



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
3883 Ruffin Road | San Diego, CA 92123
wildlife.ca.gov

Via Electronic Mail Only

Governor's Office of Planning & Research

September 11, 2023

September 11 2023

STATE CLEARINGHOUSE

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
1000 S. Fremont Ave, Unit #40 A-9 West
Alhambra, CA 91803
JChien@parks.lacounty.gov

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Devil's Punchbowl Nature Center Replacement Planning Project, SCH #2023080345, Los Angeles County Department of Parks and Recreation, Los Angeles County

Dear Jui Ing Chien:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Environmental Impact Report from the Los Angeles County Department of Parks and Recreation (LACDPR) for the Devil's Punchbowl Nature Center Replacement Planning Project (Project). Supporting documentation includes the *Biological Technical Report for the Devil's Punchbowl Nature Center Replacement Planning Project* (BTR), prepared August 2023. 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

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 2 of 15

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 Applicant obtain appropriate authorization under the Fish and Game Code.

Project Summary

General Site Description: The nature center was destroyed as a result of the Bobcat Fire in September/October 2020. The Project site primarily consisted of single-leaf pinyon – juniper woodland vegetation communities. During the biological reconnaissance survey conducted in May 2022, the Project site consisted of burned and resprouting vegetation, and the plant species currently dominating these areas are typical of chaparral communities. There are remnants of previously existing structures present on the Project site, including the nature center. There are also other facilities on site including a parking lot and restroom facilities.

Location: The Project site is located within the Devil’s Punchbowl Natural Area south of the Valyermo community in the County of Los Angeles, California. The site is surrounded on three sides by the Angeles National Forest. The Project site’s surrounding land uses include Open Space – National Forest to the north, east, and south of the subject parcel.

Objective: The Project entails the replacement of the Nature Center while also making improvements to trail heads, Americans with Disabilities Act (ADA) access to buildings and trails, picnic areas, and shade structures. First, an existing historic structure, the Ranger’s Residence, will be demolished to accommodate the new Nature Center and associated improvements. Then, a single-story, 3,245-square-foot building that includes a nature center, administrative offices, and shop will be constructed. The Project would also include the construction of a solar canopy over the existing parking lot. Finally, native plants will be used as

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 3 of 15

landscape screening, which would require the use of potable water for landscape irrigation.

Comments and Recommendations

CDFW offers comments and recommendations below to assist the LACFCD 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) Crotch's bumble bee (*Bombus crotchii*). The Project site may support habitat for Crotch's bumble bee. In addition, the Initial study identifies Crotch's bumble bee as having a moderate potential to occur on site. If Crotch's bumble bee is present in the Project site, the Project could grade and/or develop habitat supporting Crotch's bumble bee. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. In addition, Project ground-disturbing activities may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.
 - a) Protection Status. The California Fish and Game Commission accepted a petition to list the Crotch bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch bumble bee is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch bumble bee has a State ranking of S1/S2. This means that the Crotch bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch bumble bee is also listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017).
 - b) Surveys and Disclosure. CDFW recommends LACFCD to retain a qualified biologist familiar with the species to survey the Project site for Crotch

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 4 of 15

bumble bee and habitat. Surveys for Crotch bumble bee should adhere to the [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#) (CDFW 2023a). The DEIR should provide full disclosure of the presence of Crotch's bumble bee and the Project's potential impact on Crotch's bumble bee, and not deferred until a later time (i.e., preconstruction surveys).

- c) Mitigation. The DEIR should include measures to first avoid impacts on Crotch's bumble bee. If Crotch bumble bee is present, a qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 15-meter no-disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If the Project cannot avoid impacts, the LACFCD should require the Project Applicant to consult CDFW to determine if a CESA Incidental Take Permit (ITP) is required. In addition, LACFCD should require compensatory mitigation for removal or damage to any floral resource associated with Crotch bumble bee. Floral resources should be replaced as close to their original location as is feasible.
- d) CESA ITP. An appropriate take authorization from CDFW under CESA may include an 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 DEIR for the issuance of an ITP for the Project unless the Project's DEIR addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's DEIR should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's DEIR. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's DEIR may not necessarily satisfy mitigation required to obtain an ITP. Please visit CDFW's [California Endangered Species Act \(CESA\) Permits](#) webpage for more information (CDFW 2023b).

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 5 of 15

- 2) Special Status Plants. On page 29 of the Initial Study it states, "Three special-status plant species (Joshua tree [*Yucca brevifolia*], short-joint beavertail [*Opuntia* var. *brachyclada*], and southern California black walnut [*Juglans californica*]) were observed on or adjacent to the Project Site." It goes on to say that "only one species (crowned muilla [*Muilla coronata*]) was determined to have a low potential to occur [on site]." The BTR states on page 23, "ECORP assumes that the Project will not impact the vegetation surrounding the previously developed portions of the Project site. If additional impacts are to occur outside of the footprint of the existing developed areas, then impacts to special status-plant species may occur and additional measures including rare plant surveys are warranted. If impacts are contained within the previously developed portions of the Project site, no impacts to special-status plants would occur." However, it is unclear how impacts to special status plants, especially those in the developed areas, will be avoided. There are no avoidance, minimization, or mitigation measures for potential impacts to special status plants.
- a) Western Joshua tree. Western Joshua tree is a candidate for listing under the California Endangered Species Act (CESA). As a CESA candidate species, western Joshua tree is granted full protection of a threatened species under CESA. CDFW primarily recommends the LACDPR avoid impacts to western Joshua tree to the greatest extent feasible. If "take" or adverse impacts to western Joshua trees cannot be avoided during Project activities or over the life of the Project, CDFW recommends that the Project proponent consult CDFW regarding the CESA Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2080 *et seq.* Early consultation is encouraged as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. The Project proponent should consult with CDFW to obtain additional western Joshua tree survey requirements. CDFW may require separate documentation for the issuance of an ITP unless the Project DEIR addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.
- b) Rare Plants. Short joint beavertail has a California Rare Plant Rank (CRPR) of 1B.2. Southern California black walnut and Crowned muilla have a CRPR of 4.2. Plants with a CRPR of 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B should have

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 6 of 15

impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). California Native Plant Society's (CNPS) [Rare Plant Ranks](#) page includes additional rank definitions (CNPS 2023).

CDFW recommends conducting focused surveys for these rare plants. The survey should be conducted on site and in the surrounding 200-foot buffer. Based on the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018), a qualified biologist should "conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting." The revised biological assessment should provide a thorough discussion on the extent of sensitive species and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

- c) Disclosure. The DEIR should fully disclose any impacts on rare plants, which should include at a minimum where impacts would occur; number of individual plants impacted; population size and density; and acres of habitat/plant communities impacted.
 - d) Avoidance. If the Project will impact rare plants, CDFW recommends the DEIR provide measures to fully avoid impacts on rare plants and its habitat. This may include Project alternatives that would fully avoid impacts on rare plants (see **General Comment #5**).
 - e) Mitigation. If take or adverse impacts to rare plants cannot be avoided during Project activities or over the life of the Project, the DEIR should provide measures to mitigate those impacts. Appropriate mitigation may include obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 *et seq.*). Appropriate authorization may include an Incidental Take Permit (ITP) or Consistency Determination, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Additionally, CDFW recommends LACDPR provide compensatory mitigation for loss of rare plants and habitat. CDFW recommends LACFCD identify an appropriate site to preserve rare plants in perpetuity (also see **General Comments #6 and #7**).
- 3) California Species of Special Concern (SSC). Page 29 of the Initial Study indicated that several SSC, including California glossy snake (*Arizona elegans*

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 7 of 15

occidentalis), coast horned lizard (*Phrynosoma blainvillii*), pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*), western mastiff bat (*Eumops perotis californicus*), and American badger (*Taxidea taxus*) may have low to moderate potential to be on the Project site. While mitigation measures BIO-2, BIO-3, and BIO-4 may provide some reduction in impacts to these species, they may be insufficient to reduce impacts to less than significant.

- a) Status. CDFW considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures [CEQA Guidelines, §§ 15064, 15065, 15125(c), and 15380].
 - b) Survey Guidelines. The DEIR should evaluate the Project's potential impacts to these and any additional special status wildlife species. Species specific, season, and time of day field surveys should be conducted in preparation of the DEIR. Survey protocols and guidelines for select special status plants and wildlife may be found on CDFW's [Survey and Monitoring Protocols and Guidelines](#) webpage (CDFW 2023c). Surveys should not deviate from established protocols and guidelines except with documented approval specific to this Project. Species-specific surveys would identify any areas where these species occur which may help inform plans to fully avoid these areas/impacts and/or appropriate mitigation measures.
 - c) Disclosure. CDFW recommends the DEIR fully disclose potential species-specific impacts and provide measures to fully avoid impacts to wildlife and habitat during and after the Project.
- 4) Preconstruction Sensitive Wildlife Survey: Measure BIO-2 on page 30 & 31 of the Initial Study may be insufficient to reduce impacts to sensitive wildlife species on site. CDFW recommends the LACDPR revise BIO-2 by incorporating the underlined language and removing the language with strikethrough:

“A preconstruction survey for sensitive wildlife species will be conducted within two weeks (14 days) of initial grading, demolition, and/or grubbing activities. If special-status (non-listed) wildlife species are observed within the impact area, the qualified biologist will develop and implement appropriate protection measures for that species. These protection measures shall include, as appropriate: presence of a biological monitor during ground-disturbing activities, redirecting the species, constructing

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 8 of 15

exclusionary devices, or capturing and relocating wildlife outside the work area (as Project and/or individual permits allow, see scientific collecting permit). In addition, prior to initial ground and habitat disturbing activities and vegetation removal, a qualified biologist will prepare a Wildlife Relocation Plan. The Wildlife Relocation Plan should describe all wildlife species that could occur within the Project site and proper handling and relocation protocols. The Wildlife Relocation Plan should include species-specific relocation areas, at least 200 feet outside of the Project site and in suitable and safe relocation areas. No wildlife nests, eggs, or nestlings may be removed or relocated at any time. The biological monitor will have the authority to temporarily halt construction activities in order to allow special-status and general wildlife to safely move out of harm's way and utilize hazing methods to direct individuals to areas outside the construction limits. If a listed wildlife species is determined to be present or to nest or den within the Project Site, the Project will be temporarily halted until agency consultation can be completed. Observations of special-status species made during the surveys shall be recorded onto a CNDDDB field data sheet and submitted to CDFW for inclusion into the CNDDDB.

- a) Scientific Collecting Permit. A scientific collecting permit will be necessary for many of the species' surveys outlined above. It will especially be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2023d).
- b) Injured or Dead Wildlife. If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within 3 calendar days of the incident or finding. The report

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 9 of 15

should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death."

General Comments

- 1) Biological Baseline Assessment. The DEIR 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 DEIR 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 2023e);
 - b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 10 of 15

- 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 Online](#) should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment if 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 on 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 2023c). 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 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects of a proposed Project may warrant periodic

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 11 of 15

updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.

- 2) 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).
- 3) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
 - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the Lead Agency through permit conditions, agreements, or 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 LACDPR 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 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

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 12 of 15

is necessary so CDFW may assess the potential impacts of proposed mitigation measures.

- 4) 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 [CNDDDB Field Survey Forms](#) (CDFW 2023f). 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 2023g). The LACDPR should ensure data collected for the preparation of the DEIR 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.
- 5) 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 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 adjacent areas, should be fully evaluated in the DEIR;
 - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
 - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 13 of 15

- 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 site. 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 DEIR; 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 LACDPR determines that the Project would not have a cumulative impact, the DEIR should indicate why the cumulative impact is not significant. The LACDPR's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 6) Compensatory Mitigation. The DEIR 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.

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 14 of 15

7) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, a DEIR 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 Devil's Punchbowl Nature Center Replacement Planning Project to assist the LACFCD in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

C3D449ECB7C14DE...

Jennifer Turner, acting for:
David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW
Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
Felicia Silva, Seal Beach – Felicia.Silva@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

OPR
State Clearinghouse – State.Clearinghouse@opr.ca.gov

Jui Ing Chien
Los Angeles County Department of Parks and Recreation
September 11, 2023
Page 15 of 15

References:

- [CDFW] California Department of Fish and Wildlife. 2017. California Terrestrial and Vernal Pool Invertebrates of Conservation Priority. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>
- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>
- [CDFW] California Department of Fish and Wildlife. 2023a. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Accessed at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>
- [CDFW] California Department of Fish and Wildlife. 2023b. California Endangered Species Act Permits. Available at: <https://wildlife.ca.gov/Conservation/CESA/Permitting>
- [CDFW] California Department of Fish and Wildlife. 2023c. Survey and Monitoring Protocols and Guidelines. Available at: <https://wildlife.ca.gov/conservation/survey-protocols>
- [CDFW] California Department of Fish and Wildlife. 2023d. Scientific Collecting Permits. Available at: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>
- [CDFW] California Department of Fish and Wildlife. 2023e. Natural Communities. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>
- [CDFW] California Department of Fish and Wildlife. 2023f. Submitting Data to the CNDDDB. Available at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>
- [CDFW] California Department of Fish and Wildlife. 2023g. Combined Rapid Assessment and Releve Form. Available at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>
- [CNPS] California Native Plant Society. 2023. A Manual of California Vegetation Online. Available at: <https://vegetation.cnps.org/>
- [CNPS] California Native Plant Society. 2023. CNPS Rare Plant Ranks. Accessed at: <https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>