



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



SENT BY EMAIL ONLY

April 25, 2022

Erika Iverson
 City of Santa Clarita
 23920 Valencia Boulevard, Suite 302
 Santa Clarita, CA 91355
Elverson@santa-clarita.com

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Wiley Canyon Project, SCH #2022030626, Los Angeles County

Dear Ms. Iverson:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from the City of Santa Clarita (City) for the Wiley Canyon Project (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & 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.

Conserving California's Wildlife Since 1870

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 2 of 13

Project Description and Summary

Objective: The Project proposes the redevelopment of existing vacant land with a senior living facility, multi-family residential development, commercial space, recreational area, and street improvements. A four-story building will serve as the senior living facility, which will include 130 independent living units, 61 assisted living units, and 26 memory care beds. The multi-family residential development will consist of 379 apartment units. The proposed Project will also designate 8,914 square feet for commercial use. In addition, the Project proposes an outdoor recreational field space. In regard to street improvements, a new roundabout will be constructed at the Project entrance on Wiley Canyon Road. Roundabout configurations will also be reconstructed at the intersections of Wiley Canyon Road and Canerwell Street and Wiley Canyon Road and Calgrove Boulevard. Lastly, a Class-I bike lane and walking path will be installed along Wiley Canyon Road.

Location: The Project site encompasses 31.8-acres of vacant land located between Hawkbryn Avenue and Calgrove Boulevard, in the City of Santa Clarita, Los Angeles County. The Project site is bounded by Interstate 5 freeway to the west, Wiley Canyon Road to the east, Hawkbryn Avenue to the north, and Calgrove Boulevard to the south.

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. The EIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the EIR when it is available.

Specific Comments

- 1) Foraging Habitat for Swainson's Hawk (*Buteo swainsoni*). According to the [California Natural Diversity Database](#) (CNDDDB), there is a record of Swainson's hawk occurring within one mile of the Project site (CDFW 2022a). Given Swainson's hawk observations near the Project site and the Project site's suitability to support Swainson's hawk foraging habitat, the Project could impact Swainson's hawk through loss of 31.8 acres of foraging habitat.
 - a) Protection Status: The Swainson's hawk is a CESA-listed threatened species. Potential impacts on Swainson's hawk, either directly or through habitat loss and/or modification, should be analyzed, disclosed, and mitigated in the Project's EIR. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA.
 - b) Survey and Analysis: In preparation of the EIR, CDFW recommends the City retain a qualified raptor biologist with Swainson's hawk survey experience to assess the Project site for possible Swainson's hawk foraging habitat and suitable nest sites within five miles of the Project site. CDFW recommends the City perform a Swainson's hawk survey following the 2010 guidance on [Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California](#) (CEC 2010). A qualified raptor

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 3 of 13

biologist should conduct surveys in a manner that maximizes the potential to observe the adult Swainson's hawks and nests/chicks via visual and audible cues within a five-mile radius of the Project site. All potential nest trees within a five-mile radius should be surveyed for presence of nests.

- c) Disclosure: If the Project will impact Swainson's hawk, the EIR should fully disclose those impacts on nests and/or foraging habitat. Also, CDFW recommends the EIR provide a discussion of the Project's potential contribution to the ongoing loss of foraging habitat in the Santa Clarita Valley.
 - d) Avoidance and Minimization: If the Project will impact Swainson's hawk or their nests, the EIR should provide measures to fully avoid all impacts.
 - e) Mitigation: If the Project would result in loss of foraging habitat, CDFW recommends the EIR provide measures to mitigate for those impacts. Appropriate mitigation may include consulting with CDFW and obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 *et seq.*). Also, CDFW recommends providing compensatory mitigation for permanent loss foraging habitat. The proposed compensatory mitigation should ensure no net loss of foraging habitat for Swainson's hawk.
- 2) Coastal California Gnatcatcher (*Poliioptila californica californica*): Coastal California gnatcatcher is designated as a California Species of Special Concern (SSC) and a species listed as threatened under the Endangered Species Act (ESA). Coastal California gnatcatcher critical habitat is located approximately one mile south of the Project site (USFWS 2022a). CDFW recommends the EIR discuss the Project's potential impacts on coastal California gnatcatcher and habitat. The EIR should provide measures to avoid those impacts or measures to mitigate for impacts if avoidance is not feasible.
- 3) Nesting Birds: The Project will result in removal of trees that may support nesting birds. Project activities occurring during the nesting bird season, especially in areas providing suitable nesting habitat, could result in the incidental loss of fertile eggs or nestlings, or nest abandonment.
- a) Protection Status: Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
 - b) Avoidance: CDFW recommends that measures be taken to fully avoid impacts to nesting birds and raptors. CDFW recommends the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
 - c) Minimizing Potential Impacts: If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the Project mitigates for impacts. CDFW recommends surveys by a

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 4 of 13

qualified biologist with experience conducting breeding bird and raptor surveys. Surveys are needed to detect protected native birds and raptors occurring in suitable nesting habitat that may be disturbed and any other such habitat within 300 feet of the Project disturbance area, to the extent allowable and accessible. For raptors, this radius should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

- 4) SSC – Reptiles: According to CNDDDB, California legless lizards (*Anniella spp.*) have been observed within a mile of the Project site (CNDDDB 2022a). Certain species of California legless lizards such as the southern California legless lizard (*Anniella stebbinsi*) have been designated as a SSC. Project activities related to redevelopment construction will require ground disturbing activities such as grading and grubbing, which may result in reptile habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. Moreover, the Project may remove essential foraging and breeding habitat for the species.
 - a) CDFW recommends qualified biologists familiar with the reptile species behavior and life history conduct focused surveys to determine the presence/absence of SSC prior to vegetation removal and/or grading. Surveys should be conducted during active season when the reptile species is most likely to be detected.
 - b) To further avoid direct mortality, CDFW recommends that a qualified biological monitor be on site during ground and habitat disturbing activities to move out of harm's way special status species that would be injured or killed by grubbing or Project-related grading activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.
 - c) CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2022d). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.
- 5) Oak Trees (*Quercus* genus) and Oak Woodlands (*Quercus* genus Woodland Alliance): The NOP states that an oak tree permit would be required for the removal of oak trees within the Project site. CDFW considers oak woodlands to be a sensitive plant community since certain associations of this species have a rarity ranking of S3. Oak woodlands serve several important ecological functions such as protecting soils from erosion and land sliding, regulating water flow in watersheds, and maintaining water quality in streams and rivers. Oak trees provide nesting and perching habitat for approximately 170 species of birds

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 5 of 13

(Griffin and Muick 1990). Moreover, 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.

CDFW recommends the EIR discuss the Project's potential impacts on oak trees and oak woodlands. CDFW recommends the City avoid and minimize development and encroachment onto oak trees and woodlands. If avoidance is not feasible, CDFW recommends the EIR provide sufficient compensatory mitigation for the number of oak trees and acres of oak woodland habitat impacted. The number of replacement trees and oak woodland habitat acres should be higher if the Project would impact large oak trees; impact an oak woodland supporting rare, sensitive, or special status plants and wildlife; or impact an oak woodland with a State Rarity Ranking of S1, S2, or S3.

- 6) Jurisdictional Waters: According to U.S. Fish and Wildlife Service's (USFWS) [National Wetland Inventory](#), a portion of the South Fork Santa Clara River flows along the eastern side of the Project site (USFWS 2022b). Project activities may impact the stream and potentially result in loss of riverine habitat. Moreover, street improvements proposed by the Project may increase imperviousness surface area within and adjacent to the Project site, potentially impacting stormwater drainage and increasing surface water runoff.
- a) CDFW recommends the City identify and delineate all streams within the Project area and provide a discussion of the Project's potential impacts on streams. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the EIR discuss whether impacts on streams within the Project area would impact those streams immediately outside of the Project area where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed.
- b) CDFW recommends the Project avoid impacting streams and associated vegetation. Herbaceous vegetation, woody vegetation, and woodlands adjacent to streams serve to protect the integrity of these resources and help maintain natural sedimentation processes. Where development may occur near a stream but may avoid impacts, the EIR should provide a justification as to why the chosen setback distance of the proposed development(s) would be effective to avoid impacts on streams and associated vegetation. Furthermore, CDFW recommends the EIR provide minimum standards for effective unobstructed vegetated buffers and setbacks adjoining streams and associated vegetation for all development facilitated by the Project. The buffer and setback distance should be increased at a project-level as needed. The EIR should provide justification for the effectiveness of chosen buffer and setback distances.
- c) If avoidance is not feasible, the EIR should include the following:
- A stream delineation and analysis of impacts. The delineation should be conducted pursuant to the to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). 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

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 6 of 13

Control Board Section 401 Certification; and

- A Lake and Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.* if applicable. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or “entity”) must notify CDFW. CDFW’s issuance of a 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 environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental 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. Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022c).

As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project area. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the EIR discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.

- 7) Landscaping: The Project may result in enhanced landscaping throughout the Project site. CDFW recommends the EIR provide the Project’s landscaping plant palette and replacement tree species list. CDFW recommends the City use only native species found in naturally occurring vegetation communities within or adjacent to the Project site. The City should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly ‘Moderate’ or ‘High’ listed by the [California Invasive Plant Council](#) (Cal-IPC 2022). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.
- 8) Pest Management: The Project proposes a recreational area and residential development that may result in installment of trees. This Project activity may have the potential to spread tree pests and diseases through the Project area and into adjacent natural habitat not currently exposed to these stressors. This could result in expediting the loss of native trees. As such, CDFW recommends the EIR include an infectious tree disease management plan or provide mitigation measures, developed in consultation with an arborist, and describe how the plan or mitigation measures will avoid or reduce the spread of tree insect pests and diseases.

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 7 of 13

- 9) Use of Rodenticides: If the Project results in enhanced landscaping, vegetation may need to be managed via chemical methods. Herbicides, pesticides, and rodenticides may impact wildlife. Second generation anticoagulant rodenticides are known to have harmful effects on the ecosystem and wildlife. [Assembly Bill 1788](#) prohibits the use of any second-generation anticoagulant rodenticides because second generation anticoagulant rodenticides have a higher toxicity and are more dangerous to nontarget wildlife (California Legislative Information 2020). CDFW recommends the EIR include a discussion as to the Project's use of herbicides, pesticides, and second-generation anticoagulant rodenticides to maintain the Project's grounds in perpetuity. The EIR should discuss when and where these chemicals would be used and what impacts those chemicals may have on habitat and wildlife. CDFW recommends the City prohibit the use of any second-generation anticoagulant rodenticides during Project implementation.

General Comments

- 10) Biological Baseline Assessment: The EIR should provide an adequate biological resources assessment, including a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place 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 site. CDFW also considers impacts to California Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. An environmental document 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 EIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. 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, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2022b);
 - 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 Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;
 - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation](#) (MCV), 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 Project activities could lead to direct or indirect

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 8 of 13

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 a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
 - 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 & G. 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 a Project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2022e). Acceptable species-specific survey procedures may 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 a 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.
- 11) **Disclosure:** A EIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 12) **Mitigation Measures:** Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
- a) **Level of Detail:** Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the Lead Agency through permit conditions, agreements, or

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 9 of 13

other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends that the City provide 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 (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.

- b) Disclosure of Impacts: If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the EIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the EIR should provide an adequate, complete, and detailed disclosure about a project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 13) Data: CEQA requires that information developed in environmental impact reports be incorporated into a 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 and natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2022f). The City should ensure data collected for the preparation of the EIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 14) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The EIR should address the following:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR;
 - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
 - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 10 of 13

- d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project sites. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
- e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the EIR; and,
- f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the EIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].

15) Project Description and Alternatives: To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the EIR:

- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas; access routes to the construction and staging areas; fuel modification footprint; and grading footprint;
- b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document "shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project." CEQA Guidelines section 15126.6(f)(2) states if the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include reasons in the environmental document; and,
- c) A range of feasible alternatives to the Project location and design features to avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas. CDFW recommends the City consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and sensitive vegetation communities. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project. As a general rule, CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 11 of 13

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The EIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the City consider alternatives that would fully avoid impacts to such resources. CDFW also recommends alternatives that would allow not impede, alter, or otherwise modify existing surface flow; watercourse and meander; and water-dependent ecosystems and vegetation communities. Project-related designs should consider elevated crossings to avoid channelizing or narrowing of streams. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the stream to alter its course of flow.
- 16) CESA: CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
- 17) Compensatory Mitigation: The EIR should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 12 of 13

18) Long-term Management of Mitigation Lands: For proposed preservation and/or restoration, an EIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

Conclusion

We appreciate the opportunity to comment on the NOP for the Wiley Canyon Project to assist the City in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at Julisa.Portugal@wildlife.ca.gov or (562) 330-7563.

Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Los Alamitos – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov
Ruby Kwan-Davis, Los Alamitos – Ruby.Kwan-Davis@wildlife.ca.gov
Felicia Silva, Los Alamitos – Felicia.Silva@wildlife.ca.gov
Emily Galli, Los Alamitos – Emily.Galli@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

Erika Iverson
City of Santa Clarita
April 25, 2022
Page 13 of 13

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