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GAVIN NEWSOM, Governor  
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July 22, 2019

Governor's Office of Planning & Research

Mr. Chris Schaefer  
City of La Habra  
Community Development Department  
201 E. La Habra Boulevard  
La Habra, CA 91942

**JULY 22 2019**

**STATE CLEARINGHOUSE**

**Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Vista Grande Park Improvement Project, La Habra, CA, SCH#2019069091**

Dear Mr. Schaefer:

The California Department of Fish and Game (Department) has reviewed the Mitigated Negative Declaration (MND) dated June 20, 2019, for the Vista Grande Park Improvement Program. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code (FGC) section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning program, a California regional habitat conservation planning program.

Vista Grande Park is comprised of 17.5 acres located on the southeast corner of Lambert Road and Idaho Street in the City of La Habra (City). The City has developed two conceptual Alternative Project Descriptions, A and B, one of which would be implemented within the existing park boundary. Improvements include the possible installment of parking areas, playgrounds, walking/running trails, restrooms, and ornamental landscaping. Currently, 14.5 acres of the park are undeveloped and Coyote Creek extends along the northern boundary of the project area. The MND includes Mitigation Measure No. 6, intended to avoid and minimize impacts to nesting birds. No biological technical report was provided with the MND.

The Department has identified biological resources issues that are of concern. We offer the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

As noted above, a biological technical report was not provided with the MND. Further, neither Alternative has been fully defined in the Project Description, impacts to biological resources under Alternative B are not included in the Initial Study Checklist, nor has an Alternative been selected for implementation. Because of the unclear nature of the Project Description and the lack of data provided, meaningful feedback cannot be provided to the City regarding potential impacts to biological resources.

For example, Coyote Creek, which is located within 100 feet or less from the nearest potential project improvement, is classified by the MND as having "riverine" and "freshwater forested/shrub wetland" habitat (page 47). The impacts analysis to biological resources in

Coyote Creek states that, “[t]he proposed park improvements will not physically impact the Coyote Creek channel” (page 50). While the project may avoid direct impacts to the channel, the Department cannot verify that indirect project impacts to the biological resources associated with Coyote Creek will be insignificant, given that no assessment of what biological resources occur in the riparian habitat were included with the MND.

Despite the MND’s discussion of the potential occurrence of least Bell’s vireo (*Vireo bellii pusillus*; CESA- and Endangered Species Act-listed endangered) being limited to, “[t]his bird species lives in a riparian habitat, with the majority of the species living in San Diego County” (page 47), according to the Department’s California Natural Diversity Database (CNDDDB), this species has been observed approximately 3.25 miles from the project area (CNDDDB, 2013). The CNDDDB is a statewide inventory, managed by the Department, and is routinely updated with the location and condition of the state’s rare and declining species and habitats. Although the CNDDDB is the most current and reliable tool for tracking occurrences of special status species, it contains only those records that have been reported to the Department, and is not a substitute for timely physical surveys; in other words, detection of the species nearer than 3.25 miles from the project area may not be registered in the CNDDDB if recent surveys have not been conducted. We believe that indirect impacts to wildlife (i.e., light, noise, recreational traffic, domestic pets, etc.), including vireo, could potentially occur as a result of the project.

Additionally, Alternative A is described as *potentially* inclusive of large elements such as an amphitheater and two new basketball courts. Without knowing whether these elements will be included, the Department cannot ascertain as to whether these features will have direct or indirect impacts to biological resources. Similarly, without specific analysis of Alternative B’s impacts (i.e. recreational impacts, light, noise, etc.)—despite the MND’s anticipation that impacts from this Alternative would have a physically smaller footprint—the Department cannot conclude that direct and indirect impacts to biological resources will not be unique to that alternative or significant.

In an MND, the City is obligated to fully analyze all subsequent activities and impacts associated with the project, and Findings of Significance should only be made when those Findings are supported by substantial evidence in the record (CEQA Guidelines § 15064.7(b)). In order to be able to analyze whether the City has sufficiently brought impacts to biological resources below significant with mitigation, the Department recommends that the City:

1. prepare a biological technical report for the project, which should incorporate following elements:
  - a. a figure illustrating the proposed project footprint;
  - b. a figure illustrating the survey area, which should extend up to 500 feet beyond the project area footprint;
  - c. a description of the survey methodology or protocol used for general plant and animal species, as well as sensitive or listed species. If there were variances from standard survey methodologies or protocols, please provide the background and rationale for the variances;
  - d. a list of observed plant and animal species, including sensitive and listed species;

- e. a description, including acreages, of the habitat types observed within the current project footprint including any off-site impacts and the permanent and temporary impacts to each of these habitat types; and,
2. fully define what will and will not be included in Alternatives A and B, and fully discuss and analyze the potential direct and indirect impacts to biological resources which would occur from *either* Alternative; or,
3. select one Alternative for implementation and fully discuss and analyze the potential direct or indirect impacts to biological resources which will occur from that Alternative.

We appreciate the opportunity to comment on the MND for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of the forthcoming hearing date for the project (CEQA Guidelines; §15073(e)). If you have any questions or comments regarding this letter, please contact Jennifer Turner of the Department via email at [jennifer.turner@wildlife.ca.gov](mailto:jennifer.turner@wildlife.ca.gov) or (858) 467-2717.

Sincerely,



Gail K. Sevens  
Environmental Program Manager  
South Coast Region

ec: Christine Medak (U.S. Fish and Wildlife Service)  
Scott Morgan (State Clearinghouse)

**References:**

California Department of Fish and Wildlife. 2013. Least Bell's Vireo. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved July 17, 2019 from <http://bios.dfg.ca.gov>.

