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Via Electronic Mail Only

Governor's Office of Planning & Research

December 8, 2023

Dec 08 2023

STATE CLEARINGHOUSE

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SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PASEO DEL RIO AT TAYLOR YARD PROJECT, SCH # 2008121014, CITY OF LOS ANGELES, LOS ANGELES COUNTY

Dear Sarah Bryson:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of the Paseo Del Rio at Taylor Yard (Project) from the City of Los Angeles Department of Public Works (City). 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.

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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.

Project Description

Objective: The City of Los Angeles Department of Public Works (City) is proposing to construct an approximately 12-acre passive recreation space located on a portion of an abandoned former rail yard, designated as the G2 parcel, within the City of Los Angeles, adjacent to the Los Angeles River. The City will prepare a Supplemental EIR (SEIR) to analyze the environmental impacts of the proposed Project and alternatives. The proposed Project will include remediation activities, utility connections, and water quality features. Proposed improvements may also include pedestrian pathways, entrance plaza with flexible outdoor event spaces, lighting, landscaping, parking, and other site amenities. The Project also proposes to create 3 acres of intermittent wetland, 3 acres of riparian habitat, and 2.5 acres of pollinator shrubs for wildlife habitat.

Location: The Project is located at 2070 North San Fernando Road in the community of Cypress Park, in the City of Los Angeles. The Project site is bounded by the Los Angeles River (LA River; River) to the west, the Rio de Los Angeles State Park and Union Pacific Railway to the east, and Kerr Road to the south.

Biological Setting: Willow woodland (*Salix* sp.) and semi-natural herbaceous stands have become established on site, offering some habitat to wildlife in the area. Despite remnants of concrete slabs, footings, and foundations that remain, the degraded willow woodland on site is known to support CESA-listed species including the least Bell’s vireo (*Vireo bellii pusillus*). The cover of the parcel is estimated to be approximately 35% concrete, 15% willow woodland, and 50% mixed native/non-native herbaceous stands. The site is currently used by resident and migratory songbirds, raptors, coyote, and common reptiles. The proximity to the LA River makes wading birds and waterfowl common in the vicinity of the Project site. Upland bird species, such as killdeer (*Charadrius vociferus*), hermit thrush (*Catharus guttatus*), and Cooper’s hawk (*Accipiter cooperii*), have also been found on the Project site.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project’s significant, or potentially

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significant, direct, and indirect impacts on fish and wildlife (biological) resources. The SEIR 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 SEIR when it is available.

Specific Comments

- 1) Project Design. The Project received Proposition 68 grant funding from the Wildlife Conservation Board (WCB), which dictates that the Project design and description should meet connectivity, habitat restoration, and conservation goals. The environmental protection and restoration goals established under the grant agreement from WCB should be the primary focus of the Project. CDFW is concerned that the Project as described in the NOP does not meet these goals.

Regarding connectivity, the G2 parcel has the potential to be a key linkage between the Rio de Los Angeles State Park and the LA River that could provide a short, direct passage for medium-sized mammals from the southwest into the northeast Los Angeles hilltop systems. Connectivity via the G2 parcel and adjacent River would facilitate wildlife connection to the Verdugo Wash and Arroyo Seco tributaries that eventually link to significant habitat areas, including Elysian Park to Griffith Park (the eastern terminus of the Santa Monica Mountains), Mount Washington, San Rafael Hills, Verdugo Mountains, and the San Gabriel Mountains. Moreover, the G2 parcel will connect to the 18-acre Bowtie (G1) parcel upstream, owned by California Department of Parks and Recreation (State Parks). State Parks proposes to redevelop and restore the northeastern section of the Bowtie parcel, approximately 3.2 acres, currently consisting of bare earth and concrete debris to demonstration wetlands. This will create a one-mile public use greenway spanning both the G1 and G2 parcels that will provide open space and increased habitat along the LA River.

There is also considerable potential for habitat restoration on the G2 parcel beyond what appears to be planned for the Project. CDFW believes the property can become a relatively large functional node of both upland and broad transitional riparian habitat along a 2.5-mile-long section of River. Currently this stretch contains just a few strips of degraded riparian habitat outside the angled flood control channel walls. The anticipated habitat node is further complemented by natural land on two adjoining State Parks-owned parcels. As an example, if an animal traveled down the Arroyo Seco and then headed northward up the River, the future G2 parcel habitat node could provide critical refuge during daylight hours for a later continuation to Griffith Park upstream.

In summary, CDFW strongly recommends that the Project modify its focus from recreational uses to natural resources restoration, conservation, and connectivity, and give greater emphasis to providing reduced, passive recreational uses. As a result, CDFW recommends that the SEIR should provide a thorough discussion and analysis of the Project's funding sources, specifically its funding through WCB, and

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address how the Project is achieving the objectives for natural resources as required by the grant funding.

- 2) Impacts of Recreation on Wildlife. The Project proposes to create 3 acres of intermittent wetland, 3 acres of riparian habitat, and 2.5 acres of pollinator shrubs for wildlife habitat. The Project also proposes to create recreational opportunities along the LA River where opportunities do not currently exist. These opportunities may include but are not limited to: pedestrian/bike trails, educational facilities, lookouts, boardwalks, river access points, and pavilions. As currently designed, the recreational uses described in the Project may conflict with the stated goal of creating high-quality protected habitat. Recreation activities on the site could result in an increase in the number of people and dogs, which in turn can increase the amount of pet waste and other trash, noise levels, and human and pet encroachments into habitat. Ambient or direct lighting could also adversely impact habitat and wildlife.

Recreation and increased human activities can also have the following observed effects on wildlife:

- Non-consumptive recreation can lead to detrimental changes in animal behavior, reproduction, growth, and immune system function (Lucas 2020).
- Being approached by a person may trigger a change in the behavior or physiological processes in a bird (e.g., flight responses or increased heart rate). Although these responses tend to be short in duration, they can have longer term effects as is the case of breeding birds being flushed from nests, leaving eggs or chicks vulnerable to predation (Steven et al. 2011).
- Relatively 'low' impact activities such as walking or hiking can still have negative effects on birds (Steven et al. 2011).
- Increased noise may alter or mask the auditory signals required for information exchange in birds (Hillman et al. 2015).

Because the Project could result in energetic costs to wildlife, nest abandonment, reduced reproductive success, and reduced fitness, CDFW recommends the City thoroughly analyze how the Project, through increases in human activity, lighting, noise, and other anthropogenic effects, may adversely impact habitat, wildlife use of the Project area, and wildlife behavior (e.g., foraging, nesting). The assessment in the SEIR should measure and compare pre- and post-Project activity types, especially active recreation activity (e.g., fishing, kayaking), visitor use frequency, access points, area of influence, level of lighting, ambient noise levels, trail routes, and trail width. Development of trails within native habitat areas should be analyzed within the SEIR for potential habitat edge effects. For purposes of analysis, trail and path development footprints should be excluded from acreage calculations for upland habitat. Recreational activities in wetlands should be limited only to passive activities (e.g., bird watching) that will not disturb wildlife, particularly special status birds, or activities for scientific/education purposes.

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The SEIR should also discuss how the Project would avoid and/or mitigate for the effects/impacts of recreation on habitat and wildlife; for example, the City may have to reconsider removing or restricting certain active recreational elements, such as cycling and kayaking, in order to minimize impacts to nearby sensitive species and their habitats. This discussion should include what areas will be open for public access, have limited access, etc., and how this will be enforced for the protection of sensitive natural resources. The SEIR should also explain how proposed Project designs (e.g., fences, trail alignment, operation hours, speed limits for bikes, lighting, access restriction, restriction of certain activities) would effectively avoid and/or mitigate for those effects/impacts. Mitigation may include avoiding known avian breeding and/or bat nursery sites for sensitive and special status species (e.g., vireo) by restricting or modifying trails (e.g., dimensions, number of trails, spatial arrangement), access points, activity types (e.g., dog walking), and structures. CDFW also recommends appropriate setbacks from breeding and nursery sites. An appropriate setback should consider the species (e.g., alert and flight initiation distances) and type and intensity of recreational use proposed.

- 3) Impacts to Rivers. The Project is adjacent to the Los Angeles River. Part of the Project will be to install a diversion structure to capture dry and wet weather flows for filtration and debris removal, as well as maintain the wetland feature of the Project. Permanent impacts to the LA River could occur after the Project is completed by altering how runoff is captured and conveyed through the Project site. In addition, construction activities may increase erosion or introduce petroleum hydrocarbons and/or lead from impacted shallow soils into the River. Additionally, Project activities could deposit materials such as sediment and fine particles into a stream. Therefore, the Project could impact streams by depositing, permitting to pass into, or placing where it can pass into the waterway, any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment.
 - a) Analysis and Disclosure. In preparation of the Project's SEIR, CDFW recommends the SEIR include evaluation of impacts on the LA River. The SEIR should discuss the Project's potential impact on streams including impacts on associated natural communities. Impacts may include diverting streams, impairing a watercourse, and removing or degrading vegetation through habitat modification (e.g., loss of water source, encroachment, and edge effects leading to introduction of non-native plants). Impacts may occur during the life of the Project.
 - b) Mitigation. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq.* and/or under CEQA, a project's CEQA 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. To

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compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

- c) Fish and Game Code section 1602. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources, which includes rivers, streams, or lakes and associated natural communities. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or “entity”) must notify CDFW¹. Accordingly, if the Project would impact streams, the SEIR should include a measure that requires notification to CDFW pursuant to Fish and Game Code section 1602 prior to starting activities that may impact streams. Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2023a). The Project Applicant’s notification to CDFW should provide the following information at minimum:

1. A stream delineation in accordance with the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979).
2. Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation, second edition (Sawyer et al. 2008).
3. A discussion as to potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and
4. A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate water and sediment transport under pre-Project and post-Project conditions.

¹ CDFW’s issuance of a Lake and Streambed Alteration (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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- 4) Least Bell's Vireo. A review of the (CNDDDB) (CDFW 2023b) and E-bird (E-bird 2023) shows that least Bell's vireo (vireo) has potential to occur directly adjacent to and around the Project site. CNDDDB shows suitable habitat in the form of low, dense thickets of willow and shrub occurring within two miles of the Project site. E-Bird shows occurrences adjacent to the Project site at the Rio de Los Angeles State Park. Consistent with CEQA Guidelines, section 15380, the status of vireo as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C., § 1531 *et seq.*) and CESA (Fish & G. Code, § 2050 *et seq.*) qualifies vireo as an endangered, rare, or threatened species under CEQA. Project activities occurring during the breeding season of vireo could result in the incidental loss of fertile eggs, nestlings, or nest abandonment. Least Bell's vireo could be forced from their territory into adjacent habitat that may be less suitable where they would be at risk of predation, starvation, or injury. The primary cause of decline for this species has been the loss and alteration of riparian woodland habitats (USFWS 2006). CDFW recommends the SEIR provide a thorough discussion and adequate disclosure of the Project's potential indirect impacts to vireo where they may, or are known to, occur on or downstream from the Project site.
- 5) High Speed Rail (HSR) Cumulative Impact. According to the [DEIR/EIS for California High-Speed Rail, Burbank to Los Angeles Segment Project](#) (Figure S-2 on Page S-3), the HSR Surface Alignment will run on the Union Pacific tracks located between the G2 parcel and the Rio de Los Angeles State Park. In addition, according to the HSR Burbank to Los Angeles Segment Project DEIR/EIS (page 47 of Section 3.7), "Construction activities may directly and indirectly affect special status bird species and migratory birds through the disturbance of potential nesting habitat. Habitat along the Los Angeles River is of greatest concern, where the occurrence of the listed least Bell's vireo has been documented." The SEIR should include a cumulative effects analysis, as described under CEQA Guidelines section 15130, regarding Project impacts to vireo (see comment #3) and impacts from HSR Burbank to Los Angeles Segment Project. Past, present, and anticipated future Projects should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact on vireo, the SEIR should discuss why the cumulative impact is not significant. The City's conclusion should be supported by biological facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 6) Nesting Birds. The SEIR should discuss the Project's potential impact on nesting birds and raptors. In preparation of the SEIR, CDFW recommends the City retain a qualified biologist to conduct a recent nesting bird survey within the Project area. The SEIR should disclose species of nesting birds and raptors on site and location of nests. The SEIR should discuss the Project's potential impact on nesting birds and raptors. A discussion of potential impacts should include impacts that may occur during Project construction, ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating), and vegetation removal. The SEIR should disclose whether

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the Project would remove any trees that have been documented to support nesting birds and raptors. If impacts to birds and raptors will occur, CDFW recommends that the SEIR include measures to fully avoid impacts on nesting birds and raptors. To the extent feasible, no Project-related construction, ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating), and vegetation removal should occur 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. CDFW further recommends that the City protect trees where great blue herons, red-tailed hawks, and owls nest.

- 7) Bats. Numerous bat species are known to roost in trees and structures throughout Los Angeles County (Miner and Stokes 2005). Hoary bat (*Lasiurus cinereus*), a California Species of Special Concern (SSC), has been recorded within the Project vicinity on CNDDDB. Bats and roosts could be impacted by removal of trees, vegetation, and/or structures supporting roosting bats. This could result in injury and/or mortality of bats, as well as loss of roosting habitat. Bats and roosts could also be impacted by increased noise, human activity, dust, and ground vibrations.
 - a) In preparation of the SEIR, CDFW recommends that the City retain 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.
 - b) If the Project would impact bats, CDFW recommends the SEIR include measures to avoid, minimize, and/or mitigate impacts on bats, roosts, and maternity roosts. The SEIR should include mitigation measures in accordance with [California Bat Mitigation Measures](#) (Johnston et al. 2004).

General Comments

- 1) Disclosure. The SEIR should provide an adequate, complete, and detailed disclosure about the effect which the 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.”

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- 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 City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
 - 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.
- 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 an 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](#)

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[Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023c);

- 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 could 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;
- 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](#), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). This assessment should include adjoining habitat areas that could be directly or indirectly impacted by the Project;
- 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](#) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023b). 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 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)];
- e) 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 for select species (CDFW 2023d). Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service; and,

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- f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period and assessments for rare plants may be considered valid for a period of up to three years. Some projects may warrant periodic updated surveys for certain sensitive taxa, particularly if build out and project implementation could occur over a protracted time frame or in phases.
- 4) California Endangered Species Act (CESA). Appropriate take authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subs. (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 for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document 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 CEQA document. 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 CEQA document may not necessarily satisfy mitigation required to obtain an ITP.
- 5) Biological Direct, Indirect, and Cumulative Impacts. The SEIR should provide a thorough discussion of direct, indirect, and cumulative 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)];

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- c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures.
 - d) A discussion of 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 and natural communities supported by the groundwater. Measures to mitigate such 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 SEIR; 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 natural communities. If the City determines that the Project would not have a cumulative impact, the SEIR should indicate why the cumulative impact is not significant. the City's determination should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 6) 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 the City select Project

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designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance, fuel modification, 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 the City 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.
- 7) 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 [CNDDB Field Survey Forms](#) (CDFW 2023e). To submit additional information on sensitive natural communities, the [Combined Rapid Assessment and Releve Form](#) should be completed and submitted to CDFW’s Vegetation Classification and Mapping Program (CDFW 2023f). The City should ensure data collected for the preparation of the SEIR be properly submitted and with all applicable data fields filled out.
- 8) Use of Native Plants and Trees. CDFW supports the use of native plants for any project proposing revegetation and landscaping. CDFW strongly recommends avoiding non-native, invasive plants 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

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plant communities within or adjacent to the Project area. In addition, CDFW supports planting species of trees and understory vegetation (e.g., ground cover, subshrubs, and shrubs) in order to create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (e.g., 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.

- 9) 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 plant and animal species and their habitats.
- 10) 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, 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.
- 11) 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 non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
- 12) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is

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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" (CFGF 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 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 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. 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).

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Conclusion

We appreciate the opportunity to comment on the NOP for the Paseo Del Rio at Taylor Yard Project to assist the City of Los Angeles 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 Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

David Mayer

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David Mayer
Environmental Program Manager
South Coast Region

cc: **California Department of Fish and Wildlife**
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Office of Planning and Research

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