



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region
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BY EMAIL ONLY

January 18, 2022

James Chow
City of Santa Clarita
Community Development Department
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Subject: Negative Declaration for the City of Santa Clarita Housing Element Update Project, City of Santa Clarita, Los Angeles County

Dear Mr. Chow:

The California Department of Fish and Wildlife (CDFW) has reviewed the Negative Declaration (ND) from the City of Santa Clarita (City) for the Housing Element Update (Project). The ND's supporting documents included an Initial Study-Negative Declaration and a Public Review Draft 2021-2029 Housing Element. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

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

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

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

Project Description and Summary

Objective: The Project proposes a housing element update (HEU) to amend the City of Santa Clarita General Plan. The HEU amends the current Housing Element with the proposed 2021-2029 Housing Element and updates the Safety Element of the General Plan to reflect changes in State law. The City's General Plan, One Valley One Vision, was last updated in June 2011 and the program Environmental Impact Report (EIR) for the General Plan was completed in May 2011. The HEU sets goals, objectives, policies, and programs to achieve future housing needs for the City. The Regional Housing Needs Assessment (RHNA) identified a final allocation of 10,031 new housing units for this upcoming planning period.

Location: The Project will encompass the entire City of Santa Clarita, framed by three mountain ranges: the Sierra Pelona Mountains, Santa Susana Mountains, and San Gabriel Mountains. Since incorporation, 40 areas positioned to the City have been annexed, adding a total of 31.09 square miles to the City. The City is located within the Santa Clarita Valley, which includes incorporated and unincorporated areas of Los Angeles County. The General Plan for the Santa Clarita Valley planning area encompasses the entire Santa Clarita Valley. This area covers unincorporated communities of Stevenson Ranch, Castaic, Val Verde, Agua Dulce, Westridge, and Newhall Ranch. These unincorporated areas with the City of Santa Clarita form the Project area.

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 (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

Comment #1: Impacts on Existing Conservation Easement

Issue: Figure 12 and Figure 13 in the Public Review Draft Housing Element identifies 27 sites to be suitable for housing. Site 17 and Site 22 are adjacent to a CDFW-granted conservation easement (CE) along the Santa Clara River as shown in the attached map (Attachment A).

Specific impact: Future development of Sites 17 and 22 may result in direct and indirect impacts to conservation values within the CE.

Why impact would occur: Future development of Sites 17 and 22 may result in a need for increased bank protection along the Santa Clara River, which would encroach upon the CE. The installation of the bank protection may result in direct impacts to vegetation and hydrology within the CE. Future development of these two sites may also result in increased human densities, which may increase habitat degradation and edge effects within the CE. Habitat degradation would occur through anthropogenic impacts such as the creation of illegal trails, wildfire, noise, lighting, trash, fuel modification, and increased competition from invasive species.

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Evidence impact would be significant: The CE was recorded to retain the natural condition of the property in perpetuity and to prevent any actions that will significantly impair or interfere with the conservation values of the property. Any future development facilitated by this Project will have a substantial adverse direct, indirect, and cumulative affect either directly or through habitat modifications on the CE.

Recommendation #1: CDFW requests the City provide CDFW all notices for any subsequent projects on Sites 17 and 22 during the planning and permitting process to allow CDFW an opportunity to review and comment.

Recommendation #2: CDFW recommends the ND require subsequent development projects provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area (including the adjacent CE), 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. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The ND 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 ND should acknowledge that subsequent projects 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 [CDFWa];
- 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 [CDFWb];
- 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 et al., 2009). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project;
- 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

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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.

Comment #2: Impacts on Biological Resources

Issue: Figure 12 and Figure 13 in the Public Review Draft Housing Element designates 27 sites as suitable for housing. Sites 3, 6, 8, and 24 may have protected biological resources.

Specific Impact: Future development of Sites 3, 6, 8, and 24 may result in direct and indirect impacts to biological resources. These activities all have the potential to impact and result in the loss of the following resources:

Site 3: California legless lizard (*Anniella* spp.), a SSC; California glossy snake (*Arizona elegans occidentalis*), a SSC; California gnatcatcher (*Poliophtila californica californica*), a federally listed species; Crotch's bumble bee (*Bombus crotchii*), a S1/S2 State ranked species; Quino checkerspot (*Euphydryas editha quino*), a federally listed species; slender horned spineflower (*Dodecahema leptoceras*), a State-ranked 1B plant; ridgelines;

Site 6: Coast horned lizard (*Phrynosoma blainvillii*), a SSC; California Orcutt grass (*Orcuttia californica*), a state ranked 1B plant; Palmer's grapplinghook (*Harpagonella palmeri*), a state ranked 4.2 plant; Oak Woodland Alliance (*Quercus* spp.); wetlands;

Site 8: Coast horned lizard; California gnatcatcher; California Orcutt grass; Palmer's grapplinghook; Oak Woodland Alliance; ridgelines;

Site 24: Coast horned lizard; California Orcutt grass; Palmer's grapplinghook 4.2; and Oak Woodland Alliance.

Why impact would occur: Future housing development facilitated by the Project may result in vegetation removal, grading, ground disturbance, and permanent removal of habitat. Species listed above may rely on these sites for nesting and foraging habitat. Future work during the breeding season may lead to injury or mortality and nest abandonment in areas in and adjacent to the Project area. Grading, vegetation removal, and other ground disturbances could crush and bury listed or sensitive plants and animals, resulting in direct mortality and permanently impacting the habitat. The future development may also affect adjacent habitat by creating loud noises, lighting, fugitive dust, and spreading invasive weeds, resulting in stress, displacement, and mortality of these species.

Evidence impact would be significant: CEQA provides protection for special status species, including SSC. These SSC meet the CEQA definition of rare, threatened, or endangered

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species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065). Inadequate avoidance, minimization, and mitigation measures for impacts to these listed species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS).

Future development of the proposed sites is inconsistent with the Santa Clarita Municipal Code (SCMC) and specific policies identified in the Conservation and Open Space Element (COSE), which are outlined in the One Valley One Vision General Plan. Protection and/or conservation of wetlands are included in SCMC 17.95.050 and COSE Policy CO 3.1.2 and 3.2.1. Protection of oaks is provided under SCMC 17.51.040 and COSE Policy CO 3.2.2 and 3.5.3. Protection of ridgelines is provided under SCMC 17.86.040 and 17.38.070 and COSE Policy CO 2.2.3.

Recommendation #3: CDFW recommends reconsider utilizing Sites 3, 6, 8, and 24 for other potential development types (instead of housing). Other potential development types may minimize impacts on biological resources and maintain consistency with the policies outlined in the Conservation and Open Space Element. All subsequent development projects should provide information as outlined in Recommendation #2.

Additional Recommendations

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting CNDDDB Field Survey Forms [CDFWc]. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The City should provide CDFW with confirmation of data submittal.

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 the City 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 B).

Filing Fees

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Santa Clarita and serve to help defray the cost of environmental review by CDFW. Payment of

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the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City 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. Questions regarding this letter and further coordination on these issues should be directed to Nicole Leatherman, Environmental Scientist, at Nicole.L Leatherman@wildlife.ca.gov or (858) 761-8020.

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

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CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

References:

[CDFWa] California Department of Fish and Wildlife, 2022. Natural Communities. Accessed at:

<https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

[CDFWb] California Department of Fish and Wildlife, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Accessed at:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

[CDFWc] California Department of Fish and Wildlife. 2022. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDDB>

Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2009. A Manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.

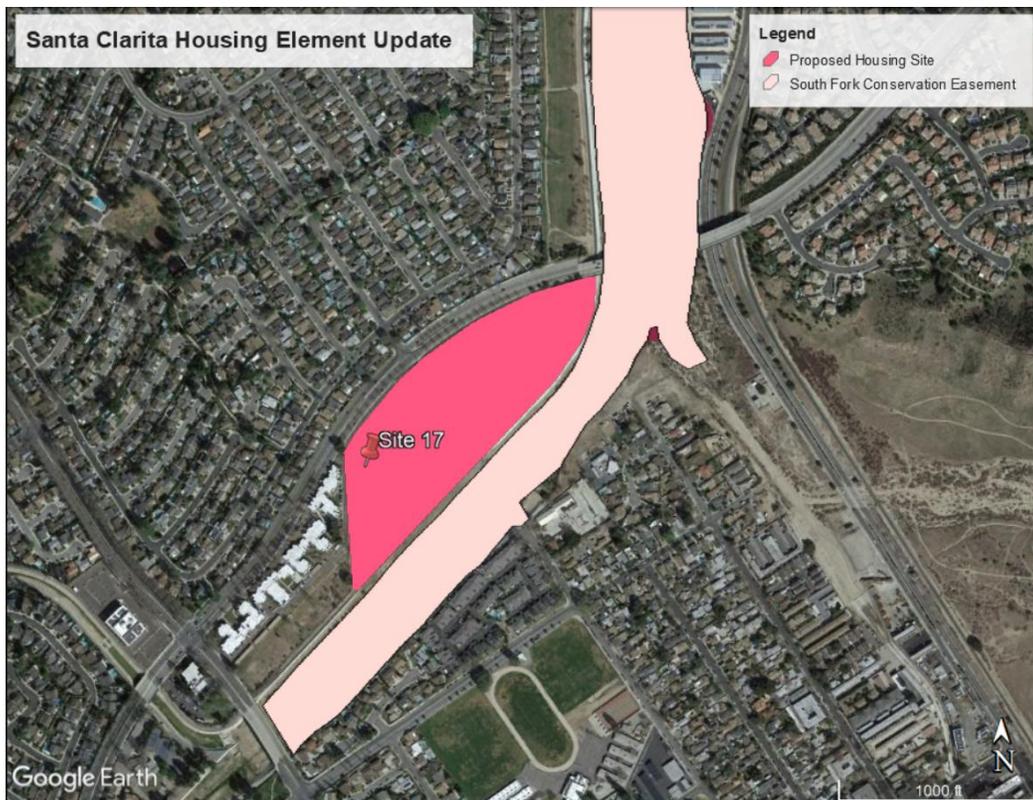
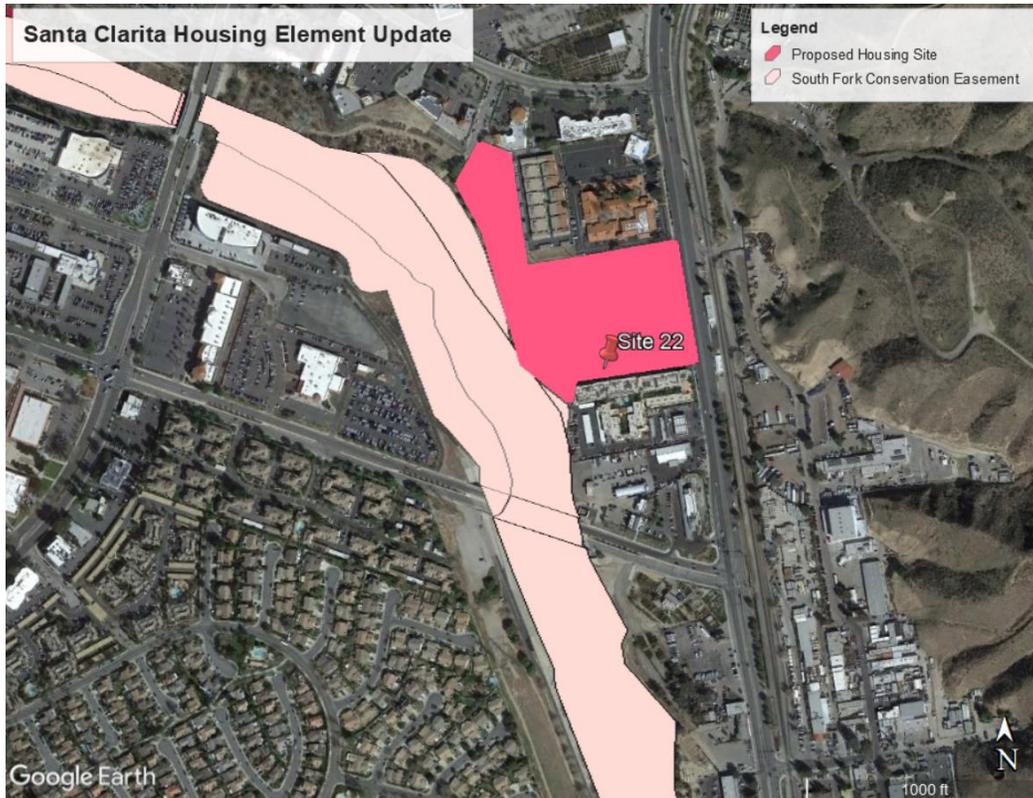


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Attachment A: Site 17 and 22 with Conservation Easement





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Attachment B: Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
REC-1- Impacts on Existing Conservation Easement	CDFW requests the City provide CDFW all notices for any subsequent projects on Sites 17 and 22 during the planning and permitting process to allow CDFW an opportunity to review and comment.	Prior to finalizing/ adopting CEQA document	City
REC-2- Impacts on Existing Conservation Easement	CDFW recommends the ND require subsequent development projects provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area (including the adjacent CE), 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. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The ND should include the following information: a) Information on the regional setting that is critical to an assessment of environmental impacts, with special	Prior to finalizing/ adopting CEQA document	City

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	<p>emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The ND should acknowledge that subsequent projects 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 [CDFWa];</p> <p>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 [CDFWb];</p> <p>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 et al., 2009). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;</p> <p>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;</p> <p>e) A complete, recent, assessment of rare, threatened, and</p>		
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	<p>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</p> <p>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.</p>		
<p>REC-3- Impacts on Biological Resources</p>	<p>CDFW recommends reconsider utilizing Sites 3, 6, 8, and 24 for other potential development types (instead of housing). Other potential development types may minimize impacts on biological resources and maintain consistency with the policies outlined in the Conservation and Open Space Element. All subsequent development projects should provide information as outlined in REC-2-Impacts on Existing Conservation Easements.</p>	<p>Prior to finalizing/adopting CEQA document</p>	<p>City</p>

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REC-4-Data	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity Database) which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting CNDDDB Field Survey Forms [CDFWc]. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The City should provide CDFW with confirmation of data submittal.,	Prior to finalizing/adopting CEQA document	City
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