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SENT BY EMAIL ONLY

May 31, 2022

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Subject: Notice of Preparation of a Draft Environmental Impact Report for the East San Gabriel Valley Area Plan, SCH #2022040512, Los Angeles County Department of Regional Planning, Los Angeles County

Dear Ms. Kim:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from the Los Angeles County Department of Regional Planning (DRP) for the East San Gabriel Valley Area Plan (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);

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Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Description and Summary

Objective: The proposed Project is a long-range policy document that aims to support growth, development, and maintenance of 24 unincorporated communities in the East San Gabriel Valley. The Project is an extension of the Los Angeles County General Plan with focus on the characteristics and needs of the 24 unincorporated communities. The Project will entail nine elements and 15 community specific chapters with goals, policies, and actions that will be implemented and enforced. In addition, a general plan amendment and associated zoning amendments will be required for implementation of the proposed Project. Some zoning amendments will allow for higher densities within one mile of major transit stops and transit corridors. To strengthen the unincorporated communities and successfully execute the Project the following components will need to be implemented:

- Amend the Los Angeles General Plan to update, reorganize, and incorporate the existing Rowland Heights Community Plan and Hacienda Heights Community Plan as community chapters within the Project;
- Update existing zoning and land use designations to ensure consistency between the proposed Project and the General Plan land use policy map;
- Amend Title 22 to make changes to the existing zoning map;
- Incorporate the proposed rezoning as identified in the Housing Element 2021-2029;
- Rezone agricultural zones that are developed with residential uses from light agriculture to an appropriate residential zone;
- Reassess and revise the Rowland Heights Community Standards District to bring it into conformance with proposed Project;
- Adjust the boundaries of Avocado Heights and the Trailside Ranch Equestrian Districts; and
- Establish an area-wide overlay to regulate height, ridgelines, and public communal space in new development.

The Project does not approve any specific project-level development or construction activities.

Location: The Project site encompasses 51.29 square miles of unincorporated communities within the easternmost portions of Los Angeles County. The Project site is generally located south of the Angeles National Forest, north of the Orange County border, east of Interstate 605, and west of the San Bernardino County line. The Project site is comprised of the following 24 unincorporated communities: Avocado Heights, Charter Oak, Covina Islands, East Azusa, East Irwindale, East San Dimas, Glendora Islands, Hacienda Heights, North Claremont, North Pomona, Northeast La Verne, Northeast San Dimas, Rowland Heights, South Diamond Bar, South San Jose Hills, South Walnut, Valinda, Walnut Islands, West Claremont, West Puente Valley, West San Dimas, Pellissier Village, unincorporated South El Monte, and unincorporated North Whittier.

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Comments and Recommendations

CDFW offers the comments and recommendations below to assist the 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. 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) Impacts on Mountain Lion (*Puma concolor*). The Project is located within the range of the Southern California/Central Coast Evolutionary Significant Unit of mountain lion. More specifically, the Project is located within the range of the San Gabriel Mountains mountain lion population. The NOP states that depending on the location of individual development, future construction could result in impacts to wildlife movement or wildlife species corridors. The mountain lion population within the Project site may be impacted by future projects through increased human presence, increased habitat loss and fragmentation, and reduced species population.
 - a) Protection Status. 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). 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 Evolutionary Significant Unit of mountain lion as threatened under CESA (CDFW 2020). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA.
 - b) Analysis and Disclosure. The EIR should analyze and discuss the Project's potential impact and cumulative impact on mountain lion during both future project activities and for the Project's lifetime. Impacts on mountain lion behavior, reproductive viability, and overall survival success should be analyzed and discussed in the EIR. In addition, the EIR should analyze from the standpoint of the following impacts: 1) future projects introducing new/additional barriers to dispersal; 3) constraining wildlife corridors and pinch points leading to severed migration; 4) habitat loss, fragmentation, and encroachment; 5) increased human presence; and 6) and use of herbicides, pesticides, and rodenticides. Lastly, the EIR should discuss the Project's potential effect on any on-going or planned habitat recovery and restoration efforts for mountain lion.
 - c) CESA. 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 take authorization under CESA may include an Incidental Take Permit (ITP) among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. To obtain appropriate take authorization under CESA, early consultation with CDFW is encouraged, as significant modification to a project and

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mitigation measures may be required 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's CEQA document addresses all Project impacts on 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.

- 2) Impacts to Birds. Based on the [United States Fish and Wildlife Service \(USFWS\) Critical Habitat for Threatened and Endangered Species](#) mapper, the Project sites provides critical habitat for southwestern willow flycatcher (*Empidonax trailii extimus*) and California gnatcatcher (*Polioptila californica californica*) (USFWS 2022a). Alongside critical habitat for these two species, there are a myriad of trees and shrubs within the Project site that could support nesting birds. In Los Angeles, urban forests and street trees both native and some non-native species that provide habitat for a high diversity of birds (Wood and Esaian 2020). In addition, several species of raptor have adapted to and exploited urban areas for breeding and nesting (Cooper et al. 2020). Future projects facilitated under the proposed Project may occur during the nesting bird season, which may result in the incidental loss of fertile eggs or nestlings, or nest abandonment.
- a) Protection Status. Southwestern willow flycatcher is a species listed as endangered under CESA and the Endangered Species Act (ESA). Coastal California gnatcatcher is a species designated as an SSC and threatened under the ESA. Furthermore, 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) Analysis and Disclosure. CDFW recommends the EIR discuss the Project's potential impact to the population and critical habitat of southwestern willow flycatcher and coastal California gnatcatcher. The EIR should also discuss the Project's potential impact on nesting birds and raptors within the Project site. A discussion of potential impacts should include impacts that may occur during implementation of future projects facilitated by the proposed Project resulting in ground-disturbing activities and vegetation removal.
- c) Avoidance. CDFW recommends the EIR include a measure that requires future projects facilitated by the proposed Project to fully avoid impacts to nesting birds and raptors. To the extent feasible, no construction, 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.

If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the EIR include measures that require future projects to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, a qualified biologist should conduct nesting bird and raptor surveys to identify nests. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests.

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CDFW recommends a minimum 300-foot no disturbance buffer around active bird nests. For raptors, the no disturbance buffer should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Personnel working on a project, including all contractors working on site, should be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.

- 3) Stream Delineation and Impact Assessment. According to U.S. Fish and Wildlife Service's (USFWS) [National Wetland Inventory](#), there are several watercourses that flow through the Project site including, but not limited to, the San Gabriel River and Rio Hondo River (USFWS 2022b). Future projects may impact the stream and potentially result in loss of riverine habitat.
 - a) Analysis and Disclosure. In preparation of the EIR, CDFW recommends the EIR include a stream delineation and evaluation of impacts on any river, stream, or lake. The EIR should discuss the Project's potential impact on streams including impacts on associated natural communities. Impacts may include channelizing or diverting streams, impairing a watercourse, and removing or degrading vegetation through habitat modification (e.g., loss of water source, encroachment, and edge effects leading to introduction of non-native plants). Impacts may occur from future projects facilitated by the proposed Project.
 - b) Fish and Game Code section 1602. 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. 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. Accordingly, if the Project would impact streams, the EIR should include measures that require future projects facilitated by the proposed Project to notify CDFW pursuant to Fish and Game Code section 1602 prior to starting activities that may impact streams. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022c).
- 4) Los Angeles County Significant Ecological Areas (SEAs). There are several significant ecological areas located within the Project site, which include Puente Hills, Rio Hondo College Wildlife Sanctuary, East San Gabriel Valley, San Gabriel Canyon, and San Dimas Canyon/San Antonio Wash. These SEAs represent the wide-ranging biodiversity of Los Angeles County and contain some of Los Angeles County's most important biological resources. The NOP states that SEAs have the potential to be impacted by construction of one or more future projects facilitated by the proposed Project. CDFW recommends that the EIR provide a discussion and analysis of Project impacts on these SEAs. CDFW also recommends the DRP include measures that require future projects to avoid development and encroachment onto these SEAs. If not feasible, recommends the EIR provide measures that require future projects facilitated by the Project to analyze impacts on SEAs being encroached upon.

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- 5) Bats. According to the [California Natural Diversity Database](#), there are several bat species observations recorded throughout the Project site (CDFW 2022a). It is also widely known that numerous bat species roost in trees and structures throughout Los Angeles (Miner and Stokes 2005). Bats and roost could be impacted by removal of trees, vegetation, and/or structures supporting roosting bats. Bats and roosts could also be impacted by increased noise, human activity, dust, and ground vibration.
 - a) Protection Status. Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). In addition, some bats are considered a California Species of Special Concern (SSC). CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
 - b) Analysis and Disclosure. CDFW recommends the EIR should discuss the Project's potential impact on bats and habitat supporting roosting bats. A discussion of potential impacts should include impacts that may occur during implementation of future projects facilitated by the proposed Project resulting in ground-disturbing activities and vegetation removal.

- 6) Impact on Sensitive Natural Communities. The NOP states that are unique native woodlands within the Project site that have the potential to be impacted by future projects undertaken to implement the Project. The NOP mentions oak woodlands (*Quercus* genus Woodland Alliance), California walnut groves (*Juglans californica* Woodland Alliance), and California juniper woodlands (*Juniperus californica* Woodland Alliance).
 - a) Protection Status. Natural communities with ranks of S1, S2, and S3 are considered sensitive natural communities to be addressed in the environmental review process of CEQA (CDFW 2022b). California walnut groves is a sensitive natural community with a rarity ranking of S3.2 and is endemic to southern California (Sawyer et al. 2009). Although California juniper woodland has a rarity ranking of S4 at an alliance level, there are various associations that have a rarity ranking of S3 (CDFW 2022b). Oak woodland alliances have a variety of rarity rankings ranging from S2 to S4. Dependent upon the type of oak woodland, there are some associations of oak woodland communities that are considered sensitive with a rarity ranking of S3 or S2. Woodland communities provide suitable habitat and high biological value for a multitude of wildlife species. 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.
 - b) Analysis and Disclosure. CDFW recommends the EIR discuss the Project's potential impacts on sensitive plant communities. To analyze the Project's impacts on natural communities within the Project site, the DRP should retain a qualified biologist to identify and map the natural communities. The qualified biologist should adhere to established protocols for mapping natural communities listed in General Comment #3. Association level mapping is recommended for alliances that have some associations that are designated as sensitive. CDFW recommends the DRP should avoid and minimize future

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development and encroachment onto sensitive trees and woodlands. If avoidance is not feasible, CDFW recommends the EIR provide measures that require future projects facilitated by the proposed Project to analyze and discuss impacts on sensitive plant communities within the future project sites. CDFW also recommends the EIR provide measures that require future projects facilitated by the Project to provide sufficient compensatory mitigation for the number of impacted trees and acres of impacted woodland. The number of replacement trees and woodland habitat should be higher if the future projects would impact large mature trees; impact a woodland supporting rare, sensitive, or special status plants and wildlife; or impact a woodland with a State Rarity Ranking of S1, S2, or S3.

7) Biologically Significant Sites Inventory. The proposed Project has the potential to adversely impact various areas that serve as potential habitat for wildlife and hold biological value to the unincorporated communities. CDFW recommends the DRP identify and prepare a map of the following areas if present within or adjacent to the Project site. In addition, DRP should consider the Project's potential impacts on the following areas if present within or adjacent to the Project boundary:

- a) Agricultural land that will have a zoning designation change as a result of the Project;
- b) Conservation easements or mitigation lands;
- c) U.S. Fish and Wildlife Service Threatened & Endangered Species Active Critical Habitat (USFWS 2022a);
- d) County of Los Angeles Significant Ecological Areas (SEAs);
- e) Wildflower Reserve Areas;
- f) Wildlife corridors;
- g) Sensitive Natural Communities (e.g., woodlands); and
- h) Aquatic and riparian resources including (but not limited to) rivers, channels, streams, wetlands, vernal pools, and associated natural plant communities

CDFW recommends the EIR should discuss and analyze the impact of future projects facilitated by the Project on agricultural land. Furthermore, the DRP should avoid sites that may have a direct or indirect impact on conservation easements or lands set aside as mitigation. Lastly, the EIR should include measures that require future projects facilitated by the proposed Project to mitigate (avoid if feasible) for impacts on biological resources occurring within SEAs, Wildflower Reserve Areas, and critical habitat.

8) Landscaping. Future projects facilitated by the proposed Project may result in enhanced landscaping. CDFW recommends the DRP require future projects to only use native species found in naturally occurring vegetation communities within or adjacent to the Project site. Future projects facilitated by the proposed Project 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 DRP 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.

9) Pest Management. Future projects facilitated by the proposed Project may have the potential to spread tree pests and diseases throughout future project sites and into adjacent natural habitat not currently exposed to these stressors. This could result in expediting the

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loss of native trees. As such, CDFW recommends the EIR provide measures that require future projects to develop and implement 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.

- 10) 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 future project's use of herbicides, pesticides, and second-generation anticoagulant rodenticides to maintain a project's grounds in perpetuity. CDFW recommends the DRP include measures that would prohibit the use of any second-generation anticoagulant rodenticides during future project implementation.

General Comments

- 11) 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 SSC 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 future project construction and activities could lead to direct or indirect impacts off site;

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- 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 the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
 - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by 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 2022d). 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.
- 12) 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).
- 13) 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

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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 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 the DRP 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.
- 14) 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 2022e). The DRP 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.
- 15) 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)];

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- c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
 - 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 DRP determines that the Project would not have a cumulative impact, the EIR should indicate why the cumulative impact is not significant. The DRP's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 16) 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 DRP 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 DRP 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

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development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

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 DRP 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.

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.

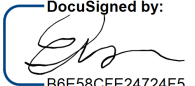
18) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an EIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative 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 East San Gabriel Valley Area Plan to assist the DRP 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.

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Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
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cc: CDFW

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References:

- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Accessed at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>
- [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>
- [CDFWa] California Department of Fish and Wildlife. 2022. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDDB>
- [CDFWb] California Department of Fish and Wildlife. 2022. Natural Communities. Accessed at:
<https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>.
- [CDFWc] California Department of Fish and Wildlife. 2022. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>.
- [CDFWd] California Department of Fish and Wildlife. 2022. Survey and Monitoring Protocols and Guidelines. Available from: <https://wildlife.ca.gov/conservation/survey-protocols>
- [CDFWe] California Department of Fish and Wildlife. 2022. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- California Legislative Information. 2020. AB-1788 Pesticides: use of second-generation anticoagulant rodenticides. Available from:
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1788
- [CAL-IPC] California Invasive Plant Council. 2022. The Cal-IPC Inventory. Available from:
<https://www.cal-ipc.org/plants/inventory/>
- Cooper D.S., Yeh, P.J., and D.T. Blumstein. 2020. Tolerance and avoidance of urban cover in a southern California suburban raptor community over five decades. Urban Ecosystems.
doi.org/10.1007/s11252-020-01035-w

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Johnston, D., Tatarian, G., & Pierson, E. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness. Available from:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=10334>

Miner, K.L. and D.C. Stokes. 2005. Bats in the South Coast Ecoregion: Status, Conservation Issues, and Research Needs. USDA Forest Service Gen. Tech. Rep. PSW-GTR-195.

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

[USFWSa] United States Fish and Wildlife Service. 2022. Critical Habitat for Threatened and Endangered Species. Available from:

<https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>

[USWFSb] United State Fish and Wildlife Service. 2022. National Wetlands Inventory. Wetlands Mapper. Available from: <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

Wood, E.M. and S. Esaian. 2020. The importance of street trees to urban avifauna. Ecological Applications 30(7): e02149.