidelines, §15126.4[a][1]).
- 4) Reptile Species. A review of CNDDDB indicates occurrences of western pond turtle (*Emys marmorata*), two-striped garter snake (*Thamnophis hammondi*), Southern California legless lizard (*Anniella stebbinsi*) and coastal whiptail (*Aspidoscelis tigris stejnegeri*) within the Project vicinity, all of which are designated California Species of Special Concern. Project ground disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating vegetation that may support essential foraging and breeding habitat.

CEQA provides protection not only for State and federally listed species, but for any species including, but not limited to, California Species of Special Concern which can be shown to meet the criteria for State listing. These Species of Special Concern meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of Species of Special Concern could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

- a) CDFW recommends, prior to vegetation removal and/or grading, qualified biologists familiar with the reptile species behavior and life history should conduct specialized surveys to determine the presence/absence of Species of Special Concern. Surveys should be conducted during active season when each reptile species are most likely to be detected. Survey results, including negative findings, should be submitted to CDFW two weeks prior to initiation of Project activities.
- b) To further avoid direct mortality, CDFW recommends that a qualified biological monitor be on-site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.
- c) 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

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Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2021). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.

- 5) Impacts to Sycamore Alder Riparian Woodlands. A review of CNDDDB indicates the occurrence of sycamore alder riparian woodland alliance (*Alnus rhombifolia* – *Platanus racemosa*) on the southern end of the Project site. The California Natural Communities list identifies this alliance as sensitive, with a State ranking of S3. This indicates it is vulnerable in the State due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation. This association is mostly restricted to the Santa Monica Mountains region and western Riverside County. CDFW considers natural communities with ranks of S1, S2, and S3 to be sensitive natural communities that meet the CEQA definition (CEQA Guidelines, §§ 15380, 15063, 15065) that should be addressed in CEQA [CEQA Guidelines, § 15125(c)].
- a) Sycamore Alder Riparian Woodlands. CDFW recommends a qualified botanist identify impacts to sycamore alder riparian woodlands. The DEIR should provide a detailed vegetation community map showing where the sycamore alder riparian woodlands occur in the Project site (also see General Comment #3); where impacts to sycamore alder riparian woodlands would occur; and, total acreage of sycamore alder riparian woodlands impacted. Sycamore alder riparian woodlands are structurally diverse vegetation communities. Accordingly, for each area of sycamore alder riparian woodlands impacted, the DRP should provide a list of both native and non-native understory plants present. A list should be organized by layer and/or life form such as vine, groundcover, forb, subshrub, shrub, and tree. For each area, DRP should also provide the abundance, density, and cover of each plant species and vegetation layer impacted.
- b) Avoidance and Disclosure of Potential Impacts. CDFW recommends the DEIR provide measures to avoid impacts to sycamore alder riparian woodlands during and after Project construction to the extent feasible. Avoidance measures should be effective, specific, enforceable, and feasible. During the Project, the DRP should provide measures to fully protect the Critical Root Zone of all trees not targeted for removal from ground disturbance activities. The DRP should also provide measures to protect the outer edge of sycamore alder riparian woodlands with appropriate setbacks during construction. The DEIR should provide a justification for the effectiveness of the chosen distance for the setback. After the Project completion, CDFW recommends this vegetation community be protected by including into the final Project design appropriate setbacks between developed areas and sycamore alder riparian woodlands.

For unavoidable Project impacts, the DEIR should disclose the following information at a minimum: 1) location of each tree and area of sycamore alder riparian woodland impacted shown as a point feature or polygon on a map; 2) scientific (Genus,

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species, subspecies, or variety) and common name of each tree and understory plant species impacted; 3) the size (diameter at breast height, inches) of each tree impacted; 4) acres of sycamore alder riparian woodlands impacted; 5) mitigation ratio for individual trees and acres of sycamore alder riparian woodlands; 6) total number of replacement trees and acres of sycamore alder riparian woodlands; and, 7) total number of replacement trees and appropriate understory species, to occur in suitable on- and/or off-site mitigation lands.

- c) Phased Removal. CDFW recommends the DRP consider phased removal of trees (i.e., phased Project approach) in order to minimize impacts resulting from the temporal loss of trees and to provide structurally diverse Sycamore Alder riparian woodland habitat while mitigation for impacts to Sycamore Alder riparian woodland habitat occurs.
 - d) Mitigation Plan. CDFW recommends the DEIR provide an on- or off-site mitigation plan and discuss the suitability of selected location(s) for mitigating impacts to the sycamore alder riparian woodland. The DEIR should provide information about reference sites, with similar species and habitat as being mitigated and the suitability of selected reference site(s) to inform the Project's mitigation plan. Lastly, a mitigation plan should provide specific mitigation goals and actions to achieve those goals to establish a self-sustaining sycamore alder riparian woodland.
- 6) Catalina Mariposa Lily. A search of CalFlora indicates occurrences of Catalina mariposa lilies (*Calochortus catalinae*) within the Project vicinity. Catalina mariposa lily has a California Rare Plant Rank (CRPR) ranking of 4.2. Plants with a CRPR of 4.2 are limited in their distribution and are fairly threatened in California (CNPSa 2020). Therefore, impacts to CRPR ranked species as well as locally and regionally sensitive species should be analyzed during preparation of environmental documents relating to CEQA. In preparation of the DEIR, CDFW recommends a qualified botanist conduct multiple spring-time surveys for Catalina mariposa lily (also see General Comment #3).
- 7) Lake and Streambed Alteration Agreement (LSA). The NOP states that part of the Project will be to "Construct an approximately 196-foot (ft.) by 20-ft. steel bridge with a concrete deck over an existing concrete swale (or Arizona crossing) in Triunfo Creek as the new means of ingress and egress to Brookview Ranch, and construct an additional water main and new hydrants, as required by the County of Los Angeles Fire Department (LACoFD) to provide all-weather access and improve public safety." CDFW is concerned that Project activities may have potential for changes in water quality, quantity, and turbidity in Triunfo Creek. The Project may substantially adversely affect the existing stream pattern of the creek through bridge construction activities and maintenance, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.
- a) As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use material from a streambed. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether an LSA Agreement (Agreement) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of

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an Agreement for a Project that is subject to CEQA will require related environmental compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the [LSA](#) (CDFWc, 2021).

- b) The Project area also may contain an ephemeral drainage on the northwest edge of the Project boundary with possible connection to Triunfo Creek. CDFW recommends an investigation of the site for possible surface drainages to the surrounding areas that may feed into Triunfo Creek. A preliminary jurisdictional delineation of the streams and any associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service (USFWS) wetland definition adopted by the CDFW (Cowardin et al. 1970). Some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' section 404 permit and Regional Water Quality Control Board section 401 Certification.
- c) CDFW recommends a hydrological study to determine if an increase in impervious surfaces due to building construction will adversely impact locations currently utilizing water that drains off site or from groundwater recharge on site. Finally, Project-related changes in runoff and sedimentation in upstream and downstream drainage patterns should be included and evaluated in the hydrological study.

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

- 8) Nesting Birds. Project construction activities may have the potential to result in removal or disturbance to trees and shrubs on site that could contain active bird nests, including ground-nesting species. The loss of protected bird nests, eggs, or young due to Project activities would be an adverse impact. CDFW recommends that measures be taken to avoid Project impacts to nesting birds.
 - a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
 - b) Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds or their eggs.

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- c) If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 9) Landscaping. The Initial Study states the Project will implement “water-efficient landscaping.” CDFW recommends the DEIR provide the Project’s landscaping plant palette and replacement tree species list. CDFW also recommends using native, locally appropriate plant species for landscaping on the Project site. CDFW recommends invasive/exotic plants, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus), be restricted from use in landscape plans for this Project. A list of invasive/exotic plants that should be avoided as well as suggestions for better landscape plants can be found at [California Invasive Plant Species Council](#) website (Cal-IPC, 2020).
- 10) Tree replacement and removal. Project activities include grading and vegetation removal, which include the removal of several trees on site. To compensate for any loss of trees, CDFW recommends adhering to the [Los Angeles County Significant Ecological Areas \(SEA\) Ordinance Implementation Guide](#) replacement ratios as a minimum for replacement for any loss of trees (Los Angeles County 2020). In addition, with removal of trees on site, the Project may have a substantial adverse effect on any tree species and/or sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW.
- 11) Tree Disease Management Plan. Project activities have the potential to spread tree pests and diseases throughout the Project site and into adjacent natural habitat not currently exposed to these stressors. Pests and diseases include (but not limited to): [sudden oak death](#) (*Phytophthora ramorum*), [thousand canker fungus](#) (*Geosmithia morbida*), [Polyphagous shot hole borer](#) (*Euwallacea* spp.), and [goldspotted oak borer](#) (*Agrilus auroguttatus*) (Phytosphere Research 2012; TCD 2020; UCANR 2020; UCIPM 2013). This could result in expediting the loss of native trees and woodlands. CDFW recommends the DEIR include an infectious tree disease management plan or a list of preventative measures, developed in consultation with an arborist, and describe how it will be implemented to avoid or reduce the spread of tree insect pests and diseases.

General Comments

- 1) Disclosure. A DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use

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of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental impact report shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.

- a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). A public agency shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures (Pub. Resources Code, § 21081.6). CDFW recommends that the DRP prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
 - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the environmental document should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the environmental document should provide an adequate, complete, and detailed disclosure about a project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) Biological Baseline Assessment and Impact Analysis. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts, as referred in General Comment 6. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The DEIR should include the following information:
- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a [state-wide ranking](#) of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level (CDFWb 2021);

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- b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities](#) (CDFW 2018);
 - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should also be used to inform this mapping and assessment (Sawyer, 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
 - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CDFW's California Natural Diversity Data Base (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that [CNDDDB Field Survey Forms](#) be completed and submitted to CNDDDB to document survey results (CDFWd 2021);
 - e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & Game Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
 - f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 4) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
 - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.

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- 5) Biological Direct, Indirect, and Cumulative Impacts. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:
- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - b) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & Game Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
 - c) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - d) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 6) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site 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.
- 7) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced

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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.

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

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the DRP in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, by email at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

Erinn Wilson-Olgin

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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
Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov
Frederic Rieman, Los Alamitos – Frederic.Rieman@wildlife.ca.gov
Andrew Valand, Los Alamitos – Andrew.Valand@wildlife.ca.gov
Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@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

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