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January 10, 2022

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**Subject: Sterling Ranch Estates Project, Draft Environmental Impact Report,
 SCH #2019080092, Los Angeles County Department of Regional Planning,
 Los Angeles County**

Dear Ms. Sackett:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) and associated documentation, *Final Biological Technical Report for the Sterling Ranch Estates Residential Project* (BTR), from the Los Angeles Department of Regional Planning (LACDRP) for the Sterling Ranch Estates Project (Project). 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, we appreciate 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's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project Applicant obtain appropriate authorization under the Fish and Game Code.

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Project Description and Summary

Objective: The proposed Project would develop approximately 164.4 acres of land. Development includes 113.9 acres of 222 detached single-family residential lots and approximately 50.5 acres of related off-site components. These off-site components include the following: construction of a one-million-gallon water tank; upsizing of an existing water line; construction of a sewer line; improvements of Del Valle Road; dedication of an off-site trail easement; and dedication of an off-site permanent open space easement. Development also includes 21,000 square feet of commercial use, open space, trails, recreation, stormwater retention, and landscape elements.

Location: The Project site is located at 29053 Coolidge Avenue, Val Verde, CA 91384. The Project site straddles Del Valle Road, south of Hasley Creek Canyon. The community of Val Verde lies south and west of the Project site, the Valencia Commerce Center lies to the east, and residential uses to the west and south. Open space is located north of the Project site. The Santa Clara River is located two miles south of the Project. The Project contains two ephemeral drainages that are tributaries to the Santa Clara River.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist LACDRP in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Mountain Lion (*Puma concolor*)

Issue: The Project site occurs within the range of Southern California/Central Coast Evolutionary Significant Unit of mountain lion (mountain lion) habitat and could impact mountain lion.

Specific impacts: The Project as proposed may impact mountain lion by developing 126.5 acres of suitable mountain lion habitat and increasing human presence, traffic, and noise.

Why impacts would occur: The DEIR states, "mountain lions or their sign (i.e., scat and/or tracks) were not observed on the Project site during 2016, 2017, 2018 or 2020 surveys conducted by biologists which consisted of over 248 person hours." However, the DEIR also states, "Species-specific surveys and wildlife camera surveys were not conducted; however, there is high potential [for mountain lion] to move through the Project site based on the presence of suitable habitat and presence of their primary prey item, the mule deer." The DEIR acknowledges that mountain lions may occur within the Project site or in the immediate proximity to the Project. However, the DEIR has stated that there have been no specific surveys or wildlife camera type surveys conducted to determine if mountain lions can be found within the site. Without the species-specific survey efforts, it is possible to miss the presence of the species.

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In addition, the DEIR does not address impacts due to further habitat loss for the species. The Project as proposed would also reduce the habitat available for mountain lion in the Project vicinity. The Project would permanently impact approximately 126.5 acres of Los Angeles County's available habitat for wildlife movement. Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap et al. 2019). Loss of wildlife connectivity is another the primary driver for the potential demise of the southern California mountain lion population (Yap et al. 2019). Conserving and restoring habitat connectivity and corridors is essential for mitigating impacts to mountain lions. This is especially critical in the face of climate change-driven habitat loss and increased frequency of fires (Yap et al. 2019). Under a high emissions and warm and wet climate scenario, much of the chaparral habitat in southern California that provide habitat for mountain lions would be climactically highly stressed by the year 2070 (Thorne et al. 2016).

Lastly, the DEIR does not address the anthropogenic impacts the Project will have on mountain lion individuals that may be within the Project site or its vicinity. The Project may increase human presence (e.g., new development, public trail access), traffic, and noise as well as potential artificial lighting during Project construction and over the life of the Project. Most factors affecting the ability of the southern California mountain lion populations to survive and reproduce are caused by humans (Yap et al. 2019). As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). Areas of high human activity have lower occupancy of rare carnivores. Mountain lions tend to avoid roads and trails by the mere presence of those features, regardless of how much they are used (Lucas 2020). Increased traffic could cause vehicle strikes. As human population density increases, the probability of persistence of mountain lions decreases (Woodroffe 2000).

Evidence impact would be significant: The mountain lion is a specially protected mammal in the State (Fish and G. Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit of mountain lion in southern and central coastal California as threatened under CESA (CDFW 2020). As a CESA candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA. The Project may have significant impacts because no mitigation has been proposed for any unavoidable direct and indirect impacts from Project activities or subsequent residential development as well as permanent or temporal losses of habitat for mountain lion.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation: CDFW recommends LACDRP evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. LACDRP should analyze the effects of increased human presence and area of anthropogenic influence that will now be in on mountain lion habitat, and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends LACDRP provide compensatory mitigation for impacts to mountain lion. The DEIR should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant. CDFW recommends that the LACDRP recirculate the DEIR for

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more meaningful public review and assessment of the LACDRP's analysis and subsequent mitigation for mountain lion. Additionally, the LACDRP should recirculate the DEIR if the proposed mitigation measures would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15088.5(a)(1)].

Mitigation Measure #1: In addition to the 37.9 acres in the Open Space Dedication Area, CDFW recommends setting aside a minimum of additional 88.6 acres of replacement habitat to have a no net loss of 126.5 acres for wildlife movement. CDFW recommends the replacement habitat be located as near to the Project site as possible. There should be no net loss of suitable habitat for mountain lions. LACDRP should consult and collaborate with CDFW to conserve areas beneficial to the southern California mountain lion population that may improve chances of survival and reproduction of mountain lions in the face of climate change. The mitigation lands should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). Assembly Bill 1094 amended Government Code sections 65965-65968. Under Government Code section 65967(c), 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. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to LACDRP's issuance of grading permits.

Mitigation Measure #2: Due to habitat in the Project vicinity, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine presence/absence, territory size, and potential for natal dens within a half mile of the Project site. Caves and other natural cavities, and thickets in brush and timber provide cover and are used for denning. Females may be in estrus at any time of the year, but in California, most births probably occur in spring. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk (Pierce and Bleich 2003). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. The survey report should include a map of potential denning sites. The survey report should include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.

Mitigation Measure #3: If potential habitat for natal dens is identified, CDFW recommends fully avoiding potential impacts to mountain lions, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist should conduct a survey for mountain lion natal dens. The survey area should include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project disturbance boundaries. CDFW should be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work should cease. No work should occur within a 2,000-foot buffer from a natal den. A qualified biologist should notify CDFW to determine the appropriate course of action. CDFW should also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion should occur within the established setback until mountain lion cubs have been

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successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.

Mitigation Measure #4: If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, LACDRP should consult CDFW and must acquire a CESA Incidental Take Permit (pursuant to Fish & Game Code, § 2080 *et seq.*).

Mitigation Measure #5: CDFW recommends LACDRP require the Project Applicant to install appropriate public information signage in the residential area and along the trail to: 1) educate and inform the public about wildlife, especially mountain lions, present in the area; 2) advise on proper avoidance measures to reduce human-wildlife conflicts; 3) advise on proper use of open space trails in a manner respectful to wildlife; and 4) provide local contact information to report injured or dead wildlife. Signage should be written in the language(s) understandable to all those likely to recreate and use the trails. Signage should not be made of materials harmful to wildlife such as spikes or glass. LACDRP should require the Project Application to provide a long-term maintenance plan to repair and replace the signs.

Mitigation Measure #6: CDFW recommends LACDRP require the Project Applicant to place restrictions on types of activities allowed in some areas, such as prohibiting dogs or restricting use of trails near breeding habitat, to aid in minimizing disturbance. Pets should be kept on leash and on trails at all times. Hikers should be encouraged to clean up after their dogs and discourage animal waste as it tends to lead to wildlife avoidance.

Mitigation Measure #7: Trash receptacles should be placed in areas to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.

Mitigation Measure #8: The Project Applicant shall prohibit the use of second-generation anticoagulant rodenticide.

Comment #2: California Species of Special Concern

Issue: The Project may impact California Species of Special Concern (SSC).

Specific impacts: The Project may result in reduced reproductive capacity, population declines, or local extirpation of an SSC. In addition, permanent loss of foraging, breeding, nesting, or nursery habitat for an SSC may occur.

Why impacts would occur: According to Table 5.3-8, the Project site has the potential to support SSC, which includes burrowing owl (*Athene cunicularia*), Vaux's swift (*Chaetura vauxi*), loggerhead shrike (*Lanius ludovicianus*), coastal California gnatcatcher (*Poliophtila californica*), California legless lizard (*Anniella spp.*), San Diegan tiger whiptail (*Aspidoscelis tigris stejnegeri*), Blainville's horned lizard (*Phrynosoma blainvillii*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), San Diego desert woodrat (*Neotoma lepida intermedia*), and American badger (*Taxidea taxus*). Impacts to an SSC could result from increased anthropogenic presence which includes increased noise disturbances, light disturbances, human activity, and dust.

The mitigation measures in the DEIR for SSC attempts to prevent direct injury or mortality (trampling, crushing) of individuals that are discovered during surveys. However, there is no

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mitigation for the loss of occupied SSC habitat. Typical compensatory mitigation includes the purchase of land consisting of suitable habitat and/or individuals of the impacted species. While the Open Space Dedication Area will have a conservation easement to offset impacts to vegetation communities, it is unclear if there is appropriate habitat there for SSC. Therefore, it is unclear how the mitigation strategy would reduce impacts to SSCs, including the loss of occupied SSC habitat, to less than significant.

Evidence impact would be significant: A [California Species of Special Concern](#) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022a)

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

When preparing a mitigation strategy for review, CDFW recommends including the following measures, at a minimum, to reduce impacts to less than significant.

Mitigation Measure #1: The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan should be prepared prior to implementing any Project-related ground-disturbing activities and vegetation removal.

While relocation is an option for mitigating impacts, it may not fully account for impacts to an SSC, such as loss of individuals, loss of habitat, or loss of natal dens/middens/burrows. Capturing, handling, or relocation are acts that may have multiple unintended negative consequences, including increased stress and mortality of relocated animals, negative impacts on resident animals at release sites, increased conflicts with human interests, and the spread of diseases. Attempts to avoid impacts to SSC should be the first option.

Mitigation Measure #2: CDFW recommends providing compensatory mitigation for temporary and permanent loss of any habitat supporting SSC. There should be no net loss of habitat

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supporting SSC [CEQA Guidelines, § 15370(e)]. Compensatory mitigation should be provided within the Project boundary at no less than 2:1. Mitigation should provide appropriate habitat (depending on the species), refugia, and habitat structures that supports that species (e.g., woody material, rocks, brush piles, pools, burrows). Any proposed mitigation area/plan should include a discussion on the territory size; nesting, breeding, foraging, and refuge, locations, invasive, non-native plant and wildlife species present, food availability, and how all life cycle functions will be mitigated. Mitigation for impacts to an SSC should adhere to CDFW and/or USFWS established protocol/guidelines if available.

Comment #3: Impacts to Oak Trees and Tree Replacement

Issue: The Project's proposed mitigation MM 5.3-21 for impacts to 12 coast live oak trees (*Quercus agrifolia*) may be insufficient.

Specific impact: The Project will remove 12 individual oak trees. Replacement activities for mitigation, especially the location of the replacement trees, may not be sufficient to provide no net loss of oak trees on site. In addition, removing these oak trees may cause temporary or permanent impacts to wildlife that utilize the tree as habitat.

Why impacts would occur: MM 5.3-21 states, "The 12 coast live oak trees shall be locally sourced 1-gallon oak trees planted on preferably north-facing slopes within the northwest corner of the VTTM [Vesting Tentative Tract Map No. 60257] site in Fuel Modification Zone C." MM 5.3-21 as it is currently proposed may be insufficient for mitigating impacts to oak trees. A 1:1 mitigation ratio does not account for the potential failure of the replacement oaks that will be planted. In addition, a 1:1 replacement would not account for the temporal loss of oak trees and impacts on oak woodland-dependent birds and wildlife. Even if replacement oak trees survive transplanting, oak tree saplings could remain small and shrubby for many years. It may take 20 to 40 years, potentially longer under drought conditions, for replacement oak trees to reach maturity and provide services such as food, cover, nesting sites, and foraging sites for birds and other wildlife. In addition, the Project may reduce the footprint of available nesting and perching habitat and structure for birds.

Moreover, the Project proposes to plant oak trees within the Fuel Modification Zone C. Vegetation within fuel modification zones are permanently impacted because vegetation would be regularly thinned, trimmed, and removed, and potentially subjected to controlled burning. According to the Los Angeles County Oak Woodlands Conservation Management Plan (May 2011), activities such as the removal of understory shrubs and limbing/thinning oak trees will result in the loss of structural and species diversity. In addition, these activities may also result in increased fragmentation that will impact long-term sustainability. Oak trees planted for mitigation in Fuel Modification Zone C would be impacted by such disturbance activities, which may impact the success of establishing new trees.

Evidence impacts would be significant: Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are protected by local and State ordinances. The Los Angeles County Oak Tree Ordinance was established to recognize oak trees as significant historical, aesthetic, and ecological resources. CDFW

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considers oak woodlands a sensitive vegetation community.

The proposed mitigation measures in the DEIR may result in an ultimate total net loss for of oak trees associated with the Project activities. Moreover, trees on site provide habitat for wildlife within the Project vicinity and the mitigation leads to a total net loss of trees on site. These trees may provide adequate habitat for nesting birds and small mammals. Removal of trees on site may temporarily or permanently impact available habitat for wildlife in the area.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends a minimum mitigation ratio of 3:1 for impacts to coast live oak trees. Coast live oak trees may be difficult to establish from seed or sapling, especially under drought conditions. A mitigation of 1:1 would be inadequate if replacement trees are unsuccessful. A higher mitigation ratio would account for mortality and attrition of replacement coast live oak trees, and potential mortality of any oak trees marked for preservation. If all replacement trees survive and reach reproductive maturity, this will have a net benefit for birds.

Mitigation Measure #2: CDFW recommends that replacement trees are not planted within any fuel modification zone. It is recommended that they are planted in an area suitable for oak growth, especially in areas where oaks are already found, potentially in the Off-site Water Tank Site location

Mitigation Measure #3: Replacement oaks should be of the same species and come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they were planted.

Comment #4: Impacts on Slender Mariposa Lily

Issue: The Project's proposed mitigation MM 5.3-1 may be insufficient to mitigate for impacts to slender mariposa lily (*Calochortus clavatus var. gracilis*).

Specific impacts: The DEIR proposes to develop a Slender Mariposa Lily Mitigation and Monitoring Plan (SMLMMP) and translocate slender mariposa lily to the Open Space Dedication Area. Given the experimental nature of translocation, the survival and persistence of translocated slender mariposa lily may be unsuccessful. In addition, increasing the slender mariposa lily population within the Open Space Dedication Area through translocation may exceed the carrying capacity, resulting in increased competition and ultimately unsuccessful establishment. Finally, additional creation or enhancement activities in the Open Space Dedication Area may result in further impacts to the existing slender mariposa lily population and vegetation communities.

Why impacts would occur: The DEIR states the SMLMMP, "shall include, at minimum 5:1, mitigation for impacts to 171 slender mariposa lily individuals, as well as preservation of the existing population of slender mariposa lily individuals already documented within the Open Space Dedication Area conservation easement. The 5:1 mitigation ratio for planted mariposa lilies shall be affected through overplanting at 10:1 (mitigation plantings: impacted individuals), in order to accommodate potential mortality of slender mariposa lily individuals and the difficulty of censusing populations due to low frequency of flowering." CDFW generally does not support

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the use of translocation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. 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 sensitive plants and animals and their habitats.

According to the SMLMMP, there will be 1,668 individual slender mariposa lilies transplanted to the Open Space Dedication Area that already has 42 lilies identified on site. CDFW is concerned that the Open Space Dedication Area may not be able to support an almost 4000 percent increase in number of individuals compared to the existing population. The proposed transplantation may exceed the carrying capacity of the site, resulting in unsuccessful mitigation. In addition, activities associated with transplanting may impact slender mariposa lilies in situ of the Open Space Dedication Area. Transplanting activities (such as trampling under foot or wheels, digging new holes for bulbs, soil disturbance, soil compaction) may temporarily disturb or permanently remove other slender mariposa lilies or other vegetation in situ of the Open Space Dedication Area.

Finally, Options 2 and 3 of MM 5.3-17 include "Creation/enhancement of Palmer's goldenbush within portions of the proposed Open Space Dedication Area conservation easement and/or open space areas within the VTTM site". CDFW is concerned that creation or enhancement activities may impact existing slender mariposa lilies in that area.

Evidence impacts would be significant: Slender mariposa lily has a State rarity ranking of 1B.2. CDFW considers plant communities, alliances, and associations with a State ranking of S1, S2, and S3 as sensitive and declining at the local and regional level. An S1 ranking indicates there are 21 to 100 viable occurrences of this community in existence in California, S2 has six to 20 occurrences, and S3 has fewer than six viable occurrences (Sawyer et al. 2009). Given the State Rarity ranking, inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and/or United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends LACDRP require the Project Applicant to conduct an assessment of the effects of increased slender mariposa lily individuals and transplantation activities may have on vegetation and wildlife in situ of the Open Space Dedication Area. The DEIR should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant and not cause secondary impacts.

Recommendation #2: CDFW recommends LACDRP recirculate the Project's environmental document after the assessment to disclose information on the Open Space Dedication Area and potential impacts on those biological resources within that area considering the current mitigation for slender mariposa lily. Per CEQA Guidelines section 15088.5, "a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification."

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Mitigation Measure #1: CDFW recommends mitigation should also include additional off-site, in-kind preservation within the County at the 10:1 ratio proposed, in the event of establishment failure to prevent a net loss of slender mariposa lily.

Comment #5: Impacts on Palmer's Goldenbush Scrub

Issue: CDFW is concerned that the Project's proposed MM 5.3-17 may still result in net loss of Palmer's goldenbush scrub (*Ericameria palmeri*).

Specific impacts: Implementation of MM 5.3-17 may cause additional impacts to Palmer's goldenbush scrub on the mitigation sites, including the Open Space Dedication Area. Without disclosure of potential impacts on the mitigation sites, unidentified impacts may occur to Palmer's goldenbush scrub, resulting in a net loss to the species.

Why impacts would occur: The DEIR presented three options for mitigation to impacts to Palmer's goldenbush scrub.

- Option 1 requires creation of Palmer's goldenbush at a 1:1 ratio, resulting in 6.7 acres. The mitigation would occur in the on-site open space areas within the 113.9-acre area VTTM site. In addition, Option 1 would require establishment of a conservation easement where 31.9 acres of native scrub (a minimum of 0.2:1 in-kind and up to 5:1 out-of-kind) will be preserved in perpetuity.
- Option 2 requires creation or enhancement of Palmer's goldenbush at a 1:1 ratio, resulting in 6.7 acres. The mitigation would occur within portions of the proposed Open Space Dedication Area and/or open space areas within the VTTM site. Mitigation may also occur with preservation of existing native scrub alliance(s) with Palmer's goldenbush scrub association within portions of the proposed Open Space Dedication Area to total 6.7 acres. It also requires establishment of a conservation easement where 31.9 acres of native scrub (a minimum of 0.2:1 in-kind and up to 5:1 out-of-kind) will be preserved in perpetuity.
- Option 3 has the same requirement as Option 2. However, if on-site creation, enhancement, or preservation do not achieve a total of 3:1, off-site in-kind habitat creation and/or enhancement will be incorporated to achieve at total of 3:1. Off-site in-kind creation and/or enhancement of Palmer's goldenbush scrub at a mitigation bank, such as Land Veritas, will be established with an acreage appropriate to achieve a total mitigation ratio of 3:1.

For Options 1 and 2, it is unclear where the creation of 6.7 acres of Palmer's goldenbush will occur within the VTTM site or the Open Space Dedication Area. Without identifying the location of the mitigation site, CDFW is concerned that the mitigation site would not be conducive to successful propagation. For example, CDFW is concerned that it would not have the appropriate soil microenvironment, hydrology, carrying capacity, vegetation community, or other biotic and abiotic factors.

Option 2 and 3 include "preservation of existing native scrub alliance(s) with Palmer's goldenbush scrub association within portions of the proposed Open Space Dedication Area." According to the Manual of California Vegetation (2009) second edition, there are no associations with Palmer's goldenbush scrub alliance. Although the Open Space Dedication Area was mapped at an alliance level, the DEIR does not disclose mapping at an association

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level. Without mapping associations, CDFW is concerned that the mitigation might preserve a different habitat community than what would be impacted from the Project site. Without verification of the mitigation site, CDFW cannot determine if these preservation efforts are feasible.

Options 2 and 3 include, "Creation/enhancement of Palmer's goldenbush within portions of the proposed Open Space Dedication Area conservation easement and/or open space areas within the VTTM site." These activities may temporarily disturb or permanently remove other vegetation in situ of the VTTM site or the Open Space Dedication Area. In addition, it is unclear if any creation or enhancement activities may impact any of the slender mariposa lilies in that area. Without identifying secondary impacts on the mitigation sites due to the creation/enhancement activities, the Project may result in further unmitigated impacts to Palmer's goldenbush scrub as well as other vegetation communities.

Finally, Option 3 includes "Off-site in-kind creation/enhancement of Palmer's goldenbush scrub at a mitigation bank, such as Land Veritas, will be established with an acreage appropriate to achieve a total of 3:1." It is unknown which mitigation bank would be selected. Therefore, CDFW cannot analyze the appropriateness of the mitigation bank for the species.

Evidence impacts would be significant: Palmer's goldenbush scrub has a State rarity ranking of 1B.1. CDFW considers plant communities, alliances, and associations with a State ranking of S1, S2, and S3 as sensitive and declining at the local and regional level. An S1 ranking indicates there are 21 to 100 viable occurrences of this community in existence in California, S2 has six to 20 occurrences, and S1 has fewer than six viable occurrences (Sawyer et al. 2009). Given the State rarity ranking, inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW and/or USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends LACDRP require the Project Applicant to conduct an assessment of each mitigation option and associated activities presented in MM 5,3-17 and the impacts they may have on vegetation and wildlife in situ of proposed areas in the VTTM site as well as the Open Space Dedication Area. The DEIR should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant and not cause secondary impacts.

Recommendation #2: CDFW recommends LACDRP recirculate the Project's environmental document after the assessment to disclose information on the VTTM site and Open Space Dedication Area and potential impacts on those biological resources within that area considering the current mitigation for slender mariposa lily. Per CEQA Guidelines section 15088.5, "a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification."

Recommendation #3: If any of the native scrub alliances have an association with Palmers goldenbush scrub exist in areas of the Project site, there should be coordination with CDFW's

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Vegetation Classification and Mapping Program ([VegCAMP](#)) to map them according to State-wide standards.

Mitigation Measure #1: The DEIR should determine which (if any) mitigation bank managed by Land Veritas would be appropriate for the creation/enhancement of Palmer's goldenbush scrub. The bank should have appropriate habitat environment for Palmer's goldenbush scrub. The bank should also be within Los Angeles County and ideally within the vicinity of the Project site.

Comment #6: Payment into Oak Forest Special Fund

Issue: MM 5.3-20 states that an option for oak tree mitigation is to "Contribute to the County's Oak Forest Special Fund in an amount of \$97,040 (two times the canopy cover area value)".

Specific impacts: The DEIR does not evaluate the adequacy of funds and how it offsets the cumulative loss of biological resources associated with oak woodlands.

Why impacts would occur: Under section *III.9.2 Applying for Oak Funds* in The Oak Woodlands Conservation Management Plan (2011), it states that the Oak Forest Special Fund "*CANNOT be used for purchase of lands or easements that are required to satisfy a condition of project approval, including, but not limited to, a mitigation measure required pursuant to CEQA or mitigate a negative declaration (FGC 1366(b)).*" It is unclear how proposed payment to the Oak Forest Special Fund would be adequate to offset impacts associated with the Project to less than significant under CEQA. The DEIR does not explain why the payment is adequate enough for preservation, enhancement, restoration, or other mitigation activities to offset impacts to sensitive species and habitats. The DEIR does not discuss or provide the following information:

- 1) How the Oak Forest Special Fund program is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 2) What the fund would acquire. It is unclear if the fund would be used to acquire land for preservation, enhancement, and/or restoration purposes, or if the in-lieu fee would be used to purchase credits at a mitigation bank, or none of the above;
- 3) Why the fund is appropriate for mitigating cumulative loss of biological resources in the Project site;
- 4) How the fund is sufficient to purchase land or credits at a mitigation bank;
- 5) Where LACDRP may acquire land or purchase credits at a mitigation bank so that the in-lieu fee would offset Project impacts on biological resources in the Project site;
- 6) When LACDRP would use the fee. Mitigation payment does not equate to mitigation if the funds are not being used. Also, temporal impacts on biological resources may occur as long as LACDRP fails to implement its proposed mitigation;
- 7) How the Project Applicant would commit to paying the fund. For example, when would LACDRP require payment from the Project Applicant, how long would the Project Applicant have to pay the fee, and what mechanisms would LACDRP implement to ensure the fee is paid? Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines, § 15126.4);
- 8) What performance measures the proposed mitigation would achieve (CEQA Guidelines, § 15126.4);
- 9) What type(s) of potential action(s) that can feasibly achieve those performance

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- standards (CEQA Guidelines, § 15126.4); and,
- 10) How the in-lieu fee would be adequate such that no impacts would occur as a result of the Project.

In addition, The Oak Woodlands Conservation Management Plan states, "To date, it has been difficult to track these funds and identify who administers the dispersal of County's Oak Forests Special Funds, as well as when and where they have been successfully used to purchase oak woodlands" (Los Angeles County 2011). Since it is unclear where and how the Oak Forest Special Fund is being utilized, CDFW is concerned how the Project would verify that mitigation was implemented and successful in reducing impacts below a significant level.

Evidence impacts would be significant: Without identifying when mitigation activities will be implemented, additional temporal impacts to biological resources would occur. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CDFW or USFWS. This Project may have the potential to reduce the habitat of rare plants or wildlife; cause rare plants or wildlife population to drop below self-sustaining levels; threatened to eliminate a plant or animal community; and substantially reduce the number or restrict the range of an endangered, rare, or threatened species [CEQA Guidelines, § 15065(a)(1)]. Additionally, this Project has possible environmental effects that are cumulatively considerable [CEQA Guidelines, § 15065(a)(3)].

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: CDFW recommends LACDRP revise the Project's environmental document to provide information that would address the following:

- 1) How the Oak Forest Special Fund is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA;
- 2) Why the fund is appropriate for mitigating the cumulative loss of oak trees;
- 3) Why the fund is sufficient to purchase land or credits at a mitigation bank;
- 4) Where LACDRP may acquire land or purchase credits at a mitigation bank;
- 5) When LACDRP would use the fund; and,
- 6) How the fund would be adequate such that no impacts would occur as a result of the Project.

The Project's environmental document should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147).

Recommendation #2: CDFW recommends that the environmental document provide a discussion describing how LACDRP intends to commit the Project Applicant to mitigation through payment into the Oak Forest Special Fund. For example, the environmental document should provide specifics as to when LACDRP would require payment, what mechanisms would the LACDRP implement to ensure the fee is paid, and when LACDRP would use the Project Applicant's payment for mitigation. Also, the environmental document should provide specific performance standards and actions to achieve those performance standards.

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Recommendation #3: CDFW recommends that LACDRP recirculate the DEIR for more meaningful public review and assessment of mitigation through payment into the Oak Forest Special Fund. Additionally, the LACDRP should recirculate the DEIR if the proposed mitigation measure (i.e., fund) would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15073.5(b)(2)].

Comment #7: Tree Diseases, Pests, and Pathogens

Issue: The Project will remove trees and potentially spread material infected with invasive tree diseases, pests, and pathogens.

Specific impacts: The Project may spread invasive tree diseases, pests, and pathogens into areas not currently exposed to these stressors. This could result in expediting the loss of native trees and plant communities. Loss of trees may result in loss of foraging and perching habitat for small mammals, birds, and raptors.

Why impacts would occur: The Project may remove trees that could host diseases and pests. One such pathogen is sudden oak death. Sudden oak death has become the most common cause of mortality of oak (*Quercus* genus) and other native trees (Phytosphere 2015). Mortality rates of oak trees are greater than 50 percent in some areas impacted by sudden oak death (Phytosphere 2012). Tree dieback can have cascading impacts on the habitat and ecosystem, particularly avian distribution and abundance (Monahan and Koenig 2006). Another pest is the polyphagous shot hole borer, which hosts on many native trees species that include box elder (*Acer negundo*), California sycamore (*Platanus racemosa*), willows (*Salix* genus), oaks, cottonwoods (*Populus* genus), and alders (*Alnus* genus) (Calinvasives 2021). Diseases such as sudden oak death can spread via equipment and transport of infected material. These fragments can be spread to new locations if equipment and tools are not disinfected or cleaned before moving to the next work location. Infected material that is transported off site for disposal may expose trees and plant communities to pest and disease. This could result in expediting the loss of oak woodlands, and other native trees and plant communities within and adjacent to a Project site.

Evidence impacts would be significant: The Project may have a substantial adverse effect on sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW. The Project may result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW that are dependent on woodlands susceptible to invasive tree diseases, pests, and pathogens .

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: CDFW recommends that the DEIR include a measure to mitigate the spread of invasive pests and diseases by implementing the following:

- 1) Prior to tree removal, a certified arborist should evaluate trees for infectious tree diseases including but not limited to: [sudden oak death](#) (*Phytophthora ramorum*), [thousand canker fungus](#) (*Geosmithia morbida*), [polyphagous shot hole borer](#) (*Euwallacea* spp.), and [goldspotted oak borer](#) (*Agilus auroguttatus*) (TCD 2021; UCANR 2021; Phytosphere Research 2012; UCIPM 2013).

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- 2) If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist should prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list should provide measures relevant for each tree pest or disease observed. To avoid the spread of infectious tree pests and diseases, infected trees should not be transported from a Project site without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures.
- 3) If possible, all tree material, especially infected tree material, should be left on site. The material could be chipped for use as ground cover or mulch. Pruning and power tools should be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.

Additional Recommendations

Lake and Streambed Alteration Agreement. CDFW has received the Notification for Lake and Streambed Alteration (Notification No. LAN-19965-R5) and looks forward to the coordination regarding the Project. CDFW's issuance of an 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 CEQA document from a lead agency for a project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq.* and/or under CEQA, the 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 compensate for any on- and off-site impacts to 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.

Nesting Birds. Project activities occurring during the bird and raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. CDFW recommends LACDRP amend MM 5.3-9 to exclude the ~~striethrough~~ and include the underlined language:

"[...] Within thirty days of ground-disturbing activities associated with construction or grading for the Project that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 15 but as early as January 1 for some raptors through August 31 September 15 in the Project region, or as determined by a County-approved biologist), suitable habitat shall be surveyed within seven days prior to initiation of disturbance work by a County-approved biologist to determine if active nests (actively breeding or nesting) of bird species protected by the Migratory Bird Treaty Act and/or the CFGC are present in the disturbance zone or within 300 feet (500 feet for raptors) of the disturbance zone. If initiation of ground-disturbing activities is delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground-disturbing activities [...]"

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Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Special status species information should be submitted to the CNDDB by completing the [Online Field Survey Form](#) (CDFW 2022b). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Releve Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2022c). LACDRP should ensure all pertinent data, such as locations of slender mariposa lily, has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting the Project's environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. LACDRP should provide CDFW with confirmation of data submittal.

Mitigation and Monitoring Reporting Plan. CDFW recommends LACDRP update the Project's proposed Biological Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist Lead Agencies in developing 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 (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). LACDRP is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided LACDRP with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

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 and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required 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

We appreciate the opportunity to comment on the Project to assist LACDRP in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that LACDRP has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at Felicia.Silva@wildlife.ca.gov.

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Sincerely,

DocuSigned by:

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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

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CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
REC-1-Mountain lion Impact Assessment	<p>LACDRP should evaluate the mountain lion territory size and use of habitat within and surrounding the Project vicinity. LACDRP should analyze the effects of increased in human presence and area of anthropogenic influence that will now be in on mountain lion habitat, and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends LACDRP provide compensatory mitigation for impacts to mountain lion. The DEIR should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant.</p> <p>CDFW recommends that the LACDRP recirculate the DEIR for more meaningful public review and assessment of the LACDRP's analysis and subsequent mitigation for mountain lion. Additionally, the LACDRP should recirculate the DEIR if the proposed mitigation measures would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15088.5(a)(1)].</p>	Prior to finalizing EIR	LACDRP
MM-BIO-1-Impacts to Mountain lion – Replacement Habitat	In addition to the 37.9 acres in the Open Space Dedication Area, an additional 88.6 acres of replacement habitat shall be set aside to have a no net loss of 126.5 acres for wildlife movement. The replacement habitat shall be located as near to the Project site as possible. The Project Applicant shall consult and collaborate with	Prior to issuance of grading permits/	LACDRP/Project Applicant

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	<p>CDFW to conserve areas beneficial to the southern California mountain lion population that may improve chances of survival and reproduction of mountain lions in the face of climate change.</p> <p>Those 37.9 acres of mitigation lands shall be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012). An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to LACDRP's issuance of grading permits.</p>	Project construction and activities	
MM-BIO-2- Impacts to Mountain lion - Surveys	<p>Due to habitat in the Project vicinity, within one year prior to Project implementation that includes site preparation, equipment staging, and mobilization, a CDFW-approved biologist knowledgeable of mountain lion species ecology should survey areas that may provide habitat for mountain lion to determine presence/absence and potential for natal dens within a half mile of the Project site. Surveys should be conducted when the species is most likely to be detected, during crepuscular periods at dawn and dusk. Survey results including negative findings shall be submitted to CDFW prior to initiation of Project activities. The survey report shall include a map of potential denning sites. The survey report shall include measures to avoid impacts mountain lions that may be in the area as well as dens and cubs, if necessary.</p>	One year prior to Project implementation	Project Applicant
MM-BIO-3- Impacts to Mountain lion – Avoiding Natal Dens	<p>If potential habitat for natal dens is identified, impacts to mountain lions shall be fully avoided, especially during spring, to protect vulnerable cubs. Two weeks prior to Project implementation, and once a week during construction activities, a CDFW-approved biologist shall conduct a survey for mountain lion natal dens. The survey area shall include the construction footprint and the area within 2,000 feet (or the limits of the property line) of the Project</p>	Two weeks prior to Project implementation and once a week during construction activities	Project Applicant

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	disturbance boundaries. CDFW shall be notified within 24 hours upon location of a natal den. If an active natal den is located, during construction activities, all work shall cease. No work shall occur within a 2,000-foot buffer from a natal den. A qualified biologist shall notify CDFW to determine the appropriate course of action. CDFW shall also be consulted to determine an appropriate setback from the natal den that would not adversely affect the successful rearing of the cubs. No construction activities or human intrusion shall occur within the established setback until mountain lion cubs have been successfully reared; the mountain lions have left the area; or as determined in consultation with CDFW.		
MM-BIO-4- Impacts to Mountain lion – Incidental Take Permit	If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction or over the life of the Project, Project Applicant shall consult CDFW to determine if a CESA ITP is required.	Prior to Project construction and activities	Project Applicant
MM-BIO-5- Impacts to Mountain lion – Signage	The Project Applicant shall install signage and provide educational materials to residents and trail users to keep aware of the impacts that human disturbance brings to the surrounding open spaces	During/After Project construction and activities	Project Applicant
MM-BIO-6- Impacts to Mountain lion – Signage	The Project Applicant shall install appropriate public information signage in the residential area and along the trail to: 1) educate and inform the public about wildlife, especially mountain lions, present in the area; 2) advise on proper avoidance measures to reduce human-wildlife conflicts; 3) advise on proper use of open space trails in a manner respectful to wildlife; and 4) provide local contact information to report injured or dead wildlife. Signage shall be written in the language(s) understandable to all those likely to recreate and use the trails. Signage shall not be made of materials harmful to wildlife such as spikes or glass. The Project Applicant shall provide a long-term maintenance plan to repair and replace the signs.	During/After Project construction and activities	Project Applicant

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MM-BIO-7- Impacts to Mountain lion – Restrict Certain Activities	The Project Applicant shall restrict certain types of activities allowed in some areas, such as prohibiting dogs or restricting use to trails near mountain lion habitat. Pets shall be kept on leash and on trails at all times. Hikers shall be encouraged to clean up after their dogs and discourage animal waste as it tends to lead to wildlife avoidance.	After Project construction and activities Project's lifetime	Project Applicant
MM-BIO-8- Impacts to Mountain lion – Restrict Certain Activities	Trash receptacles shall be placed in areas to avoid creating an unnatural food source that may attract nuisance wildlife and to minimize waste in core habitat areas.	After Project construction and activities Project's lifetime	Project Applicant
MM-BIO-9- Impacts to Mountain lion – Prohibit Use of Rodenticides	Rodenticides and second-generation anticoagulant rodenticides shall be used.	After Project construction and activities Project's lifetime	Project Applicant
MM-BIO-10- Impacts on California Species of Special Concern- Relocation Plan	A qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan shall be prepared prior to implementing any Project-related ground-disturbing activities and vegetation removal.	Prior to Project-related ground-disturbing activities and vegetation removal	Project Applicant
MM-BIO-11- Impacts on California Species of Special Concern – Replacement Habitat	Compensatory mitigation shall be provided for temporary and/or permanent loss of any habitat supporting SSC. Compensatory mitigation for shall be provided within the Project site. Compensatory mitigation shall be provided at no less than 2:1. Mitigation shall provide upland and/or aquatic habitat (depending on the species), refugia, and habitat structures that supports that species (e.g., woody material, rocks, brush piles, pools, burrows). Any proposed mitigation area/plan shall include a discussion on the territory size; nesting, breeding, foraging, and refuge, locations,	Prior to/During project ground-disturbing activities	Project Applicant

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	invasive, non-native plant and wildlife species present, food availability, and how all life cycle functions will be mitigated. Mitigation for impacts to an SSC shall adhere to CDFW and/or USFWS established protocol/guidelines if available.		
MM-BIO-12- Impacts on Oak trees – Compensatory Mitigation	A minimum mitigation of 3:1 shall be provided for impacts to coast live oak trees.	Prior to Project construction and activities	Project Applicant
MM-BIO-13- Impacts on Oak trees – Compensatory Mitigation	Replacement oak trees shall not be planted within any fuel modification zone. The Project Applicant shall plant oak trees in the open space area in the northwest corner of the VTTM site.	Prior to Project construction and activities	Project Applicant
MM-BIO-14- Impacts on Oak trees – Compensatory Mitigation	Replacement oak trees shall be of the same species and come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they were planted.	Prior to Project construction and activities	Project Applicant
REC-2-Impacts on Slender Mariposa Lily-	CDFW recommends LACDRP require the Project Applicant to conduct an assessment of the effects of increased slender mariposa lily individuals and transplantation activities may have on vegetation and wildlife in situ of the Open Space Dedication Area. The DEIR should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant and not cause secondary impacts.	Prior to Project construction and activities	Project Applicant
REC-3-Impacts on Slender Mariposa Lily-	CDFW recommends LACDRP recirculate the Project's environmental document after the assessment to disclose information on the Open Space Dedication Area and potential impacts on those biological resources within that area considering the current mitigation for slender mariposa lily. Per CEQA Guidelines section 15088.5, "a lead agency is required to recirculate an EIR when significant new information is added to the	Prior to Project construction and activities	Project Applicant

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	EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.”		
MM-BIO-15- Impacts on Slender Mariposa Lily- Compensatory Mitigation	CDFW recommends mitigation should also include additional off-site, in-kind preservation within the County at the 10:1 ratio proposed, in the event of establishment failure to prevent a net loss of slender mariposa lily.	Prior to Project construction and activities	Project Applicant
REC-4-Impacts on Palmer’s Goldenbush Scrub	CDFW recommends LACDRP require the Project Applicant to conduct an assessment of each mitigation option and associated activities presented in MM 5,3-17 and the impacts they may have on vegetation and wildlife in situ of proposed areas in the VTTM site as well as the Open Space Dedication Area. The DEIR should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant and not cause secondary impacts.	Prior to Project construction and activities	Project Applicant
REC-5-Impacts on Palmer’s Goldenbush Scrub	CDFW recommends LACDRP recirculate the Project’s environmental document after the assessment to disclose information on the VTTM site and Open Space Dedication Area and potential impacts on those biological resources within that area considering the current mitigation for slender mariposa lily. Per CEQA Guidelines section 15088.5, “a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.”	Prior to Project construction and activities	Project Applicant
REC-6-Impacts on Palmer’s Goldenbush scrub	If the native scrub alliances have an association with Palmer’s goldenbush scrub in areas of the Project site, there should be coordination with CDFW’s Vegetation Classification and Mapping Program (VegCAMP) to map them according to State-wide standards.	Prior to Project construction and activities	Project Applicant
MM-BIO-16- Impacts on Palmer’s	The DEIR will determine which (if any) mitigation bank managed by Land Veritas would be appropriate for the creation/enhancement of Palmer’s goldenbush scrub. The bank shall have appropriate habitat environment for Palmer’s	Prior to Project construction and activities	Project Applicant

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Goldenbush scrub	goldenbush scrub. The bank shall also be within Los Angeles County and ideally, within the vicinity of the Project site.		
REC-7-Oak Forest Special Fund	<p>LACDRP should revise the EIR to provide the following information pertaining to payment of in-lieu fees to mitigate for the Project's impact on oak trees:</p> <ol style="list-style-type: none"> 1) How the Oak Forest Preservation Fund is designed to (and will) mitigate the effects at issue at a level meaningful for purposes of CEQA; 2) Why the in-lieu fee is appropriate for mitigating the cumulative loss of biological resources; 3) Why the in-lieu fee is sufficient to purchase land or credits at a mitigation bank; 4) Where the Project Applicant may acquire land or purchase credits at a mitigation bank; 5) When the Project Applicant would use the in-lieu fee; and, 6) How the in-lieu fee would be adequate such that no impacts would occur as a result of the Project. <p>The EIR should provide any technical data, maps, plot plans, diagrams, and similar relevant information in addressing these concerns (CEQA Guidelines, § 15147).</p>	Prior to finalizing EIR	LACDRP
REC-8- Oak Forest Special Fund	The EIR should provide a discussion describing how the LACDRP intends to commit the Project Applicant to mitigation via the in-lieu fee. For example, the EIR should provide specifics as to when payment would be required, what mechanisms would LACDRP implement to ensure the fee is paid, and when LACDRP would use the project's payment for mitigation. Also, the EIR should provide specific performance standards and actions to achieve those performance standards.	Prior to finalizing EIR	LACDRP
REC-9- Oak Forest Special Fund	LACDRP should recirculate the Project's CEQA document for more meaningful public review and assessment of mitigation through payment of in-lie feeds. Additionally, LACDRP should recirculate the Project's CEQA document if the proposed mitigation	Prior to finalizing EIR	LACDRP

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	measure would not reduce potential effects to less than significant and new measures must be required [CEQA Guidelines, § 15073.5(b)(2)].		
MM-BIO-17-Tree Pests, Pathogens, and Disease	Prior to tree removal, a certified arborist shall evaluate trees for infectious tree diseases including but not limited to: <u>sudden oak death</u> (<i>Phytophthora ramorum</i>), <u>thousand canker fungus</u> (<i>Geosmithia morbida</i>), <u>polyphagous shot hole borer</u> (<i>Euwallacea</i> spp.), and <u>goldspotted oak borer</u> (<i>Agrilus auroguttatus</i>). If a certified arborist determines trees are impacted by infectious pests or diseases, the certified arborist shall prepare an Infectious Tree Disease Management Plan or develop a detailed, robust, enforceable, and feasible list of preventative measures. A plan/list should provide measures relevant for each tree pest or disease observed.	Prior to Project construction and activities	Project Applicant
MM-BIO-18-Tree Pests, Pathogens, and Disease	To avoid the spread of infectious tree pests and diseases, infected trees shall not be transported from the Project site without first being treated using best available management practices described Infectious Tree Disease Management Plan or list of preventative measures. If possible, all tree material, especially infected tree material, shall be left on site. Pruning and power tools shall be cleaned and disinfected before use to prevent introducing pathogens from known infested areas, and after use to prevent spread of pathogens to new areas.	During Project construction and activities	Project Applicant
REC-10-Nesting Birds	Project activities occurring during the bird and raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. CDFW recommends LACDRP amend MM 5.3-9 to exclude the strike through and include the <u>underlined</u> language: “[...] Within thirty days of ground-disturbing activities associated with construction or grading for the Project that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February 15 <u>but as early as January 1 for some raptors</u> through <u>August 31</u> September 15 in the Project	Prior to finalizing EIR	LACDRP

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	region, or as determined by a County-approved biologist), suitable habitat shall be surveyed within seven days prior to initiation of disturbance work by a County-approved biologist to determine if active nests (actively breeding or nesting) of bird species protected by the Migratory Bird Treaty Act and/or the CFGC are present in the disturbance zone or within 300 feet (500 feet for raptors) of the disturbance zone. If initiation of ground-disturbing activities is delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground-disturbing activities [...]"		
REC-11-Data	LACDRP should ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. To submit information on special status native plant populations and sensitive natural communities, the Combined Rapid Assessment and Releve Form should be completed and submitted to CDFW's Vegetation Classification and Mapping Program. Confirmation of data submittal should be provided to CDFW.	Prior to finalizing EIR	LACDRP
REC-12-Mitigation and Monitoring Reporting Plan	LACDRP should update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. LACDRP is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.	Prior to finalizing EIR	LACDRP