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



Governor's Office of Planning & Research

**Apr 11 2022**

**STATE CLEARINGHOUSE**

Via Electronic Mail Only

April 11, 2022

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**Subject: Mitigated Negative Declaration for 24600 Thousand Peaks Road Residential Project, SCH #2022030309, Los Angeles County Department of Regional Planning, Los Angeles County**

Dear Mr. Gies:

The California Department of Fish and Wildlife (CDFW) has reviewed a Mitigated Negative Declaration (MND) from the Los Angeles County Department of Regional Planning (DRP) for the 24600 Thousand Peaks Road Residential Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

### **CDFW's Role**

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

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

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## **Project Description and Summary**

**Objective:** The Project proposes to construct a two-story, single-family residence within an 11-acre lot. The residence would total 10,803 square feet of built floor area. It would be constructed on a previously graded building pad (circa 1988-1990). The Project includes a driveway with a fire lane to provide access to the proposed residence from Thousand Peaks Road and a turnaround for fire department apparatus. The total area of the driveway with a fire lane and turnaround is 9,872 square feet. Additional on-site support features for the proposed residence consist of a pool structure, attached garage, patio, septic system, bioswales/irrigation, and cistern near the intersection of the driveway and Thousand Peaks Road. The Project would result in a total disturbed area of 29,208 square feet or 0.67 acres of which 0.38 acres would be within the previously graded building pad.

The Project also proposes a landscape plan that includes a Fuel Modification Plan and a Planting Plan. The fuel modification area extends up to 200 feet beyond the edge of the proposed residence. Fuel modification Zone A extends up to 30 feet from the proposed residence, Zone B extends up to 70 feet from the limit of Zone A, and Zone C extends up to 100 feet from the limit of Zone B. The Project's Planting Plan establishes locations on site, primarily on an east-facing slope, where native shrubs and trees would be planted as mitigation for tree removals. To meet tree replacement requirements of the Santa Monica Local Coastal Program's Land Use Plan that cannot be met on site due to physical constraints, the Project would fund a Conceptual Native Tree Replacement Plan dated September 16, 2021, prepared by the TreePeople Land Trust to establish 142 additional replacement trees off site in the Cold Creek Valley Preserve.

Lastly, the Project includes a Santa Monica Backbone Trail Easement Dedication in the southern portion of the property.

**Location:** The Project is located at 24600 Thousand Peaks Road in unincorporated Los Angeles County near the City of Calabasas (Assessor's Parcel Number 4455-052-002). The Project is within the boundaries of the Santa Monica Mountains Local Coastal Program (SMM LCP) and Santa Monica Mountains National Recreation Area. An existing Concrete Masonry Unit block wall runs along the southern margin of the existing graded pad. A concrete drainage swale is present on the south side of the Concrete Masonry Unit block wall. A manmade drainage feature traverses the eastern edge of the Project site predominately outside the property fence line adjacent to Dry Canyon/Cold Creek Road.

## **Comments and Recommendations**

CDFW offers the comments and recommendations below to assist DRP in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the Project's environmental document. 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).

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## Specific Comments

### Comment #1: Impacts on Mountain Lion

**Issue:** Although the MND discusses potential impact on wildlife movement, it does not specifically discuss the Project's potential impact on the Southern California/Central Coast Evolutionary Significant Unit (ESU) of mountain lion (mountain lion, *Puma concolor*).

**Specific Impacts:** The Project could impact mountain lion through habitat loss and habitat fragmentation, introducing barriers to mountain lion movement, and introducing a new source of nighttime lighting. In addition, the Project could increase the likelihood of mountain lion injuries or mortalities due to human-wildlife conflicts and vehicle strikes.

**Why impacts would occur:** The Project is located within the range of the Southern California/Central Coast ESU of mountain lion. More specifically, the Project is located within the range of the Central Coast South mountain lion population, which includes the Santa Monica Mountains subpopulation. This ESU of mountain lion faces significant and growing threats that puts them at risk of extinction (Center for Biological Diversity 2019). For the Santa Monica Mountains subpopulation, these threats include roads and development, which have resulted in significant habitat loss and habitat fragmentation. As a result, the Santa Monica Mountains subpopulation has become extremely isolated and experience high levels of genetic erosion (Center for Biological Diversity 2019). The Santa Monica Mountains subpopulation has a 99.7% chance of going extinct within 50 years (Center for Biological Diversity 2019). Additional threats to the Santa Monica Mountains subpopulation include vehicle strikes, conflict with humans, and secondary poisoning from rodenticides.

The Project is a development project that could impact mountain lion as a result of habitat loss and habitat fragmentation. The Project would increase human presence. Increased human presence may lead to more wildlife encounters and conflict (Burdett et al. 2010; Wilmers et al. 2013). This could result in more mountain lion depredation kills, which along with vehicle strikes, account for the majority of mountain lion mortalities in the Santa Monica Mountains (Center for Biological Diversity 2019). The Project would also introduce fencing and lighting to the Project site. Fencing could create obstacles to mountain lion dispersal, and depending on the type of fencing, present an entanglement risk that can cause injury or mortality to mountain lions. Lighting has an effect on mountain lion behavior and use of a site. Anthropogenic lighting could alter behavior and interactions of mountain lion in both the wildland and wildland-urban interface (Ditmer et al. 2020). Lighting proposed by the Project could affect how mountain lions and mule deer – their preferred prey - may move and use the Project site and surrounding natural areas.

**Evidence impacts would be significant:** 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 the Southern California/Central Coast ESU of mountain lion as threatened under CESA (CDFW 2020). As a CESA candidate species, the mountain lion is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

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As to CEQA, the status of mountain lion as a threatened species under CESA qualifies it as an endangered, rare, or threatened species under CEQA (CEQA Guidelines, §15380). The Project's potential impact on all endangered, rare, or threatened species under CEQA should be thoroughly discussed. Without evaluating the Project's potential impact on mountain lion, the Project could have a potentially significant impact on mountain lion not previously identified. The Project could have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species by CDFW. This may require a mandatory finding of significance if the Project would substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065).

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

**Recommendation #1:** CDFW appreciates that the Project's CEQA document evaluates the Project's potential impact on wildlife movement. To improve the Project's CEQA document, CDFW recommends for DRP to include a discussion specific to mountain lion given the mountain lion's special status under CESA. CDFW recommends DRP discuss the Project's potential impact on mountain lion from the standpoint of the following impacts:

- 1) Introducing new/additional barriers to dispersal;
- 2) Constraining wildlife corridors and pinch points leading to severed migration;
- 3) Habitat loss, fragmentation, and encroachment;
  - a. Discuss the number or acreage of landscape linkages/landscape blocks within the Project area and adjacent areas. CDFW recommends referencing CDFW's [Natural Landscape Blocks](#) dataset (DS 621).
  - b. Discuss the acreage of mountain lion habitat suitability (a proxy for mountain lion permeability and use) within the Project area and adjacent areas. CDFW recommends referencing CDFW's [Mountain Lion Habitat Suitability](#) dataset (DS 2916) and [Mountain Lion Predicted Habitat CWHW](#) dataset (DS 2616).
  - c. Provide an analysis of current landscape intactness (current level of development) around the Project site, and how the Project may impact habitat connectivity or impede mountain lion movement across the landscape to remaining adjacent habitats.
- 4) Increased human presence, noise, and lighting, as well as introduction of any livestock or animal keeping; and
- 5) Use of herbicides, pesticides, and rodenticides.

**Recommendation #2:** Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an Incidental Take Permit for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an Incidental Take Permit. It is important that the take proposed to be authorized by CDFW's Incidental Take Permit be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an Incidental Take Permit. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or

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candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an Incidental Take Permit.

**Mitigation Measure #1:** If take or adverse impacts to mountain lion cannot be avoided, the Project Applicant should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project Applicant should comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Applicant should provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

**Mitigation Measure #2:** The Project Applicant should offset the loss of mountain lion habitat such that there is no net loss, or at a ratio acceptable to CDFW.

## **Comment #2: Impacts on Streams**

**Issue:** The Project may impact the watercourse on the eastern border of the Project site.

**Specific impacts:** Project-related fuel modification activities could impact the watercourse by depositing, permitting to pass into, or placing where it can pass into the waterway any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. In addition, removing, trimming, or altering vegetation effect the watercourse and habitat function adjacent to the watercourse. Finally, Project-related irrigation, whether for landscaping, maintenance of restoration areas, or fuel modification purposes, could modify on-site drainage where this water could enter the watercourse.

**Why impacts would occur:** Page 31 of the MND states, "Two ephemeral waterway features are present immediately adjacent to the project site. As currently designed, the project would not directly impact these waterway features based on an assessment of bed and bank indicators during the October 2016 site visit; however, there is potential for non-native species control and fuel modification activities to affect these features, which may result in impacts to water quality. The potential impacts related to non-native species control and fuel modification may include the placement of fill material and non-native plants within the non-jurisdictional drainages." In addition, page 31 of the MND states, "The Project will treat the ornamental drainage area as a wetland, remove invasive vegetation and replant with natives. This will improve habitat and diminish pollution of invasive plant propagules downstream. Methods for replacement will minimally impact the drainage with debris."

According to page 31 in the MND, "The CDFW determined in 2017 that the drainage courses onsite were not jurisdictional for CDFW."<sup>1</sup> Since approximately five years have elapsed, it is unclear whether the determination made in 2017 is still valid. Moreover, CDFW's determination was made for the Project not as it is described in the CEQA document. According to Notification of Lake or Streambed Alteration (LSA) No. 1600-2017-0103-R5, the Project description is only for the construction of a house 200 feet from a "fake water feature." The Project description does not include fuel modification, invasive vegetation removal, and native planting. In addition,

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<sup>1</sup> In a letter dated May 26, 2017, regarding Notification of Lake or Streambed Alteration No. 1600-2017-0103-R5, CDFW informed the Applicant, Mr. Erfan Zamani, that notification was not required because the project is not subject to the notification requirement in Fish and Game Code section 1602.

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the single-family residence currently proposed may be less than 200 feet from a watercourse. If the Project has changed substantially or added additional activities within the stream, CDFW is concerned that additional unforeseen impacts would occur to the stream that would be subject to Fish and Game Code section 1600 et seq.

**Evidence impacts would be significant:** The Project may impact streams both during Project construction and for the Project's lifetime as a result of fuel modification. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake<sup>2</sup>;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a LSA Agreement when a project activity may substantially adversely affect fish and wildlife resources.

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

**Recommendation #3:** CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

**Mitigation Measure #3:** The Project Applicant should notify CDFW pursuant to Fish and Game Code 1602. The Project Applicant should submit proof that CDFW was notified prior to vegetation removal and fuel modification activities. If a LSA Agreement is needed for the Project, the Project Applicant should obtain a LSA Agreement from CDFW and provide a copy of the LSA Agreement prior to vegetation removal and fuel modification activities. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022a).

Pursuant to Fish and Game Code section 1602, subdivision (a)(4)(D), if the Project Applicant

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<sup>2</sup> "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

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proceeds with the Project, the Project must be completed as described and conducted in the same manner as specified in a LSA Notification and any modifications to that LSA Notification received by CDFW. This includes completing the Project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the LSA Notification. If the Project has changed substantially or added additional activities within a stream, the Project Applicant will need to resubmit a LSA Notification with a revised project description, impact assessment, and mitigation measures.

**Mitigation Measure #4:** The Project Applicant's notification to CDFW should provide the following information:

- 1) A stream delineation in accordance with the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW<sup>3</sup> (Cowardin et al. 1979);
- 2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. Plant community names should be provided based on vegetation association and/or alliance per the [Manual of California Vegetation](#), second edition (Sawyer et al. 2009);
- 3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and
- 4) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.

**Mitigation Measure #5:** If a LSA Agreement is needed for the Project, the Project Applicant should comply with the mitigation measures detailed in the LSA Agreement issued by CDFW. The Project Applicant should also provide compensatory mitigation for impacts on streams at no less than 1:1 for the impacted stream and impacted acreage of associated natural community, or at a ratio acceptable to CDFW.

### **Comment #3: Mitigation Through Payment of In-lieu Fees**

**Issue:** It is unclear how the payment of a fee into the Resource Conservation Program established by the Santa Monica Mountains Local Implementation Program would mitigate for the Project's impact on birchleaf mountain mahogany chaparral (*Cercocarpus montanus* Shrubland Alliance).

**Specific Impacts:** The Project would impact 0.83 acres of birchleaf mountain mahogany chaparral without identifying or disclosing appropriate compensatory mitigation that shows the Project would reduce impacts to below a significant level.

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<sup>3</sup> 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.

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**Why impacts would occur:** Page 30 in the MND states, “fuel modification would impact 0.83 acres of birchleaf mountain mahogany chaparral associated with H2 habitat under the SMM LCP [...] the effect of fuel modification on H2 Habitat, which consists of birchleaf mountain mahogany chaparral, requires payment of a fee into the Resource Conservation Program established by the SMM LIP [Local Implementation Program]. Page 31 in the MND concludes, “compliance with SMM LCP requirements for the payment of sensitive habitat impact fees [...] would reduce the effect of the project on sensitive natural communities to less than significant with mitigation incorporated.”

The MND does not explain why payment of a fee into the Resource Conservation Program, specifically \$4,167 is adequate to offset Project impacts so that the Project would not have a significant impact on sensitive natural communities. The MND does not discuss or provide the following information:

- 1) How the Resource Conservation Program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 2) What biological resources would the fee protect/conserve;
- 3) What the fee would acquire. It is unclear if the fee would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the fee would be used to purchase credits at a mitigation bank, or none of the above;
- 4) How the fee is sufficient to purchase land or credits at a mitigation bank;
- 5) Where DRP may acquire land or purchase credits at a mitigation bank so that the fee would offset Project impacts on sensitive natural communities in the boundaries of the Santa Monica Mountains Local Coastal Program and Santa Monica Mountains National Recreation Area;
- 6) When DRP would use the fee. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as the DRP fails to implement its proposed mitigation;
- 7) How DRP would commit the Project Applicant to paying into the Resource Conservation Program. For example, when would DRP require payment from the Project Applicant, how long would the Project Applicant have to pay the fee, and what mechanisms would DRP implement to ensure the fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4);
- 8) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4); and,
- 9) What type(s) of potential action(s) that can feasibly achieve those performance standards (CEQA Guidelines, § 15126.4); and
- 10) How the fee would be adequate such that the Project would not have a cumulative impact on biological resources in the boundaries of the Santa Monica Mountains Local Coastal Program and Santa Monica Mountains National Recreation Area.

**Evidence impacts would be significant:** The MND does not yet provide enough information to facilitate meaningful public review and comment on the appropriateness of payment into the Resource Conservation Program at mitigating for impacts to a sensitive natural community. The fee may be inadequate mitigation absent commitment, specific performance standards, and actions to achieve performance standards. Mitigation through payment into the Resource Conservation Program may not comply with the rules for acceptable deferred mitigation because the mitigation measure may not currently (1) adopt specific performance standards the

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mitigation will achieve, (2) identify the type(s) of potential action(s) that can feasibly achieve that performance standard that will be considered, analyzed, and potentially incorporated in the mitigation measures, and (3) be fully enforceable through permit conditions, agreements, or other legally-binding instruments (CEQA Guidelines, § 15126.4).

Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, regulations or by CDFW or USFWS.

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

**Recommendation #4:** CDFW recommends DRP revise the Project's CEQA document to address the following in relation to the Project's mitigation for impacts on sensitive natural communities:

- 1) How the Resource Conservation Program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 2) What biological resources would the fee protect/conserve;
- 3) What the fee would acquire;
- 4) How the fee is sufficient to purchase land or credits at a mitigation bank;
- 5) Where DRP may acquire land or purchase credits at a mitigation bank so that the fee would offset Project impacts on sensitive natural communities in the boundaries of the Santa Monica Mountains Local Coastal Program and Santa Monica Mountains National Recreation Area;
- 6) When DRP would use the fee;
- 7) How DRP would commit the Project Applicant to paying into the Resource Conservation Program;
- 8) What performance measures the proposed mitigation would achieve;
- 9) What type(s) of potential action(s) that can feasibly achieve those performance standards; and,
- 10) How the fee would be adequate such that the Project would not have a cumulative impact on biological resources in the boundaries of the Santa Monica Mountains Local Coastal Program and Santa Monica Mountains National Recreation Area.

### **Additional Recommendations**

**Recommendation #5:** Mitigation Measure 4.3 in the Project's CEQA document states, "If special-status plants are identified, they shall be flagged for avoidance during fuel modification operations." CDFW concurs with avoiding impacts on rare plants. However, it is unclear if the Mitigation Measure 4.3 as it is currently proposed, would avoid impacts on rare plants and seedbank. Loss of rare plant seeds could cause a population decline. Accordingly, CDFW recommends DRP revise Mitigation Measure 4.3 to avoid impacts on rare plants and seedbank. A minimum avoidance buffer should be provided and may vary depending on the rare plant species. An avoidance buffer should prevent the following impacts on rare plants and seedbank:

- trampling by earthmoving equipment;
- removal of soil that renders living seeds in the soil inviable or causes them to be killed;
- erosion of substrates supporting individuals which could cause uprooting, washing away, and burying of individuals and/or could make substrates unstable for growth; and
- and death of living seeds due to mold, disease, or other reasons that cause inviability.

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An adequate buffer should protect the core population and habitat while allowing for the population to spread outwards. To the extent feasible, the areas between preserved locations should also be preserved in order to establish connectivity between adjacent populations. CDFW also recommends the DRP provide an explanation of chosen buffer distance(s) to avoid impacts on rare plants, seedbank, and habitat.

**Recommendation #6:** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2022b). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2021c).

**Recommendation #7:** CDFW recommends DRP update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist DRP in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear 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). DRP 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 DRP 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 by the Los Angeles County Department of Regional Planning 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 Los Angeles County Department of Regional Planning in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the Los Angeles County Department of Regional Planning 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 Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) or (562) 619-2230.

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Sincerely,

DocuSigned by:

*Steve Gibson*

614D9A782D93439...

Steve Gibson signing for

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

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## References:

Burdett, C. L., Crooks, K.R., Theobald, D.M., Wilson, K.R., Boydston, E.E., Lyren, L.M., Fisher, R.N., Vickers, T.W., Morrison, S.A., and W.M. Boyce. (2010). Interfacing models of wildlife habitat and human development to predict the future distribution of puma habitat. *Ecosphere*, 1(1):art4. doi:10.1890/ES10-00005.1

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



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

<b>Biological Resources (BIO)</b>		
<b>Mitigation Measure (MM) or Recommendation (REC)</b>	<b>Timing</b>	<b>Responsible Party</b>
<p><b>REC-1-Impacts on Mountain Lion</b></p> <p>DRP should discuss the Project’s potential impact on mountain lion from the standpoint of the following impacts:</p> <ol style="list-style-type: none"> <li>1) Introducing new/additional barriers to dispersal;</li> <li>2) Constraining wildlife corridors and pinch points leading to severed migration;</li> <li>3) Habitat loss, fragmentation, and encroachment;                             <ol style="list-style-type: none"> <li>a. Discuss the number or acreage of landscape linkages/landscape blocks within the Project area and adjacent areas. CDFW recommends referencing CDFW’s <a href="#">Natural Landscape Blocks</a> dataset (DS 621).</li> <li>b. Discuss the acreage of mountain lion habitat suitability (a proxy for mountain lion permeability and use) within the Project area and adjacent areas. CDFW recommends referencing CDFW’s <a href="#">Mountain Lion Habitat Suitability</a> dataset (DS 2916) and <a href="#">Mountain Lion Predicted Habitat CWHW</a> dataset (DS 2616).</li> <li>c. Provide an analysis of current landscape intactness (current level of development) around the Project site, and how the Project may impact habitat connectivity or impede mountain lion movement across the landscape to remaining adjacent habitats.</li> </ol> </li> <li>4) Increased human presence, noise, and lighting, as well as introduction of any livestock or animal keeping; and,</li> </ol>	<p>Prior to finalizing CEQA document</p>	<p>Los Angeles County Department of Regional Planning (DRP)</p>

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	5) Use of herbicides, pesticides, and rodenticides.		
<b>REC-2-CESA ITP</b>	The Project's CEQA document should address all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an Incidental Take Permit. The take proposed to be authorized by CDFW's Incidental Take Permit should be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an Incidental Take Permit.	Prior to finalizing CEQA document	DRP
<b>REC-3-Lake and Streambed Alteration Agreement</b>	To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.	Prior to finalizing CEQA document	DRP
<b>REC-4-Resource Conservation Program</b>	DRP should revise the Project's CEQA document to address the following in relation to the Project's mitigation for impacts on sensitive natural communities: <ol style="list-style-type: none"> <li>1) How the Resource Conservation Program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;</li> <li>2) What biological resources would the fee protect/conserve;</li> <li>3) What the fee would acquire;</li> <li>4) How the fee is sufficient to purchase land or credits at a mitigation bank;</li> <li>5) Where DRP may acquire land or purchase credits at a mitigation bank so that the fee would offset Project impacts on sensitive natural communities in the boundaries of the Santa Monica Mountains Local Coastal Program and Santa Monica Mountains National Recreation Area;</li> <li>6) When DRP would use the fee;</li> <li>7) How DRP would commit the Project Applicant to paying</li> </ol>	Prior to finalizing CEQA document	DRP

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	<p>into the Resource Conservation Program;</p> <p>8) What performance measures the proposed mitigation would achieve;</p> <p>9) What type(s) of potential action(s) that can feasibly achieve those performance standards; and</p> <p>10) How the fee would be adequate such that the Project would not have a cumulative impact on biological resources in the boundaries of the Santa Monica Mountains Local Coastal Program and Santa Monica Mountains National Recreation Area.</p>		
<b>REC-5-Impacts on Rare Plants</b>	<p>DRP should revise Mitigation Measure 4.3 to avoid impacts on rare plants and seedbank. A minimum avoidance buffer should be provided and may vary depending on the rare plant species. An avoidance buffer should prevent the following impacts on rare plants and seedbank:</p> <ul style="list-style-type: none"> <li>• trampling by earthmoving equipment;</li> <li>• removal of soil that renders living seeds in the soil inviable or causes them to be killed;</li> <li>• erosion of substrates supporting individuals which could cause uprooting, washing away, and burying of individuals and/or could make substrates unstable for growth; and</li> <li>• and death of living seeds due to mold, disease, or other reasons that cause inviability.</li> </ul> <p>An adequate buffer should protect the core population and habitat while allowing for the population to spread outwards. To the extent feasible, the areas between preserved locations should also be preserved in order to establish connectivity between adjacent populations. DRP should provide an explanation of chosen buffer distance(s) to avoid impacts on rare plants, seedbank, and habitat.</p>	Prior to finalizing CEQA document	DRP
<b>REC-6-Submitting Data for Sensitive</b>	<p>Information on special status species should be submitted to the CNDDDB by completing and submitting <a href="#">CNDDDB Field Survey Forms</a>. Information on special status native plant populations and</p>	Prior to finalizing	DRP

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<b>and Special Status Species and Natural Communities</b>	sensitive natural communities, the <a href="#">Combined Rapid Assessment and Relevé Form</a> should be completed and submitted to CDFW's Vegetation Classification and Mapping Program.	CEQA document	
<b>REC-7-Mitigation and Monitoring Reporting Plan</b>	The City should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter.	Prior to finalizing CEQA document	DRP
<b>MM-BIO-1-Impacts on Mountain Lion-Incidental Take Permit</b>	If take or adverse impacts to mountain lion cannot be avoided, the Project Applicant shall consult with CDFW and obtain appropriate take authorization from CDFW. The Project Applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project Applicant shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.	Prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.	DRP/Project Applicant
<b>MM-BIO-2-Impacts on Mountain Lion-Replacement Habitat</b>	The Project Applicant shall offset the loss of mountain lion habitat such that there is no net loss, or at a ratio acceptable to CDFW.	Prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.	DRP/Project Applicant
<b>MM-BIO-3-Impacts on Streams- Notify CDFW/Lake and Streambed Alteration Agreement</b>	The Project Applicant shall notify CDFW pursuant to Fish and Game Code 1602. The Project Applicant shall submit proof that CDFW was notified prior to vegetation removal and fuel modification activities. If a LSA Agreement is needed for the Project, the Project Applicant shall obtain a LSA Agreement from CDFW and provide a copy of the LSA Agreement prior to vegetation removal and fuel modification activities.	Prior to vegetation removal and fuel modification activities	DRP/Project Applicant

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<p><b>MM-BIO-4- Impacts on Streams- Notify CDFW</b></p>	<p>The Project Applicant's notification to CDFW shall provide the following information:</p> <ol style="list-style-type: none"> <li>1) A stream delineation in accordance with the U.S Fish and Wildlife Service wetland definition adopted by CDFW;</li> <li>2) Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project;</li> <li>3) A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation shall be discussed; and</li> <li>4) A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation shall assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.</li> </ol>	<p>Prior to the issuance of a grading permit</p>	<p>DRP/Project Applicant</p>
<p><b>MM-BIO-5- Impacts on Streams- Lake and Streambed Alteration Agreement and Compensatory Mitigation</b></p>	<p>If a LSA Agreement is needed for the Project, the Project Applicant shall comply with the mitigation measures detailed in the LSA Agreement issued by CDFW. The Project Applicant shall also provide compensatory mitigation for impacts on streams at no less than 1:1 for the impacted stream and impacted acreage of associated natural community, or at a ratio acceptable to CDFW.</p>	<p>Prior to vegetation removal and fuel modification activities</p>	<p>DRP/Project Applicant</p>