



**MINUTES OF THE SIGNIFICANT ECOLOGICAL AREA
TECHNICAL ADVISORY COMMITTEE (SEATAC)
MEETING OF 4 JUNE 2012**
(Minutes approved on 2 July 2012)

PERSONS IN ATTENDANCE:

SEATAC MEMBERS

Dr. Jonathan Baskin
Dan Cooper (absent)
Ty Garrison (absent)
Robb Hamilton (absent)
Michael Long
Dr. Thomas Scott (teleconference)
Dr. Cheryl Swift

REGIONAL PLANNING STAFF

Dr. Shirley Imsand (Biologist,
SEATAC coordinator)
Joe Decruyenaere (Biologist)
Rob Glaser (Planner)
Emma Howard (Planner)
Susan Tae (Planner)
Adam Thurtell (Planner)

COUNTY PARKS

Joan Rupert	jrupert@parks.lacounty.gov	213-351-5126
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REDDING CAR COLLECTION

Ernie Urioste	ernie@redding-properties.com	661-312-4431
Jon West	jwest@esassoc.	818-388-6178

PUBLIC:

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Marc Blain	marcblain@earthlink.net	626-372-7424
Jeff Maisch	jrmaisch@aeraenergy.com	714-577-8258
Sandy Sanchez	ssanchez@bialav.org	661-257-5046

PAGINATION:

- A. Approval of SEATAC minutes for 2 April 2012, p.1
- B. Redding Car Collection, R2012-01036, RENV 201200120, RCUP 201200067, p.2
- C. Discussion of revision of SEA ordinance and SEATAC procedures and guidelines, p.4
- D. Public comment pursuant to Section 54954.3 of the Government Code, p.5

NOTE: SEATAC meetings are informal working sessions, open to public for observation and brief comment related to biology. Members are appointed volunteers in an advisory capacity. Minutes are prepared by planning staff from notes and tape. Visitors are advised to take proper notes and/or record the session. Issues not discussed by SEATAC do not imply tacit approval. New or clarified information presented in subsequent submittals may raise new issues and may require further analysis. Minutes are generally approved at the next SEATAC meeting. Draft minutes may be requested but are subject to revision.

MINUTES
4 June 2012

OLD BUSINESS

A. Minutes of the SEATAC meeting of 2 April 2012 were approved by electronic mail on 26 April 2012. Robb Hamilton moved for approval and Mickey Long seconded the motion.

B. Project: Redding Car Collection, 24233 The Old Road, Newhall
Project Numbers: R2012-01036, RENV 201200120, RCUP 201200067
AIN: 2826-023-019
Applicant: Ernest Urioste
Biologist: Greg Ainsworth, E.S.A.
USGS Topographic quad, 7.5': Oat Mountain
Resources: SEA #20 Santa Susana Mountains

Please see agenda for description of project and resource area.

Applicant stated that the project is to create a property for storage of the car collection. The cars are taken to shows and visited by interested public at those venues, but the collection storage will not have visitation of the general public. The goal is not necessarily for a secure site, but the storage building will be secure and alarmed.

SEATAC COMMENTS AND RECOMMENDATIONS:

- 1. BCA REVISION:** The Coordinator presented a list of needs for a BCA revision (see Appendix A). The BCA did not have the materials normally expected for SEATAC review. The BCA needed more maps and labeling of maps, a spring survey, vegetation map, grassland analysis, oak tree report, sensitive species table, and list of flora and fauna observed. SEATAC members added needs for proofreading and checking of current names for species and species distribution.
- 2. LIGHTING:** Removal of mercury lamps will be important. Do not use anti-crime lights. With the six antique street lamps planned for the pathway, be careful of light pollution into natural areas. Shielding preventing projection of light into areas above and wildlife areas nearby should be done. That the lights will only be used when personnel is present is good. This will be important to mention as an improvement on the amount of initially existing light pollution.
- 3. OAK TREE CAVITIES:** For cavities in trees near the structures, cover with a fine mesh screen that excludes bees but allows air exchange. These cavities are probably important to tree drainage and airing to protect from rot. For trees distant from structures, allow the cavities to remain open. They will function as animal homes as well as protect the tree from rot. For nuisance bee swarms and hives, use a beekeeper for removal. There is usually a time of less aggression before creation of the honeycomb when bees are fairly easy to capture and move.
- 4. OAK TREE FENCING:** Provide protective fencing during construction for all oak trees that might be impacted at dripline + five ft. This is the protected zone. Neither equipment nor personnel should go into this protected zone during construction.
- 5. OAK WOODLAND:** The trees near the buildings could be part of the woodland if the trees are interacting and the structures were placed into the woodland. It is confusing to have these large oak trees separate from the woodland but adjacent to it. Applicant stated that a mobile home and debris were removed from beneath the oaks, and this may cause the woodland area to look disturbed.
- 6. GRASSLAND:** Applicant stated that only 5 non-native grasses were found in grassland of project. Coordinator explained that SEATAC needs to know if the grassland is native or non-native according to the SEATAC criterion of 10% relative cover of all native herbaceous plants being classified as "native grassland." This datum is needed since SEATAC deals with the entire parcel and its relation to the SEA.
- 7. VEGETATION MAP:** Figure 4 is closest to a vegetation map, but needs more detail and needs to be specific for vegetation alone. The proposed project uses should be in a separate map. Show the invasive Tree-of-heaven also.

8. FUEL MODIFICATION: Do not use domestic animals (goats, sheep, cattle) for trimming grass fuels. Domestic animals could defecate weed seeds and will uproot native plants and contribute to erosion on the hill. Instead use weed whips with appropriate timing to allow native wildflowers to propagate—go to seed. Perpetuating and expanding the Coast live-oak woodland will also be a fire protection in that oaks are not very flammable and the woodland will shade out the grasses and other flashing fuel plants.

9. FUEL MODIFICATION TIMING: Late August would probably be the best for native plant seeds, but this might conflict with fire prescription. Late March before *Calochortus* sp. emerges would possibly be good timing for weed whackers. Glyphosate (Roundup) application in early January to early emerging non-natives might be beneficial. A comprehensive plant list of native plants in the grassland area will be a good aid to planning the timing and coordinating with fire department specifications. Be careful to observe the fuel modification prescription, stopping at 200 ft. from structures.

10. FENCING: Removal of fencing from the hilly, natural area of the project will open it up to wildlife movement, which is an important function of this SEA. Perhaps only the western end fencing would need removal to allow ready access. A replacement could be split-rail fencing.

11. RATTLESNAKES: Applicant stated they were considering moving the boundary fencing eastward to the area near the old residence pad. They will probably be using hardware cloth as a flashing 4-ft. high and 1-ft. deep into the ground around the outside periphery of fencing on the developed area to diminish access for rattlesnakes to the developed section of the project. **The property has a large number of gophers, ground squirrels, and rabbits, which is an attraction for rattlesnakes. At the wildland-urban interface any project will always have more rattlesnakes than a more urban setting. Removal of protective fencing from the hilly, natural section will allow predators such as rattlesnakes to continue controlling the herbivores so that they do not overpopulate this area. The flashing will diminish access of rattlesnakes to the developed part of the property. Cleaning up the developed area of debris should also help control nuisance rodent habitat and provide less rattlesnake food inside the development.**

12. LIVESTOCK: Keeping domestic animals on the property may create an attractive nuisance in that it could attract predators to the property (*Puma* or mountain lions). The high fence might be useful to retain in the area where the domestic animals will roam, but *Puma* would be able to jump a 6-7 ft. fence.

13. REMOVAL OF INVASIVE PLANTS (Tree-of-Heaven) The traditional method of painting cut-off trunks with Glyphosate does not work well for Tree-of-Heaven (*Ailanthus altissima*) because it sprouts so readily from roots and root pieces. A more effective removal practice is to dig out the tree and roots as much as possible, and send the pieces to the landfill. This will need to continue for several years. After removal, immediately plant and nurture native trees such as Coast live oak (*Quercus agrifolia*) and Southern California black walnut (*Juglans californica*). In fall, plant acorns and walnuts from the trees on the project parcels. Removal of the neighboring parcels' Tree-of-Heaven is a good prevention tactic also, because this plant also readily propagates from seed. This will really benefit the SEA.

14. RCD: The Resource Conservation District (RCD) for the project area may have funds for renewal of native plants at the wildland-urban interface and may be able to connect the applicant with possibilities for funding projects from Natural Resources Conservation Service in the form of low-interest loans or grants.

Contact:

Rosi Dagit, Senior Conservation Biologist, RCD of the Santa Monica Mountains, rdagit@rcdsmm.org
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ACTION: SEATAC recommended that the Biological Constraints Analysis be corrected, augmented as directed, and incorporated into a Biota Report. The Biota Report shall include lists of impacts and mitigations.

C. Presentation of the draft of the Significant Ecological Areas (SEA) Ordinance for the revision of the County General Plan by Ms. Emma Howard

Please see Appendix B for additional information.

1. A current focus of the design is how to provide Conditional Use Permit (CUP) **exemptions for ministerial projects** in the SEAs but still provide for the resources concerned. For example, Single Family Residences (SFRs) need to be ministerial, and by what procedure can the County gather the data it needs to monitor the SEAs and at the same time allow these projects by right? The process envisioned is a detailed checklist or perhaps a checklist of top five (5) resource types, filled out by a County biologist during a 1-day or shorter inspection, that will determine if special biological resource(s) is/are on the project site and additionally provide a record of the resources for the SEA program. **Structured burden-of-proof criteria need to be worked into this checklist, the top issues for impact that should be avoided.** These need to be assessed by objective criteria (that can be measured and monitored). The checklist must be the same for all applicants of ministerial projects. The business community's desire is to have less emphasis on potential resources. Applicants need to have certainty about the steps in the review process and have these steps made clear.

2. **Burden-of-proof criteria for SEAs** are currently (a) compatibility with the SEA resources in perpetuity; (b) water bodies, water courses, and tributaries maintained in natural condition; (c) wildlife movement corridors and connectivity maintained; (d) retention of sufficient natural vegetation to buffer SEA resources from development; (e) fences or walls provided to buffer SEA resources from development; and (f) roads and utility courses for the development must not conflict with critical resources, habitat areas, and migratory paths.

5. The perusal of **SEATAC reports** will lead to preparation of a map of resources identified in the reports. This will begin to build a sensitive resources map that can be a reference for planners and applicants.

6. **Public and government agencies** are no longer uniformly exempt; they may be subject to review when certain kinds of disturbance are involved. A precedent for this is being established with the lighting and dark skies ordinance that is under development.

7. DRP is seeking a better **definition** than "ground disturbance" or "vegetation clearing" **for what constitutes an impact** (§B.4.)

8. DRP focus questions: (a) What should qualify a project for SEATAC review? (b) What kinds of project features determined compatibility and no compatibility? (c) Provide reference to ordinances from other jurisdictions that seem applicable to the SEA program. (d) Should impact to the entire SEA need to be a consideration? (e) Does SEATAC recommend that there are aspects of process and procedures that are overemphasized and aspects that need deeper consideration? (f) Give DRP a list of data needed in a hierarchy of priority.

9. SEATAC is asked to provide a **summary of the committee's concerns and positions on the SEA-CUP in a formal letter** to Department of Regional Planning.

SEATAC COMMENTS AND RECOMMENDATIONS:

1. **PRE-DESIGNATION OF RESOURCES:** Expediting pre-designation of resources before development should be the main plan for the SEA process. A plan which enables development without requiring knowledge of biological resource distribution is bound for failure in conservation of the biological resources. Numerous examples of plans/ordinances in place demonstrate that resource definition is not something that is done well, when promised. Without personnel and funding, pre-designation of resources on a broad scale, such as all of Los Angeles County, is difficult, even impossible to meet as a goal. That is why resources should be investigated in some depth at the time that development is proposed, and this process of collecting resource data should be what is expedited. In this manner focus and timing of survey can concentrate on a small area as needed. Data collection from all sources needs to be ongoing. The current process should not be discarded and supplanted with promises to collect data. The County needs to make a first priority be good definition of resources as something the developer in conjunction with the County needs to do. Time scale for proper

definition of resources present needs to be understood by developer and County as a necessary part of development.

2. **HCP PRE-DESIGNATION OF RESOURCES:** As examples of how difficult pre-designation of resources or coincident collection of data on resources is, almost any Habitat Conservation Plan or Multiple Species Habitat Conservation Plan could be examined. Although promises are made by these documents to preserve and conserve valuable biological resources and to gather data needed, there has been across-the-spectrum failure to actually accomplish this. Development has been facilitated by these plans at great cost to natural resources.

3. **RESOURCE MAP:** SEATAC requests that they review any resource map that is made in this context of mapping of resources.

4. **EXPEDITING THE REVIEW PROCESS:** Rushing the process of survey and review will ultimately lead to absence of information and no data on resources that do exist and are important to the integrity of the SEA. There needs to also be a sense of the urgent need to collect the data needed to expedite the process. Development need is never so urgent as the need to conserve natural resources, which are disappearing everywhere at an appalling rate. It is really important to learn what specific resources are involved with each development plan. For this need, most projects should have at least a spring survey over several years. The need for several years is based on the fact that rainfall and climate vary tremendously from year to year, and many species and resources have adaptations to overcome this drawback, often by remaining cryptic in unfavorable years—they will not be discovered by ordinary survey methods in unfavorable years.

5. **MINISTERIAL PROJECTS:** Scrutiny of ministerial projects is important, because this may be a major source of loss of resources from the SEA.

6. **PREDESIGNATED EXEMPTION AREAS:** A safe way to do exemptions would be to use aerial photography and designate buildable areas. The County biologist's check would still be needed.

7. **LEGISLATION OF OTHER AGENCIES:** There may be a need to list laws and agencies with whom DRP consults and coordinates for the projects that SEATAC reviews. Many of these apply to ministerial projects as well as discretionary projects. Examples to include would be MBTA (Migratory Bird Treaty Act), ACOE (U.S. Army Corps of Engineers), RWQCB (Regional Water Quality Control Board), CDFG (California Department of Fish and Game). This may need to be extracted into objective procedures. For example, for MBTA, "avoid vegetation clearing and removal of trees during the period February 1 to September 30". As much as possible, the standards of those agencies and laws should be reiterated in development standards.

8. **COUNTY BIOLOGISTS:** Hiring more County biologists and having them do much of the survey work might solve some of the problems of expediting the process. However, this would diminish the amount of work for the consulting industry, but expedite the process which is delayed because of inadequate reports. Then the applicants might be paying less or more depending on fee adjustment, and some of the cost would be transferred to County taxpayers. The County taxpayers would benefit in having their biological resources better defined and conserved.

9. **SEATAC LETTER:** Dr. Thomas Scott has volunteered to do a first draft of the requested SEATAC letter to DRP on SEATAC positions with respect to the proposed SEA ordinance. It should distinguish what is good in the proposed ordinance, and propose what changes need to be made in parts that are not good. It should give a list of priorities for data needed, including maps.

ACTION: SEATAC will study the summary draft of the SEA ordinance and begin draft of a formal letter to DRP on its positions with respect to the proposed SEA ordinance.

C. **PUBLIC COMMENT: Joan Rupert:** County funds for biological survey and more biologists are unlikely, so the present system of surveys done project by project will need to continue.

REDDING CAR COLLECTION

24233 The Old Road, Newhall

Project Numbers: R2012-01036, RENV 201200120, RCUP 201200067

AIN: 2826-023-019

COMMENTS FROM COORDINATOR, Shirley Imsand, Ph.D., SEATAC meeting, 4 June 2012

(1) The Biological Constraints Analysis (BCA) will need to be revised to be a SEATAC BCA.

Please see the webpage-posted document that describes how these documents are done for SEATAC.

http://planning.lacounty.gov/assets/upl/case/sea_proc-guide.pdf

Although the project is outside the natural area, it is within the current SEA designation. We use the reports to provide information on many aspects of the SEA program, so accuracy is important and content is important.

(2) Report needs a map that shows open space and conserved natural areas in the vicinity.

(3) The report needs to be based on a spring survey of biota including vegetation. There are a few weeks left to do the field work this spring—otherwise the BCA report will need to be based on field research of spring 2013.

(4) Field work should include relevé analysis of the grassland. Description of this analysis is at

<http://www.cnps.org/cnps/vegetation/protocol.php>

SEATAC uses the following definition of native grassland:

Native grasslands are areas with less than 30% shrub cover that have 10% or greater relative cover of native herbaceous plants.

(5) Oak tree report is needed for SEATAC.

(6a-c) Vegetation map is needed. Include a soils map. Analyze vegetation acreages in a table.

(7) Sensitive species and habitat table is needed. Use a 9-quad analysis from CNDDDB and CNPS. Provide both indication of what sensitive species are observed and what sensitive species are possible given the habitats on the project parcels. Bats are missing from information provided. Organize the table by vertebrate classes and then either alphabetically or phylogenetically.

(8) Report needs a list of flora and fauna observed. Distinguish species observed from species possible.

RECOMMENDATIONS FROM SEATAC:

9. Typographical and nomenclatural errors are excessive. [Use spell-check.] Some examples of items to correct are:

9a. Filaree should have two different scientific names to go with two different common names to differentiate the different kinds.

9b. A number of scientific names are misspelled. Check all of these.

9c. *Diplacus aridus* is an unknown species—not in *Jepson Manual*, 1996, which is a standard for botanical nomenclature in this area.

9d. *Mimulus* [*Diplacus*] *aurantiacus* may be what is intended instead.

9e. *Mimulus aurantiacus* var. *aridus* lives in Baja California extending to the Peninsular Ranges, but is apparently the wrong variety for this area of the Santa Susanas.

9f. Herpetological names should be latest nomenclature and have subspecific epithets.

9g. *Batrachoseps attenuatus* is not the right species for this area.

9h. *Neotoma* sp. should be specified. This is considered a sensitive species.

9i. The last sentence claims the project will impact the SEA. Is this what was meant? All impacts should be listed separately in a detailed manner.

SEATAC was interested in the occurrence of brush rabbits (*Sylvilagus bachmani cinerascens*—note spelling) which are considered uncommon.

1. The **30-day letter** responding to Board of Supervisors' concerns, the **summary draft** and **change tracker table**, and comment letters received to date have been posted on the SEA revision webpage:

<http://planning.lacounty.gov/sea/cup>

Final comment date is 1 August 2012 for the second draft of the SEA ordinance. Focus on red changes, though all of ordinance is open to comment.

2. Technical reports include the **SEA descriptions**. These are now posted in the General Plan Appendix E and need any corrective review comments the SEATAC members may have.

http://planning.lacounty.gov/assets/upl/project/gp_2035_Appendices_E_2012.pdf

3. **Meeting room** is changed to the Regional Planning Commission Hearing Room (150) for the July meeting, but staff is also working on enabling use of 1385 for more informal sessions. Video capture is enabled for 150 but not for 1385 at this time. All applicants must speak into a microphone. Room will be determined eventually by attendance expected.

4. A **sensitive resource map** that will identify critical areas for protection due to location is under development by the GIS section at DRP for ministerial projects. It uses core habitat and linkage to define narrow choke areas in the SEAs in conjunction with building and other development layers to determine location of SEA areas that "must not be developed." This map is needed by August 2012 or this provision in development standards (#8 under D.1) cannot be retained.

5. The mandatory **initial project appraisal** will require only 6 documents provided by applicant: application, conceptual plan, map, photos aerial and panorama, proof of ownership, acreage values: estimated acreage in SEA on all development parcels, SEA acreage to be impacted, SEA acreage to be left natural. A County biologist will provide biological data. (This is very like the one-stop process of consultation, where the fee will be applicable to the application if the applicant decides to continue with the proposed project.)

6. **CUPs** usually have a **term limit** (a very few are unlimited), but renewal of a limited CUP is usually fairly automatic. The rationale for the limitation is that conditions and policy do change, and it is wise to have the CUPs have periodic update. **Determination of types of SEA-CUP** is the crux of the issue with applicants. Currently there are two kinds of CUP issued for SEA areas, and Department of Regional Planning (DRP) fees reflect this: \$18 thousand for an SEA-CUP, usually reviewed in summary by the Regional Planning Commission, and \$8 thousand for a standard CUP, usually reviewed before a Hearing Officer and concerning minor uses, usually when no impact is caused by the project. For SEA development by government agencies there may need to be a special fee. Revised ordinance proposes a basic CUP with no review by SEATAC and final review by Hearing Officer. This will be appropriate for minor uses. SEATAC-reviewed cases would be heard by RPC.

7. **Development standards** would be uniform for the SEA program, but standards that apply to a certain case would be determined by the kind of CUP and kind of impact.

8. **Findings and Burden-of-proof** may differ somewhat. Burden-of-proof can be more general as it defines the broad goals the project needs to meet. Findings need to be more detailed and objective and are presented as evidence to the RPC. Findings will be the same for both kinds of CUP, but not achieved through the same process.

9. What DRP currently does for **laws and agencies** with whom DRP consults and coordinates for the projects that SEATAC reviews, is request letters of consultation with the appropriate agency. This applies to MBTA (Migratory Bird Treaty Act), ACOE (U.S. Army Corps of Engineers), RWQCB (Regional Water Quality Control Board), CDFG (California Department of Fish and Game). **It would be good to have a complete list of those that apply to biological resources.**