RECOMMENDATIONS OF THE SIGNIFICANT ECOLOGICAL AREA TECHNICAL ADVISORY COMMITTEE (SEATAC) MEETING OF 2 JULY 2012

(Recommendations approved as amended by electronic mail on 2 August 2012)

PERSONS IN ATTENDANCE:

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

REGIONAL PLANNING STAFF
Dr. Shirley Imsand (Biologist, SEATAC coordinator)
Joe Decruyenaere (Biologist)
Mitch Glaser (Planner)
Brianna Menke (Planner)

ACTION PAINTBALL PARK

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PUBLIC:

Susan Zahnter	otishima1775@gmail.com	661-724-2043

PAGINATION:

A. **Approval of SEATAC minutes for 4 June 2012, p.1**
B. **Action Paintball Park, R2010-00735, RENV 201000025, RCUP 201000066, p.2**
C. **Discussion of letter from SEATAC on SEA ordinance and SEATAC purpose and role, p.4**
D. **Public comment pursuant to Section 54954.3 of the Government Code, p.5**

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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.

RECOMMENDATIONS
2 July 2012

C. **Project Description: Action Paintball Park**
Project No. R2010-00735, RCUPT201000066, RENVT201000025
AINs: 3210-017-043, 3210-017-055
SEA: Santa Clara River SEA No. 23
Applicant: SC Planners
Biologist: Steve Nelson, PCR

SEATAC RECOMMENDATIONS:

<u>The report should be corrected for a final version to attach to permit materials.</u>

1. Maps need to be updated for Fig.3, Fig.11, or these need to be relabeled for the leach field. The figures in the report show the former leach field site adjacent to the wetland. This needs to be corrected, as the leach field position is an issue of concern.

2. The new map needs a scale for verification. Jurisdictional determination of wetland should be shown. The chief concern would be distance of the leach field from the existing stream course banks and riparian vegetation, and this needs to be shown in several directions.

3. **[Could a containment vault (cesspool) be used instead of a leach field, as suggested at SEATAC 2011.10? This would be much better for water quality. Discuss this possibility.]**

4. **There should be discussion of contingencies for a change of stream course. The project appears to be in the course of River flow according to the soils map. The project is entirely in the floodplain.**

5. There is concern for unknown effects of wildlife interaction with paintball material, and no data on aquatic animals, which exist on the project site and are extremely susceptible to dissolved substances. The applicant must carry through with the protocol of having the barriers capture the paintballs and daily pick-up of spent and detrital paintballs. [A better plan would be to have a bottom lining or flashing of the paintball netting on the chain-link fencing and have the second barrier of netting go to the ground, to capture paintball material before it gets to the wattles.]

6. Although allowing small animals into the play area would promote connectivity, guarding against paintball contamination of the River with several layers of capture would be more failsafe.

[7. A good way to illustrate the potential relevance of the project to the SEA is to give the length of the watercourse within project boundaries compared to the entire length of the Santa Clara River, absolute and percentage. Also give the percentage of the River that is downstream from the project as the area of direct influence.]

8. The Biota Report should include literature reference to and search of the data of the Consortium of California Herbaria, which can be accessed through the Jepson Interchange or the CNPS. This is a better source on plant occurrences than the CNDDB and is searchable by County. Data show locations of plant collections.

9. Page 19 has a blank in paragraph #5, sentence #1 should end "during the field visit."

10. How recent is Fig.8, p.21? The date of the aerial image should be shown and be as recent as possible. GoogleEarth can be used as a source for most recent aerials.

11. Figure 9A & B should give dates for photographs. (8/2011)

12. There should be protection of the seedling cottonwoods (*Populus fremontii*) shown in Figure 9c, photo 5. The proposed rest area among the mature cottonwoods should be mapped.

13. There should be a mention in the wildlife description of all fishes that could occur on the parcel (p.29). Clarify what are the 32 fish and wildlife—species or individuals? The fishes include one of the endangered animals that has been observed onsite (Unarmored threespine stickleback, *Gasterosteus aculeatus williamsoni*). Arroyo chub (*Gila orcuttii*) should be treated as possible. (Haglund & Baskin, 1995, Sensitive Aquatic species survey, Santa Clara River. . . Newhall Land and Farming)

[14. The arroyo toad (*Anaxyrus californicus*) should be included as possible on p.29. The project site is included in the critical habitat for this threatened amphibian. The toad should be mentioned as it has a good possibility of occurrence.]

15. Any next report should use plant names from new Jepson Manual second edition, 2012.

16. Text should explain *Chorizanthe* sp. are not likely according to known distributions, but likely due to habitats of area.

17. Propagules of *Dodecahema leptoceras* could easily wash into project from upstream in Bee Canyon and establish on the site. This should be stated.

18. Santa Ana sucker *(Catostomus santaanae)* has been reported just upstream (CNDDB), and it should have 'likely' rating. (p.44)

19. Arroyo chub (*Gila orcuttii*) should be 'likely.' Applicant states that chub is a hybrid and unlikely. **Documentation of this should be provided. A survey** (Haglund & Baskin, 1995, Sensitive Aquatic species survey, Santa Clara River. . . Newhall Land and Farming) **shows the arroyo chub was found in the project area, upstream and downstream. The same document states that this fish hybridizes with other G*ila* sp., but the other species are not found nearby at all.**

20. For the arroyo toad (*Anaxyrus californicus*) the report should note that area of project is within the critical habitat for this federally-endangered species.

21. Whiptail lizard genus is not *Anaxyrus*. Should be *Aspidoscelis*. (p.47)

22. *Rana muscosa*, southern species, does still exist in San Gabriel Mountains, in named critical habitat. Correct the distribution cell, p.46. The frog would need permanent water, and therefore, is not probable on the site.

23. There should be a constraints map showing noted locations of observed sensitive animals and plants, for example, horned lizard (*Phrynosoma blainvillii* - note spelling). Applicant states this lizard was seen in the wash, not in the planned activity area. **Provide a constraints map for all observed sensitive species.**

24. Swainson's hawk (*Buteo swainsoni* – note spelling) distribution cell, p.49, should be more explicit about seasonal distribution in the project area: migration through would be in spring.

25. The contention that the project will not disturb the surface vegetation or substrate seems unlikely. Did the agencies responding to permit needs know of the leach line? Did the Regional Water Quality Control Board know about the latest plan for the leach line? The RWQCB does have the authority to fine for breach of water quality standards, which are very high for the Santa Clara River. Applicant states that RWQCB concern for substrate disturbance would be for structures, not the containers planned. **RWCQB shall be contacted to get a statement on lack of concern for placement of a leach line.**

26. Did the U.S. Fish and Wildlife Service know about the stickleback observed onsite before issuing their letter on no disturbance? Applicant states that they did not know due to timing. Dr. Baskin advised that stickleback on the site would be sporadic due to lack of shading. **USFWS should be contacted again to get a statement acknowledging presence of stickleback and "no disturbance."**

27. **Gray vireo may not now be likely, but was formerly present in the area. Virginia's warbler could be in habitat of the project, but is not known from the area. Update the species list to show for all species whether they were observed or are possible (not observed), and remove Virginia's warbler.**

28. Performance standards should be stated for paintball barriers, paintball pick-up, invasive vegetation removal, promotion of cottonwoods, trash pick-up, etc .

29. SEATAC recommended explaining removal of detritus and remains of previous illegal, damaging activities as a mitigation.

30. Daily clean-up of paintballs will be very important to preserve water quality and wildlife.

31. Removal of invasive *Arundo donax* and *Tamarix* sp. shall be done. This should be mitigation for potential loss of native plants on the bench used for the play area.

32. There should be County monitoring of the project periodically during the first year and then yearly during the CUP term.

33. Enhancement of vegetation by encouraging and protecting young cottonwoods and removal of invasive plants will be as important to the SEA as the educational materials distributed about the sensitivity of the project site. SEATAC has reservations about handing out educational pamphlets, as they might become trash. Pamphlets should be optional. Information on the sensitive environment on the tickets would be good. Kiosk postings or sign information on sensitive environment would be fine.

34. Movement of the field areas to unused parts of the parcel might create worse and greater disturbance than leaving them in place. The playing field areas will be pounded, but the impact will have a restricted, defined area. This is probably the best plan for such a sensitive area. Applicant states that they do plan to move the playing field around to have play areas recover natural vegetation. **SEATAC states this is experimental and could not be enforced. It cannot be considered as mitigation.**

35. The site is very sensitive and important to biodiversity of Los Angeles County. Trash and paintball pick-up after each play session will be very important. County should institute monitoring to assure compliance with the mitigation measures, and there should be a substantial consequence such as retraction of CUP and exercise of bond for clean-up of the site for lack of compliance.

ACTION TAKEN:

SEATAC determined by a unanimous vote of three members that the Action Paintball Project is COMPATIBLE with the principles of the Santa Clara River SEA, provided that all mitigations are observed and there is a strict monitoring of the CUP condition fulfillment by County enforcement and other agencies.

PUBLIC COMMENT:

Susan Zahnter: More research should be done to determine possible toxicity of paintballs to fish and other aquatic organisms. Water quality should be monitored.

C. Letter from SEATAC on Draft of Significant Ecological Areas (SEA) Ordinance and SEATAC purpose and role

1. The main comment letter from the Building Industry Association (BIA) letter was that they need more certainty in the review process. The BIA ideas for a process leading to certainty conflict with the ideas of conservation-oriented groups such as the Puente Hills Habitat Conservation Authority and the Santa Monica Mountains Conservancy. The letter needs to give biological meaning and interpretation of legislation that applies to preservation of biological systems and species. Some regions do understand the need for interpreting legislation towards this purpose, for example, Santa Monica Mountains and the Puente Hills.

2. The Building Industry Association letter claims there is insufficient information to create SEAs. The letter may need to explain that watershed definition played a large part in defining SEAs.

3. In some senses there is not great detail of exact locations on what biological resources do exist in the SEAs. Good biological data should be gathered to inform the SEA program. SEATAC can probably assist with obtaining funding for needed studies. There should be a priority list of most threatened sites for survey.

4. From comment letters it appears that the main need is for explication or education on the SEATAC function as an advisory committee. The County-wide distribution of the SEAs, and the sense that they are an attempt to capture the best of the last natural areas, leads to interpreting SEATAC's role as a filter of biological expertise representing County citizens. The goal is to protect the long-term integrity of the SEAs. SEATAC's function is to recommend changes in projects' designs, so that resources are better conserved. SEATAC interprets the biological meaning of laws for the intended conservation of resources.

5. The focus of the process is the integrity of the SEAs. A large problem that needs to be solved is piecemeal chipping away of the SEAs by development, by both ministerial and discretionary projects.

6. SEATAC has reviewed 21 projects in last 4 years, which is an average of 5 per year. The average time for return of project to SEATAC after a SEATAC meeting has been 10 months. This should be understood as what is needed to get accuracy and needed information into the reports so that SEATAC can judge them as compatible or incompatible. This is not a requirement of SEATAC. Three projects completed the process in one meeting. One project completed the process in one year with three meetings.

7. SEATAC is not responsible for project denial nor for delays in project processing—it is not a regulatory body. The SEATAC process is not what needs revision, but the process of getting accurate reports to SEATAC and the process by which SEATAC recommendations on project design are implemented needs revision. The ordinance needs to be designed so that SEATAC and the Department of Regional Planning (DRP) work together in a cooperative fashion to achieve this.

8. The idea of Initial Project Appraisal with both planner and biologist present is very good. This should begin integration of the two parts of review that has not been well-managed previously. Perhaps the County biologists together with applicants and planners could prepare project plans that SEATAC would then review and referee. There will probably need to be more County biologists than two.

9. There will need to be recognition of private land rights, and reasonable distinctions of projects as either ministerial or discretionary. The simple single family residence needs to be defined as ministerial by standards, and SEATAC will respond to what is suggested for ministerial standards. Also what constitutes secondary and accessory uses need to be reviewed if they become a "project."

10. The planners drafting the ordinance request wording for definitions that will determine what projects SEATAC reviews. There will need to be definitions for what constitutes ground disturbance that SEATAC reviews, for what constitutes a fallow agricultural field as distinguished from recovering natural habitat (3 years = distinguishing line?), for what are permissible uses of open space that do not cause deterioration of the SEA resources. Is open-space grazing one of these uses? Should fallow lands be part of open space? Should all persons be able to use open-space resources in these ways. **SEATAC states they would like to review rather than draft these definitions.**

11. Viable mitigation standards should be outlined by the burden of proof.

12. Experimental methods should not be acceptable as mitigation.

PUBLIC COMMENT:
Susan Zahnter: With the change in zoning from A1 to A2, many areas became "heavy agricultural" zones, and this permits unlimited livestock use and renewable energy use. These kinds of projects need to be reviewed for design that will least impact the environment.

There is a need for evaluation of agricultural fallow fields as to when they become useful to biological diversity.