



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
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San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

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

Tyler Montgomery
Los Angeles County Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
TMontgomery@planning.lacounty.gov

**Subject: Mitigated Negative Declaration for Rocky Oaks Guest Ranch Project,
SCH #2022030492, Los Angeles County Department of Regional Planning,
Los Angeles County**

Dear Mr. Montgomery:

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 Rocky Oaks Guest Ranch 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 convert an existing 4,042-square-foot single-family residence into a guest ranch. In addition to the existing residence, the 38-acre property consists of 6.51 acres of grapevines and 1.08 acres of orchards (avocado, citrus, and olive). There are also three graded pads along the length an existing 1,900-foot-long driveway. The remainder of the property consists of rocky outcrops, shrubs, and grasses, some of which have been affected by fuel modification for the existing residence.

The Project proposes to add an ADA-accessible restroom to the existing residence. The restroom would total approximately 420 square feet. The Project also proposes to add three parking areas of permeable pavement. The parking areas would be placed at three previously graded locations along the existing driveway. The parking areas would be 5,634 square feet, 10,924 square feet, and 9,280 square feet. These parking areas would hold a total of 67 off-street parking spaces. A total of 350 cubic yards of grading (200 cubic yards cut, 150 cubic yards fill) is proposed. The Project requires a Significant Ecological Area (SEA) conditional use permit as the Project is proposed within a mapped SEA.

The property would host a maximum of eight overnight guests and six employees. A total of 45 special events with a capacity of up to 200 people would be allowed at the facility per year. All special events have alcohol service only as part of catered events and would be provided by licensed and certified alcohol servers. All food for the guest ranch will also be catered or would be served in pre-packaged containers. An ADA-accessible shuttle would be available whenever guests are present.

Location: The Project is located at 340 Kanan Road in unincorporated Los Angeles County on Assessor's Parcel Number 2058-017-025. The property is surrounded by open space to the east and west, single-family residences and vacant land to the north, and single-family and equestrian uses to the south.

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).

Specific Comments

Comment: Potential Impacts on Mountain Lion

Issue: The MND 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*).

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Specific Impacts: The Project could impact mountain lion through habitat loss and 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. Anticoagulant rodenticides have been documented to cause injury or mortality of mountain lions (Center for Biological Diversity 2019). Increased frequency of wildfires is also a threat to the survival of the Southern California/Central Coast ESU of mountain lion (Center for Biological Diversity 2019).

The Project is a development project that could impact mountain lion as a result of habitat loss and habitat fragmentation. Habitat loss and habitat fragmentation could occur as a result of fuel modification. The Project is located in a Very High Fire Hazard Severity Zone. Converting the Project site to an event space with up to 200 people could increase the risk of fire originating from human ignition sources such as fire pits, fireworks, sparklers, sparks from cars or equipment, and improperly disposed cigarette butts. A fire originating from the property could burn natural areas on site and in adjacent natural areas and therefore resulting habitat loss and habitat fragmentation. Fire could also result in injury or mortality of mountain lions. After the Woolsey Fire, the body of mountain lion P-64 was found dead with severely burned paws (Center for Biological Diversity 2019).

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 lighting to the Project site. 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

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authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

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;
- 5) Increased fire risk; and
- 6) Use of herbicides, pesticides, and rodenticides.

Recommendation #2: CDFW recommends the Project's CEQA document provide measures to mitigate the Project's potentially significant effects on mountain lion. The Project's CEQA document should provide a discussion and explanation of the efficacy of proposed mitigation measures.

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Recommendation #3: CDFW recommends recirculate the Project's CEQA document to inform the public and state agencies of the Project's effects on mountain lion.

Recommendation #4: 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 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.

Mitigation Measure #3: The Project Applicant should not use any rodenticides and second-generation anticoagulant rodenticides on the property¹. The Project Applicant should inform property managers and contractors that no rodenticides and second-generation anticoagulant rodenticide should be used on site at any time.

Additional Recommendations

Recommendation #5: The Project's proposed mitigation measure 4.2 states, "The applicant shall prepare a habitat restoration plan on a separate landscape sheet, approved by DRP prior to final approval, for removal of non-native plant species. Restoration will entail physical removal of non-natives - chiefly African fountaingrass (*Pennisetum setaceum*) - and the sowing of seeds of plant species and wildflowers locally native to the site. Plant species within fuel modification Zone "C" shall require minimal mowing to achieve Fire Department approval [...]."

In order for CDFW to review the Project and Project's CEQA documents completely, the Project's CEQA document should provide figures and/or maps depicting where restoration would occur and where each of the fuel modification zones are located.

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

¹ [Assembly Bill 1788](#) prohibits the use of any second-generation anticoagulant rodenticides.

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Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDB by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2022a). 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 2021b).

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 or (562) 619-2230.

Sincerely,

DocuSigned by:

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Steve Gibson signing for

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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ec: CDFW

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References:

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- [CDFWa] California Department of Fish and Wildlife. (2022). Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
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- [CDFW] California Department of Fish and Wildlife (2020). Notice of Findings - Mountain Lion ESU declared a candidate species. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178623&inline>
- [Center for Biological Diversity] Center for Biological Diversity and the Mountain Lion Foundation. 2019. A Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA). Available from: <https://fgc.ca.gov/CESA#ml>
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)		
Mitigation Measure (MM) or Recommendation (REC)	Timing	Responsible Party
<p>REC-1-Impacts on Mountain Lion</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"> 1) Introducing new/additional barriers to dispersal; 2) Constraining wildlife corridors and pinch points leading to severed migration; 3) Habitat loss, fragmentation, and encroachment; <ol style="list-style-type: none"> 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; 	<p>Prior to finalizing CEQA document</p>	<p>Los Angeles County Department of Regional Planning (DRP)</p>

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	<p>5) Increased fire risk; and 6) Use of herbicides, pesticides, and rodenticides.</p>		
REC-2- Mitigation Measures for Mountain Lion	The Project's CEQA document should provide measures to mitigate the Project's potentially significant effects on mountain lion. The Project's CEQA document should provide a discussion and explanation of the efficacy of proposed mitigation measures.	Prior to finalizing CEQA document	DRP
REC-3- Recirculate CEQA Document	The Project's CEQA document should be recirculated in order to inform the public and state agencies of the Project's effects on mountain lion.	Prior to finalizing CEQA document	DRP
REC-4-CESA ITP	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
REC-5- Restoration Plan	The Project's CEQA document should provide figures and/or maps depicting where restoration would occur and where each of the fuel modification zones are located.	Prior to finalizing CEQA document	DRP
REC-6- Submitting Data for Sensitive and Special Status Species and Natural Communities	Information on special status species should be submitted to the CNDDDB by completing and submitting CNDDDB Field Survey Forms . 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.	Prior to finalizing CEQA document	DRP
REC-7- Mitigation and	The City should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental	Prior to finalizing	DRP

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Monitoring Reporting Plan	document to include mitigation measures recommended in this letter.	CEQA document	
MM-BIO-1- Impacts on Mountain Lion-Incidental Take Permit	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
MM-BIO-2- Impacts on Mountain Lion-Replacement Habitat	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.	Before any ground disturbance and vegetation removal	Project Applicant
MM-BIO-3- Impacts on Mountain Lion-Prohibit Rodenticides	The Project Applicant shall not use any rodenticides and second-generation anticoagulant rodenticides on the property. The Project Applicant shall inform property managers and contractors that no rodenticides and second-generation anticoagulant rodenticide should be used on site at any time.	During and after Project	Project Applicant