

Comment: Explanatory note should be added at beginning. The numbering is very confusing. Revised SEA ordinance is to have a separate chapter under Title 22: 22.25(?) or possibly 22.52?). Currently the SEA ordinance is in 22.56, so changes are indicated for comparative purposes to current citations.

p.1, Section 1:

“SEATAC” is the acronym for “Significant Ecological Area Technical Advisory Committee.” The SEATAC is ~~means~~ an expert . . .

p.4 B. “Ecological Transition Area” (SEA-ETA) means . . .

p.4.C. Fencing, Wildlife Impermeable. . . which prevents the ~~passage~~ ~~bypass~~-of species living within an SEA

p.4.D. Fencing, Wildlife Permeable. . . which may be ~~transited~~ ~~bypassed~~ by all species living within an SEA.

p.5, K. “Project site” is the area that will be directly impacted by ground disturbance of any kind (including fuel modification) by the project.

Comment: Applicants and planners need a specific meaning for this phrase. It is often confused with meaning “lot or parcel,” and thus impacts due to edge effects, even those directly adjacent and under control of the project, are disregarded.

p.7, 22.52.2630

Comment: This is not clear. The more restrictive provision takes precedence?

p.7-8, 22.52.2640.A. Landscaping.

B. Landscaping plans for lot(s) or parcel(s) with SEA overlay shall use locally native plants except where not possible due to considerations of health and safety.

Comment: How about adding a restriction to native plants for projects in an SEA? Alien plants not initially invasive may adapt genetically and become invasive.

C. Projects shall be outside the 500-year floodplain wherever possible. Projects in the 500-year floodplain (which includes the 100-year floodplain) shall be reviewed by SEATAC (usually Type B review). Small-scale projects may have the Type A review. Refer to Section 22.52.2670.C.

p.8, 3. Prevention of wildlife injury:

Prohibited materials include, . . . or razor-~~or barbed~~ wire.

Comment: Barbed wire should be allowed. It retains livestock and largely inhibits vehicle entry, but most wildlife can get through if spacing is correct (about 1 ft. off ground minimum and vertically between strands). For areas where Pronghorn may eventually return, the best spacing off the ground is 18 inches. Renewable energy projects are limited to 12 inches off ground where they are protecting equipment from vandalism. Wildlife penetrates without hesitation (except Pronghorn). Loggerhead

shrikes, a species of special concern, may use the barbs to pinion prey so that they can consume it.

p.10 H. Habitat Linkages.

. . . on the SEA Habitat Linkages and Wildlife Corridors Map ~~and~~ or any linkage identified during the biologist site visit . . . would narrow the width of the habitat linkage to ~~fewer~~ less than 1000 feet at any point along ~~the~~ an identified habitat linkage.

Comment: Because units of feet can be fractional, the better term is “less than.” “Fewer” would limit measurement to whole units of feet. I suggest this change throughout for word “fewer” where the measurement could be fractional.

p.10 I. Wildlife Corridors.

. . . on the SEA Habitat Linkages and Wildlife Corridors Map ~~and~~ or any linkage identified during the biologist site visit . . . would narrow the width of the habitat linkage to ~~fewer~~ less than 200 feet at any point along the wildlife corridor or diminish a more narrow linkage in any manner.

p.10, J.Species

When any ground disturbance, use, or project may encroach upon a ~~likely to occur~~ habitat of a special status species ~~of~~, that is identified in the SEA’s SEA description in the General Plan, ~~and~~ stated to be present in the project biological reports, discovered during the biologist site visit required by Section 22.52.2650.B.1, or where the special status species is likely to occur, such ground disturbance, use or project shall not impact an area ~~of~~ exceeding 50 percent of the habitat area for the species of special status on the project lot(s) or parcel(s) of land. p.10, J.Species

When any ground disturbance, use, or project may encroach upon a ~~likely to occur~~ habitat of a special status species ~~of~~, that is identified in the SEA’s SEA description in the General Plan, ~~and~~ stated to be present in the project biological reports, discovered during the biologist site visit required by Section 22.52.2650.B.1, or where the special status species is likely to occur, such ground disturbance, use or project shall not impact an area ~~of~~ exceeding 50 percent of the habitat area for the species of special status on the project lot(s) or parcel(s) of land.

Comment: “SEA” reads better as the adjective, I think. I suggest this in several places.

p.11, K. Water Resources

1. The applicant shall prepare a map depicting water resources, identified in the checklist section on water resources prepared by the County biologist from the site visit required by Section 22.52.2650.B.1. The map shall include the width, . . .

Comment: There should be a clear connection for how the water resources will be identified and then how the map prepared by the applicant is connected.

p.11, 3.

Comment: These setbacks do not fully protect the biota associated with water resources. These setbacks are based chiefly on filtration space needed for runoff purification. Full protection of biota associated with a water resource would be about 1 km. radius (0.6 mi., 3280 ft. applied to all sides of the water resource). This setback seems large, but has

been verified by scientific study. I do not know of studies that examined size of water resource which showed a variable distance of setback needed. The setback would be large for desert habitats where water is at a premium. I am not suggesting change of setbacks, because I have no data on which to base this. Planners and ordinance writers should be aware of what specified setbacks are going to do—protect filtration and certain parts of the biotic diversity. They will not completely protect the biotic diversity associated with the water resources.

p.12. c. Riparian Resources

... If the watercourse is greater than 100 feet wide in a wet year, the setback shall be 300 feet as measured from the outer edge of riparian habitat on each side of the watercourse. If a drainage lacks riparian vegetation, the setback shall be as above from the top of the bank.

p.22.52.2650 Permitted Uses.

A. The following uses are permitted . . .

1. Individual single-family residences and (number ?) accessory structures, including all related ground disturbance, on one lot or parcel of land outside the 100- and 500-year floodplains, and subject to all applicable development standards . . .

Comment: Accessory structures should have a limit on number of accessory structures permitted for SEA-CUP Type A.

p.12.A.2.

2. Any use or project designed such that the entire footprint of the use or project, including all ground disturbance, construction activities, storage, Fuel Modification Zones and related on-site and off-site improvements, is located within previously-permitted grading (for example, development grading with permits) or previously-permitted or by-right disturbed areas (for example, as agriculture that has been fallow for a period not more than 5 years or for example, footprint of single-family residence and allowed accessory structures up to number of accessory structures specified).

Comment: Allowing all previous disturbance to be exempt from SEATAC review is not a good idea for several reasons.

- 1) The map is very useful in many ways, but should not be used to legitimize previous habitat destruction. This penalizes conscientious owners who obtained permits, and it rewards those who defiantly or naively cleared or graded natural habitat. It promotes irresponsible actions that are done by persons unaware of the connectedness of habitat required by wildlife and the necessity of wildlife and clean environment to the survival of humans. It promotes the idea that one persons' needs and property rights are ascendant over well-being of the environment and other persons. Let the owners produce the evidence of permission. The County can assist when records are retrievable.
- 2) Disturbed habitat is a kind of habitat that is required by a number of plants and animals, many of them sensitive. To allow all disturbed habitat in SEAs as a place for development without SEATAC review is short-sighted and damaging to

- the biodiversity of the whole. These areas should be evaluated on a case-by-case basis. They are part of the mosaic of SEA habitat.
- 3) SEATAC will always recommend that development be on appropriate, already-disturbed areas. To preclude SEATAC from making the evaluation of which disturbed areas are appropriate for development, will strongly curtail the usefulness of SEATAC review in preserving the biodiversity of Los Angeles County.
  - 4) This entitlement of previous unpermitted grading could severely damage connectivity and water resources, particularly in the Antelope Valley. Because of the ephemeral nature of water courses there, they are often shallowly impressed and have frequently been graded to the point that they are hardly recognizable. The floodplain is very broad, and planning should recognize its existence. I know of several egregious examples that have occurred just during the time I have been working at DRP:
    - a. A parcel within area #1 of the Joshua Tree Woodlands Habitat was leased to a carrot farmer, who graded the southern part of the lease for installation of a carrot farm. The part he graded included many mature Joshua Trees that could well be hundreds of years old. The woodland was dense with Joshua Trees, and the understory beautiful, with many desert shrubs and a carpet of goldfields in the spring. The grading included the entire section of Antelope Wash in the leased parcels. Antelope Wash is the main drainage of Antelope Valley west of CA-14, but unnamed on topographic maps, so frequently reports call it an “unnamed wash.” It is a principle wildlife corridor and wildlife water resource, and it is also desirable for agriculture, since it is the collection area for runoff west of CA-14. It is a principle source of water for the “dry lakes” on Edwards Air Force base that host thousands of birds during the fall migration. Should this area be a focus for development?
    - b. The probable drainage course of Kings Canyon (west of Broad Wash in the Portal Ridge-Liebre Mountain area) submerges into the sand emerging from the San Gabriel foothills and then resurfaces near the corner of CA-138 (Avenue D) and 170<sup>th</sup> Street West. The drainage was about 10 feet deep on the NE corner, so this corner of the drainage remained intact, but the highways of CA-138 and 170<sup>th</sup> St. West were installed and paved. This drainage is now within an approximate 3-sq.mi. photovoltaic solar farm, with limited wildlife access due to fencing needed to protect the photovoltaic farm from vandalism. The drainage led to Antelope Wash, and eventually to the dry lakes on Edwards Air Force Base. There is no wildlife connection over or under this important intersection into the drainage.
    - c. Near the County line with San Bernardino County in the Desert-Montane SEA, a photovoltaic solar farm is proposed. The solar farm would be placed on an existing carrot farm. The part of the SEA on the parcels was graded flat, even though the SEA overlay on the parcels included the important confluence of Jesus and Puzzle Canyons, tributaries of Big Rock Creek. A 1-mile-long berm was thrown up to block flooding and

siltation from outwash of these creeks, and subsequently wildlife movement along the waterways was blocked. During periods of heavy rain, the confluence reappears on the carrot farm and erodes out the farm roads. During dry periods, the only evidence of water resource is a conduit under one of the farm roads. Should this area be a focus for development?

p.13, 5.a.b.c.

Comment: All 3 of these activities (invasive removal, habitat restoration, wildlife linkage provision) that will be permitted without SEATAC review are supremely important—vital to the SEAs' continued well-being and restoration. SEATAC would probably like to comment, recommend best practices, and make design suggestions. A design influenced by the SEATAC review would be superior to recommendations from a single biologist, and we want the best design possible. Can these benefits for the SEAs be reviewed without requiring an SEA-CUP, but still be reviewed? Could they be type A instead of type B?

p.14, 1.

... likely-to-occur species identified in the ~~SEA's~~SEA ...

p.15, C.

... status identified in the ~~SEA's~~SEA description in the General Plan, or upon an ~~undiscovered~~ or an undescribed or previously-thought extinct species ...

Comment: I do not understand what is meant by "undiscovered."

p.16. b. The number of acres on the project site lot(s) or parcel(s) located within the SEA;  
c. The number of acres on the project site lot(s) or parcel(s) located within the SEA that would be retained as natural open space;

d. Panoramic or composite photographs taken from each ~~from~~ corner of the project site and from the highest elevated points within the project site, along with a photographic key.

Comment: The data should show the total SEA area controlled by the project, not just what is proposed for development, since this is not the final plan and could be changed. The comparison of b. and c. will show the amount of development on SEA that is proposed.

p.16.B.2.

All information required by Section 22.56.030, a burden of proof statement that substantiates the findings required by subsection G below, and any other information ...

Comments: Where is the burden of proof? Current Section 22.56.040 has a general burden of proof for other CUPs that is not specific enough for a biological burden of proof. Burden of proof currently used (22.56.215.F); follows CEQA specifications in PRC Appendix G.IV; is general enough for SEAs; and should be repeated somewhere in new ordinance. This is what was recommended at SEATAC meeting Nov.2012. Is this what is meant: 22.52.2670.H.3? This listing might be the burden of proof, but it fails to list CEQA-required statements on impacts. See comment on p.26, H. Findings below.:

Comment: The reference to subsection “G below” needs to be far more specific, since the G of staff report is many pages below and has multiple topics. Besides, I think the burden-of-proof section is in H so both G and H should be referenced.

p.16,B.3.

All information required by subsections 22.52.2670.A.2.a, A.2.b, and A.2.c above.  
Comment: Wherever possible, to enable specific, facilitated reading of the document, give the entire ordinance reference.

p.17 C.1.c.

... ~~SEA's~~ SEA description . . .

p.18.d.

... where ~~such permanent~~ hardscaping covers an area of one-half acre or one-half the project site, whichever is less.

Comment: The given specification is confusing. “at least one acre in size or an area of half the project site, whichever is the ~~greater~~ lesser.” For a project on a section of 1 square mile, do you actually want to exclude from review a project that would cover 320 acres?

p.18, e.

...and Wildlife Corridors Map ~~and~~ or a linkage identified during the County biologist’s site visit . . .

... subsection 22.52.2670.C.1.e, encroachment . . .

... would narrow the width of the habitat linkage to ~~fewer~~ less than 1,000 feet at any point along the habitat linkage ~~and~~ or diminish in any way a linkage less than 1,000 feet wide.

p.18, g.

Any part of the project lot(s) or parcel(s) are within the 500-year floodplain.

p.19, c.

... alteration of the hydrology and drainage to the majority of the lot or parcel of land, or development, fuel modification, or construction activities within the setback areas for water resources . . .

p.20.2. Open Space Requirement

a. Connective natural floodplain (100- and 500-year), natural water drainage with doubled setbacks, or other natural water resource area on the project lot(s) or parcel(s). Restored floodplain and restoration of water resources are also of high priority.

Comment: Shirley states this should have highest priority. (Joe disagrees.) Re-designate all others as sequential letters. The reason I state this has priority even above like-for-like open space is that once connectivity is lost, it may be impossible to save biodiversity in perpetuity. Connectivity is an inherent feature of water resources, as is water for life for most organisms. Directional water resources like drainages have the impacts propagated both upstream and downstream because of the connectivity function. This is rarely

recognized, but impacting a water resource actually propagates for the whole length of the resource downstream (at least) both underground in the aquifers as well as on the surface in the drainages. This is rarely mentioned in cumulative impact, probably because it is difficult to analyze and appalling to recognize. This connective and extensive influence of water resources is vitally important to the whole of the County's biodiversity. At one time there was a part of the General Plan revision that did propose to plan for connectivity. (Ann Russet did the analysis. It was rough, but at least recognition of the importance was in the plan.) Protection and restoration of water drainages are the best ways to implement the needed connectivity, because the resource infrastructure already exists. Furthermore, positioning development in the floodplain is a dangerous practice in terms of health and safety for humans.

p.21 e. . . . subsections 22.52.2670.E.2.b through E.2.d above.

p.21 3. . . . subsections 22.52.2670.E.2.a through E.2.e above

p.21.4. . . . either subsection 22.52.2670.E.2 or E.3 above

p.21.4. Open space use and design requirements.

p.22, b.(2). Subdivisions

Where a project's ~~site~~ lot(s) or parcel(s) is/are greater than 40 acres in size, . . .

Where a project's ~~site~~ lot(s) or parcel(s) is/are 40 acres or ~~fewer~~ less in size, . . .

p.22, c. . . . subsections 22.52.2670.E.2.b through E.2.e

p.22, 5. Open Space Recordation Requirements.

Comment: We need to start and retroactively record an inventory and public GIS mapping of these dedicated, preserved spaces, adding in designated mitigation areas as well as including conservation easements. Otherwise it is impossible to prevent future development on these areas because we cannot easily identify them. Proper mitigation is in perpetuity—mitigation is compensation for removal of natural resources. There is a case well-known to old-time planners in which an applicant dedicated open space along with development, waited a substantial number of years to try to clear out memory and have documents difficult to reach in archives, and then submitted a project to develop on that previously dedicated open space. Conservation easements are recorded on deeds, but there is no inventory of these either. Sometimes, but not always, they show on the assessor maps.

If open space is required pursuant to either subsection 22.52.2670.E.2 or E.3 above, the following open space recordation requirements . . .

p.23, first line: . . . subsections 22.52.2670.E.2.b through E.2.e above . . .

p.23, b. Subdivisions

. . . subsection 22.52.2670.E.2.a above

. . . with subsections 22.52.2670.E.2.b through E.2.e above

p.23, 6. Open Space Ownership and Management  
...either subsection [22.52.2670.E.2](#) or E.3 above, . . .

p.23, 6.a. All Projects  
... subsections [22.52.2670.E.2.b](#) through E.2.e above . . .  
... perpetuity through dedication to one of the following entities [in descending order of preference](#):

p.24.b. Subdivisions  
... subsection [22.52.2670.E.2.a](#) above . . .  
... with subsection [22.52.2670.E.4.b\(2\)](#) above . . .

p.24, 7. Other Conditions of Approval.

An SEA CUP shall apply to the entire project site, including portions of the project site parcels that are not located within an SEA. An SEA CUP may specify that certain conditions only apply to those portions of a project site within an SEA. ~~The conditions of an SEA CUP may also specify that if the project site is subsequently divided in accordance with a subdivision, any subsequent application to modify the SEA CUP need only relate to the lots or parcels of land affected by such modification instead of the entire project site.~~

[It is a bad idea to restrict review of subsequent projects on a parcel with SEA overlay. Edge effects will most certainly affect the SEA, and a panel review would be the best way to predict what those edge effects could be. Conditions change both on a parcel and in surrounding areas. In a way, this is parcel division that does not accord with the Subdivision Map Act. This proposed measure could be a source of great confusion and consequent environmental degradation.](#)

p.25, G. Staff report

4. Any recommended changes to the proposed ground disturbance, use, or project that are necessary to substantiate the findings required by subsection ~~G~~ (?) below;  
[Comment: This is subsection G, and the section with something like a burden of proof, which may be what is needed for reference here, is 22.52.2670.H.3.](#)

p.25, G.5. . . subsection [22.52.2670.E](#) above, . . .

p.26, 6. . . . subsection [22.52.2670.E.2](#) above, . . .

p.26. H. Findings

1. The applicant has adequately surveyed and disclosed potential impacts to habitats, water resources, species of special interest, [and identified habitat linkages](#) as provided in the SEA Design Manual, and [disclosed all conflicts with CEQA \(California Environmental Quality Act\) requirements, particularly those specified in PRC \(Public Resources Code\), Appendix G.IV](#) to the satisfaction of the Department of Regional Planning . .

Comment: The listing for findings here is inadequate for CEQA. Burden of proof currently used (22.56.215.F); This is what was recommended at SEATAC meeting Nov.2012.

Here are some deficiencies—these kinds of impacts could also be specifically listed as requiring disclosure, but are covered by the reference to CEQA:

- a) any direct impact on a listed species which is not a habitat modification (eg. wind turbine kills of migrating birds and bats could be argued to be a very small habitat modification in terms of ground installation, but turbines are definitely a possible significant impact on wildlife for LA County.)
- b) removal of any sensitive habitat (Some may be discovered during census that were not specified in the SEA descriptions. SEA descriptions are not based on site visits that cover the entirety of the SEA area.)
- c) any adverse effect on wetlands or water resources (Because of the far-reaching effects of impacts on water resources, references to “habitat modification” do not cover the total possible impacts.)
- d) The proposed ordinance listing does cover wildlife connectivity adding suggested modifications.
- e) any impediment influencing native wildlife nursery sites (not only sensitive wildlife)
- f) conflict with any adopted government conservation plan

p.27, first line

value because it contains ~~any~~ a combination of ~~SEA-designated~~ species identified in the SEA descriptions, new sensitive species for the SEA, species at the limits of their natural ranges (extralimital species), ~~habit~~ habitat linkages or portions of habitat linkages, ~~in the SEA descriptions~~, water resources, ~~habitat linkages~~, or high value habitat; and

p.27 3

- b. Closing of a habitat linkage or wildlife corridor mapped on the SEA Habitat Linkages and Wildlife Corridors Map or blockage or contraction of a linkage identified by County biologist on a site visit
- d. Removal of habitat that is the only known location of a ~~SEA~~ sensitive species described in the SEA’s SEA description provided in the General Plan; or
- e. Removal of habitat that is the only known location in the SEA of a sensitive, new or rediscovered species.