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**GAVIN NEWSOM, Governor**  
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April 29, 2024

Governor's Office of Planning & Research

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**Apr 29 2024**

**STATE CLEARINGHOUSE**

**SUBJECT: NOTICE OF PREPARATION OF A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CENTENNIAL SPECIFIC PLAN PROJECT, SCH NO. 2024031142; LOS ANGELES COUNTY, CA**

Dear Jodie Sackett:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) from the Los Angeles County Department of Regional Planning (LA County Planning) for the Centennial Specific Plan Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW 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, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 (Fish & G. Code, § 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

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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projects and related activities that have the potential to adversely affect 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. As proposed, for example, the Project may be subject to CDFW's 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<sup>2</sup> of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Centennial Founders LLC

**Objective:** The Project consists of modifications to the Centennial Specific Plan, adopted by Los Angeles County on April 30, 2019 (Specific Plan), which require revisions to the previously certified Environmental Impact Report. The Project would amend the Specific Plan to allow for (1) utility-scale battery storage and microgrids to improve the resilience of the Project's on-site renewable energy electricity program in support of the Net Zero Greenhouse Gas program, and (2) modifying internal roadway design standards to improve evacuation capacity for future subdivision maps. The development area and substance as a master planned community have not changed since the 2019 approval of the Specific Plan.

**Location:** The 12,323-acre Project site is located in the northwestern portion of Antelope Valley in unincorporated Los Angeles County and is contiguous with the southern boundary of Kern County.

**Biological Setting:** The Project site is characterized by moderate to steep hills and canyons with oak woodlands and riparian areas west of the West Branch of the California Aqueduct, and by open, gently sloping mesa grasslands dissected by a network of arroyos east of the Aqueduct. Elevations range from approximately 3,000 feet above mean sea level (msl) on the Antelope Valley floor in the northeastern portion of the site to approximately 4,350 feet above msl in the southwestern portion of the property. The Tehachapi Mountains border the site to the north and west, and the San Gabriel Mountains are located south of the Project site.

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<sup>2</sup> "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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The Project site is one of the largest remaining perennial and annual grassland habitat areas in Los Angeles County. Vegetation communities known to occur on the Project site include, but are not limited to, Wright's buckwheat scrub, mixed oak woodland, alluvial scrub, cottonwood woodland, riparian herb, rush riparian grassland, southern arroyo willow riparian, southern cottonwood-willow woodland, southern willow scrub, valley oak riparian woodland, unvegetated wash, willow riparian forest, willow riparian woodland, alkali meadow, Baltic rush, coastal and valley freshwater marsh, seeps and ephemeral ponds, native perennial grasslands, wildflower fields, and native and nonnative annual grasslands.

In the previous Draft Environmental Impact Report for the Centennial Project (DEIR; County of Los Angeles, 2017), LA County Planning identified 40 special-status invertebrate, fish, amphibian, reptile, bird, and mammal species observed or with potential habitat within the Project site. Species potentially occurring within the Project site that are listed under the Endangered Species Act (ESA) as threatened or endangered or proposed for listing under the ESA as threatened or endangered, and/or listed under the California Endangered Species Act (CESA) as threatened, endangered, or candidate species include:

- conservancy fairy shrimp (*Branchinecta conservatio*; ESA-listed endangered)
- vernal pool fairy shrimp (*Branchinecta lynchi*; ESA-listed threatened)
- Crotch's bumble bee (*Bombus crotchii*; CESA candidate endangered species)
- Tehachapi slender salamander (*Batrachoseps stebbinisi*; CESA-listed threatened)
- western spadefoot (*Spea hammondi*; proposed for ESA threatened listing)
- arroyo toad (*Anaxyrus californicus*; California Species of Special Concern (SSC), ESA-listed endangered)
- California red-legged frog (SSC, ESA-listed threatened)
- western pond turtle (*Emys marmorata*; SSC, proposed for ESA threatened listing)
- California condor (*Gymnogyps californianus*; CESA-listed endangered, ESA-listed endangered, State fully protected)
- Swainson's hawk (*Buteo swainsoni*; CESA-listed threatened)
- bald eagle (*Haliaeetus leucocephalus*; CESA-listed endangered, State fully protected)
- western yellow-billed cuckoo (*Coccyzus americanus occidentalis*; CESA-listed endangered, ESA-listed threatened)
- California spotted owl (*Strix occidentalis occidentalis*; SSC, proposed for ESA listing as endangered)

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- southwestern willow flycatcher (*Empidonax trillii extimus*; CESA-listed endangered, ESA-listed endangered)
- least Bell's vireo (*Vireo bellii pusillus*; CESA-listed endangered, ESA-listed endangered)
- tricolored blackbird (*Agelaius tricolor*; CESA-listed threatened)
- mountain lion (*Puma concolor*; CESA candidate threatened or endangered species)

The 2017 DEIR also identified 30 special-status plant species with the potential to occur within the Project site. Plants with a California Rare Plant Rank<sup>3</sup> (CRPR) of 1B.2 or higher, ESA-listed threatened, and/or NPPA-listed Rare include:

- round-leaved filaree (*California macrophylla*; CRPR 1B.2)
- slender mariposa lily (*Calochortus clavatus* var. *gracilis*; CRPR 1B.2)
- late-flowered mariposa lily (*Calochortus fimbriatus*; CRPR 1B.2)
- Palmer's mariposa lily (*Calochortus palmeri* var. *palmeri*; CRPR 1B.2)
- Mt. Gleason paintbrush (*Castilleja gleasoni*; NPPA-listed Rare, CRPR 1B.2)
- Lemmon's jewel flower (*Caulanthus lemmonii*; CRPR 1B.2)
- Tehachapi buckwheat (*Eriogonum callistum*; CRPR 1B.1)
- Fort Tejon woolly sunflower (*Eriophyllum lanatum* var. *hallii*; CRPR 1B.1)
- Tejon poppy (*Eschscholzia lemmonii* ssp. *kernensis*; CRPR 1B.1)
- spreading navarretia (*Navarretia fossalis*; ESA-listed threatened, CRPR 1B.1)
- Baja navarretia (*Navarretia peninsularis*; CRPR 1B.2)
- Piute Mountains navarretia (*Navarretia setiloba*; CRPR 1B.2)
- Robbins' nemacladus (*Nemacladus secundiflorus* var. *robbinsii*; CRPR 1B.2)
- San Bernardino aster (*Symphotrichum defoliatum*; CRPR 1B.2)

The Project site does not contain federally designated Critical Habitat for any species; however, Critical Habitat for the California condor occurs immediately adjacent to the northern boundary of the Project site.

**Project History:** On April 30, 2019, the County of Los Angeles certified the Centennial Project Environmental Impact Report, State Clearinghouse No. 2004031072, and issued initial entitlement approvals. CDFW provided comments to LA County Planning during the public review period for the Notice of Preparation and Draft Environmental

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<sup>3</sup> The CRPRs range from presumed extinct species (CRPR 1A) to limited distribution/watchlist species (CRPR4). Criteria for the ranks can be found at this website: <https://www.cnps.org/rare-plants/california-rare-plant-ranks>.

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Impact Report for the Centennial Project, and met with LA County Planning throughout the planning process, beginning prior to the Notice of Preparation and continuing through the certification of the Final EIR. We appreciate the opportunity to provide additional comments on the SEIR at this time and look forward to additional coordination with the County.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist LA County Planning in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### **Specific Comments**

- 1) Project Description Changes. CDFW recommends LA County Planning analyze the effects of any changes to the Project that could result in ground or vegetation disturbance outside the footprint analyzed in the 2017 DEIR. CDFW also recommends LA County Planning analyze changes to the Project that could result in edge effects that differ from those analyzed in the 2017 DEIR. Edge effects that should be considered include, but are not limited to: noise, artificial night lighting, vehicle strikes, introduction of domestic predators, human-wildlife conflicts, and hydrology changes that could affect adjacent natural and conserved areas.
- 2) Listing Status Changes. In addition to changes to the Project described in the NOP, changes have occurred with respect to the regulatory status of wildlife species, which could result in significant effects that either were not discussed in the 2017 DEIR or that now will be substantially more severe than shown in the 2017 DEIR.

The 2017 DEIR analyzed the potential of the Specific Plan to impact species considered sensitive at the time the analysis was conducted. Since the 2017 DEIR was certified, there have been upwards of 15 species throughout the state for which the federal or state listing status has changed (CDFW 2024). In the 2017 DEIR, the County determined impacts to species that did not have a formal listing status to be less than significant. As a result of changes to the regulatory status, impacts to species that were listed after the 2017 DEIR were not disclosed, analyzed, nor mitigated.

CDFW recommends that LA County Planning conduct updated literature reviews to determine whether species with the potential to occur within the Project site have had changes to their sensitivity since the 2017 DEIR. We also recommend that LA County Planning evaluate the potential of the entire Specific Plan Project to significantly impact any such species, in addition to evaluating the effects of the changed Project components.

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- 3) Crotch's Bumble Bee. Crotch's bumble bee is known to occur within the Project site. Butterfly surveys conducted in support of the 2017 DEIR (Bruyera Biological Consulting 2003, 2004) state that for both years, few insect species were observed, with hymenoptera diversity conspicuously low. For both years, "[b]umble bee (*Bombus crotchii*) and honeybee (*Apis mellifera*) were the most abundant bee species."

The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining on September 30, 2022, the listing "may be warranted" and advancing the species to the candidacy stage of the CESA-listing process. The 2017 DEIR did not address the potential of the Specific Plan to impact Crotch's bumble bee; impacts were not disclosed, analyzed, or mitigated in the 2017 DEIR.

CDFW recommends LA County Planning conduct focused surveys for Crotch's bumble bee and analyze the potential of the Project to impact the species. CDFW recommends the surveys be conducted for the entire Specific Plan area, and that LA County Planning evaluate the potential of the entire Specific Plan Project to significantly impact Crotch's bumble bee, in addition to evaluating the effects of the changed Project components.

- 4) Mountain Lion. The Project site is within the boundary of the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lion, which was advanced by the Fish and Game Commission to the candidacy stage of the CESA listing process on April 21, 2020. The 2017 DEIR acknowledges mountain lion, "frequents the foothills above the Project site and are expected to occasionally forage at lower elevations, including within the Project site." (County of Los Angeles, 2017). CDFW recommends LA County Planning review the discussions related to the effect of the Project on mountain lion and determine whether the previous analysis is adequate, in light of the change to listing status. The SEIR should evaluate direct impacts, such as injury or mortality due to Project construction, human-wildlife interactions (depredation), and vehicle strikes during the life of the Project. The SEIR should also discuss impacts to habitat quality resulting from edge effects, such as those caused by noise and artificial night lighting.
- 5) California Spotted Owl. The Project site is within the boundary of the California spotted owl Coastal-Southern California Distinct Population Segment (DPS), which consists of "[a]ll California spotted owls in the vicinity of the Coast, Transverse, and Peninsular mountain ranges from Monterey County in the north to San Diego county in the south, and south of the Tehachapi Pass within Kern County." (U.S. Fish and Wildlife Service, n.d.). On February 22, 2023, the U.S. Fish and Wildlife Service proposed this DPS be listed as endangered under the ESA. CDFW recommends that LA County Planning evaluate the potential of the entire Specific Plan Project to

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significantly impact California spotted owl, in addition to evaluating the effects of the changed Project components.

- 6) Updated Biological Surveys. Various biological surveys were conducted between 1999 and 2015 in support of the analysis discussed in the 2017 DEIR. Generally, CDFW considers two years to be the life span of surveys for most sensitive species and recommends additional surveys for special status species that were not detected in previous surveys, in addition to updated ones for taxa previously surveyed. We also recommend that LA County Planning analyze the potential of the Project to impact any newly detected species or new occurrences of previously detected species. The surveys should be conducted for the entire Specific Plan area and the environmental document should evaluate the potential of the entire Specific Plan Project to significantly impact any such species, in addition to evaluating the effects of the changed Project components.
- 7) Impacts from Fire. The SEIR should discuss fire risk, as a result of radiant heat from the battery infrastructure, as it pertains to possible impacts to biological resources. This discussion should also include analysis of the fuel load in and adjacent to the project area and impacts to habitats as well as species-specific impacts. Mitigation measures should be included if appropriate and may include compensatory mitigation. On-site mitigation areas should be distinct from fuel modification zones, and impacts to fuel medication zones should be quantified as impacts in the environmental document.

### **General Comments**

- 8) Disclosure. The SEIR 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).
- 9) 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 LA County Planning through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, §

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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). The SEIR should 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).

- 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 SEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the SEIR 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.
- 10) 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 site 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 SEIR 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 SEIR 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 n.d.);
  - 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 2021). Botanical field surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly



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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 site. This usually involves multiple visits to the Project site (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 site and within adjacent areas. The Manual of California Vegetation, second edition, (Sawyer, Keeler-Wolf, & Evens, 2009) should also be used to inform this mapping and assessment. 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;
- d. A complete and recent assessment of the biological resources associated with each habitat type in the Project site and within adjacent areas. CDFW's *California Natural Diversity Database* (CNDDDB) should be accessed to obtain current information on any previously reported sensitive species and habitat (CDFW n.d.). An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project site. 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 site 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 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*

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*Guidelines* (CDFW n.d.) for established survey protocol. 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.

11) Direct and Indirect Impacts on Biological Resources. The SEIR should provide a thorough discussion of direct and indirect impacts expected to adversely affect biological resources with specific measures to offset such impacts. The SEIR 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 SEIR;
- 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 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 SEIR.

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12) 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 SEIR:

- 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 LA County Planning select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends LA County Planning 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 SEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- d. Where the Project may impact aquatic and riparian resources, CDFW recommends LA County Planning 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.

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- 13) Cumulative Impact. 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 are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the SEIR 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)). LA County Planning's conclusions regarding the significance of the Project's cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if LA County Planning concludes that the Project would not result in cumulative impacts on biological resources, LA County Planning, "shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant" (CEQA Guidelines section § 15130(a)(2)).

When using a threshold of significance, the SEIR 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 LA County Planning's obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant (CEQA Guidelines, § 15064(b)(2)]. Alternatively, if LA County Planning 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 SEIR should briefly explain how the contribution has been rendered by LA County Planning to be less than cumulatively considerable. LA County Planning, "shall identify facts and analysis supporting the lead agency's conclusion that the contribution will be rendered less than cumulatively considerable" (CEQA Guidelines § 15130(a)(3)].

- 14) Lake and Streambed Alteration. CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other

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information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW recommends that LA County Planning assess whether notification is appropriate. A Notification package for a LSAA may be obtained by accessing CDFW's web site at <http://www.wildlife.ca.gov/Conservation/LSA>.

- 15) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements of a CESA ITP.
- 16) Compensatory Mitigation. The SEIR 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, LA County Planning 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.

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- 17) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the SEIR 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.
- 18) 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 SEIR, CDFW recommends LA County Planning provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the SEIR for potential impacts on biological resources and wildlife movement. The SEIR should discuss how 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* (Paige 2012) for information wildlife-friendly fences.
- 19) Use of Native Plants and Trees. CDFW recommends LA County Planning 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 SEIR 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 (California Invasive Plant Council n.d.). 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.
- 20) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and

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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.

- 21) Scientific Collecting Permit. A scientific collecting permit would 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 relocate 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). 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). For more information, please see our website at <https://wildlife.ca.gov/Licensing/Scientific-Collecting>.
- 22) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. Through its Wetlands Resources policy, the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California" (California Fish and Game Commission n.d.). 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 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

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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 SEIR 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).

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations 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 during Project surveys to the California Natural Diversity Database. The CNNDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

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. The form and additional information can be found at the following link: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>. LA County Planning should ensure data collected for the preparation of the SEIR be properly submitted, with all data fields applicable filled out.



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## FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by LA County Planning and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist LA County Planning in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kelly Fisher, Environmental Scientist, at (858) 354-5083 or [Kelly.Fisher@wildlife.ca.gov](mailto:Kelly.Fisher@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Victoria Tang  
Environmental Program Manager  
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