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Governor's Office of Planning & Research

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Via Electronic Mail Only

STATE CLEARINGHOUSE

July 12, 2022

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**Subject: Notice of Preparation of a Draft Environmental Impact Report for the Trails at Lyons Canyon Project, SCH #2022060346, Los Angeles County Department of Regional Planning, Los Angeles County**

Dear Ms. Gutierrez:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR) from the Los Angeles County Department of Regional Planning (DRP) for the Trails at Lyons Canyon 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 develop 504 residential units subdivided into 23 lots within 233 acres. One lot would be designated for a fire station. Three lots would be designated to the Los Angeles County Flood Control District. Approximately 164 acres of natural and improved open space is proposed. The portion of the Project site that would be developed with residential uses would be located in the northerly portion of the Project site on approximately 40.33 acres. The natural and improved open space would predominantly be located within the westerly and southerly portions of the Project site. The Project would include internal driveways, sidewalks, and streets. Streets would provide public access throughout the developed portions of the Project site. The Project would include trails, a new water tank, and debris basins. The Project would require up to 1,460,000 cubic yards of cut and 1,260,000 cubic yards of fill for a total of 2,720,000 cubic yards of grading with 1,345,000 cubic yards of over excavation.

**Location:** The 233-acre Project site is located in the northern foothills of the Santa Susana Mountains in unincorporated Los Angeles County. The Project site is contiguous to The Old Road on the east, west of Interstate 5, south of Sagecrest Circle, and north of Calgrove Boulevard. The Project site is associated with Assessor's Parcel Number 2826-022-026, 2826-022-027, 2826-022-035, 2826-023-014, and 2826-041-039. The Project site is located within the Santa Susana Mountains/Simi Hills Significant Ecological Area (SEA). The Project site is relatively undisturbed for much of the property.

## 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. The DEIR 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 DEIR when it is available.

## Specific Comments

- 1) Impacts on Mountain Lion (*Puma concolor*). Mountain lions collared and tracked by the National Park Service have been documented in the proposed Project site. On August 9, 2021, a male mountain lion was captured on a wildlife camera less than one mile from the Project site (CDFW 2021). P32's dispersal path crossed through the Santa Susana Mountains close to the Project site before P32 was struck and killed by a vehicle in 2015. Multiple collared mountain lions have been tracked in the Santa Susana Mountains, including P16, P35, P38, and P39. Finally, the Project site is located near multiple predation sites in the Santa Susana Mountains (Benson et al. 2016). The Project could impact mountain lion due habitat loss, habitat fragmentation, introducing new barriers to movement, increasing vehicle strikes, and increasing fire risk. The Project could therefore exacerbate the challenges faced by mountain lion in the Santa Susana Mountains and southern California.
  - a) Protection Status: 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

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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 DEIR should analyze the Project's potential impact and cumulative impact on mountain lion during both Project construction and for the Project's lifetime. The DEIR should analyze impact on mountain lion from the standpoint of the following:

- Introducing new/additional barriers to movement;
- Constraining/eliminating essential corridors and pinch points leading to severed migration;
- Habitat loss, fragmentation, and encroachment;
  - i. 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) in the [Biogeographic Information and Observation System \(BIOS\)](#) (CDFW 2022a).
  - ii. 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).
  - iii. 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 adjacent habitats.
- Increased human presence, traffic, noise, and lighting, as well as introduction of any livestock or animal keeping;
- Increased fire risk; and
- Use of herbicides, pesticides, and rodenticides.

CDFW recommends discussing Project's impact in relation to the South Coast Missing Linkages (DS 419), specifically the Santa Monica-Sierra Madre Connection. The undeveloped natural areas on both sides of the I-5 Freeway are important areas for maintaining and improving regional and State-wide connectivity. In addition, CDFW recommends such analysis include a wildlife camera study to aid in identification of areas that may be important to wildlife movement between the Project site and adjacent habitat. CDFW recommends DRP retain a qualified biologist to establish a robust wildlife camera study. Wildlife cameras should be deployed for a duration sufficient to capture any mountain lion potentially moving through the Project site. Wildlife camera study protocols and guidelines can be found on CDFW's [Survey and Monitoring Protocols and Guidelines](#) webpage (CDFW 2022b). DRP is welcome to consult with CDFW to develop a robust study design.

CDFW also recommends the DEIR evaluate the Project's cumulative impacts on both the Central Coast South (CC-S) mountain lion population and the Southern California/Central Coast Evolutionarily Significant Unit of mountain lion. Impacts should those listed above.

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- c) Avoidance. CDFW recommends DRP require the Project applicant to design the Project to fully avoid impacts on mountain lion. The DEIR should discuss how the Project has been designed to avoid impacts on mountain lion. CDFW recommends the DEIR provide maps of the Project design overlaid on important areas for wildlife movement so that CDFW may evaluate whether the Project has been designed to avoid impacts on mountain lion or whether the Project's impact would be less than significant impact on mountain lion.
- d) Minimizing Impacts and Compensatory Mitigation. If the Project would have a significant impact on mountain lion, CDFW recommends DRP require the Project applicant to minimize the Project's impact through retaining and/or creating habitat and wildlife crossings that would facilitate mountain lion movement and dispersal. If avoiding and minimizing impacts is not feasible, CDFW recommends the DEIR include measures to fully compensate for loss of mountain lion habitat, corridors, and linkages. Appropriate mitigation may include obtaining appropriate take authorization under CESA (pursuant to Fish & Game Code, § 2080 et seq.).
- e) 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 a 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 and any Project-related activity during the life of the Project 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 & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. 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 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 an ITP.
- 2) Cumulative Impact. CDFW is aware of the Canyon View Estates project located adjacent to the proposed Project in the northern foothills of the Santa Susana Mountains<sup>1</sup>. Cumulative impacts on biological resources can result from collectively significant projects. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have a potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but is not limited to, the biological resources described in this letter.

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<sup>1</sup> Canyon View Estates Project/Project No. 2016-002179; Tract Map No. 74650; Conditional Use Permit No. 2016004409; Oak Tree Permit No. RPPL2017009209; and Environmental Assessment No. 20160044100. CEQA documents, including CDFW's comments on the Canyon View Estates Project available at: <https://ceganet.opr.ca.gov/2019089066/2>

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Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects [Pub. Resources Code, § 21083(b)]. DRP's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if DRP concludes that the Project would not result in cumulative impacts on biological resources, DRP "shall identify facts and analysis supporting DRP's conclusion that the cumulative impact is less than significant" [CEQA Guidelines section § 15130(a)(2)]. When using a threshold of significance, the DEIR should briefly explain how compliance with the threshold means that the Project's impacts are less than significant. A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect [CEQA Guidelines, § 15064.7]. Compliance with the threshold does not relieve DRP's obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant [CEQA Guidelines, § 15064(b)(2)]. Alternatively, if DRP concludes that the Project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through implementation of mitigation measures, the DEIR should briefly explain how the contribution has been rendered by DRP to be less than cumulatively considerable. DRP "shall identify facts and analysis supporting DRP's conclusion that the contribution will be rendered less than cumulatively considerable" [CEQA Guidelines section, § 15130(a)(3)].

- 3) 164 Acres of Open Space. According to the NOP, the Project would include approximately 164 acres of natural and improved open space. The DEIR should discuss whether these 164 acres are being proposed as compensatory mitigation for potentially significant impacts on biological resources [CEQA Guidelines, § 15370(e)]. The DEIR should discuss why these 164 acres would be adequate to compensate for each biological resource impacted. There should be a nexus between the impacted biological resource and the compensatory mitigation provided (e.g., like-for-like, in-kind). In addition, if DRP determines that providing 164 acres of open space would avoid significant effects or mitigate effects to below a level of significance, the DEIR should explain the reasons for determining why effects would not be significant [CEQA Guidelines, §§ 15063(c)(3)(C); 15063(c)(5); 15064(f)(2)].
- 4) Fire. The Project proposes a new residential development in a 'Very High' Fire Severity Zone (VHFSZ) (County of Los Angeles 2022). Development in a VHFSZ and wildland urban interface could increase fire risk, frequency, and intensity. The DEIR should discuss how the Project may impact biological resources, open space, natural areas, and adjacent conserved land as a result of introducing and intensifying land use in a VHFSZ. In addition, the DEIR should discuss if the Project would require fuel modification (e.g., thinning, trimming, and removal of understory or mulch layer), provide maps showing potential fuel modification zones, and discuss how fuel modification may impact biological resources. Fuel modification may result in additional habitat loss and have perpetual impacts on biological resources. If the Project may require fuel modification, CDFW recommends DRP require the Project applicant to design the Project with features such as block walls or other alternatives. Block walls, for example, may reduce the extent and amount of vegetation and habitat that may need to be removed. Also, if the Project may require irrigation in fuel modification zones, CDFW recommends DRP require the Project applicant to provide an

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irrigation plan such that water drains back into the development and not onto any adjacent open space, natural areas, and conserved lands. The DEIR should discuss how the Project has been designed to avoid or minimize impacts on biological resources resulting from potential fuel modification requirements.

- 5) Open Space and Natural Areas. According to the California Protected Areas Database Holdings dataset available in BIOS, the following protected areas are located adjacent to the Project site: Santa Clarita Woodlands Park, Ed Davis Park in Towsley Canyon, and Rivendale Ranch Open Space (CDFW 2022a). These and other unnamed open space and natural areas are managed by the Mountains Recreation and Conservation Authority, City of Santa Clarita, and Santa Monica Mountains Conservancy. The Project may encroach onto these lands and/or may impact these lands by increasing fire risk within the proposed development that can spread onto adjacent open space. Project-related fuel modification could also impact adjacent open space and natural areas.
  - a) Analysis and Disclosure. CDFW recommends the DEIR discuss the Project's potential impact on open space and natural areas resulting from Project-related construction and activities, ground-disturbance activities (e.g., mobilization, parking, staging, and access), vegetation removal, fuel modification, spread of invasive species, altered hydrology, and altered habitat conditions (e.g., microclimate, soils, and slope). The DEIR should disclose the amount of open space and natural areas impacted as a result of the proposed Project.
  - b) Avoidance and Setback. CDFW recommends the Project fully avoid encroaching onto open space/natural areas. Encroachment onto open space/natural areas creates an abrupt transition between two different land uses. Encroachment onto open space/natural areas could affect environmental and biological conditions and increase the magnitude of edge effects such as spread of non-native plants and pests (e.g., Argentine ants), fuel modification, and nighttime lighting. Edge effects can result in habitat type conversion (e.g., native to more non-native species) and reduce plant and wildlife species richness (Mitrovich et al. 2009). CDFW recommends DRP require the Project applicant to modify the Project so that impacts on open space/natural areas are completely avoided. The Project should be designed with effective setbacks adjoining open space/natural areas. The DEIR should include a discussion of how the chosen setback distance fully avoids encroachment onto open space/natural areas.
- 6) Streams and Associated Natural Communities. According to the U.S. Fish and Wildlife Service's (USFWS) [National Wetlands Mapper](#), multiple streams are located within the Project site (USFWS 2022). Buildout of the Project may impact streams and associated natural communities as a result of grading and development. Streams could be channelized or diverted underground. Streams could become impaired because of streambank erosion resulting from Project construction and Project buildout. Natural communities adjacent to streams could be removed or degraded through habitat modification (e.g., loss of water source, encroachment by the Project, edge effects leading to introduction of non-native plants).
  - a) Stream Delineation and Impact Assessment. The DEIR should provide a stream delineation, which should also identify culverts, ditches, and storm channels that may



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transport water, sediment, pollutants, and discharge into any rivers, streams, and lakes<sup>2</sup>. The delineation should be conducted pursuant 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 Control Board Section 401 Certification. In addition, the DEIR should disclose the total impacts (linear feet and/or acreage) including impacts resulting from fuel modification on any river, stream, or lake and associated natural communities.

- b) Avoidance and Setbacks. CDFW recommends the Project avoid impacts on streams and associated natural communities by avoiding or minimizing Project-related development adjacent to streams. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. CDFW recommends DRP require the Project applicant to modify the Project so that impacts on streams are avoided and/or minimized. The Project should be designed with effective setbacks adjoining streams and associated natural communities. The chosen setback distance should be disclosed in the DEIR so CDFW may assess potential impacts on biological resources.
- c) Mitigation. If avoidance is not feasible, the DEIR should include measures to fully compensate for impacts on streams and loss of associated natural communities. Higher mitigation should be provided to compensate for impacts on streams supporting rare, sensitive, or special status fish, wildlife, and natural communities. In addition, the DEIR should be conditioned to require the Project/Project applicant to submit a Lake and Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code Section 1600 et seq. 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<sup>3</sup>. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022c).
- 7) Coastal California Gnatcatcher (*Poliophtila californica californica*). The Project site may be within the coastal California gnatcatcher (gnatcatcher) range (Cooper et al. 2017; USFWS 2010). In addition, the Project site is adjacent to critical habitat for the gnatcatcher. Furthermore, based on review of aerial imagery, there appears to be vegetation consistent with coastal scrub within and around the Project site. Gnatcatchers are closely tied to coastal scrub vegetation for reproduction (USFWS 2010). During the non-breeding season, gnatcatchers may also occur in other nearby plant communities (USFWS 2010).

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<sup>2</sup> "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

<sup>3</sup> 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.

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- a) Protection Status: Gnatcatcher is a California Species of Special Concern (SSC) and a species listed as threatened under the Endangered Species Act (ESA). 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). As an ESA-listed species, gnatcatcher is considered an endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.
- b) Surveys. In preparation of the DEIR, CDFW recommends DRP require that a qualified biologist perform protocol-level surveys for gnatcatcher in order to determine if gnatcatcher is present. The qualified biologist should conduct surveys according to the [Coastal California Gnatcatcher \(\*Polioptila californica californica\*\) Presence/Absence Survey Guidelines](#) (USFWS 1997). The protocol should be followed for all surveys unless otherwise authorized by the USFWS in writing (USFWS 1997).
- c) Disclosure and Mitigation. The DEIR should discuss the Project's potential impacts on gnatcatcher and habitat. The DEIR should provide measures to avoid those impacts or measures to mitigate for impacts if avoidance is not feasible. If the Project would result in habitat loss, CDFW recommends the Project Applicant provide replacement habitat to ensure no net loss.
- 8) Crotch's bumble bee (*Bombus crotchii*). Based on a search of the California Natural Diversity Database (CNDDDB) in BIOS, there is a recent occurrence of Crotch's bumble bee within one mile of the Project site (CDFW 2022d)<sup>4</sup>. The Project site may support habitat for Crotch's bumble bee, which includes grasslands and scrub. The Project as proposed could grade and/or develop habitat that could support Crotch's bumble bee. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. In addition, Project ground-disturbing activities and vegetation removal may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.
- a) Protection Status. Crotch's bumble bee is listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017). Crotch's bumble bee has a State ranking of S1/S2. This means that the Crotch's bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Also, Crotch's bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State (CDFW 2017). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, impacts to Crotch's bumble bee could require a mandatory finding

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<sup>4</sup> A lack of current occurrences for Crotch's bumble bee within and/or adjacent to the Project site is likely due to an absence of focused surveys and not necessarily that Crotch's bumble bee is not present. Until recently, focused surveys for Crotch's bumble bee were not required for projects.



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of significance by DRP [CEQA Guidelines, § 15065(a)(1)].

- b) Surveys and Disclosure. CDFW recommends DRP retain a qualified biologist familiar with the species to survey the Project site for Crotch's bumble bee and habitat. Surveys for Crotch's bumble bee should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). The DEIR should assess the Project's potential impact on Crotch's bumble bee, including impacts resulting from habitat loss.
  - c) Mitigation. The DEIR should include measures to first avoid impacts on Crotch's bumble bee. If the Project would impact Crotch's bumble bee and result in loss of habitat, CDFW recommends the DEIR provide measures to minimize direct impacts on Crotch's bumble bee and provide compensatory mitigation for loss of habitat.
- 9) Rare Plants. A qualified biologist should survey the entire Project site for rare plants in accordance with established protocol (see General Comment #3b). The qualified biologist should survey for species including, but not limited, to the following: San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*), a CESA-listed species; slender mariposa lily (*Calochortus clavatus* var. *gracilis*), a California Rare Plant Rank (CRPR) 1B.2 species; Plummer's mariposa lily (*Calochortus plummerae*), a CRPR 4.2 species; and Peirson's morning glory (*Calystegia piersonii*), a CRPR 4.2 species.

CDFW recommends DRP require the Project applicant to design the Project to fully avoid impacts on rare plants and habitat, especially those that are CESA and/or ESA-listed. The DEIR should discuss and show how the Project has been designed to fully avoid impacts. If impacts cannot be avoided, the DEIR should fully disclose where impacts would occur and how many plants and acres of habitat would be impacted. The DEIR should be conditioned to provide compensatory mitigation for loss of individual rare plants as well as acres of habitat.

- 10) Sensitive Natural Communities. A qualified biologist should map all natural communities within the Project site as well as areas subject to off-site impacts such as edge effects in accordance with established protocol (see General Comment #3b and 3c). The qualified biologist should identify and map natural communities including, but not limited, to the following: California walnut groves (*Juglans californica* Alliance); California sycamore woodlands (*Platanus racemosa* Alliance); Fremont cottonwood forest and woodland (*Populus fremontii* Alliance); oak forest and woodland (*Quercus* genus Alliance); and willow riparian woodland and forest (*Salix* genus Alliance).

The DEIR should fully disclose where impacts would occur and how many acres of natural communities would be impacted. The DEIR should be conditioned to provide compensatory mitigation for impacts on Sensitive Natural Communities (see General Comment #3a). Due to the local/regional rarity and significance, compensatory mitigation should be higher for impacts on Sensitive Natural Communities with a State Rarity Ranking of S1 or S2 and/or a Sensitive Natural Community with an additional ranking of 0.1 or 0.2.

- 11) Nesting Birds. The Project proposes to develop within or adjacent to open space and natural areas that likely supports nesting birds and raptors. Accordingly, the Project may impact nesting birds and raptors. Project activities occurring during the bird and raptor nesting

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season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to 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 avoid impacts on nesting birds and raptors. CDFW recommends the DEIR include a measure whereby 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 on nesting birds and raptors cannot be avoided, CDFW recommends the DEIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, CDFW recommends a qualified biologist conduct breeding bird and raptor surveys to identify nests occurring in the disturbance area and 100 feet from the disturbance area to the extent allowable and accessible. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. 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. Project personnel, including all contractors working on site, should be instructed on nesting birds, sensitivity of the area, and adherence to the 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.
- 12) Loss of Bird and Raptor Nesting Habitat. The Project proposes to develop within or adjacent to open space and natural areas that likely supports nesting birds and raptors.
- a) Analysis and Disclosure. CDFW recommends the DEIR discuss the Project's impact on nesting habitat. Edge effects and impacts due to fuel modification should also be discussed. The DEIR should disclose the acreage of nesting habitat that could be impacted and lost as a result of the proposed Project.
  - b) Minimizing Potential Impacts and Compensatory Mitigation. CDFW recommends the Project avoid and minimize development and encroachment onto nesting habitat. If avoidance is not feasible, CDFW recommends the DEIR provide compensatory mitigation for the loss of nesting habitat.
- 13) Bats. Bats may forage and roost in open space and natural areas in the vicinity of the Project area. Ground-disturbing activities and vegetation removal could impact bats and roosts. Extra noise, human activity, dust, ground vibrations, or the reconfiguration of large objects can disturb roosting bats which may have a negative impact on the animals.

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- 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 SSC.
  - b) Analysis and Disclosure: In preparation of the DEIR, CDFW recommends DRP require that a qualified bat specialist identify potential daytime, nighttime, wintering, and hibernation roost sites and conduct bat surveys within these areas (plus a 100-foot buffer as access allows) to identify roosting bats and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats.
  - c) Avoidance and Minimization. If the Project would impact bats, CDFW recommends the DEIR provide measures to avoid/minimize impacts on bats, roosts, and maternity roosts. The DEIR should incorporate mitigation measures in accordance with [California Bat Mitigation Measures](#) (Johnston et al. 2004).
- 14) Los Angeles County Significant Ecological Areas (SEAs). The Project site is located within the Santa Susana Mountains/Simi Hills Significant Ecological Area (SEA). [Los Angeles County Significant Ecological Areas](#) are officially designated areas within Los Angeles County identified as having irreplaceable biological resources (LACDRP 2019). These areas represent the wide-ranging biodiversity of Los Angeles County and contain some of Los Angeles County's most important biological resources. The DEIR should discuss the Project's impact on the Santa Susana Mountains/Simi Hills SEA.

## General Comments

- 1) Disclosure. The DEIR 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).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project 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 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 DRP provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

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- b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR 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 DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity 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 2022e);
- 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). Botanical field surveys should be comprehensive over the entire Project area, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the project area. This usually involves multiple visits to the Project area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present;
- c) Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project area and within adjacent areas. 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 the Project's construction and activities could lead to direct or indirect impacts off site;

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- d) A complete and recent assessment of the biological resources associated with each habitat type in the Project area and within adjacent areas. CDFW's [California Natural Diversity Database](#) should be accessed to obtain current information on any previously reported sensitive species and habitat (CDFW 2022f). An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project area. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources. Please see [CNDDDB Data Use Guidelines – Why do I need to do this?](#) for additional information (CDFW 2011);
  - e) A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. 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)];
  - f) A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project area and adjacent areas, including SSC 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 the Project area 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 (CDFW 2022g). Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS; and,
  - g) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 4) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to adversely affect biological resources with specific measures to offset such impacts. The DEIR 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 areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;
  - b) A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem

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supporting those 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;
  - d) A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat (if any) supported by the groundwater. Measures to mitigate such impacts should be included; and
  - 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 DEIR.
- 5) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:
- a) A complete discussion of the purpose and need for, and description of the proposed Project;
  - 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,
  - c) A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends DRP select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends DRP consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a 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 DEIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).



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- d) Where the Project may impact aquatic and riparian resources, CDFW recommends DRP select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. 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 watercourse to alter its course of flow.
- 6) 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 sensitive natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2022h). To submit 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 2022i). DRP should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out.
- 7) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization 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 inadequate to 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 and 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.
- 8) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset 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 endowment should be set aside to provide for long-term management of mitigation lands.
- 9) Wildlife Friendly Fencing. Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link fencing). If the Project would include temporary and/or permanent fencing, prior to preparation of the DEIR, CDFW recommends DRP require the Project applicant to provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the DEIR for potential impacts on biological resources and wildlife movement. The DEIR should discuss how

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fencing proposed for the Project would minimize impacts on biological resources, specifically wildlife movement. CDFW supports the use of wildlife-friendly fencing. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value in order to protect biological resources, habitat, and wildlife movement. CDFW recommends [A Landowner's Guide to Wildlife Friendly Fences](#) for information wildlife-friendly fences (MFWP 2012).

- 10) Use of Native Plants and Trees. If the Project would include landscaping, CDFW recommends DRP require the Project applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#) (Cal-IPC 2022). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.
- 11) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 12) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (CFGC 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
  - a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of

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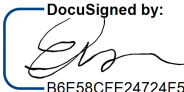
wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a “no net loss” of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

- b) The Fish and Game Commission’s Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

## Conclusion

We appreciate the opportunity to comment on the NOP for the Trails at Lyons Canyon Project to assist the Los Angeles County Department of Regional Planning in preparing the Project’s environmental document and identifying and mitigating Project impacts on biological resources. 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](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) or (562) 619-2230.

Sincerely,

DocuSigned by:  
  
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Erinn Wilson-Olgin  
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ec: CDFW

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