



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

May 14, 2015

TO: Pat Modugno, Chair  
Stephanie Pincetl, Vice Chair  
Esther L. Valadez, Commissioner  
David W. Louie, Commissioner  
Curt Pedersen, Commissioner

FROM: Lynda Hikichi *LH*  
Land Divisions Section

SUBJECT: **Project No. PM068736**  
**Tentative Parcel Map No. 068736**  
**RPC Meeting: May 20, 2015**  
**Agenda Item: 8**

Please find enclosed the following supplemental comments/correspondence for the above referenced project:

- Email received from Jacki Ayer dated April 29, 2015 with Regional Planning staff's response,
- Email received from Jacki Ayer dated May 4, 2015 at 2:48 p.m.,
- Email received from Jacki Ayer dated May 4, 2015 at 4:51 p.m.,
- Regional Planning staff's response to Ms. Ayer's May 4 comments,
- Letter received from Alan Laslovich (applicant) dated May 7, 2015,
- Letter received from Hunt Braly (applicant's attorney) dated May 13, 2015, and
- Letter received from Tim Piasky from the Building Industry Association-Los Angeles and Ventura Counties Chapter dated May 13, 2015.

**SUGGESTED MOTION:**

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE THE HEARING FOR 90 DAYS AND DIRECT THE APPLICANT TO REDESIGN THE PROJECT CONSISTENT WITH STAFF'S RECOMMENDATIONS.**

If you need further information, please contact Lynda Hikichi at (213) 974-6433 or lhikichi@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

NP:LKH

Email Correspondence from Ms. Jacki Ayer  
received April 29, 2015

With

Staff's Responses sent May 4, 2015

Lynda Hikichi

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**From:** Joseph Decruyenaere  
**Sent:** Monday, May 04, 2015 12:55 PM  
**To:** 'Jacki Ayer'  
**Cc:** atc@actontowncouncil.org; NHickling@bos.co.la.ca.us; dparadise@hfinc.com; onelaziam@aol.com; Lynda Hikichi; Patricia Hachiya  
**Subject:** RE: Current Regional Planning Policies on Environmental Review Procedures implemented for minor land division projects.

Hi Jacki,

Below, please see my responses you your questions.

Joe

1. The California Environmental Quality Act (CEQA) was adopted in 1970 to preserve environmental quality in all of California, without reference to any County's special documents or special designations. The County acts as an arm of the State to implement the act. There are some types of projects with statutory or categorical exemption, but minor land division is not one of these. When we do the initial study to determine the kind of CEQA document, we generally follow the CEQA Appendix G considerations for biology and these are not referenced to a particular kind of overlay or land designation or kind of non-exempt project. These are in CEQA Appendix G IV. Biological Resources (CEQA App.G.IV.)
2. We are working on developing policy documents for woodlands, including juniper woodland, because we consider it a declining kind of woodland in Los Angeles County. The California Department of Fish and Wildlife also considers juniper woodland an important natural resource in Los Angeles County as has voiced concerns about its reduction in the Acton area. Junipers grow especially well in dry wash environments, so in the case of drainages, juniper woodlands would have special considerations (CEQA App.G.IV.b under CFG codes). Our General Plan, which is close to coming into effect (May 2015), does recognize native trees (junipers are named specifically) as warranting protection. We have a policy C/NR 4.1 for protecting native woodlands and policy corollary C/NR 5: Develop and implement a management program for identification, conservation, definition of policies, and implementation to conserve all native County woodlands. To see all the policies relating to woodlands, go to [http://planning.lacounty.gov/assets/upl/project/gp\\_draft-march2015.pdf](http://planning.lacounty.gov/assets/upl/project/gp_draft-march2015.pdf) use ctrl+f (find) and type in "woodlands"  
See the General Plan Draft EIR: [http://planning.lacounty.gov/assets/upl/project/gp\\_2035\\_deir.pdf](http://planning.lacounty.gov/assets/upl/project/gp_2035_deir.pdf) section 5.4-2 for discussion and a list of the policies that relate to preservation and protection of woodlands, approximately pp. 387-389.
3. We do not have a policy for wildlife corridor identification, but we use generally established principles of what kind of sign to look for and what kinds of locations tend to have directional (back and forth) wildlife movement. Wildlife tends to use linear topography, drainage areas and ridgelines, trails and roads, wherever they are chiefly natural and connect natural areas to one another, areas where the wildlife can find sustenance for existence. Some of these areas are outlined and discussed with respect to the SEA locations in the General Plan EIR, section 5.4-4. The several policies that relate to maintaining wildlife movement and corridors are identified there.  
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One set of studies we use are those done by the South Coast Wildlands group. These studied areas have been used in part to define the SEA areas. It is important to note that the linkage designs identified by

SCW are not the only pathways used by wildlife and that the linkages do not exist as any kind of managed reserve system. There is no guarantee that lands within the linkages will ever actually be protected, and because of that, development decisions outside of identified linkages can still adversely impact wildlife movement in the region. When we consider possible wildlife movement impacts, we do not limit ourselves to supposing that avoidance of SCW linkages equates to a less than significant effect on movement.

4. A Mitigated Negative Declaration was prepared for Vesting Tentative Parcel Map No. 068736. The Initial Study and Mitigation Monitoring and Reporting Program (MMRP) documents can be found on the Department of Regional Planning website here: <http://planning.lacounty.gov/case/view/pm068736/>.
5. Thresholds of significance are any impacts that relate to CEQA App.G.IV in such a manner that the biological resource is adversely affected. The areas examined are: a) species listed as having special status by either CDFW or USFWS; b) riparian and other sensitive natural communities; c) federally-protected wetland; d1) wildlife corridors; d2) wildlife nursery sites; e) conflicts with local policies protecting biological resources; f) conflicts with approved habitat conservation plans of any type.

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**From:** Jacki Ayer [mailto:airspecial@aol.com]

**Sent:** Wednesday, April 29, 2015 11:38 AM

**To:** Joseph Decruyenaere

**Cc:** atc@actontowncouncil.org; NHickling@bos.co.la.ca.us; dparadise@hfinc.com; onelaziam@aol.com

**Subject:** Current Regional Planning Policies on Environmental Review Procedures implemented for minor land division projects.

Dear Mr. Decruyenaere;

A resident of Acton recently notified the Acton Town Council that the Department of Regional Planning for the County of Los Angeles now imposes wildlife corridor, land offset, juniper woodland preservation and a host of other mitigation conditions on large-parcel minor land divisions within the community of Acton and outside of any Significant Ecological Area. The resident has requested the opportunity to bring these issues to the community at a Town Council meeting in May. In preparation for this discussion, I ask that the Department of Regional Planning please provide me with the following:

1. Copies of all current Department policies that pertain to environmental mitigation of minor land division projects, and associated documentation establishing the policy development and vetting process (when it was developed, who developed it, the ordinance or statute it purports to implement, who authorized it, and what County Supervisor(s) approved it). If the Department does not have or rely on any such policies, a simple statement to that effect will suffice.
2. Copies of all current Department policies that pertain to juniper woodland preservation, and associated documentation establishing the policy development and vetting process (when it was developed, who developed it, the ordinance or statute it purports to implement, who authorized it, and what County Supervisor(s) approved it). If the Department does not have or rely on any such policies, a simple statement to that effect will suffice.
3. Copies of all current Department policies that pertain to wildlife corridor identification, preservation, and protection and associated documentation establishing the policy development and vetting process (when it was developed, who developed it, the ordinance or statute it purports to implement, who authorized it, and what County Supervisor(s) approved it). If the Department does not have or rely on any such policies, a simple statement to that effect will suffice.
4. Copies of any and all other current Department policies that pertain in any way to the environmental analysis and mitigation plan that the Department has prepared pursuant to Tentative Parcel Map 68736, along with associated documentation establishing the policy development and vetting process (when it was developed, who developed it, the ordinance or statute it purports to implement, who authorized it, and what County Supervisor(s) approved it). If the Department does not have or rely on any such policies, a simple statement to that effect will suffice.

5. A list of all the "Thresholds of Significance" that the Department has adopted pursuant to the CEQA Statutes and Guidelines, along with supporting documentation that was relied upon to establish these "Thresholds of Significance" (for example, land area calculations, species impact assessments, etc.). If the County has not developed or does not rely on established "Thresholds of Significance" as part of its CEQA Implementation process, a simple statement to that effect will suffice.

Please do not hesitate to contact me if you have any questions or require clarification. I can be reached by email at [airspecial@aol.com](mailto:airspecial@aol.com).

Regards

Jacqueline Ayer

Email Correspondence from Ms. Jacki Ayer  
received May 4, 2015 at 2:48 p.m.

Lynda Hikichi

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**From:** Jacki Ayer [airspecial@aol.com]  
**Sent:** Monday, May 04, 2015 2:48 PM  
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**Subject:** Re: Current Regional Planning Policies on Environmental Review Procedures implemented for minor land division projects.

Hello Joe!

Thank you for that information.

I would however like clarification of DRP's assertions regarding "Thresholds of Significance".

Mitigation requirements under CEQA are limited to only those adverse impacts which are considered "significant"; projects which have adverse impacts that do not meet the "significance" threshold do not require mitigation and merit a negative declaration without an MMP. This distinction between "adverse impacts" and "significant adverse impacts" is crucial to CEQA, however your comment seems to ignore this point. You state "**Thresholds of significance are any impacts that relate to CEQA App.G.IV in such a manner that the biological resource is adversely affected**". This is not correct, and thresholds of significant are not "any" adverse impact. To the contrary, they are limited to "significant" adverse impacts. CEQA makes a bright line distinction between "adverse impacts" and "significant adverse impacts", and this distinction is embodied in the "thresholds of significance" criteria. It is for this reason that the development of "Thresholds of Significance" is so crucial to CEQA. Credible agencies rely on significance thresholds to properly implement CEQA. For example, the South Coast Air Quality Management District has established thresholds of significance for specific pollutant emission levels; a project which will emit below these levels may have an adverse impact on the environment, but the adverse impact is not deemed "significant", so the facility is authorized with a negative declaration.

Given that DRP intends to impose juniper woodland mitigation requirements on TPM 68736, I assume that DRP has concluded that this project will exceed some established "Significance Threshold" for adverse Juniper woodland impacts. Therefore, I ask again what the juniper woodland impact "Threshold of Significance" is. If DRP does not have an established significance threshold for adverse juniper woodland impacts, then it has no basis for concluding that TPM 68736 will generate a significant adverse impact on juniper woodland resources.

I am also troubled by the method in which DRP apparently addresses wildlife corridor issues. Your email includes several assertions such as "**Wildlife tends to use linear topography, drainage areas and ridgelines, trails and roads, wherever they are chiefly natural and connect natural areas to one another, areas where the wildlife can find sustenance for existence.**" and "**One set of studies we use are those done by the South Coast Wildlands group. These studied areas have been used in part to define the SEA areas. It is important to note that the linkage designs identified by SCW are not the only pathways used by wildlife and that the linkages do not exist as any kind of managed reserve system.**" Your response contains nothing specific to TPM 68736, (which incidentally is located miles away from any "linkages" identified by the South Coast Wildlands group - see page 16 in their report found here: [http://secure-web.cisco.com/1zE\\_H2tNXt0XTRaJFacEKg4DX4mTyGEAqAmilhZITNIINP253zSbR4FlhATn5usHRuZldggrg3zFV-LWYlgCJOqSeYidCUy8NljmR-6mn2dYRwMCo-YRmQoRUhRCQIOpiAZfZPsnfsHJSjvFw8tFhyoZrn4eSUL8QgSd-SiR22W123uVSd8ISE8NQWv4Mgw28UmVUwHxoervLU2bzPul4w/http%3A%2F%2Fwww.scwildlands.org%2Freports%2FSCMLRegionalReport.pdf](http://secure-web.cisco.com/1zE_H2tNXt0XTRaJFacEKg4DX4mTyGEAqAmilhZITNIINP253zSbR4FlhATn5usHRuZldggrg3zFV-LWYlgCJOqSeYidCUy8NljmR-6mn2dYRwMCo-YRmQoRUhRCQIOpiAZfZPsnfsHJSjvFw8tFhyoZrn4eSUL8QgSd-SiR22W123uVSd8ISE8NQWv4Mgw28UmVUwHxoervLU2bzPul4w/http%3A%2F%2Fwww.scwildlands.org%2Freports%2FSCMLRegionalReport.pdf)) It does not sound as though DRP has firmly established whether there are any actual wildlife corridors on the land underlying TPM 68736. If DRP does not have concrete evidence regarding whether key wildlife corridors exist on the project, how has it concluded that the project would adversely impact them, or that such impacts (if they exist) are significant?. In other words, what specific evidence does DRP have that an important wildlife corridor is on the property and that the subdivision of the property will

significantly and adversely affect this corridor? I could not find this information anywhere in the project documents.

If these questions are unclear, or you require further information, please do not hesitate to contact me at (949) 278-8460

Thank you

Jacki Ayer

-----Original Message-----

From: Joseph Decruyenaere <jdecruyenaere@planning.lacounty.gov>

To: 'Jacki Ayer' <airspecial@aol.com>

Cc: atc <atc@actontowncouncil.org>; NHickling <NHickling@bos.co.la.ca.us>; dparadise <dparadise@hfinc.com>; onelaziam <onelaziam@aol.com>; Lynda Hikichi <lhikichi@planning.lacounty.gov>; Patricia Hachiya <phachiya@planning.lacounty.gov>

Sent: Mon, May 4, 2015 12:54 pm

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Regards

Jacqueline Ayer

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**Lynda Hikichi**

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**Subject:** Re: Current Regional Planning Policies on Environmental Review Procedures implemented for minor land division projects.

Sorry for the followup...

I forgot to mention that the only Draft General Plan Goal I found which relates to any kind of woodland is "C/NR 4: conserved and sustainably managed woodlands" (Draft GP page 138). This goal, (and the attending policy also shown on pg 138) address woodlands that are "preserved in perpetuity". The implementation program for this GP Goal and policy lists the development of a woodland ordinance (see page 266). There is nothing in the draft C/NR 4 Goal, Policy, or Implementation Program which addresses the forced taking of woodlands, and I found nothing in it which authorizes DRP to compel a subdivider (located outside an SEA) to acquire offset land or give up property, yet it appears from your response that DRP is trying to "bootstrap" C/NR 4 to do just that. TPM 68736 is outside an SEA and it does not address or in any way involve conserved woodland, therefore I fail to see how GP Goal C/NR 4 is relevant. It must also be noted that juniper woodland is not among the 24 sensitive plant communities addressed in the Draft General Plan EIR document, nor is the California juniper a listed species in Table 5.4-1.

Also, a close inspection of Figure 9.2 of the Draft General Plan indicates that TPM68736 is nowhere near any "linkage resources" of concern in the Draft GP.

Finally, TPM 68736 is being processed under the existing, adopted General Plan, and pursuant to the Permit Streamlining Act and other state statutes, DRP cannot presume otherwise.

I am curious; If I have a 5 acre parcel that is zoned A2, is outside an SEA, and is covered in junipers, and I want to remove all the junipers in order to build a 100-dog animal facility, would DRP impose any woodland protection provisions?

Thank you very much

Jacki Ayer

-----Original Message-----

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**To:** 'Jacki Ayer' <airspecial@aol.com>  
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**Subject:** Current Regional Planning Policies on Environmental Review Procedures implemented for minor land division projects.

Dear Mr. Decruyenaere;

A resident of Acton recently notified the Acton Town Council that the Department of Regional Planning for the County of Los Angeles now imposes wildlife corridor, land offset, juniper woodland preservation and a host of other mitigation conditions on large-parcel minor land divisions within the community of Acton and outside of any Significant Ecological Area. The resident has requested the opportunity to bring these issues to the community at a Town Council meeting in May. In preparation for this discussion, I ask that the Department of Regional Planning please provide me with the following:

1. Copies of all current Department policies that pertain to environmental mitigation of minor land division projects, and associated documentation establishing the policy development and vetting process (when it was developed, who developed it, the ordinance or statute it purports to implement, who authorized it, and what County Supervisor(s) approved it). If the Department does not have or rely on any such policies, a simple statement to that effect will suffice.
2. Copies of all current Department policies that pertain to juniper woodland preservation, and associated documentation establishing the policy development and vetting process (when it was developed, who developed it, the ordinance or statute it purports to implement, who authorized it, and what County Supervisor(s) approved it). If the Department does not have or rely on any such policies, a simple statement to that effect will suffice.
3. Copies of all current Department policies that pertain to wildlife corridor identification, preservation, and protection and associated documentation establishing the policy development and vetting process (when it was developed, who developed it, the ordinance or statute it purports to implement, who authorized it, and what County Supervisor(s) approved it). If the Department does not have or rely on any such policies, a simple statement to that effect will suffice.
4. Copies of any and all other current Department policies that pertain in any way to the environmental analysis and mitigation plan that the Department has prepared pursuant to Tentative Parcel Map 68736, along with associated documentation establishing the policy development and vetting process (when it was developed, who developed it, the ordinance or statute it purports to implement, who authorized it, and what County Supervisor(s) approved it). If the Department does not have or rely on any such policies, a simple statement to that effect will suffice.
5. A list of all the "Thresholds of Significance" that the Department has adopted pursuant to the CEQA Statutes and Guidelines, along with supporting documentation that was relied upon to establish these "Thresholds of Significance" (for example, land area calculations, species impact assessments, etc.). If the County has not developed or does not rely on established "Thresholds of Significance" as part of its CEQA Implementation process, a simple statement to that effect will suffice.

Please do not hesitate to contact me if you have any questions or require clarification. I can be reached by email at [airspecial@aol.com](mailto:airspecial@aol.com).

Regards

Jacqueline Ayer

Staff's Responses to  
Email Correspondence  
received May 4, 2015

The following are comments from Ms. Jacki Ayer (received via emails on May 4, 2015) with staff's responses:

1. "Mitigation requirements under CEQA are limited to only those adverse impacts which are considered "significant"; projects which have adverse impacts that do not meet the "significance" threshold do not require mitigation and merit a negative declaration without an MMP. This distinction between "adverse impacts" and "significant adverse impacts" is crucial to CEQA, however your comment seems to ignore this point. You state " Thresholds of significance are any impacts that relate to CEQA App.G.IV in such a manner that the biological resource is adversely affected". This is not correct, and thresholds of significant are not "any" adverse impact. To the contrary, they are limited to "significant" adverse impacts. CEQA makes a bright line distinction between "adverse impacts" and "significant adverse impacts", and this distinction is embodied in the "thresholds of significance" criteria. It is for this reason that the development of "Thresholds of Significance" is so crucial to CEQA. Credible agencies rely on significance thresholds to properly implement CEQA. For example, the South Coast Air Quality Management District has established thresholds of significance for specific pollutant emission levels; a project which will emit below these levels may have an adverse impact on the environment, but the adverse impact is not deemed "significant", so the facility is authorized with a negative declaration."

Staff's response to comment #1:

In general, the County's significance thresholds at the initial study stage are based on Appendix G of the CEQA guidelines. One addition to this list is question (e) in the Biological Resources section of the approved County Initial Study form, which explicitly calls out juniper among several other native tree species. The question reads: "[Would the project] convert oak woodlands (as defined by the state, oak woodlands are oak stands with greater than 10% canopy cover with oaks at least 5 inch in diameter measured at 4.5 feet above mean natural grade) or otherwise contain oak or other unique native trees (junipers, Joshuas, southern California black walnut, etc.)?"

Based on a County review of aerial photographs spanning the period between 1994 and 2013, about 22% of juniper woodland within the Crown Valley area of Acton was removed or seriously degraded. This percentage includes areas that still contain juniper trees but have lost their woodland function because they lack understory.

California juniper is not fire or disturbance adapted because it is an obligate seeder. Too-frequent fire, brush clearance, and other impacts to the understory result in elimination of stands and replacement by scrub or grassland.

Maintenance of an understory is key to the perpetuation of California juniper woodland stands, because junipers need nurse plants to protect seedlings. An adequate layer of nurse plants may require decades to develop before being suitable for juniper recruitment. After that, it is several more decades before

junipers attain mature stature. Understory clearing which is the typical result of adjacent residential use, doesn't allow for this process and ultimately results in type conversion of the stand to annual species.

California juniper is highly flammable and so is a target in fuel-modification plans. Hence, any residential development requires the removal of a large area of juniper trees and associated understory surrounding the house, resulting in a large amount of habitat loss for unclustered development patterns.

In addition, the California Department of Fish and Wildlife (CDFW) has raised concerns regarding the status of juniper woodlands in the Acton area (letter dated October 9, 2013).

For these reasons, and because juniper woodland is likely to be destroyed when located in proximity to residential development, the County perceives the loss of juniper woodlands associated with the proposed project to be potentially significant barring mitigation.

- 2. "Given that DRP intends to impose juniper woodland mitigation requirements on TPM 68736, I assume that DRP has concluded that this project will exceed some established "Significance Threshold" for adverse Juniper woodland impacts. Therefore, I ask again what the juniper woodland impact "Threshold of Significance" is. If DRP does not have an established significance threshold for adverse juniper woodland impacts, then it has no basis for concluding that TPM 68736 will generate a significant adverse impact on juniper woodland resources."**

Staff's response to comment #2:

See above response under comment #1. Additionally, CEQA Guidelines Section 15064(b) states that "an iron clad definition of significant impact is not always possible"; for impacts to juniper woodlands, the County has not adopted a quantitative threshold establishing how much loss of juniper woodland constitutes a significant or less-than-significant impact. Rather, the County relies on a qualitative analysis of the potential impact that juniper woodlands may have, which is appropriate pursuant to CEQA Guidelines Section 15064(f). This qualitative analysis takes into account the factors identified in the response to comment #1, above.

The juniper woodland in Acton has severely declined in the Acton area since 1994, as documented by the aerial photographic archive. Juniper woodland is also non fire- and non disturbance-adapted, and the location of juniper woodland in proximity to residential development tends to degrade or destroy the habitat. This project proposes to remove or seriously degrade 10.9 acres of natural vegetation, supporting approximately 200 individual juniper trees. Based on substantial evidence in the record, the County believes the project would potentially result in a significant adverse impact to juniper woodland, and threatens the longevity of woodland stands in the County.

- 3. "I am also troubled by the method in which DRP apparently addresses wildlife corridor issues. Your email includes several assertions such as "Wildlife tends to use linear topography, drainage areas and ridgelines, trails and roads, wherever they are chiefly natural and connect**

natural areas to one another, areas where the wildlife can find sustenance for existence." and "One set of studies we use are those done by the South Coast Wildlands group. These studied areas have been used in part to define the SEA areas. It is important to note that the linkage designs identified by SCW are not the only pathways used by wildlife and that the linkages do not exist as any kind of managed reserve system. " Your response contains nothing specific to TPM 68736, (which incidentally is located miles away from any "linkages" identified by the South Coast Wildlands group - see page 16 in their report found here: [http://secure-web.cisco.com/1t7brw90OtfSJfu\\_84exiSB741XP0tdLK95eSLgh5ARYvBuekK9K3ebffosrPvYRLzmjPSPb3MUU1RT1Jpq4ftf3Ek5ov5cb-jCkCS\\_Zn5Mt3zrVaNwLg9nFXi0ADVp2jMkU4Zi9DgtX1VoZ3bJ6vKqZSCnpRyILa\\_TMaUBaZUjflf9EA36sDj-pmtquvywgXOVTIkxVv5IIfkKCCZrC4tg/http%3A%2F%2Fwww.scwildlands.org%2Freports%2FSCMLRegionalReport.pdf](http://secure-web.cisco.com/1t7brw90OtfSJfu_84exiSB741XP0tdLK95eSLgh5ARYvBuekK9K3ebffosrPvYRLzmjPSPb3MUU1RT1Jpq4ftf3Ek5ov5cb-jCkCS_Zn5Mt3zrVaNwLg9nFXi0ADVp2jMkU4Zi9DgtX1VoZ3bJ6vKqZSCnpRyILa_TMaUBaZUjflf9EA36sDj-pmtquvywgXOVTIkxVv5IIfkKCCZrC4tg/http%3A%2F%2Fwww.scwildlands.org%2Freports%2FSCMLRegionalReport.pdf)) It does not sound as though DRP has firmly established whether there are any actual wildlife corridors on the land underlying TPM 68736. If DRP does not have concrete evidence regarding whether key wildlife corridors exist on the project, how has it concluded that the project would adversely impacts them, or that such impacts (if they exist) are significant?. In other words, what specific evidence does DRP have that an important wildlife corridor is on the property and that the subdivision of the property will significantly and adversely affect this corridor? I could not find this information anywhere in the project documents."

Staff's response to comment #3:

Analysis of wildlife movement takes into consideration the continuity of habitats and their configuration within the matrix of developed areas and bottlenecks to movement such as freeway undercrossings. It is undeniable based on a review of the site by the County's biologist that wildlife uses the site in question, and based on the species widely known to be present in the Acton area [including species with large territories (e.g., coyote, deer, bobcat, mountain lion, and badger) and small territories (reptiles and small mammals)], many of these species are expected to use the site property, either as the entirety or only a part of their home ranges. Thus, connectivity to the property is important for a suite of species and individuals. Additionally, because of the proximity of the Crown Valley and Red Rover Mine Road undercrossings of the I-14 freeway, the site's position at the southern terminus of a ridge system that provides uninterrupted natural habitat connectivity with the Angeles National Forest, and the potential for development to constrain access to this ridge system, the County determined that mitigation is necessary so as to maintain the permeable character of the local landscape and not to frustrate movement between the National Forest and the freeway undercrossings nearest to the project site. Failing to implement the recommended mitigation could result in a potentially significant impact to wildlife.

The site's location in relation to the South Coast Wildlands (SCW) linkage is immaterial in the context that the commenter provides. The SCW linkage was designed to reflect the "least cost" pathway between the two units of the San Gabriel National Forest—in other words, the linkage requiring the least amount of energy (and by extension the minimum amount of land) to traverse. This least cost

pathway is not the only pathway available to wildlife in the region and its delineation is not to be taken as an implication that habitat outside of the national forest or movement anywhere else in the region is unimportant. The usefulness of the SCW linkage as a planning tool is to point out the minimum amount of land dedication that could maintain connectivity between the national forest units, given the development pattern extant at the time of the linkage's formulation (ca. 2004). Rather than to suggest that impacts outside of the linkage can be ignored with regard to wildlife movement, the importance of maintaining this least cost pathway arises due to all of the impacts to wildlife movement that have occurred and continue to occur *outside* of the linkage. Thus the linkage represents a kind of reserve design that may serve as mitigation for the combined effects of development throughout the region of which the proposed project is a part.

4. "I forgot to mention that the only Draft General Plan Goal I found which relates to any kind of woodland is "C/NR 4: conserved and sustainably managed woodlands" (Draft GP page 138). This goal, (and the attending policy also shown on pg 138) address woodlands that are "preserved in perpetuity". The implementation program for this GP Goal and policy lists the development of a woodland ordinance (see page 266). There is nothing in the draft C/NR 4 Goal, Policy, or Implementation Program which addresses the forced taking of woodlands, and I found nothing in it which authorizes DRP to compel a subdivider (located outside an SEA) to acquire offset land or give up property, yet it appears from your response that DRP is trying to "bootstrap" C/NR 4 to do just that. TPM 68736 is outside an SEA and it does not address or in any way involve conserved woodland, therefore I fail to see how GP Goal C/NR 4 is relevant. It must also be noted that juniper woodland is not among the 24 sensitive plant communities addressed in the Draft General Plan EIR document, nor is the California juniper a listed species in Table 5.4-1."

Staff's response to comment #4:

In addition to C/NR 4, there is **Policy C/NR 3.4: Conserve and sustainably manage forests and woodlands**. This policy is not specific to oak woodlands and makes no reference to whether or not the woodlands are preserved. The County interprets this policy as applying to any locally sensitive woodland habitat, including juniper woodland.

As clarification, the preparation of the Initial Study for the project was done per an analysis of consistency with the existing General Plan and Antelope Valley Area Plan, both of which include policies for the preservation and protection of native woodland and other biological resources, including the following:

- 69. Protect significant vegetation such as the Joshua Tree. [While juniper is not mentioned explicitly in this policy, the use of "such as" implies that there are more vegetation types than just Joshua tree to be considered. The County considers juniper woodland a highly characteristic feature of the Acton area, and is therefore a "significant vegetation" under this policy.]
- 134. Encourage uniform standards for grading practices on steep terrain, and carefully review projects involving major grading to ensure environmentally sound development practices.

- 135. Encourage development to utilize and enhance natural topographic features, thus establishing harmony between the natural and man-made environment.
- 136. Encourage clustering of residential uses on the flatter lands within hilly and mountainous areas to minimize grading and to preserve the natural terrain.

Section 22.44.126 of the County Code (Acton Community Standards District) also emphasizes the protection of native vegetation in development plans.

5. **“Also, a close inspection of Figure 9.2 of the Draft General Plan indicates that TPM68736 is nowhere near any “linkage resources” of concern in the Draft GP.”**

Staff’s response to comment #5:

See above response under comment #3.

6. **“Finally, TPM 68736 is being processed under the existing, adopted General Plan, and pursuant to the Permit Streamlining Act and other state statutes, DRP cannot presume otherwise.”**

Staff’s response to comment #6:

See above response under comment #4.

Letter from Applicant (Mr. Alan Laslovich)

dated May 7, 2015

Alan and Jeanette Laslovich  
3051 Clayvale Road  
Acton, CA 93510

May 7, 2015

Mr. Pat Modugno, Chair  
Los Angeles County Regional Planning Commission  
320 W. Temple Street  
Los Angeles, CA 90012



**Re: Alan and Jeanette Laslovich Vesting Tentative Parcel Map No. 068736**

May 20, 2015 Hearing Item No. 8

Dear Chairman Modugno,  
My wife Jeanette and I are 26 year residents of Acton in North Los Angeles County. Since 2008 we have been trying to get several lots approved on a 20.84 acre parcel.

We have spent considerable time, effort and resources to get to where we are today. At the request of the Regional Planning Staff, we made the following changes in early 2014 to reduce the project from 3 lots to 2 lots and reduce the grading and pad areas to reduce the grading and pad efforts. This was done to minimize the environmental impacts of our project.

The Comparisons of the Revised Parcel Map with the Original Submittal are as follows:

	Original Submittal 2008	Revised Submittal 2014	Reduction
Number of Lots	3	2	33%
Graded Area	10.5 Acres	6.8 Acres	35%
Pad Area	6.63 Acres	4.03	39%
Grading Quantities	154,000 CY	93,000CY	40%

We believed that with these changes we were going to be able to proceed to a Regional Planning Commission hearing by the end of 2014. Unfortunately, that was not the case due to the attempts by Regional Planning to impose unprecedented new juniper woodland habitat mitigation. You will receive more detailed arguments regarding this mitigation in a letter from my legal counsel, Hunt Braly and my Engineer, Dean Paradise, and Biologist, Daryl Koutnik, will be at the May 20<sup>th</sup> hearing as well to both testify and respond to any of your questions.

However, I want to give you the perspective of a small property owner for your consideration.

We are not developers. In addition to being residents of Acton for 26 years, both of our children grew up there and are not 27 and 31. They both have started families and were going to be part of the original Parcel Map.

We have repeatedly asked Regional Planning Staff the basis for imposing the juniper woodland habitat mitigation. Last November we met with them and we were informed for the first time that it was because of an October 9, 2013 letter from the California Department of Fish and Wildlife. While the Staff did not have a copy of that letter at our meeting, it was later sent to us.

Nowhere in that letter does Fish and Wildlife call for mitigation. That is because the letter admits that there is insufficient data at this time. We also pressed the issue that this new mitigation had not gone through any form of public process. To my knowledge, there still has been no public process to impose this new Juniper woodland habitat mitigation.

No Public hearings.  
No Regional Planning Commission hearings.  
No Board of Supervisors hearings.

At this November meeting, Regional Planning Staff admitted that every other project in Acton which had any impact on juniper woodlands habitat prior to our project had been approved. We then asked why the staff was now starting with my small project, without any public process, all they would say is that the Fish and Wildlife was asking for it.

My counsel responded to Regional Planning after receiving a copy of the October 9, 2013 Fish and Wildlife letter, but he never received a written response. Instead, we were contacted in early December by Regional Planning and told that to obtain approval we would have to agree to mitigate the juniper woodland habitat by our payment of an undetermined in lieu fee or the purchase of juniper woodland habitat. Our projection is that this proposed mitigation could exceed the value of our existing property we are simply trying to build two homes on. As a result, we said we could not agree to this proposed mitigation.

Instead of any further discussion with us, Regional Planning proceeded to prepare its Draft Initial Study to send to the State Clearinghouse. When we asked to obtain a copy of this document at that time, we were refused. In early February, 2015, after the 30 day comment period had passed, we once again contacted Regional Planning requesting the status of any comments and a copy of the Initial Study. We were informed on February 11 that a state agency needed several additional weeks to complete its comments. When we still had not received anything, I contacted the State Clearinghouse on February 27<sup>th</sup> and was immediately provided with a copy of a copy of Fish and Wildlife's February 20, 2015 letter, sent three weeks after the deadline.

We did not hear from Regional Planning until March 17 when it finally sent me the Initial Study along with the Mitigation Monitoring Program and asked that we signed it even though it included the juniper woodland habitat mitigation. We informed Regional Planning we could not in good conscience sign that document and requested the hearing, which is on May 20, 2015.

I want to remind the Regional Planning Commission that this will be the first project set for a public hearing that will impose Juniper Woodland Habitat mitigation on development in Acton. This is in spite of the fact that there is no existing ordinance or provision in the exiting General Plan for Juniper Woodland Habitat mitigation and Fish and Wildlife did not make any comments on the Antelope Valley Area Plan, the draft of which has been approved by the Board of Supervisors, stating that the new Antelope Valley Area Plan needed to include protections for Juniper Woodland Habitat mitigation.

Along with the fact that we have seen no basis for the proposed mitigation, it is also unclear and difficult to quantify. The Regional Planning Department mentions an in lieu fee without providing the amount, the purchase of habitat land, along with changing the size and location of the housing pads. Our estimates are that the cost could exceed \$200,000, which would make the project impossible to ever construct.

Once again, if Regional Planning wants to impose a new mitigation, it needs to go about this in the same manner that the Oak Tree Ordinance was adopted. This would include full public discussion and engagement, as this new ordinance would affect properties and developments in Acton, Agua Dulce, Santa Clarita, Castaic and Stevenson Ranch.

It is important to note that we have heard of no opposition in Acton to our project and in favor of

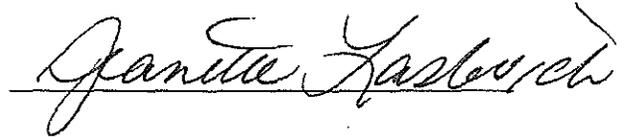
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this new mitigation. The Acton Town Council has already given us (2) support letters in 2008 and then again in 2014. Copies of these letters are attached.

Thank you for your consideration of our comments and we would appreciate your support of our project as currently designed without the proposed Juniper Woodland Habitat Mitigation



ALAN LASLOVICH



JEANETTE LASLOVICH

# ACTON TOWN COUNCIL

P.O. Box 810 Acton, California 93510

Michael R. Hughes  
President  
R.J. Acosta  
Vice President  
Thor Merich  
Treasurer  
Katherine Tucker  
Recording Secretary  
Members  
Ray Billet  
Mike Hainline  
Tami Lambe  
Fred Miller  
Darvin White

October 8, 2014

Lynda Hikichi  
LA County Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

RE: Tentative Parcel Map 068736  
APN 3217-019-013  
Revised Tentative Parcel Map (dated 5-13-2014)

In May 2008 the Acton Town Council reviewed this project and did not object to the project as it was submitted to the Council. (I have attached a copy of that letter for your review.) At that time the project proposed a split of just over 20 acres into 3 parcels.

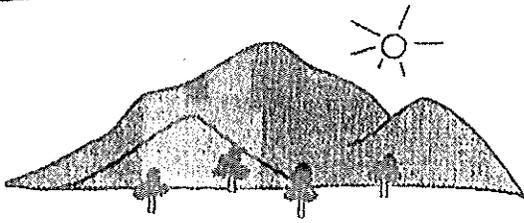
On Oct. 6, 2014, Mr. Laslovich presented a revised map for the Council's review. On this map he proposes reducing the number of parcels from 3 to 2. Each parcel would be just over 10 acres. The Council found no objection to his proposed reduction in the number of parcels. Please note that all other comments in the original letter should continue to be taken into consideration relative to this project.

Thank you,



Michael R. Hughes

President, Acton Town Council



# ACTON TOWN COUNCIL

P.O. BOX 810 ACTON, CALIFORNIA 93510

May 7, 2008

Susie Tac  
Department of Regional Planning  
Land Division Section  
320 West Temple Street (13<sup>th</sup> Floor)  
Los Angeles, CA 90012

Fax: (213) 626-0434

Re: PM 68736

Dear Susie,

The Acton town council has reviewed the referenced project for consistency with the CSD's and does not object to the project as submitted for Council review. We appreciate the efforts of the Laslovich's and the time that they have taken in addressing questions ask by the Council.

PM 68736 is located in a hillside area, however the Department of Regional Planning (DRP) is not applying the hillside protection provisions of the Acton CSD to this project. It appears that DRP's project review process precludes these matters from consideration in this project.

Given these concerns, the Acton Town Council requests that the grading plans prepared for each of the lots created by this subdivision be presented to the ATC at such time as they are developed so that we can assess their consistency with the CSD.

Further the ATC requests that for future projects, that the Department of Regional Planning revise their subdivision review procedures to adequately address the hillside protection provisions contained within the CSD.

In the event that subsequent owners of the parcels that are created by the subdivision want to relocate the pad and/or access route, they can do so by amending the final map, which will ensure that the new locations also comply with the CSD hillside provisions as well.

*President*  
Ray Garwacki  
269-8080

*Vice-President*  
Dick Morris  
547-5273

*Secretary*  
Michael Hugh  
269-1342

*Treasurer*  
Jim Connelly  
269-5675

Jacki Ayer  
269-1981

Ray Billet  
947-2796

Bill Davis  
269-3682

Mike Foster  
714-3349

Carl Young  
342-1983

The ATC notes that our lack of objection to this particular project should limit our comments on future subdivision projects that are located in hill  
lack grading plans.

Respectfully

A handwritten signature in cursive script, appearing to read "William Davis".

William Davis  
For the Acton Town Council

cc. Norm Hickling  
Alan Laslovich

Letter from Applicant's Attorney

(Mr. Hunt Braly)

dated May 13, 2015

# POOLE ■ SHAFFERY

ATTORNEYS AT LAW

Writer's Email: [hbraly@pooleshaffery.com](mailto:hbraly@pooleshaffery.com)

May 13, 2015

**VIA U.S. MAIL AND EMAIL**

[lhikichi@planning.lacounty.gov](mailto:lhikichi@planning.lacounty.gov)

Pat Modugno, Chair  
Los Angeles County Regional Planning Commission  
320 W. Temple Street  
Los Angeles, CA 90012

**Re: Alan and Jeanette Laslovich Vesting Tentative Parcel Map No. 068736**

Hearing Date: May 20, 2015 Hearing Item No. 8  
Our File No.: 1005-3315

Dear Chairman Modugno,

I represent Alan and Jeanette Laslovich, the owners of the above-described real property in Acton and the applicant to subdivide the property to build two single family homes under Tentative Parcel Map 068736.

The Laslovichs have been working on this project since 2007. They have worked diligently with the Department of Regional Planning and the Acton Town Council to address design and environmental concerns which have been expressed and made numerous changes to the project as a result of those concerns. These changes were outlined in my letter of December 3, 2014 addressed to the planner on the project, Lynda Hikichi. A copy of this letter was not provided to the Commission as part of the initial packet, so it is attached.

We are very concerned regarding what we believe are clear misunderstandings and misrepresentations by Regional Planning and these concerns are outlined below:

**Juniper Woodland Mitigation**

For the very first time, Regional Planning is proposing to impose mitigation for the loss of juniper woodland habitat. This mitigation issue was the main purpose a meeting was held with Regional Planning on November 13, 2014. In addition to Regional Planning staff and Mr. Laslovich and his consultants, the Building Industry Association also attended the meeting. Our purpose for this in-person meeting was to understand the basis for any proposed mitigation by the Department prior to finalizing the Environmental document, sending it to the State Clearinghouse for comment and releasing it to the public.

Ms. Hikichi, along with Nooshin Paidar and Joe Decruyenaere from the Department, stressed that the California Department of Fish and Wildlife ("CDFW") had put the County on notice in an October 9, 2013 letter regarding juniper woodland being a special status/sensitive plant community. The Department said it based any proposed mitigation on this letter. However, as discussed in my December 3, 2014 letter to Ms. Hikichi, a fair reading of this letter from CDFW does not support this conclusion. While the letter references some 13 projects totaling 642 acres of proposed projects from 2001-2005, there is no information regarding which projects were approved, how many have been built and any quantification of juniper woodland impact. Even accepting the false premise that this amount of acreage has been impacted, the CDFW letter then stated, "The Department recommends LACDRP track the loss of acreage of juniper woodland, Joshua tree woodland, and other native vegetative communities. Establishing a baseline or native habitat and tracking habitat loss and preservation would be an important planning tool for LACDRP during CEQA planning and project review." The letter further stated that, "the lack of habitat data makes it difficult to assess impacts, making informed decisions, and devise strategies for preservation of biological resources." Aside from the recommendation to protect juniper and Joshua tree woodlands from further degradation and local extirpation, the CDFW letter does not offer recommendations for specific mitigation, mitigation ratios, or even use the word mitigation at all in their letter. A copy of the October 9, 2013 CDFW letter is attached.

While making this request of the Department, the CDFW's posted information on its website and available data, which has been used by our biologist Daryl Koutnik to prepare the project Biological Constraints Analysis, does not indicate any juniper woodland habitat in the area of our project which needs to be considered as sensitive habitat.

In addition, the CDFW subsequently commented on the new Antelope Valley Area Plan, which includes the Acton community where this project is proposed. In the July 16, 2014 comment letter there is no mention that juniper woodland is a special status/sensitive plant community for which impacts should be mitigated. The CDFW followed this letter with additional comments in letters dated August 21, 2014 and October 6, 2014, neither of which mentioned that juniper woodland is a special status/sensitive plant community and had to be mitigated. The approval of the Draft Antelope Valley Area Plan by the Planning Commission and the Board of Supervisors did not provide any required mitigation or recognize juniper woodland as a sensitive plant community. Copies of these three letters are attached.

The May 7, 2015 Staff Analysis for this hearing on this project states that, "The Department of Regional Planning considers the juniper woodlands as one of the declining woodlands within the Los Angeles County ("County"). The California Department of Fish & Wildlife ("CDFW") considers juniper woodlands as an important natural resource in the County and has concern with regard to the cumulative loss of juniper woodlands within the County, particularly in the Acton Area." (Page 5) Unfortunately, these statements have no facts to substantiate them. The Staff Analysis contains no projects which have been approved in the Acton area which have eliminated juniper woodland habitat, even though we requested that information in our November 13, 2014 meeting. An environmental impact must be considered significant before mitigation is required. Why is it imposed on this project when the conclusion of significance cannot be substantiated with facts?

The Laslovichs were required to prepare biological constraints analysis. This report was done by PCR, with Daryl Koutnik as the project manager. Since it was known that juniper woodland habitat was being considered by Regional Planning as a potentially sensitive plant community, PCR undertook due diligence to research what evidence may be available, particularly from the (CDFW), to substantiate whether or not the vegetation community found on the Laslovichs' property and in the Acton area in general is provided sensitive community status. This research is summarized in the May 2014 Biological Constraints Analysis. While the CDFW does recognize several subtypes of juniper woodland as sensitive communities, none of these subtypes match the plant community found on the Laslovichs' property.

PCR also investigated the CDFW website for Areas of Conservation Emphasis (<https://map.dfg.ca.gov/ace/>). CDFW has an online "viewer" with a honeycomb layer of various topics on which they are tracking, one of which is statewide sensitive habitats. Attached is what the CDFW database contains for the Acton area; the Acton area has the lowest sensitivity category for habitats in the region, which we assume includes the juniper woodland habitat that makes up much of the vegetation there.

Finally, the total number of juniper trees on the site is 415, and it is estimated that the impacts are not the broad range stated in the Staff Analysis or the Initial Study. The actual impacts are: 126 impacted junipers from the project development and fuel modification implementation. The vegetation thinning zone of fuel modification, Zone C, contains 98 juniper trees, most of which would remain (based on a personal telephone communication between PCR and Keith Condon of the Los Angeles County Fire Department on December 10, 2013). An estimated 280 juniper trees (67%) would remain unaffected by the project.

**There is no factual environmental basis for Regional Planning to be proposing mitigation of any loss of juniper woodland habitat as part of the approval of this project.**

### **General Plan and Antelope Area Plan Policy Conformance**

For the first time in the May 7, 2015 Staff Analysis, the Regional Planning Department is attempting to assert that this project does not conform to the General Plan and Antelope Area Plan Policies applicable to this project. The Department does not clearly specify which policies are not being followed, but rather makes the blanket statement that, "The proposed two-lot subdivision is not consistent with the above mentioned policies" (page 4)

The Staff Analysis proceeds to state that the building pads are "excessively" large, the driveways accessing the pads are long and the amount of grading is impacting the removal of juniper trees. The Analysis proceeds to incorrectly state that one building pad is on top of a "hillside" in spite of stating earlier in the Analysis that this project is not subject to hillside management criteria. In addition, the Analysis and environmental document states that there are no significant ridgelines on this property. The fact is that the "hillside" referred to in the Analysis is in fact a knoll.

The Staff Analysis also states that this property has scenic value which is impacted by having a residential structure on “top of a hillside”. Once again, this is not a hillside, but rather a knoll. This misrepresentation does not take the place of a careful analysis that determines whether or not this property is a significant view shed that needs protection.

As the Laslovichs stated in their comment letter to the Commission, the pads were reduced from 3 to 2, the grading was significantly reduced to below 100,000 cubic yards and the remaining pads reduced in size. These will be one story homes, not giant multi story houses. The last minute request by Regional Planning staff that the pads be reduced and redesigned could be an additional two year \$80,000 impact on the Laslovichs with no guarantee that it will be acceptable.

The County established the Acton Community Standards District (CSD) to implement special development standards contained in the community, and to protect and enhance the rural, equestrian and agricultural character of the community. The project is a compatible use with its surrounding single family homes and non-urban character. The project is proximate to essential services because of the adjacent residential community to the east. The project location is not designated in any published County or State documents as an environmentally sensitive area. That is why the Acton Town Council has consistently supported this project.

If you cut through the verbiage, you should understand that the claim regarding the inconsistency with the General Plan and Antelope Area Plan Policies is just another effort to enforce juniper woodland mitigation without any environmental basis.

### **Wildlife Corridor**

The Staff Analysis claims that the property is part of a wildlife corridor which needs to be protected. However, there are no cited references that include the Acton area as a movement corridor or critical linkage. That is due to the fact that there is no established corridor in Acton, but rather the closest critical corridor is to the west in the Agua Dulce area.

The Staff Analysis contains nothing specific to the project site in regard to wildlife movement. The South Coast Wildlands group designates a linkage miles to the west of Acton. As a consequence, Regional Planning provides no evidence of the existence of a corridor at the project site yet the Analysis indicates a potential significant impact would occur. This is an unsubstantiated claim.

In spite of this, the MRCA submitted a comment letter dated April 24, 2015 which in addition to supporting the acquisition of habitat mitigation land as proposed by Regional Planning, claims there is a habitat linkage from Ritter Ranch through our property. We are unaware of any studies or adopted plans which support this claim, and there is no substantiation of this claim in the MRCA letter, and as a result no mitigation for this issue should be adopted. With no cited significance threshold stated, there is no basis for concluding that the project will generate a significant impact to wildlife movement.

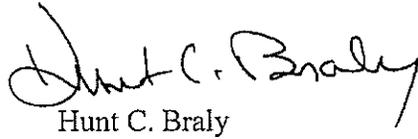
Chairman Modugno  
May 13, 2015  
Page 5

**Conclusion**

We have clearly outlined why the proposed juniper mitigation is not supported by the facts. In addition, this project has received on two separate occasions, in both of its configurations (the 3-lot and 2-lot designs), support from the Acton Town Council. There is no local opposition which has been received against the project and we may conclude that the Acton Town Council considers the project to be consistent with the Acton CSD.

We respectfully request that the Commission approve the project as proposed without the juniper woodland habitat mitigation or the requested redesign.

Very truly yours,



Hunt C. Braly

HCB/sa

Enclosure as noted above

cc: Alan and Jeanette Laslovich  
Dean Paradise  
Daryl Koutnik  
Lynda Hikichi

**POOLE & SHAFFERY**  
ATTORNEYS AT LAW

Writer's Email: [hbralw@pooleshaffery.com](mailto:hbralw@pooleshaffery.com)

December 3, 2014

VIA U.S. MAIL AND EMAIL  
[lhikichi@planning.lacounty.gov](mailto:lhikichi@planning.lacounty.gov)

Lynda Hikichi  
Los Angeles County Department of Regional Planning  
Land Divisions Section  
320 W. Temple Street Room 1382  
Los Angeles, CA 90012

Re: Tentative Parcel Map 068736  
Alan Laslovich APN 3217-019-013

Dear Ms. Hikichi:

This letter is a follow up to the meeting we had with you and your staff on November 13, 2014 to discuss the status of the environmental review of Mr. Laslovich's Tentative Parcel Map for 2 residential lots. I have been asked by Mr. Laslovich and our team to send this letter regarding the potential juniper tree mitigation issue and the concerns apparently raised by the California Department of Fish and Wildlife regarding juniper woodlands.

First, you should have received from Mr. Laslovich's engineer, Dean Paradise, the pdf copy of the Parcel Map which you requested for your circulation. Please confirm that when those will be sent out and when comments, if any, are due back.

Secondly, we have taken a careful look at the October 9, 2013 letter from Edmund Pert, Regional Manager South Coast Region of the California Department of Fish and Wildlife (CDFW) to Ms. Nooshin, Supervising Regional Planner, which you referenced in our meeting. We understood from our meeting that the Department believes that the CDFW had determined that juniper woodlands is a special status/sensitive status plant which needs environmental protection under CEQA and that mitigation would need to be required. However, our review of this letter does not support this conclusion. While the letter references some 13 projects totaling 642 acres of proposed projects from 2001-2005, there is no information regarding which projects were approved, how many have been built and any quantification of juniper woodland impact. Even accepting the false premise that this amount of acreage has been impacted, the CDFW then stated, "The Department recommends LACDRP track the loss of acreage of juniper woodland, Joshua tree woodland, and other native vegetative communities. Establishing a baseline or native habitat and tracking habitat loss and preservation would be an important planning tool for LACDRP during CEQA planning and project review." While making this request of the Department, the CDFW's posted information on its website and available data, which has been used by our biologist Daryl Koutnick, does not indicate any juniper woodland impact in the area of our project which needs to be considered.

Lynda Hikichi  
Los Angeles County Department of Regional Planning  
December 3, 2014  
Page 2

The CDFW letter further requested that the Los Angeles County General Plan update include a provision for recognizing juniper woodland. In spite of this request, the CDFW's comment letter dated October 6, 2014 regarding the Draft EIR on the Antelope Valley General Plan Update did not state that juniper woodland should be included on the list of special status/sensitive status plants contained in the Draft EIR. When Los Angeles County Board of Supervisors passed the Final EIR on November 12, 2014 for the Antelope Valley General Plan Update there was no mention of juniper woodland in the motion and juniper woodland protection is not included in the Final EIR or in the Mitigation Monitoring Program.

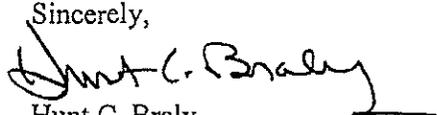
There is no basis for Regional Planning to use this Tentative Parcel Map as the vehicle to provide sensitive/special status to juniper woodland when there has been no studies, no public process to discuss making this change and adopting new mitigations, and the CDFW did not even make a comment or request that juniper woodland receive this designation in their October 6, 2014 letter commenting on the Antelope Valley General Plan Update Draft EIR.

Finally, we would urge Regional Planning to take into consideration the significant modifications we have made to the project to reduce its environmental impact. These changes include:

- \*Reduced Lots from 3 to 2.
- \*Decreased the Grading Area from 10.5 acres to 6.8 acres.
- \*Decreased the Pad Area from 6.63 acres to 4.03 acres.
- \*Reduced the amount of Grading from 154,000 CY to 93,000 CY

Based on this information, we request that Regional Planning completes its Environmental Analysis without any juniper woodland mitigation, circulate the document, and schedule this matter for the Planning Commission as soon as possible in 2015.

Please let me know if you have any questions.

Sincerely,  
  
Hunt C. Braly

HCB/sa

cc: Alan Laslovich  
Dean Paradise, Hall & Foreman  
Daryl Koutnik, PCR  
Marta Golding Brown, BIA  
Steven Schulyer, BIA  
Nooshin Paidar, Supervising Regional Planner  
Joe Decruyenaere, Biologist, Impact Analysis Section



State of California – Natural Resources Agency  
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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



October 9, 2013

Ms. Nooshin Paidar, Supervising Regional Planner  
Los Angeles County  
Department of Regional Planning, Land Divisions  
320 W. Temple Street, Suite 1382  
Los Angeles, CA 90012  
<http://planning.lacounty.gov>

**Subject: Juniper Woodland Conservation Efforts in Los Angeles County**

Dear Ms. Paidar:

This letter is in response to a request made by the Los Angeles County Department of Regional Planning (LACDRP) during the August 1, 2013 conference call with the Department of Fish and Wildlife (Department). During the conference call, the Department expressed concern regarding the continued loss of juniper woodlands within the County of Los Angeles. LACDRP requested the Department submit a letter which articulates those concerns and therefore assist LACDRP during impact analysis and planning-decision efforts during their project review process.

The California Department of Fish and Wildlife (Department) has concerns regarding the cumulative loss of California juniper woodland (*Juniperus californica*, juniper woodland) within the County of Los Angeles (County) and particularly within the Acton area. These losses are a result of continued development, fuel modification, and human-caused wildfire. Juniper woodland includes stands where California junipers are dominant or co-dominant (Sawyer, et al. 2009). These woodlands support a high diversity of plant and animal species and provide important wildlife-movement habitat between the two areas of the Angeles National Forest (San Gabriel and Sierra Pelona Mountains) within the Santa Clara River Watershed. This corridor is recognized by the Department and other resource agencies, state and local conservancies, conservation organizations, and citizens within the County and the City of Santa Clarita as having a high priority for conservation. The corridor is considered an Area of Conservation Emphasis by the Department for wildlife movement and its juniper woodland habitat components.

In 2006, The Nature Conservancy published their *Santa Clara River Upper Watershed Conservation Plan* (Plan) following extensive collaboration with a multitude of conservation groups, conservancies, and federal, state, and local agencies. The Plan's executive summary states:

"The upper watershed of the Santa Clara River encompasses an area of great biological richness. Those values, however, are increasingly threatened by the conversion of habitat to human land uses that are incompatible with biodiversity conservation, as well as by invasive species and altered fire regimes. The intent of this conservation plan is to focus collaborative, strategic conservation action to abate the main threats to — and enhance the viability of — the watershed's unique natural heritage. Guided by The Nature Conservancy's conservation planning framework and the collective expertise of numerous stakeholders, this conservation

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Ms. Nooshin Paidar, Supervising Regional Planner  
Los Angeles County  
October 9, 2013  
Page 2 of 3

plan highlights the ecological assets, or conservation targets, of the upper watershed. It analyzes land uses, conditions and activities that threaten the viability of the targets. Based on the analysis of targets and threats, the plan identifies strategies that can be undertaken by partners and stakeholders of the watershed to enhance the viability of the conservation targets as well as to abate the threats to them. Success in achieving the goals of this plan will be measured against short- and long-term benchmarks." Appendix D, Page D1 of the document describes Acton as a "Conservation Focus Area" and states Acton is:

"A mosaic of desert communities, dominated by desert buckwheat and California juniper, covers roughly 30 percent of the focus area. The desert communities are located in the northern portion in an area with little public ownership. Primary threats are incompatible development, increased fire frequency, and fragmentation. Protection of the transition zone between the desert, coastal, and montane communities is critical for maintaining large-scale ecological processes."

To illustrate further, the Department conducted an informal audit of Los Angeles County Department of Regional Planning (LACDRP) publically noticed CEQA documents reviewed by the Department for proposed projects within the town of Acton between the years 2001-2005. Thirteen projects totaling approximately 642 acres were tallied, all of which were described as supporting juniper woodland. It is likely that additional losses of juniper woodland have occurred at project sites deemed exempt by the County during this same timeframe. The Department is concerned that the continued incremental and cumulative impacts of these projects on biological resources may become significant and result in the degradation of the quality of the environment and associated habitat for fish and wildlife species.

The Department recommends LACDRP track the loss of acreage for juniper woodland, Joshua tree woodland, or other native vegetative communities. Establishing a baseline for native habitat and tracking habitat loss and preservation would be an important planning tool for LACDRP during CEQA planning and project review. The lack of habitat data makes it difficult to assess impacts, make informed decisions, and devise strategies for preservation of biological resources within these areas.

The Department recommends that an analysis be included for each project submitted to the LACDRP that proposes to impact juniper woodland, Joshua tree woodland, and other native vegetative communities. In addition the Department requests that the Los Angeles County General Plan update include a provision for recognizing juniper woodland, Joshua tree woodlands and other declining native vegetative communities as warranting further impact-analysis effort and establishing mechanisms to preserve and protect these communities from further degradation and local and/or regional extirpation.

The Department recommends requiring all biological studies, for the purpose of CEQA, utilize the vegetation classification system found in The Second Edition of a *Manual of California Vegetation*, which provides a standardized, systematic classification and description of vegetation in the State. This classification system has been the State standard since 2009 and would enable LACDRP to make a meaningful assessment and informed decision regarding future projects.

Ms. Nooshin Paidar, Supervising Regional Planner  
Los Angeles County  
October 9, 2013  
Page 3 of 3

Finally, the Department is available to meet with the LACDRP to discuss conservation efforts within the County of Los Angeles. Thank you for your consideration in this matter. Please contact Mr. Scott Harris, Environmental Scientist, at (626) 797-3170 if you should have any questions.

Sincerely,



Edmund Pert  
Regional Manager  
South Coast Region

ec: Ms. Betty Courtney, CDFW, Santa Clarita  
Ms. Erinn Wilson, CDFW, Los Alamitos  
Ms. Kelly Schmoker, CDFW, Laguna Niguel  
Mr. Dan Blankenship, CDFW, Santa Clarita  
Ms. Mary Meyer, CDFW, Ojai  
Mr. Scott Harris, CDFW, Pasadena



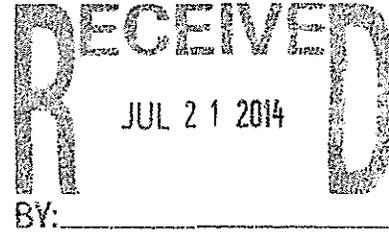
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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



July 16, 2014

Mr. Carl Nadela, AICP, Regional Planner  
Los Angeles County Department of Regional Planning  
320 W. Temple Street, Room 1356  
Los Angeles, CA 90012  
Email: tnc@planning.lacounty.gov



**Subject: Comments on the Notice of Preparation of a Programmatic Environmental Impact Report for the Los Angeles County Antelope Valley Areawide General Plan Update, Los Angeles County**

Dear Mr. Nadela:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the comprehensive update of the Los Angeles County Antelope Valley Areawide General Plan Programmatic Environmental Impact Report (DPEIR) (project), which is part of the Los Angeles County General Plan.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.*

The County of Los Angeles (County) will be the Lead Agency for the project which is part of the Los Angeles County General Plan. The project includes goals, policies, implementing programs and ordinances that will be implemented to protect important ecological and agricultural resources and preserve the rural character in the Antelope Valley communities, while accommodating subsequent projects that will facilitate new housing and employment opportunities in appropriate, clearly defined, specific areas of the Antelope Valley. The project will replace portions of the existing Antelope Valley Areawide General Plan adopted in 1986.

The 1,800 square mile project planning area (planning area) is in the unincorporated area of the Antelope Valley in Los Angeles County and includes over two dozen communities. The planning area is located in the northern part of Los Angeles County, stretching from the Ventura County, Kern County, and San Bernardino County border lines and the Angeles National Forest (inclusive). It excludes the Cities of Lancaster and Palmdale.

The Department offers the following comments and recommendations to assist the County in avoiding or minimizing potential project impacts on biological resources:

#### Specific Comments

1. Sensitive Biological Resources. The NOP describes the project site as including the unincorporated portions of Los Angeles County within the Antelope Valley (West Mohave

resources that are dependent on these resources. Project should be required to set aside a portion of the project's water resources for fish and wildlife purposes.

2. Best Management Practices. The Department recommends that the project address measures to protect biological resources when considering solar and wind development approvals in the Antelope Valley. On a regional level, and as part of the State's commitment to SB 32, the Department is working with stakeholders (including local governments, environmental groups, and renewable energy developers) and other State and federal agencies to complete the DRECP). The purpose of the DRECP is to facilitate permit streamlining of renewable energy projects while providing a large-scale conservation strategy for the biological resources of the Planning Area, which includes the Mojave and Sonoran deserts of California. The portion of the Antelope Valley within the County is within the boundary of the DRECP planning area. The Department encourages the County to utilize current resources on the DRECP website (see website at [www.drecp.org](http://www.drecp.org)) drafted by the Renewable Energy Action Team (REAT). The REAT's founding members include the California Energy Commission, the Bureau of Land Management, the US Fish and Wildlife Service and the Department. The REAT developed the *Best Management Practices and Guidance Manual* ("BMP Guidance Manual", located on the website) to provide guidance to project proponents, which includes detailed measures to avoid, minimize, and mitigate impacts to sensitive species known to occur within the Planning Area. The Department recommends the County utilize the BMP Guidance Manual in its efforts to address impacts to biological resources from wind and solar projects.
3. Program EIR and Tiering. The NOP describes that the County has determined that a DPEIR will be prepared for the proposed project. The DPEIR will focus on the primary effects that can be expected to follow from adoption of the project and will not be as detailed as an EIR on the specific development or construction projects that may follow.

The Department recognizes that there are several advantages to a DPEIR, such as subsequent project activities within the scope of the PEIR would not require preparation of an additional environmental document (CEQA Guidelines, § 15168). Based on the large scale and scope of the project and anticipated preparation of a program EIR, the Department anticipates that additional environmental documents will need to be prepared and tiered from the EIR for certain subsequent project activities (CEQA Guidelines, §§ 15152 & 15162).

Establishing a procedure in the DPEIR for determining if subsequent project activities are within the scope of the EIR, or require an additional environmental document, will be critical to ensuring adequate analysis of project activity effects on biological resources. CEQA Guidelines section 15168 states: *[w]here the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR*. Such a procedure and checklist, which could be used as a model, was recently developed for infill projects and can be found in CEQA Guidelines section 15183.3, which includes the requirement for the lead agency to file a Notice of Determination for each subsequent project activity.

The checklist should be accompanied by enough relevant information and reasonable inferences from this information to support each conclusion concerning biological resources.

- lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
- c) Sensitive Wildlife Species. An inventory of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.
  - d) California Natural Diversity Database. A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at [www.wildlife.ca.gov/biogeodata/](http://www.wildlife.ca.gov/biogeodata/) to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. The Department recommends a 9 quad search around the project vicinity to identify potential sensitive species within the Project area.
6. Impact analysis. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR.
- a) Impacts to Streams and Riparian Habitat. The Department has responsibility for streams and riparian habitats. It is the policy of the Department to strongly discourage disturbance to wetlands or conversion of wetlands to uplands. All wetlands and watercourses, whether intermittent episodic or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.
  - i) Lake and Streambed Alteration Agreement. The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the document

impacts. The Department considers these communities as threatened habitats having both regional and local significance.

- b) Restoration and Protection of Land for Sensitive Species. The DEIR should include mitigation measures for adverse Project -related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
- c) Long Term Management of Protected Lands. For proposed preservation and/or restoration, the DEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the Plan-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include, but are not limited to, restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion.
- d) Nesting Birds. The Department recommends that measures be taken to avoid impacts to nesting birds during the implementation of the Project. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1- September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- e) Habitat Restoration Plans. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of



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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



August 21, 2014

Ms. Connie Chung  
County of Los Angeles Department of Regional Planning  
320 West Temple Street, Room 1356  
Los Angeles, CA 90012  
E-mail: generalplan@lacounty.gov

**Subject: Comments on the Draft Program Environmental Impact Report for the Los Angeles County General Plan Update, County of Los Angeles (SCH #2011081042)**

Dear Ms. Chung:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Program Environmental Impact Report (DPEIR). The DPEIR addresses the environmental effects associated with the implementation of the proposed Los Angeles County General Plan Update (Project). The Project, which is designed to cover build-out projections through the year 2035, includes revisions to nine proposed elements that will replace the existing adopted elements. The proposed elements include Land Use, Mobility, Air Quality, Conservation and Natural Resources, Park and Recreation, Noise, Safety, Public Services and Facilities, and Economic Development.

The Project includes only the unincorporated areas of Los Angeles County (County) including Santa Catalina Island and San Clemente Island, which is approximately 65 percent of the total 4,083-square-mile land area in the County. The unincorporated areas in the northern portion of the County are covered by large amounts of sparsely populated land and include the Angeles National Forest, part of the Los Padres National Forest, and the West Mojave Desert. The unincorporated areas in the southern portion of Los Angeles County consist of noncontiguous land areas, which are often referred to as the County's "unincorporated urban islands."

The Project also includes goals, policies, and programs which minimize hazard risks to life, property, and ecological resources by limiting development in Special Management Areas. Special Management Areas include, but are not limited to, Agricultural Resource Areas, Airport Influence Areas, Seismic Hazard Zones, Flood Hazard Zones, Significant Ecological Areas, Hillside Management Areas, and Very High Fire Hazard Severity Zones.

The DPEIR analyzes three alternatives to the proposed Project: Reduced Intensity Alternative, No-Project/Existing General Plan Alternative, and Antelope Valley Reduced Intensity Alternative.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the Project (CEQA Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed Project that come under

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the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.*

#### Impacts to Biological Resources

- 1) Reduced Intensity Alternative – Page 7-16 of the DPEIR states the Reduced Intensity Alternative "would reduce the overall additional development intensity by 30 percent within each Planning Area as compared to the Proposed Project." Page 7-17 of the DPEIR states "Since the Reduced Intensity Alternative does not reduce the amount of land designated for development, impacts to biological resources would be similar to the Proposed Project, and would remain significant." The Department requests that the DPEIR define the word "intensity" as compared to the word "density" and clarify further why reducing intensity of development does not reduce impacts to biological resources. If the Reduced Intensity Alternative will allow build-out to occur over a greater area thereby resulting in potentially greater impacts to biological resources, please confirm this in the document. The Department recommends avoiding sensitive biological resources in the planning area by planning for denser developments within smaller footprints of land. This could reduce project footprints including fuel modification, access roads, and other infrastructure necessities.
- 2) Antelope Valley Reduced Intensity Alternative – Section 7.6., page 7-23 of the DPEIR states "Since the Antelope Valley Reduced Intensity Alternative reduces the residential development within the Antelope Valley Planning Area, impacts to biological resources would be reduced as compared to the Proposed Project, although they would remain significant." Table 7-1 of the DPEIR titled Summary of Development Alternatives states on page 7-7 that the Antelope Valley Reduced Intensity Alternative "Reduces, but does not eliminate, significant impacts to aesthetics, agriculture and forestry resources, air quality, GHG emissions, noise, population and housing, and transportation/traffic." The Department requests that the DPEIR clarify if the Antelope Valley Reduced Intensity Alternative reduces impacts to biological resources and if forestry resources are considered biological resources for the purposes of the DPEIR. These terms should be consistent.
- 3) Hillside Management Areas – Section 1.4.1, page 1-7 of the DPEIR states "The County of Los Angeles Hillside Management Area (HMA) Ordinance applies to all unincorporated areas of Los Angeles County that contain terrain with a natural slope of 25 percent or greater. The goal of the ordinance is to ensure that development preserves the physical integrity and scenic value of HMAs, provides open space, and enhances community character." The term "open space" can have broad interpretation. Often times hillsides can provide some of the last remaining habitat for biological resources and important watershed protection values because hillsides pose greater building constraints and are therefore some of the last areas to be left undeveloped in many portions of the planning area. Retaining hillside attribute contributions to biological and watershed integrity should be more clearly recognized in the DPEIR.
- 4) Agricultural Resource Areas (ARAs) – The Environmental analysis in Chapter 5.2 of the DPEIR describes ARAs designated within the Antelope Valley Planning Area (34,162 acres or 98 percent of the ARAs) and the Santa Clarita Valley Planning Area (740 acres) and states on page 5.2-24 "ARAs are areas where the Proposed Project promotes the preservation of agricultural land. These areas are protected by policies to prevent the

conversion of farmland to incompatible uses. ARAs consists of farmland identified by the California Department of Conservation and farms that have received permits from the Los Angeles County Agricultural Commissioner/Weights and Measures. The County encourages the preservation and sustainable utilization of agricultural land, agricultural activities and compatible uses within these areas." The DPEIR also explains that ARAs exclude proposed Significant Ecological Areas.

Chapter 5.2 of the DPEIR should determine if biological resource preservation within ARAs is considered a compatible use. If compatible the Department recommends it be a consideration in future planning efforts within these areas. The DPEIR should explain further why the proposed Significant Ecological Areas are not included within designated ARAs. If the reason for this exclusion is to further protect biological resources within SEAs from biologically incompatible agricultural practices such as type conversion of native habitat, use of pesticides and herbicides and other actions resulting in the loss of biological diversity, this should be clearly stated in the DPEIR under Chapter 5.2 and within the Biological Resources Chapter 5.4 of the DPEIR.

The DPEIR should analyze how the proposed ARA program and related policies in the proposed General Plan Update that are designed to encourage the continued use of farmland may impact biological resources within ARAs. If policies in the General Plan may result in or facilitate lack of site specific biological resource assessment, impact and mitigation measures within ARAs or elsewhere in the planning area, this should be considered a significant direct and cumulative impact. The Department is concerned that unregulated agricultural practices may continue to result in the loss of biological diversity and associated special status species and jurisdictional waters within the planning area, minus a biological constraints analysis and resulting protective planning measures.

- 5) Existing Wildlife and Botanical Resource Conditions – Section 5.4.1.2 of the DPEIR describes existing biological resources within the Project planning area, and page 5.4-16, Figure 5.4-1 titled, Sensitive Biological Resources, shows the locations of special-status plant and wildlife species occurrences within the Project planning areas. Additional Figures of sensitive biological resources are located in Appendix H1 of this DPEIR, showing the designated critical habitat for each Project planning area. Page 5.4-21 through page 5.4-25 describes sensitive plant communities located within the designated special planning areas included within the Project planning area. These sensitive plant communities are derived from the Natural Diversity Data Base. Undocumented wildlife and plant communities and species accounts are likely to be described in Los Angeles County in the future following focused survey efforts from subsequent project impact reviews performed under CEQA and from other observations that contribute to this body of information. The Department recommends the DPEIR include a caveat that the known wildlife, plant community, and species occurrences referenced throughout the PDEIR may be subject to refinement based upon new information. The Project should include measures for adaptive management based upon any new species account information.

The Department recommends that the Project require as a standard, that all botanical assessments for CEQA purposes use the vegetation classifications found in the most current edition of *A Manual of California Vegetation*, which provides a standardized, systematic classification and description of vegetation in the State. Many CEQA documents received by the Department describe native vegetation in generic terms such as "chaparral"

or "coastal sage scrub" that tend to downplay any significant vegetation resources on the Project site. The Department's guidelines should make it easier for the lead agency to determine which Projects are impacting rare habitat because the different dominant communities on-site will be described at a level to allow meaningful assessment. The classification system has been the State standard since 2009 and requiring this system in the Project will facilitate planning consistency.

Further guidance on nomenclature standards and assessing Project impact significance can be found on the following Department's website: [http://www.dfg.ca.gov/biogeodata/vegcamp/natural\\_comm\\_background.asp](http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_background.asp). The Department recommends Desert Dune Scrub communities be added to the Vegetative Community List in the DPEIR. Representative scrub types found in Desert Dune Scrub include but are not limited to:

a) Halophytic saltbush

Halophytic saltbush communities are dominated by shadscale (*Atriplex confertiflora*) or spinescale (*Atriplex spinifera*), and occur adjacent to lakebeds, clay pans, and drainages. The depth of sand deposits determines the diversity of plant species in the saltbush communities (USACE, 2004). The areas nearest the lakebed and areas scoured by floods are dominated by heavy clay soils and contain spinescale. Plants such as alkali sacaton (*Sporobolus airoides*), Joshua trees, and four-wing saltbush (*Atriplex canescens*) are commonly found within this plant community (Jones and Stokes 2011).

b) Xerophytic saltbush

The xerophytic communities are dominated by allscale (*Atriplex polycarpa*) (Jones and Stokes 2008). These plant communities are generally located at slightly higher elevations than halophytic communities.

6. Wildlife Linkages – Page 5.4-89 of the DPEIR describes several Los Angeles County regional wildlife linkages and states "The South Coast Missing Linkages is the result of a collaborative inter-agency effort to identify missing landscape linkages throughout Southern California that are important to habitat connectivity. There are five linkages identified by South Coast Wildlands within Los Angeles County and the immediately surrounding areas." The South Coast Missing Linkages report is an excellent reference source from which to begin the evaluation of wildlife movement resources within the Project planning area. However this reference should not be relied upon solely for Project specific movement resource assessment and planning purposes because this reference is not an exhaustive study of the County and includes known wildlife movement opportunities. Subsequent CEQA review should evaluate the potential for additional wildlife movement resources on a project by project basis.
7. Watershed and Groundwater Protection – Page 5.4-107 of the DPEIR describes policies in the Conservation and Natural Resources Element for in the General Plan for protecting biological resources. C/NR 3.9 states "Consider the following in the design of a Project that is located within an SEA, to the greatest extent feasible." One component of Element C/NR 3.9 states "Maintenance of watershed connectivity by capturing, treating, retaining, and/or infiltrating storm water flows on site." Page 5.9-24 of the DPEIR states "According to

Appendix G of the CEQA Guidelines, a Project would normally have a significant effect on the environment if the Project would: HYD-2 Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or CV."

The Department is concerned about the present and future status of groundwater availability in supporting and enhancing biological resources. This concern is based upon current drought conditions, the recognition of continued predicted droughts resulting from climate change, projected build-out scenarios analyzed in the Project, and continued unsustainable ground water pumping in the Project planning area. The Conservation and Natural Resources Element should discuss how protection of groundwater resources within the Project planning area will be facilitated and managed in a sustainable manner in order to maintain and restore biological resources. The Department recommends this discussion include present regulatory conditions and how the Project will accommodate for adaptive measures in policy and plans to incorporate any future ground water regulatory measures that may be implemented in the future. In addition to the Significant Ecological Areas, the Conservation and Natural Resource Element, the County should consider including a broader element that recognizes the watershed value of permeable surfaces within the entire Project planning area as a whole and their contribution to water quality, groundwater storage and biological value.

8. Impact 5.4-1 – Development of the Proposed Project would impact, either directly or through habitat modifications, species identified as candidate, sensitive, or special-status in local or regional plans, policies, or regulations or by the Department or the U.S. Fish and Wildlife Service. To reduce adverse biological effects from Impact 5.4-1, page 5.4-106 of the PDEIR states "Fuel modification of habitable structures would limit vegetation removal in dedicated open space areas." The Department is concerned that brush clearing activities within the County for the purposes of reducing wildfire or other hazards or for other purposes such as preparing properties for eventual development, often escape biological resource protective regulatory oversight by local governmental agencies responsible for implementing fuel modification, vector abatement or other clearing or grading related codes. This problem is likely to increase considering Project build-out projections.

The Department recommends that the County Department of Regional Planning exercise its available authority to implement a brush clearing ordinance through the General Plan Update within the Project planning area that is protective of biological resources. This planning effort could greatly facilitate the preservation of biological diversity in the Project planning area. Protective measures for biological resources where vegetation clearing is to take place should include: pre-project surveys for native nesting birds and other special status wildlife and plant species and regulated waters of the state. Where these biological resources cannot be avoided because of public safety concerns and property protection, mitigation measures should be implemented to reduce direct and cumulative impact levels to biological resources.

9. Impact 5.4-5 – The Proposed Project would require compliance with adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state policies or ordinances protecting biological resources. Page 5.4-115 of the

DPEIR states "As discussed above, Los Angeles County supports seven regional wildlife linkages: San Gabriel – Castaic Connection, San Gabriel – San Bernardino Connection, Santa Monica – Sierra Madre Connection, Sierra Madre – Castaic Connection, Tehachapi Connection, Antelope Valley Connection, and the Puente Hills –Chino Hills Connection. There are 11 linkages along principal water courses, 9 linkages along ranges of mountains and hills, and an important linkage along the San Andreas Fault." Realizing that the Project is designed to address the County's policy for many years and the likelihood that additional linkages and other sensitive biological resources will be documented in the future, the Project should recognize this potential throughout the Project resource assessment, impact analysis and mitigation measures. For example the above statement should read "As discussed above, Los Angeles County supports seven known regional wildlife linkages: San Gabriel – Castaic Connection, San Gabriel – San Bernardino Connection, Santa Monica – Sierra Madre Connection, Sierra Madre – Castaic Connection, Tehachapi Connection, Antelope Valley Connection, and the Puente Hills –Chino Hills Connection. There are 11 known linkages along principal water courses, 9 known linkages along ranges of mountains and hills, and one known important linkage along the San Andreas Fault."

10. Mitigation Measure BIO-1 – Page 5.4-117 of the DPEIR states: "Mitigation measure BIO-1 and the update to the SEA Ordinance may provide some protection measures to avoid or minimize impacts to wildlife corridors and nursery sites; however, for those Projects where avoidance or minimization of impacts is infeasible, the policies proposed in the Proposed Project do not provide for mitigation for loss of wildlife movement opportunities or nursery sites. If development impacts regional wildlife linkages and impedes wildlife movement, connectivity will be lost on a regional scale in these vital landscape corridors and linkages. Thus, impacts to wildlife movement remain significant at the General Plan level."

The Department does not concur with the conclusion in the DPEIR that unavoidable loss of wildlife movement opportunities or nursery sites within or outside of an SEA does not warrant mitigation. Without mitigation, the Project and subsequent projects would result in direct and cumulative loss of biological diversity. Mitigation opportunities for wildlife corridors and nursery sites are best established during large scale planning efforts such as this General Plan. Wildlife corridor areas can be delineated and set aside in the General Plan for current and future conservation efforts. An assessment could be placed on development within the Project area to secure the acquisition of these critical linkages and sites, therefore reducing impacts to wildlife corridors and nursery sites and ensuring biological diversity.

11. Mitigation Measure BIO-1 – Page 5-4-122 of the DPEIR states: "Biological resources shall be analyzed on a Project-specific level by a qualified biological consultant. A general survey shall be conducted to characterize the Project site, and focused surveys should be conducted as necessary to determine the presence/absence of special status species (e.g., focused sensitive plant or wildlife surveys). A biological resources assessment report should be prepared to characterize the biological resources on-site, analyze Project-specific impacts to biological resources, and propose appropriate mitigation measures to offset those impacts. The report should include site location, literature sources, methodology, timing of surveys, vegetation map, site photographs, and descriptions of biological resources on-site (e.g., observed and detected species as well as an analysis of those species with potential to occur onsite)."

Scientifically sound methodologies are necessary to insure the adequacy of biological resource assessments, especially if these assessments are utilized by the lead agency to determine Project significance. Without a focused survey effort, many special status species can be missed and presumed absent from a project site utilizing reconnaissance level survey approaches that adhere to general parameters intended to predict presence or absence. These general parameters include but are not limited to reliance upon literature searches of reported species lists, species range and soil type assumptions and ignoring presence of species that are considered common throughout the majority of their range but are rare or unique within the County or a particular location within the County. Because this problem is especially the case for detecting botanical species, the Department recommends that a thorough, recent floristic-based assessment of special status plants and natural communities be performed in the Project area, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <http://www.dfg.ca.gov/habcon/plant/>).

12. Mitigation Measure BIO-2 – Page 5.4-122 of the DPEIR describes how unavoidable impacts to special status species will be addressed and states: "Relocations into areas of appropriate restored habitat would have the best chance of replacing/incrementing populations that are lost due to habitat converted to development. Relocation to restored habitat areas should be the preferred goal of this measure. A qualified biologist shall be on site to conduct surveys, to perform or oversee implementation of protective measures, and to determine when construction activity may resume."

This method of mitigation should be used only as a last resort when a Project cannot avoid impacts to special status species and their habitat. Relocating wildlife and botanical species off of a Project site onto an adjacent recipient site often fails to result in the persistence of species in perpetuity. In order for this measure to have any potential for success in the majority of cases, adjacent habitat in need of restoration and presumably void or below carrying capacity of the targeted species would need to be restored to functioning levels that are supportive of the target species prior to Project commencement and with the restoration goals and success criteria carefully planned.

13. Mitigation Measure BIO-3 – Page 5.4-123 of the DPEIR states "No feasible mitigation measures are available that would reduce impacts to wildlife movement completely. However, corridors shall not be entirely closed by any development, and partial mitigation shall be mandatory for impact on wildlife corridors and wildlife nursery sites. This shall include provision of a minimum of half the corridor width. (The width shall be at least what is needed to remain connective for the top predators using the corridor.) Mitigation can include preservation by deed in perpetuity of other parts of the wildlife corridor connecting through the development area; it can include native landscaping to provide cover on the corridor. For nursery site impacts, mitigation shall include preservation by deed in perpetuity for another comparable nursery site of the same species."

BIO-3 appears to contradict previous statements in the DPEIR which states on page 5.4-117 "Mitigation measure BIO-1 and the update to the SEA Ordinance may provide some protection measures to avoid or minimize impacts to wildlife corridors and nursery sites; however, for those Projects where avoidance or minimization of impacts is infeasible, the policies proposed in the Proposed Project do not provide for mitigation for loss of wildlife movement opportunities or nursery sites. If development impacts regional wildlife linkages

Ms. Connie Chung  
County of Los Angeles Department of Regional Planning  
August 21, 2014  
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and impedes wildlife movement, connectivity will be lost on a regional scale in these vital landscape corridors and linkages. Thus, impacts to wildlife movement remain significant at the General Plan level." Mitigation for loss of wildlife movement opportunities or nursery sites should be a standard Project approval condition by the lead agency.

14. Proposed Zoning – Appendix C and section 4.3-2 of the DPEIR describe that proposed zoning amendments will apply to approximately 3,500 parcels. The Department recommends that any proposed rezoning of areas within or adjacent to natural open space or proposed Significant Ecological Areas that would result in adverse impacts to biological resources be analyzed in the DPEIR for biological impacts, avoidance and mitigation measures.

We appreciate the opportunity to comment on the DPEIR for the Project and to assist in further minimizing and mitigating Project impacts to biological resources. If you have questions regarding this letter, please contact Mr. Scott Harris by telephone at (626) 797-3170 or email at [Scott.P.Harris@wildlife.ca.gov](mailto:Scott.P.Harris@wildlife.ca.gov).

Sincerely,



Betty J. Courtney  
Environmental Program Manager I  
South Coast Region

cc: Erinn Wilson, CDFW, Los Alamitos  
Kelly Schmoker, CDFW, Laguna Niguel  
Scott Harris, CDFW, Pasadena  
Victoria Chau, CDFW, Los Alamitos  
State Clearing House, Sacramento

Literature Review:

(Sawyer et al. 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

## 2. Response to Comments

LETTER A7 – California Department of Fish and Wildlife (7 pages)



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
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San Diego, CA 92123  
(858) 467-4201  
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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



October 6, 2014

Mr. Carl Nadela  
County of Los Angeles Department of Regional Planning  
320 West Temple Street, Room 1354  
Los Angeles, CA 90012  
E-mail: [inc@lacounty.gov](mailto:inc@lacounty.gov)

**Subject: Comments on the Draft Program Environmental Impact Report for the Antelope Valley General Plan Update, County of Los Angeles (SCH # 2014061043)**

Dear Mr. Nadela:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Program Environmental Impact Report (DPEIR). The DPEIR addresses the environmental effects associated with the implementation of the proposed Antelope Valley General Plan Update including associated zoning consistency and ordinances as well as a new land use policy map (Project). The Project is a comprehensive update to the adopted 1986 Antelope Valley Area-wide General Plan. As a component of the Los Angeles County (County) General Plan, the Project would refine the countywide goals and policies in the Adopted General Plan by addressing specific issues relevant to the Project Area. The Department also provided comments on the Notice of Preparation on July 7, 2014.

The Project area is located in the northern part of Los Angeles County, covering approximately 1,800 square miles. The Project Area includes over two dozen unincorporated communities. The Project area borders Ventura County to the west, Kern County to the north, San Bernardino County to the east, and the Cities of Santa Clarita, Los Angeles, Pasadena, Sierra Madre, Duarte, Azusa, and Glendora to the south. The Project Area excludes the incorporated cities of Lancaster and Palmdale. These unincorporated areas contain large amounts of sparsely populated land and include the Angeles National Forest, part of the Los Padres National Forest, and part of the Mojave Desert.

The DPEIR analyzes three alternatives to the proposed Project: No-Project/Adopted Area Plan Alternative; Reduced Intensity Alternative; and the Alternative Land Use Policy Map. Next to the No-Project Alternative, the Reduced Intensity Alternative was considered the environmentally superior alternative in the DEIR.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the Project (CEQA Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed Project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 et seq.) and Fish and Game Code section 1600 et seq.

1. Project Alternatives. Reduced Intensity Alternative – Section 7.5, page 7-13 of the DPEIR states the Reduced Intensity Alternative "would reduce the overall additional development intensity by 30 percent within each Project Area as compared to the Proposed Project."

A7-1

*Conserving California's Wildlife Since 1870*

## 2. Response to Comments

Mr. Carl Nadela  
County of Los Angeles Department of Regional Planning  
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Section 7-7, page 7-23 describes that the Reduced Intensity Alternative is considered the environmentally superior alternative. Section 7.5.4, page 7-14 states "Since the Reduced Intensity Alternative does not reduce the amount of land designated for development, impacts to biological resources would be similar to the Proposed Project, and would remain significant."

The Department requested in the NOP that the DPEIR define the word "intensity" as compared to the word "density" and clarify further why reducing intensity of development does not reduce impacts to biological resources. Please confirm if the Reduced Intensity Alternative will allow build-out to occur over a greater area thereby resulting in potentially greater impacts to biological resources. The Department recommends avoiding sensitive biological resources in the Project Area by planning for denser developments within smaller footprints of land. This could reduce project footprints including fuel modification, access roads, and other infrastructure necessities.

A7-1  
cont'd

2. Conservation and Open Space (COS) Element. The COS Element in the DPEIR describes policies that are protective of agricultural uses in the Project Area. Policy COS 6.2 on page 5.10-15 recommends limiting incompatible non-agricultural uses in Agricultural Resource Areas (ARAs). Impact 5.2-5 on page 5.2-21 describes land use compatibilities of the Project related to agricultural lands and states: "Agricultural use can be incompatible with some other land uses – such as residential, school, hospital, and day care uses—due to pesticide use, noise, dust emissions, and odors."

The DPEIR should state that agricultural use can be considered incompatible with biological resources in Impact Section 5.2-5. The Department continues to be concerned that unregulated agricultural practices in the Project Area result in the unmitigated loss of biological diversity and associated special status species and jurisdictional waters of the state. The DPEIR should discuss if Project related agricultural land use elements and goals may result in degradation of biological resources. COS element goals promoting agricultural uses appears inconsistent with other elements and goals in the Project that are protective of biological resources. It also appears that the Plan promotes agricultural activities however the lead agency has little or no authority to regulate these activities to assure compliance with established laws that are protective of biological resources. Project elements and policies that impacts natural habitats, absent mitigation, should be considered a significant direct and cumulative impact.

A7-2

The Department also believes that agricultural lands, if properly managed, can be very beneficial in supporting biological diversity. This concept should be supported in the Plan.

The DPEIR should explain further why the proposed Significant Ecological Areas are not included within designated ARAs that support high biological diversity in the Project Area.

3. Land Use Policy. Land Use (LU) Policy LU 1.1.7 on page 5.2-22 states: "Preserve and protect important agricultural resources, including farmland and grazing land, through designating these areas as Rural Land on the Land Use Map where appropriate.

A7-3

See comment 2 above regarding Project elements and policies that should merit further impact analysis for impacts to biological resources.

## 2. Response to Comments

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The Department is concerned with the continued effects of unregulated grazing on sensitive habitats in the Project Area including protected open space acquired and managed in-part with taxpayer funded sources. Protected natural open space areas in the arid desert environment of the Project Area can be severely damaged by grazing animals allowed to enter these areas and necessitates resource intensive remedies such as erecting exclusion fencing, patrol and long term restoration to protect biological attributes on these properties. Unauthorized grazing can also further increases management costs for land developers who are required to arrange for the acquisition and management of habitat conservation lands to mitigate for their projects. Policies that encourage or maintain the practice of grazing within the Project Area should be considered a direct and cumulative impact under CEQA unless the DPEIR includes avoidance and mitigation measures within the Land Use, Agricultural and Conservation and Open Space elements and policies to avoid and or reduce these impacts. Such a measure may include regulation and enforcement of certain grazing practices within the Project Area. This would necessitate greater enforcement resources in the Project Area and should be a topic of discussion in the DPEIR.

A7-3  
cont'd

4. Existing Wildlife and Botanical Resource Conditions – Section 5.4.1.2 of the DPEIR describes existing biological resources within the Project Area, and page 5.4-16, Figure 5.4-1 titled, Sensitive Biological Resources, shows the locations of special-status plant and wildlife species occurrences within the Project Area. Additional Figures of sensitive biological resources are located in Appendix G of this DPEIR, describing existing records for sensitive species within the Project Area. Table 5.4-2 on page 5.4-27 through page 5.4-47 describes sensitive plant communities located within the Project Area.

A7-4

Considering the shelf-life of the Project, the Project should include measures for adaptive management based upon any new species account information. Undocumented wildlife and plant communities and species accounts are likely to be described in the Plan Area in the future following focused survey efforts from subsequent project impact reviews performed under CEQA and from other observations that contribute to this body of information. The Department recommends the DPEIR include a caveat that the known wildlife, plant community, and species occurrences referenced throughout the DPEIR may be subject to refinement based upon new information.

The Department recommends that the Project require as a standard, that all botanical assessments for CEQA purposes use the vegetation classifications found in the most current edition of A Manual of California Vegetation, which provides a standardized, systematic classification and description of vegetation in the State. Many CEQA documents received by the Department describe native vegetation in generic terms such as "chaparral" or "coastal sage scrub" that tend to downplay any significant vegetation resources on the Project site. The Department's guidelines should make it easier for the lead agency to determine which Projects are impacting rare habitat because the different dominant communities on-site will be described at a level to allow meaningful assessment. The classification system has been the State standard since 2009 and requiring this system in the Project will facilitate planning consistency.

A7-5

Further guidance on nomenclature standards and assessing Project impact significance can be found on the following Department's website: [http://www.dfg.ca.gov/biogeodata/vegcamp/natural\\_comm\\_background.asp](http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_background.asp).

## 2. Response to Comments

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The Department recommends Desert Dune Scrub communities be added to the Vegetative Community List in the DPEIR. Representative scrub types found in Desert Dune Scrub include but are not limited to:

### Halophytic saltbush

Halophytic saltbush communities are dominated by shadscale (*Atriplex confertiflora*) or spinescale (*Atriplex spinifera*), and occur adjacent to lakebeds, clay pans, and drainages. The depth of sand deposits determines the diversity of plant species in the saltbush communities (USACE, 2004). The areas nearest the lakebed and areas scoured by floods are dominated by heavy clay soils and contain spinescale. Plants such as alkali sacaton (*Sporobolus airoides*), Joshua trees, and four-wing saltbush (*Atriplex canescens*) are commonly found within this plant community (Jones and Stokes 2011).

A7-6

### Xerophytic saltbush

The xerophytic communities are dominated by allscale (*Atriplex polycarpa*) (Jones and Stokes 2008). These plant communities are generally located at slightly higher elevations than halophytic communities.

5. Wildlife Linkages – Page 5.4-68 of the DPEIR describes regional wildlife linkages and states "The South Coast Missing Linkages report identifies landscape linkages throughout Southern California that are considered important for habitat connectivity. The report identifies four linkages that include parts of the Project Area."

The South Coast Missing Linkages report is an excellent reference source from which to begin the evaluation of wildlife movement resources within the Project Area. However this reference should not be relied upon solely for Project specific movement resource assessment and planning purposes because this reference is not an exhaustive study of the County and includes wildlife movement opportunities observed at the time of its publication. Subsequent CEQA review should evaluate the potential for additional wildlife movement resources on a project by project basis.

A7-7

6. Watershed and Groundwater Protection – Page 5.4-74 of the DPEIR describes COS policies that are protective of sensitive habitats and species. Policy COS 4.4 pertains to Significant Ecological Areas (SEAs) and states: "Maintenance of watershed connectivity by capturing, treating, retaining, and/or infiltrating storm water flows on site." Page 5.9-24 of the DPEIR states "According to Appendix G of the CEQA Guidelines, a Project would normally have a significant effect on the environment if the Project would: HYD-b Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which water permits have been granted."

A7-8

The Department is concerned about the present and future status of groundwater availability in supporting and enhancing biological resources. This concern is based upon: current drought conditions; the recognition of the potential of more numerous droughts and

## 2. Response to Comments

Mr. Carl Nadela  
County of Los Angeles Department of Regional Planning  
October 6, 2014  
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their severity resulting from climate change; projected build-out scenarios analyzed in the Project; and continued unsustainable and unregulated ground water pumping in the Project Area. The Project should discuss how protection of groundwater resources within the Project Area will be facilitated and managed in a sustainable manner in order to maintain and restore biological resources while accommodating development in the Plan Area. The Department recommends this discussion include present regulatory conditions and how the Project will accommodate for adaptive measures in policy and plans to incorporate any future ground water regulatory measures that may be implemented. In addition to the SEAs, the Project should consider including a broader discussion that recognizes the watershed value of permeable surfaces within the entire Project Area as a whole and their contribution to water quality, groundwater storage and biological value. This should be a component in subsequent project impact analysis under CEQA when permeable surfaces are reduced by hard-scaping, thus reducing watershed values.

A7-8  
cont'd

7. Mitigation Measure BIO-1, page 5-4-89 of the DPEIR describes how activities conducted under the Project that may adversely impact biological resources shall be reduced and states: "Biological resources shall be analyzed on a Project-specific level by a qualified biological consultant. A general survey shall be conducted to characterize the Project site, and focused surveys should be conducted as necessary to determine the presence/absence of special status species (e.g., focused sensitive plant or wildlife surveys). A biological resources assessment report should be prepared to characterize the biological resources on-site, analyze Project-specific impacts to biological resources, and propose appropriate mitigation measures to offset those impacts. The report should include site location, literature sources, methodology, timing of surveys, vegetation map, site photographs, and descriptions of biological resources on-site (e.g., observed and detected species as well as an analysis of those species with potential to occur onsite)."

A7-9

Scientifically sound methodologies are necessary to insure the adequacy of biological resource assessments, especially if these assessments are utilized by the lead agency to determine Project significance. Without a focused survey effort, many special status species can be missed and presumed absent from a project site utilizing reconnaissance level survey approaches that adhere to general parameters intended to predict presence or absence. These general parameters include but are not limited to reliance upon literature searches of reported species lists, species range and soil type assumptions and ignoring presence of species that are considered common throughout the majority of their range but are rare or unique within the County or a particular location within the County. Because this problem is especially the case for detecting botanical species, the Department recommends that a thorough, recent floristic-based assessment of special status plants and natural communities be performed in the Project area, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <http://www.dfg.ca.gov/habcon/plant/>).

8. Impact 5.8-5, page 5.8-20 of the DPEIR describes Project impacts to structures and/or residences to wildfire hazards and states: "In an effort to reduce the threats to lives and property, the LACoFD has instituted a variety of regulatory programs and standards for vegetation management, pre-fire management and planning, fuel modification, and brush clearance." Impact 5.4-1, page 5.4-77 describes that Project impacts to special status species could result from "residential and commercial development, or through other activities such as fuel modification and flood control." Mitigation BIO-1 as described in

A7-10

## 2. Response to Comments

Mr. Carl Nadeja  
County of Los Angeles Department of Regional Planning  
October 6, 2014  
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Comment 7 above is included as a measure to mitigate for Impact 5.4-1 and includes a biological resource assessment, impact analysis and mitigation measures to be implemented on a project specific basis.

The Department is concerned that Project brush clearing activities within the County for the purposes of reducing wildfire or other hazards or for other purposes such as preparing properties for eventual development, may escape adequate biological resource protective regulatory oversight by local governmental agencies responsible for implementing fuel modification, vector abatement or other clearing or grading related codes that are protective of public safety and property. This problem is likely to increase considering Project build-out projections and the increased frequency of wild fires in the Plan Area. Mitigation BIO-1 describes specific measures to assess biological resources within fire hazard areas requiring vegetation clearing in an effort to avoid and mitigate for adverse impacts to these resources. The Lead Agency appears to rely on other governmental entities responsible for fire hazard response to address these issues. It appears that the policies in BIO-1 are not being accomplished on a consistent basis which results in loss of biological resource habitat when property owners are ordered to perform fuel clearance or when lands are otherwise cleared by the LA County Weed Abatement, Fire Department or by other contract entities.

A7-10  
cont'd

The Department recommends that the County Department of Regional Planning exercise its available authority to establish a brush clearing ordinance within the Project Area that can be documented to protect biological resources from vegetation removal activities. This planning effort could greatly facilitate the preservation of biological diversity in the Project Area. Protective measures for biological resources where vegetation clearing is to take place should include: pre-project surveys for native nesting birds and other special status wildlife and plant species and regulated waters of the state. Where these biological resources cannot be avoided because of public safety concerns and property protection, mitigation measures should be implemented to reduce direct and cumulative impact levels to biological resources.

9. Mitigation Measure BIO-2 – Page 5.4-87 of the DPEIR describes how unavoidable impacts to special status species will be addressed and states: "Relocations into areas of appropriate restored habitat would have the best chance of replacing/incrementing populations that are lost due to habitat converted to development. Relocation to restored habitat areas should be the preferred goal of this measure. A qualified biologist shall be on site to conduct surveys, to perform or oversee implementation of protective measures, and to determine when construction activity may resume."

A7-11

Relocating species as mitigation should be used only as a last resort when a Project cannot avoid impacts to special status species and their habitat. Relocating wildlife and botanical species off of a Project site onto an adjacent recipient site often fails to result in the persistence of species in perpetuity. In order for this measure to have any potential for success in the majority of cases, adjacent habitat in need of restoration and presumably void or below carrying capacity of the targeted species would need to be restored to functioning levels that are supportive of the target species prior to Project commencement and with the restoration goals and success criteria carefully planned.

10. Mitigation Measure BIO-3 – Page 5.4-90 of the DPEIR states "Currently, development proposed within SEAs requires a conditional use permit which provides additional

A7-12

## 2. Response to Comments

Mr. Carl Nadela  
County of Los Angeles Department of Regional Planning  
October 6, 2014  
Page 7 of 7

protection to wildlife movement corridors and other sensitive biological resources. Proposed projects are requested to be designed so that wildlife movement corridors are left in an undisturbed and natural state..."

See Comment 5 above.

It is not clear if the above statement "Proposed projects are requested to be designed so that wildlife movement corridors are left in an undisturbed and natural state..." refers only to project within designated SEAs. The Department recommends that protective measures for wildlife movement corridors be implemented for all applicable locations within and adjacent to the Project Area.

Pages 5.4-59 through 5.4-66 of the DEIR describes the existing and proposed SEAs. The Department has provided input to the Lead Agency over a several year period during the planning process for the proposed expansion of the SEAs within the Project Area. The Department supports the proposed SEA expansions to accommodate the many biological attributes contained within the Project Area and the greater efforts that are proposed to maintain SEA integrity.

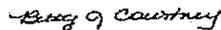
The Department recommends the Lead Agency maintain an SEA condition baseline from which to assess future planning and enforcement decisions that would facilitate SEA function in perpetuity. SEAs should be inspected on a regular basis to determine adaptive management planning and enforcement remedial actions that could be initiated to prevent or reduce observed degradations that would significantly or cumulatively degrade SEA function. Inspections should be conducted on a frequency that assures that unauthorized degradation of SEAs are detected within a timely manner within the statute of limitations that would allow enforcement and remedial action available to the lead agency or other resource agencies with regulatory authority over SEA protection.

11. Proposed Zoning – Figure 5.4-6 titled Land Use Designations within SEAs, shows the land use designations within the SEA areas under the Proposed Project.

The Department recommends no high development land use designation proposals within or adjacent to the boundary of any SEA and instead designate consistent land uses that are compatible with the SEA designation.

We appreciate the opportunity to comment on the DPEIR for the Project and to assist in further minimizing and mitigating Project impacts to biological resources. If you have questions regarding this letter, please contact Mr. Scott Harris by telephone at (626) 797-3170 or email at [Scott.P.Harris@wildlife.ca.gov](mailto:Scott.P.Harris@wildlife.ca.gov).

Sincerely,



Betty J. Courtney  
Environmental Program Manager I  
South Coast Region

cc: Erinn Wilson, CDFW, Los Alamitos  
Kelly Schmoker, CDFW, Laguna Niguel  
Victoria Chau, CDFW, Los Alamitos  
State Clearing House, Sacramento

A7-12  
cont'd

A7-13

## 5.2 Impacts to Sensitive Plant Communities

*Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service?*

*Less than Significant Impact*

As shown in **Figure 7, Impacts to Plant Communities**, attached, the proposed project will impact 8.3 acres of California buckwheat scrub (5.0 acres of permanent impacts, 0.2 acre in Fuel Modification Zone B, and 3.1 acres in Fuel Modification Zone C), 2.6 acres of California juniper woodland/California buckwheat scrub (1.0 acre of permanent impacts, 0.1 acre in Fuel Modification Zone B, and 1.5 acres in Fuel Modification Zone C), and 1.0 acre (0.9 acre on-site, 0.1 acre off-site) of disturbed area (0.8 acres of permanent impacts, less than 0.1 acre in Fuel Modification Zone B, and 0.1 acres in Fuel Modification Zone C on-site). However, the study area does not support any plant communities that are considered sensitive by CDFW based on their *List of California Terrestrial Natural Communities*.<sup>1</sup> The study area does support not any sensitive riparian habitat or any CDFW jurisdictional riparian habitat. As such, less than significant impacts would occur and no mitigation would be required.

California Juniper Woodland and Scrub (*Juniperus californica*) Alliance (given vegetation code 89.100.00 in the CDFW *List of California Terrestrial Natural Communities*) is in general not considered to be a sensitive plant community (G4 S4 rarity category) although five California juniper associations are of high priority for inventory (i.e., rare or otherwise sensitive). These are California juniper - Chamise - California Buckwheat Woodland (*Juniperus californica* - *Adenostoma fasciculatum* - *Eriogonum fasciculatum*; 89.100.01), California Juniper - Narrowleaf Goldenbush - Herbaceous Woodland (*Juniperus californica* - *Ericameria linearifolia*/annual - perennial - herb; 89.100.02), California Juniper - Black Bush Woodland (*Juniperus californica* - *Coleogyne ramosissima*; 89.100.04), California Juniper - Flowering Ash - Narrowleaf Goldenbush Woodland (*Juniperus californica* - *Fraxinus dipetala* - *Ericameria linearifolia*; 89.100.14), and California Juniper - Annual Herbaceous Woodland (*Juniperus californica* / annual herbaceous; 89.100.15). None of the California juniper associations are present on the project site or in the project area.

CDFW describes rare vegetation assemblages as being geographically restricted and endemic in California, occurring outside the state but with the limits of the distribution being in the California, historically more common but currently restricted by anthropogenic causes, or rare types that are currently affected by global climate change. The following descriptions of these CDFW sensitive vegetation associations are provided as reference but none are present on the project site.

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<sup>1</sup> Available online at: [http://www.dfg.ca.gov/biogeodata/vegcomp/natural\\_comm\\_list.asp](http://www.dfg.ca.gov/biogeodata/vegcomp/natural_comm_list.asp). Sensitive (also referred to by CDFW as 'rare' or 'special status') natural communities are indicated by an asterisk on the list.

*Juniperus californica* - *Adenostoma fasciculatum* - *Eriogonum fasciculatum* Association is described in Klein and Evens 2005<sup>2</sup> as a *J. californica* alliance in which *A. fasciculatum* and *E. fasciculatum* are consistently present as co-dominant or subdominant shrubs. The shrubs *Quercus berberidifolia*, *Gutierrezia sarothrae*, *Cylindropuntia californica* (*Opuntia parryi*), and *Ericameria palmeri* var. *pachylepis* are often present at sparse cover. Additionally, Klein and Evens 2005 describe *Juniperus californica*/annual herbaceous Association as having *J. californica* occurring at sparse to moderate cover in the shrub overstory with associated shrub species (e.g., *C. californica*, *E. fasciculatum*, and *Ericameria palmeri*) frequently intermixing at sparse cover. A variety of annual grasses and forbs occupy the open to continuous herb understory, with the most common being native *Deinandra fasciculata* and non-natives *Bromus madritensis*, *Bromus diandrus*, *Hirschfeldia incana*, and *Avena fatua*. The distributions of these associations are not fully known but do not occur on the project site.

*Juniperus californica*/Herbaceous Association is described in Klein *et al* 2007<sup>3</sup> as having the shrub canopy being open to intermittent and dominated by *Juniperus californica* at 5-35% cover. *Ceanothus cuneatus* was often present in the shrub overstory. *Quercus douglasii* often occurred as a scattered emergent tree. The herbaceous layer was open to continuous and often included *Aira caryophylla*, *Avena barbata*, *Bromus hordeaceus*, *Geranium molle*, *Hypochaeris glabra*, *Micropus californicus*, *Plagiobothrys nothofulvus*, *Torilis arvensis*, *Trifolium hirtum*, and *Vulpia microstachys*. This association has been described as being distributed in the Sierra Nevada Foothills, central Coast Ranges in Fresno County and likely to occur elsewhere in spotty portions of the Inner North Coast Ranges. It has subsequently been described as distributed on ridges, slopes, valleys, alluvial fans, and valley bottoms of the Central Valley.<sup>4</sup>

*Juniperus californica* - *Ericameria linearifolia*/annual-perennial herb Association is described in Evens *et al* 2006<sup>5</sup> as having an open to intermittent shrub layer, where *J. californica* is dominant. Shrubs frequently occur in two different strata, with low shrubs at 0-2m tall and tall shrubs at 2-5m tall. The herbaceous layer is open to continuous at less than 1m tall. Total vegetation cover ranges from 40 to 85%. *Ericameria linearifolia* is characteristically present and sub-dominant with *Eriogonum fasciculatum* intermixing as low cover with a variety of other, less frequent, shrub species. *Quercus douglasii* and *Pinus sabiniana* occur infrequently in a sparse tree layer. Grasses frequently occur in the herb understory, including non-native species *Bromus hordeaceus* and *Bromus madritensis* and native species *Poa secunda*. This association is distributed in the inner South Coast and Central Coast California geographic subdivisions.

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<sup>2</sup> Klein, A., and J. Evens. 2005 *Vegetation alliances of western Riverside County, Riverside. Unpublished Report, revised 2006. Prepared for California Department of Fish and Game, Habitat Conservation Division. California Native Plant Society, Sacramento, CA.*

<sup>3</sup> Klein, A., J. Crawford, J. Evens, T. Keeler-Wolf, and D. Hickson. 2007. *Classification of the vegetation alliances and associations of the northern Sierra Nevada Foothills, California. Report prepared for California Department of Fish and Game. California Native Plant Society, Sacramento, CA. Volume 2.*

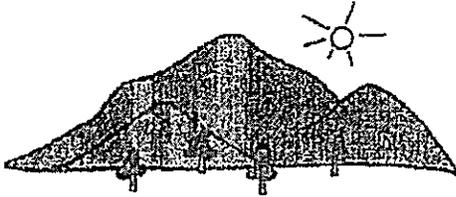
<sup>4</sup> Buck-Diaz, J., S. Batiuk and J. Evens. April 2012. *Vegetation Alliances and Associations of the Great Valley Ecoregion, California. California Native Plant Society, Vegetation Program. Sacramento, CA.*

<sup>5</sup> Evens, J.M., A. Klein, J. Taylor, D. Hickson, and T. Keeler-Wolf. 2006. *Vegetation classification and descriptions of the Clear Creek Management Area, Joaquin Ridge, Monocline Ridge, and Environs in San Benito and western Fresno Counties, California. Report to USDI, Bureau of Land Management, Hollister District, California, California Native Plant Society, and California Department of Fish and Game, Sacramento, CA.*

*Juniperus californica* - *Fraxinus dipetala* - *Ericameria linearifolia*/Annual-perennial herb Association is described in Evens et al 2006 as shrubland forming an intermittent to continuous shrub layer (ranging from 35-75in cover, where *J. californica* is the dominant species and *F. dipetala* and *E. linearifolia* are sub-dominant to codominant. Shrubs consistently occur in two different strata, with low shrubs at 0-0.5m tall and tall shrubs at 2-5m tall. The herbaceous layer is open to intermittent less than 0.5m tall. Total vegetation cover is between 65-80%. A variety of chaparral and drought deciduous species are also characteristically present as subdominants including *Eriophyllum confertiflorum*, *Rhamnus ilicifolia*, and *Eriogonum fasciculatum* var. *foliolosum*. Non-native and native grass species such as *Bromus hordeaceus*, *Poa secunda*, *Festuca microstachys*, and *Bromus madritensis* occur in the understory. This association is distributed in the inner South Coast and Central Coast California geographic subdivisions.

*Juniperus californica* - *Coleogyne ramosissima* Association is described as having California juniper as the dominant overstory species with an understory dominated by blackbush. The vegetation association is distributed from Anza-Borrego State Park north through the Joshua Tree National Park and into the central Mojave Desert. The range of blackbush does not extend into Los Angeles County and this community would not occur in the project vicinity.

Because none of the sensitive vegetation associations of *Juniperus californica* occurs in the study area, impacts to sensitive plant communities are less than significant.



# ACTON TOWN COUNCIL

P.O. BOX 810 ACTON, CALIFORNIA 93510

May 7, 2008

Susie Tae  
Department of Regional Planning  
Land Division Section  
320 West Temple Street (13<sup>th</sup> Floor)  
Los Angeles, CA 90012

Fax: (213) 626-0434

Re: PM 68736

Dear Susie,

The Acton town council has reviewed the referenced project for consistency with the CSD's and does not object to the project as submitted for Council review. We appreciate the efforts of the Laslovich's and the time that they have taken in addressing questions ask by the Council.

PM 68736 is located in a hillside area, however the Department of Regional Planning (DRP) is not applying the hillside protection provisions of the Acton CSD to this project. It appears that DRP's project review process precludes these matters from consideration in this project.

Given these concerns, the Acton Town Council requests that the grading plans prepared for each of the lots created by this subdivision be presented to the ATC at such time as they are developed so that we can assess their consistency with the CSD.

Further the ATC requests that for future projects, that the Department of Regional Planning revise their subdivision review procedures to adequately address the hillside protection provisions contained within the CSD.

In the event that subsequent owners of the parcels that are created by the subdivision want to relocate the pad and/or access route, they can do so by amending the final map, which will ensure that the new locations also comply with the CSD hillside provisions as well.

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269-8080

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547-5273

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Jackl Ayer  
269-1981

Ray Billet  
947-2796

Bill Davis  
269-3682

Mike Foster  
714-3349

Carl Young  
342-1983

The ATC notes that our lack of objection to this particular project should not be construed to limit our comments on future subdivision projects that are located in hillside areas but which lack grading plans.

Respectfully

A handwritten signature in black ink, appearing to read "William Davis". The signature is written in a cursive style with a prominent "W" and "D".

William Davis  
For the Acton Town Council

cc. Norm Hickling  
Alan Laslovich

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October 8, 2014

Lynda Hikichi  
LA County Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

RE: Tentative Parcel Map 068736  
APN 3217-019-013  
Revised Tentative Parcel Map (dated 5-13-2014)

In May 2008 the Acton Town Council reviewed this project and did not object to the project as it was submitted to the Council. (I have attached a copy of that letter for your review.) At that time the project proposed a split of just over 20 acres into 3 parcels.

On Oct. 6, 2014, Mr. Laslovich presented a revised map for the Council's review. On this map he proposes reducing the number of parcels from 3 to 2. Each parcel would be just over 10 acres. The Council found no objection to his proposed reduction in the number of parcels. Please note that all other comments in the original letter should continue to be taken into consideration relative to this project.

Thank you,



Michael R. Hughes

President, Acton Town Council

Letter from Building Industry Association-  
Los Angeles and Ventura Counties Chapter  
dated May 13, 2015



May 13, 2015

Richard Bruckner, Director  
Los Angeles County Department of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012

**ASSOCIATION OFFICERS**

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Sara Soudani, Lawyers Title

Rich Villaseñor, KB Home

Norm Witt, Cook Hill Properties

**Re: Juniper Woodlands Mitigation**

Dear Mr. Bruckner,

The Los Angeles-Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA-LAV) is the voice of residential building and development in Los Angeles and Ventura counties. We represent the thousands of men and women and their member companies who design, plan, build, and remodel homes, condominiums and apartments throughout our region.

We are very concerned about the direction the Department of Regional Planning (DRP) is taking in regards to Juniper Woodlands. This concern stems from the method that is currently being used for Alan Laslovich, the owner of real property in Acton described further as Tentative Parcel Map 068736 (APN 3217 019 013).

We understand that the Department of Regional Planning is citing necessary mitigation due to a California Department of Fish and Wildlife ("CDFW") letter dated October 9, 2013, in which nowhere is mitigation for the juniper woodland habitat mentioned; the letter states that "lack of habitat data makes it difficult to assess impacts, make informed decisions, and devise strategies for preservation of biological resources within these areas." This plant is not on an endangered species list, nor does it have special status. Despite this, the Department has decided to come up with proposed mitigation of Juniper Woodland—for the very first time—without any environmental basis or consistency with past approvals.

We are very concerned about DRP's policy direction related to juniper woodland habitat mitigation, especially considering that they are requiring mitigation on a project for a species where none such exists in any ordinance, and where no public hearings have been held.

At this time we are asking for your active involvement to remove the requirement for juniper woodlands habitat mitigation. Any new requirement for mitigation should involve a full public discussion and engagement, as this new requirement would affect properties and developments in Acton, Agua Dulce, Santa Clarita, Castaic and Stevenson Ranch.

Thank you very much for your consideration of our request.

Sincerely,

Tim Piasky  
CEO