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



Governor's Office of Planning & Research

**Jun 30 2022**

Via Electronic Mail Only

**STATE CLEARINGHOUSE**

June 30, 2022

Thuy Hua  
Los Angeles County Department of Regional Planning  
320 W. Temple St. 13<sup>th</sup> Floor  
Los Angeles, CA 90012  
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**Subject: Draft Program Environmental Impact Report for the Los Angeles County 2045 Climate Action Plan, SCH #2021120568, Los Angeles County Department of Regional Planning, Los Angeles County**

Dear Ms. Hua:

The California Department of Fish and Wildlife (CDFW) has reviewed a Draft Program Environmental Impact Report (DEIR) from the Los Angeles County Department of Regional Planning (DRP) for the Los Angeles County 2045 Climate Action Plan (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 amend the Los Angeles County (County) General Plan to replace the Unincorporated Los Angeles County Community Climate Action Plan 2020 with the Draft 2045 Climate Action Plan (Draft 2045 CAP). The Draft 2045 CAP would be a policy document intended to reduce unincorporated County-wide greenhouse gas (GHG) emissions. The Draft 2045 CAP identifies measures to effectively meet GHG emissions reduction targets for 2030 and 2035 that are consistent with the State's targets and executive orders. The Draft 2045 CAP also includes an aspirational GHG emissions reduction goal of carbon neutrality by 2045. The Draft 2045 CAP also furthers the vision and goals of the OurCounty Sustainability Plan.

The Draft 2045 CAP is organized around 10 primary strategies to achieve the estimated reduction in GHG emission. Additional implementing actions, including new ordinances, policies, resolutions, programs, incentives, and outreach and education activities, would achieve the estimated reduction in GHG emissions.

- Strategy 1: Decarbonize the energy supply
- Strategy 2: Increase densities and diversity of land uses near transit
- Strategy 3: Reduce single-occupancy vehicle trips
- Strategy 4: Institutionalize low-carbon transportation
- Strategy 5: Decarbonize buildings
- Strategy 6: Improve efficiency of existing building energy use
- Strategy 7: Conserve water
- Strategy 8: Minimize waste and recover energy and materials from the waste stream
- Strategy 9: Conserve forests and working lands
- Strategy 10: Sequester carbon and implement sustainable agriculture

Implementation of the Draft 2045 CAP would occur over three phases, which take advantage of easier short-term actions to meet the 2030 target and then build up to more complex solutions as the 2035 target and 2045 aspirational goal approach.

- Phase 1: Short-Term Actions (2023-2025) - Short-term actions that are high-priority with large emissions reductions to lay the foundation for longer term actions.
- Phase 2: Mid-Term Actions (2025-2035) - Actions needed to achieve the 2030 or 2035 GHG emissions reduction targets that may need additional time, funding, or new technology to implement.
- Phase 3: Longer Term Actions (2035-2045) - Actions focused on helping the County reach its 2045 GHG emissions reduction aspirational goal that may need substantial time, funding, or new technology to implement.

The Draft 2045 CAP would serve as the overarching implementation plan through the 2035 target year and is expected to be updated every five years to reflect new advances and technologies in GHG emissions reduction strategies.

**Location:** Implementation of the Project would occur throughout unincorporated Los Angeles County in all General Plan, Community Plan, Area Plan, and zoning designations. These areas

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occupy approximately 1,696,000 acres, or 2,650 square miles (approximately 65 percent of the total land area of the County).

## **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. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

### **Specific Comments**

#### **Comment #1: Impacts on Aquatic Resources and Associated Natural Communities**

**Issue:** Individual projects facilitated by Draft 2045 CAP measures and actions could impact streams and associated natural communities.

**Specific impacts:** Individual projects facilitated by Draft 2045 CAP measures and actions could affect streams and associated natural communities through channelizing or diverting a stream from its natural course of flow, removing habitat, converting habitat, filling, hydromodification, or changing water quality and quantity. In addition, increasing recycled water use for irrigation or other purposes may affect natural communities that rely on recycled water for survival.

**Why impacts would occur:** According to the DEIR, "Individual projects facilitated by Draft 2045 CAP measures and actions could affect state or federally protected wetlands when expanding bicycle and pedestrian networks within recreational areas, procuring zero-carbon electricity, electrifying all new development, increasing renewable energy production on new development, and expanding energy resilience. These measures may facilitate new development such as large utility-scale energy projects (e.g., solar, battery storage, substation, and transmission infrastructure) in the Antelope Valley or other undisturbed areas and could affect state or federally protected wetlands (if present) through direct removal, filling, hydromodification, or diversion or change in water quality." In addition, with regards to sensitive natural communities such as riparian habitat, the DEIR states, "Individual projects facilitated by Draft 2045 CAP measures and actions could affect sensitive natural communities [...] by direct removal or conversion of habitat. Also, increasing recycled water use for irrigation or other purposes may also potentially affect sensitive natural communities in watersheds that rely on recycled water for survival due to water diversions or drought."

**Evidence impacts would be significant:** 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:

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- Divert or obstruct the natural flow of any river, stream, or lake<sup>1</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 Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

The Project may result in significant impacts on streams and associated natural communities if individual projects facilitated by Draft 2045 CAP measures would be in close proximity to these resources. The DEIR concluded that impacts on aquatic resources and associated natural communities are “significant and unavoidable” and “no additional feasible mitigation measures are available” (see Additional Recommendations, Recommendation #5). Without providing appropriate mitigation, the Project continues to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on fish and wildlife resources, including rivers, streams, or lakes and associated natural communities identified by CDFW.

#### **Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects Facilitated by the 2045 Climate Action Plan:**

**Recommendation #1:** 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 #1:** CDFW recommends DRP revise Mitigation Measure 3.5-1 by including the following underlined language:

**“Mitigation Measure 3.5-1:** Biological resources shall be analyzed on a project-specific level by a qualified biological consultant. Prior to the start of construction activities, a general survey shall be conducted to characterize the project site, and focused surveys would be conducted as necessary to determine the presence/absence of special-status species (e.g., focused sensitive plant or wildlife surveys) and a jurisdictional delineation<sup>2</sup> shall be required if any river, stream, or lake are present. A biological resources

<sup>1</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.

<sup>2</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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assessment report shall be prepared to characterize the biological resources on-site, analyze impacts on biological resources, and propose mitigation measures to offset those impacts [...].”

**Mitigation Measure #2:** If any river, stream, or lake are present and may be impacted, the project should be required to avoid impacts by implementing appropriate vegetative buffers and/or setbacks adjoining the stream or wetland feature to reduce impacts of the project on these resources.

**Mitigation Measure #3:** If avoidance is not feasible, the project applicant should be required to notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant should comply with the mitigation measures detailed in a LSA Agreement issued by CDFW. The project applicant should also provide compensatory mitigation at no less than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.

Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022a).

#### **Comment #2: Impacts on Sensitive Natural Communities Identified by CDFW**

**Issue:** Individual projects facilitated by Draft 2045 CAP measures and actions could impact oak (*Quercus* genus) and other native woodlands within the Project area.

**Specific impact:** Projects facilitated by Draft 2045 CAP measures and actions could result in loss of individual trees as well as acres of woodlands.

**Why impacts would occur:** According to the DEIR, “Projects facilitated by Draft 2045 CAP measures and actions could potentially affect oak woodlands and other unique native woodlands when expanding bicycle and pedestrian networks within recreational areas, procuring zero-carbon electricity, electrifying all new development, increasing renewable energy production on new development, and expanding energy resilience. These measures may facilitate new development such as large utility-scale energy projects (e.g., solar, battery storage, substation, transmission infrastructure) in the Antelope Valley. Such projects would adversely affect oak woodlands and/or other unique native woodlands directly if they would entail tree or woodland removal, or indirectly (e.g., construction vehicles drive over woodland root systems). Increasing recycled water use for irrigation or other purposes also could adversely affect oak woodlands and other unique native woodlands in watersheds that rely on recycled water due to other water diversions within the watershed or drought.”

In the DEIR, DRP states that potential loss of oak and other native woodlands would be mitigated through the County’s Oak Tree Ordinance and Oak Woodlands Conservation Management Act. CDFW is concerned that loss of woodlands as an entire community may not be completely mitigated through the Oak Tree Ordinance, which primarily addresses loss and replacement of individual trees. Individual trees may not completely replace the loss of viable habitat, understory vegetation, mycorrhizal fungi, and biological functions. CDFW is also concerned that the specificity of the County’s Oak Tree Ordinance and Oak Woodlands Conservation Management Act may not address impacts and loss of other native woodlands

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such as California walnut groves (*Juglans californica* Woodland Alliance) and Joshua tree woodland (*Yucca brevifolia* Woodland Alliance).

**Evidence impacts would be significant:** Oak woodlands have higher levels of biodiversity than any other terrestrial ecosystem in California. Over 330 species of birds, mammals, reptiles, and amphibians depend on oak woodlands in California at some stage in their life cycle (CalPIF 2002). Oak trees provide nesting and perching habitat for approximately 170 species of birds. Large oak trees in oak woodland habitats are important for cover, nesting sites for cup nesting species and cavity nesting species, as well as caching sites for birds storing acorns (CalPIF 2002). Oak woodlands also serve several important ecological functions important within an ecosystem such as protecting soils from erosion and land sliding, regulating water flow in watersheds, and maintaining water quality in streams and rivers.

CDFW considers oak woodlands to be a sensitive plant community. Oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and on-going loss of these resources. Moreover, [CDFW's Areas of Conservation Emphasis - Significant Habitats](#) dataset includes oak woodlands as a Terrestrial Significant Habitat based on its priority for conservation and acquisition planning for some counties, local jurisdictions, and the Wildlife Conservation Board (CDFW 2019).

California walnut groves and Joshua tree woodland both have a State Rarity ranking of 3.2. CDFW considers natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 to be Sensitive Natural Communities. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2022b). Sensitive Natural Communities are threatened communities that have both regional and local significance. In addition, CDFW considers southern California black walnut and Joshua tree as plants with special status. Special Plant taxa are species, subspecies, or varieties that fall into one or more of the following categories:

- Officially listed by California or the Federal Government as Endangered, Threatened, or Rare;
- A candidate for state or federal listing as Endangered, Threatened, or Rare;
- Taxa listed in the California Native Plant Society's Inventory of Rare and Endangered Plants of California;
- Taxa which meet the criteria for listing, even if not currently included on any list, as described in CEQA Guidelines section 15380;
- Taxa that are biologically rare, very restricted in distribution, or declining throughout their range but not currently threatened with extirpation;
- A Bureau of Land Management, U.S. Fish and Wildlife Service, or U.S. Forest Service Sensitive Species/Species of Conservation Concern;
- Population(s) in California that may be peripheral to the major portion of a taxon's range but are threatened with extirpation in California; and
- Taxa closely associated with a habitat that is declining in California at a significant rate (e.g., wetlands, riparian, vernal pools, old growth forests, desert aquatic systems, native grasslands, valley shrubland habitats, etc.) (CDFW 2022c).

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Impacts to a Sensitive Natural Community should be considered significant under CEQA unless impacts are clearly mitigated below a level of significance. Without appropriate mitigation, the Project may result in significant impacts on a Sensitive Natural Community if individual projects facilitated by Draft 2045 CAP measures and actions would remove, encroach into, or disturb (e.g., fuel modification) such resources. Accordingly, the Project continues to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on sensitive natural communities identified by CDFW.

### **Recommended Potentially Feasible Mitigation Measure(s) Required for Future Projects Facilitated by the 2045 Climate Action Plan:**

**Mitigation Measure #4:** Where an individual project results in the loss of native woodlands, the project should offset the loss by no less than 2:1 of the total acreage of woodlands lost. The number of replacement trees and woodland acres should be higher if a project impacts large oak trees; impacts a woodland supporting rare, sensitive, or special status plants and wildlife; impacts a woodland adjacent to a watercourse; or impacts a woodland with a State Rarity ranking of S1, S2, or S3, or additional ranking of 0.1 or 0.2.

**Mitigation Measure #5:** Where an individual project results in the loss of loss of native woodlands, the project should remove large trees in phases to the maximum extent feasible. A phased removal plan should be provided as a condition of obtaining a grading permit or permit under the County's Oak Tree Ordinance and/or Oak Woodlands Conservation Management Act. Removing trees in phases minimizes impacts on wildlife, primarily nesting birds, resulting from the temporal loss of trees and to provide structurally diverse woodlands while any on or off-site site mitigation for impacts to woodlands occurs.

### **Additional Recommendations**

**Recommendation #2: Impacts on Species Identified as a Candidate, Sensitive, or Special-Status Species by CDFW** - CDFW recommends DRP further revise Mitigation Measure 3.5-1 by including the following underlined language in order to provide adequate mitigation to reduce the Project's impact to less than significant:

**"Mitigation Measure 3.5-1:** Biological resources shall be analyzed on a project-specific level by a qualified biological consultant. Prior to or during the preparation of individual project-level environmental documents, and prior to the start of construction activities, a general-survey biological resources assessment shall be conducted to characterize the project site. Adjoining habitat areas shall be included where the project's construction and activities could lead to direct or indirect impacts off site. The assessment and analysis shall place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. and Focused surveys would shall be conducted as necessary to determine the presence/absence of special-status species (e.g., focused sensitive plant or wildlife surveys). Focused surveys shall be conducted according to established CDFW or USFWS protocols if available. Natural communities shall be mapped and identified according to floristic alliance- and/or association-based mapping protocols. A jurisdictional delineation shall be required if any river, stream, or lake are present.

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A biological resources assessment report shall be prepared to characterize the biological resources on site, analyze direct and indirect impacts on biological resources, and propose mitigation measures to offset those impacts. The report shall include site location, literature sources, methodology, timing of surveys, vegetation map, site photographs, and descriptions of biological resources on site (e.g., observed and detected species as well as those species with potential to occur on site).”

**Recommendation #3: Impacts on Species Identified as a Candidate, Sensitive, or Special-Status Species by CDFW** – The Project area supports fish and wildlife species listed under the Endangered Species Act and CESA. To provide adequate mitigation to reduce the Project’s impact to less than significant, CDFW recommends DRP condition the Project’s environmental document with the following mitigation measure: If necessary, individual projects facilitated by Draft 2045 CAP measures should be required to enter into consultation with, and obtain the appropriate permits from, the USFWS and/or CDFW for unavoidable impacts to special status species and habitat. Appropriate permits from the USFWS and/or CDFW should be obtained prior to the project obtaining a grading permit.

**Recommendation #4: Impacts on Movement of Native Resident or Migratory Fish or Wildlife Species or with Established Native Resident or Migratory Wildlife Corridors** – CDFW recommends DRP further revise Mitigation Measure 3.5-3 by including the following underlined language in order to provide adequate mitigation to reduce the Project’s impact to less than significant:

**“Mitigation Measure 3.5-3:** Individual projects facilitated by Draft 2045 CAP measures and actions shall prepare alternative designs, arrangements, and locations such that there would be no impact or severance of any wildlife corridors, linkages, and pinch points. Corridors, linkages, and pinch points shall not be entirely closed by any development, and partial mitigation shall be mandatory for project-specific impacts on wildlife corridors and wildlife nursery sites. This shall include provision of a minimum of half the corridor width (the width shall be at least what is needed to remain connective for the top predators using the corridor). Mitigation can include preservation by deed in perpetuity of other parts of the wildlife corridor connecting through the development area; it can include native landscaping to provide cover on the corridor. For nursery site impacts, mitigation shall include preservation by deed in perpetuity for another comparable nursery site of the same species.”

In addition to Mitigation Measure 3.5-3 in the Project’s environmental document, CDFW recommends DRP provide a mitigation measure whereby individual projects should prepare a study analyzing potential impacts on wildlife corridors from the standpoint of the following (at a minimum): 1) introducing new/additional barriers to dispersal; 2) constraining wildlife corridors and pinch points leading to severed migration; 3) habitat loss, fragmentation, and encroachment; 4) increased human presence, noise, and lighting; and 5) increased fire risk. CDFW recommends DRP revise Mitigation Measure 3.5-1 to include these specific recommendations or provide a separate mitigation measure.

**Recommendation #5: Evaluation of CDFW’s recommended mitigation measures** – DRP concluded that many of the Project’s impacts on biological resources, especially indirect impacts, are “significant and unavoidable. No additional feasible mitigation measures are available” (e.g., impacts on wildlife movement, special status species). CDFW has provided

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DRP with recommended mitigation measures that are potentially feasible in order to reduce the Project's impact on biological resources to less than significant. If DRP determines/concludes that CDFW's recommendations are not feasible, CDFW would appreciate a written response why specific comments and suggestions were not accepted as part of the Project's environmental document (CEQA Guidelines, § 15088). Per CEQA Guidelines section 15091, "No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding."

**Recommendation #6: Data** - 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 2022d). 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 2022e).

**Recommendation #7: Mitigation and Monitoring Reporting Plan** - CDFW recommends the DRP condition the Project's environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist DRP in developing feasible 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). 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 Monitoring and 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

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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.

Sincerely,

DocuSigned by:  
  
B6E58CFE24724F5...

Erinn Wilson-Olgin  
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ec: CDFW

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#### References:

- [CDFWa] California Department of Fish and Wildlife. 2022. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.
- [CDFWb] California Department of Fish and Wildlife. 2022. Natural Communities. Available from: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>.
- [CDFWc] California Department of Fish and Wildlife. 2022. California Natural Diversity Database. Specialist vascular Plants, Bryophytes, and Lichens List. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>.
- [CDFWd] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- [CDFWe] California Department of Fish and Wildlife. 2022. Natural Communities — Submitting Information. Available from: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- [CDFW] California Department of Fish and Wildlife. 2019. Areas of Conservation Emphasis (ACE), Significant Habitats. Available from: <https://wildlife.ca.gov/Data/Analysis/Ace#523731771-significant-habitats>
- [CalPIF] California Partners in Flight. 2002. Version 2.0. The oak woodland bird conservation plan: a strategy for protecting and managing oak woodland habitats and associated birds in California (S. Zack, lead author). Point Reyes Bird Observatory, Stinson Beach, CA. Available from: <http://www.prbo.org/calpif/plans.html>



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

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
<b>REC-1-Lake and Streambed Alteration (LSA) Agreement</b>	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 an LSA Agreement.	Prior to finalizing the Project's CEQA document/ project-level CEQA documents	Los Angeles County Department of Regional Planning (DRP)/ Applicants of future projects facilitated by the 2045 Climate Action Plan
<b>REC-2-Impacts on Species Identified as a Candidate, Sensitive, or Special-Status Species by CDFW</b>	DRP should further revise Mitigation Measure 3.5-1 to state:  <b>Mitigation Measure 3.5-1:</b> Biological resources shall be analyzed on a project-specific level by a qualified biological consultant. Prior to or during the preparation of individual project-level environmental documents, and prior to the start of construction activities, a biological resources assessment shall be conducted to characterize the project site. Adjoining habitat areas shall be included where the project's construction and activities could lead to direct or indirect impacts off site. The assessment and analysis shall place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. Focused surveys shall be conducted as necessary to determine the presence of	Prior to finalizing the Project's CEQA document	DRP

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	<p>special-status species (e.g., focused sensitive plant or wildlife surveys). Focused surveys shall be conducted according to established CDFW or USFWS protocols if available. Natural communities shall be mapped and identified according to floristic alliance- and/or association-based mapping protocols. A jurisdictional delineation shall be required if any river, stream, or lake are present.</p> <p>A biological resources assessment report shall be prepared to characterize the biological resources on site, analyze direct and indirect impacts on biological resources, and propose mitigation measures to offset those impacts. The report shall include site location, literature sources, methodology, timing of surveys, vegetation map, site photographs, and descriptions of biological resources on site (e.g., observed and detected species as well as those species with potential to occur on site).</p>		
<b>REC-3-Impacts on Species Identified as a Candidate, Sensitive, or Special-Status Species by CDFW</b>	DRP should condition the Project's environmental document with the following mitigation measure: If necessary, individual projects facilitated by Draft 2045 CAP measures shall be required to enter into consultation with, and obtain the appropriate permits from, the USFWS and/or CDFW for unavoidable impacts to special status species and habitat. Appropriate permits from the USFWS and/or CDFW shall be obtained prior to the project obtaining a grading permit.	Prior to finalizing the Project's CEQA document	DRP
<b>REC-4-Impacts on Movement of Native Resident or Migratory Fish or Wildlife Species or with Established Native Resident or Migratory</b>	<p>DRP should revise <b>Mitigation Measure 3.5-3</b> to state:</p> <p>Individual projects facilitated by Draft 2045 CAP measures and actions shall prepare alternative designs, arrangements, and locations such that there would be no impact or severance of any wildlife corridors, linkages, and pinch points. Corridors, linkages, and pinch points shall not be entirely closed by any development, and partial mitigation shall be mandatory for project-specific impacts</p>	Prior to finalizing the Project's CEQA document	DRP

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<b>Wildlife Corridors</b>	<p>on wildlife corridors and wildlife nursery sites. This shall include provision of a minimum of half the corridor width (the width shall be at least what is needed to remain connective for the top predators using the corridor). Mitigation can include preservation by deed in perpetuity of other parts of the wildlife corridor connecting through the development area; it can include native landscaping to provide cover on the corridor. For nursery site impacts, mitigation shall include preservation by deed in perpetuity for another comparable nursery site of the same species.”</p> <p>In addition to Mitigation Measure 3.5-3 in the Project’s environmental document, DRP should provide a mitigation measure whereby individual projects should prepare a study analyzing potential impacts on wildlife corridors from the standpoint of the following (at a minimum): 1) introducing new/additional barriers to dispersal; 2) constraining wildlife corridors and pinch points leading to severed migration; 3) habitat loss, fragmentation, and encroachment; 4) increased human presence, noise, and lighting; and 5) increased fire risk. DRP should revise Mitigation Measure 3.5-1 to include these specific recommendations or provide a separate mitigation measure.</p>		
<b>REC-5- Evaluation of CDFW’s recommended mitigation measures</b>	<p>If DRP determines/concludes that CDFW’s recommendations are not feasible, DRP should prepare a written response to CDFW’s comments why specific comments and suggestions were not accepted as part of the Project’s environmental document.</p>	<p>Prior to finalizing the Project’s CEQA document</p>	<p>DRP</p>
<b>REC-6- Submitting Data for Sensitive and Special Status Species</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 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.</p>	<p>Prior to finalizing future project-level CEQA documents</p>	<p>Applicants of future projects facilitated by the 2045 Climate Action Plan</p>

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<b>and Natural Communities</b>			
<b>MM-BIO-1 Impacts on Aquatic Resources and Associated Natural Communities – Biological Resources Assessment</b>	Biological resources shall be analyzed on a project-specific level by a qualified biological consultant. Prior to the start of construction activities, a general survey shall be conducted to characterize the project site, and focused surveys would be conducted as necessary to determine the presence/absence of special-status species (e.g., focused sensitive plant or wildlife surveys) and a jurisdictional delineation may be required if there are signs of potentially regulated wetlands and non-wetland waters). A biological resources assessment report shall be prepared to characterize the biological resources on site, analyze impacts on biological resources, and propose mitigation measures to offset those impacts. The report shall include site location, literature sources, methodology, timing of surveys, vegetation map, site photographs, and descriptions of biological resources on site (e.g., observed and detected species as well as those species with potential to occur on site).	Preparation of project-specific CEQA document	Applicants of future projects facilitated by the 2045 Climate Action Plan
<b>MM-BIO-2 Impacts on Aquatic Resources and Associated Natural Communities – Setbacks &amp; Buffers</b>	If any river, stream, or lake are present and may be impacted, the project shall be required to avoid impacts by implementing appropriate vegetative buffers and/or setbacks adjoining the stream or wetland feature to reduce impacts of the project on these resources.	Prior to finalizing project design  Prior to obtaining a grading permit	DRP  Applicants of future projects facilitated by the 2045 Climate Action Plan
<b>MM-BIO-3 Impacts on Aquatic Resources and Associated Natural</b>	If avoidance is not feasible, the project applicant shall be required to notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to obtaining a grading permit. The project applicant shall comply with the mitigation measures detailed in a LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less	Prior to obtaining a grading permit	DRP  Applicants of future projects facilitated by the

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<p><b>Communities – LSA Agreement under Fish and Game Code 1602</b></p>	<p>than 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW.</p>		<p>2045 Climate Action Plan</p>
<p><b>MM-BIO-4 Impacts on Sensitive Natural Communities – Compensatory Mitigation</b></p>	<p>Where an individual project results in the loss of native woodlands, the project shall offset the loss by no less than 2:1 of the total acreage of woodlands lost. The number of replacement trees and woodland acres shall be higher if a project impacts large oak trees; impacts a woodland supporting rare, sensitive, or special status plants and wildlife; impacts a woodland adjacent to a watercourse; or impacts a woodland with a State Rarity ranking of S1, S2, or S3, or additional ranking of 0.1 or 0.2.</p>	<p>Prior to issuance of a grading permit or permit under the County’s Oak Tree Ordinance and/or Oak Woodlands Conservation Management Act</p>	<p>DRP  Applicants of future projects facilitated by the 2045 Climate Action Plan</p>
<p><b>MM-BIO-5 Impacts on Sensitive Natural Communities – Phased Removal of Trees</b></p>	<p>Where an individual project results in the loss of loss of native woodlands, the project shall remove large trees in phases to the maximum extent feasible. A phased removal plan shall be provided as a condition of obtaining a grading permit or permit under the County’s Oak Tree Ordinance and/or Oak Woodlands Conservation Management Act.</p>	<p>Prior to issuance of a grading permit or permit under the County’s Oak Tree Ordinance and/or Oak Woodlands Conservation Management Act</p>	<p>DRP  Applicants of future projects facilitated by the 2045 Climate Action Plan</p>