

Project History and Recommendations for SEATAC Review

D.E.L.T.A. Project: R2011-00090-(5)

Dedication and Everlasting Love to Animals (DELTA)

Permit Numbers: RCUP201100007

AIN: 3209-021-023

Address: 30272 Arrastre Canyon Road, Acton, CA 91510

USGS Topographic quad: Acton

Sensitive Ecological Area: Santa Clara River SEA

Applicant: William Hess

Applicant biologist, Marc Blain, Psomas-BonTerra

Planner: Gretchen Siemers

DRP County Biologist, Shirley Imsand, Ph.D.

Project Description: The DELTA Rescue is a non-profit, no-kill animal rescue sanctuary in the Acton area located adjacent to the Santa Clara River and extending upstream adjacent to some of the Santa Clara's unnamed tributaries. The property was purchased in 1995 and has applied decomposed granite (DG) to much of its outdoor area. The project was originally permitted with an animal hospital building and has expanded to facilitate the need for more dog runs and rescue of cats and other animals. The part of the project being considered for permit has approximately 42 dogs and 27 existing dog runs. The greater facility has many more animals, including more dogs, cats, and other species, numbering approximately 1500 individuals at some times. The daily operation on the parcel considered consists of housing, feeding, watering, and walking the dogs by two employees over two daily shifts. The facility is not open to the public, and the animals are not adopted out.

The current project applying for permit is on a 5.5-acre parcel with about 50% overlay of the original Santa Clara River SEA. This overlay has been expanded due to revision of the SEA Program within the Los Angeles County General Plan revision, and the new SEA boundaries completely overlie all of the DELTA Project. The new SEA boundaries were effective 6 November 2015. Previous to SEATAC review, in 2011 the Project did a lot line adjustment (LLA) that reduced Parcel APN 3209-021-020 and involved Parcel 3209-021-023 in the adjustment. This resulted in the original SEA overlay for the Project totally contained on the 5.5-acre parcel, which is the parcel being considered by SEATAC in this review. The project has been previously reviewed by SEATAC on 2012.03.05 and 2014.04.07. This December 2015 review will be the third and final review of the project by SEATAC unless SEATAC and the applicant agree more discussion is needed.

The project is to retroactively permit the kennels in the lot with the SEA. According to a DRP report, the DELTA facility conforms to the Acton Community Standards District plan (CSD) in preservation of natural contours, preservation of the ridgeline silhouette, clustered structures, and native vegetation protected and preserved on 51% of the site. Material for roads is permeable and well below 90% maximum impervious surfaces to facilitate the least impact from storm water run-off. (Acton CSD allows 90% impermeable surfaces for kennels, C.4.b.iv.) A small guard shed is located next to the entrance gate. The main parking area for employees and facility vehicles is by the guard shed extending to south of the kennels near a watercourse tributary of Santa Clara River that is the next north tributary upstream of Arrastre Creek. The kennels have doghouses that are made of stucco-coated straw-bales, 6' x 8' x 5' high. The kennels bordering the "front access" have 6-ft.-high chain-link fences all around. (3.5 ft. allowed §22.48.160 County zoning code; wildlife-permeable fences designated by Acton CSD,C.7.a.; These are safety fences for the dogs.) There are 5 inhabited residences adjacent to the project.

Project Impacts

SEATAC review has the objective of recommending changes in the Project's operation in order to achieve compatibility with preservation of the biological diversity and communities of the SEA in

perpetuity. SEATAC has recommended action by the Project in two respects that may be negatively affecting the persistence of the SEA biological resources: Water Quality and Subsidy to Nuisance Animals.

1. Water Quality. Runoff from the confined animal facility kennels and parking lot may have contaminants which adversely impact the wildlife communities of the Santa Clara River that include:

- federally- and state-endangered unarmored threespine stickleback (the fish *Gasterosteus aculeatus williamsoni*),
- critical habitat for the federally- and state-endangered southern steelhead (the fish *Oncorhynchus mykiss irideus*),
- critical habitat for the arroyo toad (*Anaxyrus californicus*),
- critical habitat for the California red-legged frog (*Rana draytonii*),
- habitat for the federally-threatened Santa Ana sucker (the fish *Catostomus santaanae*),
- habitat for the state species of concern arroyo chub (the fish *Gila orcuttii*), and
- habitat for other semi-aquatic state species of concern such as the western pond turtle (*Emys marmorata*) and
- the two-striped garter snake (*Thamnophis hammondi*).

It is important to note that of five (5) native fish remaining extant in Los Angeles County, the Santa Clara River provides habitat for all but one, and the Los Angeles County part of the Santa Clara River and tributaries forms the only known locality for the stickleback. Fish and amphibians have thin, permeable skin that is continually absorbing chemicals from their surrounding water, and they are severely affected by pollution and poor water quality. Poor water quality would come from pathogens in animal waste, and heavy metals, oil, grease, and other petrochemicals that would come off the parking lot. Water quality is also important to human residents along the River, who drink its water and may use it for swimming.

2. Provision of Subsidy to Nuisance Animals. Large flocks (thousands of animals) of the native common raven (*Corvus corax*) and the non-native common starling (*Sturnus vulgaris*) are often seen at the DELTA facility. Although ravens have been residents of the desert since prehistoric times, in recent years their numbers in deserts have expanded enormously (1876% calculated by comparing observations in one locality between the 1960s and the decade following 2000). The raven expansion is directly attributable to human provision of resources in the form of food debris and structures (used for nesting). The raven expansion is a principal factor in the decline of the federally- and state-threatened desert tortoise (*Gopherus agassizii*). Starlings are direct competitors with native birds for nests and food. They are known to take over nests constructed by other birds. Both birds are facilitated by food debris from feeding the shelter animals and the open water of the facility, which includes an impounded pond.

SEATAC RECOMMENDATIONS:

1. Water quality of first flush runoff needs to be determined by analysis of replicate samples from runoff rills of the property during a significant storm, one that causes collectible runoff in the rills. This will demonstrate whether the project has impacts on water quality.
 - Methodology must be that approved by the Regional Water Quality Control Board (RWQCB) for the local area and reach.
 - Comparison of analyzed data with RWQCB standards will determine whether water quality is good or bad. These will be water quality standards for humans. They may be adjusted to more stringent standards for wildlife if USFWS has data for wildlife needs.
 - Water samples must be collected from several runoff rills, from at least 2 locations of runoff into drainages not affected by the parking lot and from at least 2 locations with runoff of the parking lot. The major drainages off the facility are stated to be in the northeast corner of the parcel and near the main gate. The major areas of runoff from the parking lot are not known but should be determined so that the designated collector can go immediately to inspect runoff and collect samples.
 - Water quality sample analysis shall be done by an accredited facility, certified by RWQCB.

2. Samples should be collected by a person who is very likely to be present on the property during the initial time of a rainstorm. That person should be trained and authorized by RWQCB or Ventura County Coastkeeper.
3. If water quality samples are not collected, then the project should implement the recommended installations under Bad Water Quality. These are measures to provide for a future scenario of expansion of the Project and demonstrate good citizenship for preserving the wildlife of the Santa Clara River SEA and the biodiversity of Los Angeles County.

For Good Water Quality:

4. Water quality samples shall be collected annually in the same manner as in Recommendation #1, to insure that water quality remains good. If water quality tests show that water quality has deteriorated to a rating exceeding the maximum content standard for any polluting constituent, then follow recommendations for Bad Water Quality below.
5. Annual reports of water quality analysis shall go to the RWQCB or their designated data keeper and to Department of Regional Planning (DRP). Show a map of collection sites and report geographical coordinates and results of analyses in a table.

For Bad Water Quality

6. Install berms along all perimeters of the property in any area that could receive runoff from animal facilities, especially adjacent to any tributary creek and/or the Santa Clara River. Berms shall direct runoff to detention basins.
 - Each berm should direct water downhill to a detention basin where water can be trapped and forced to flow through the cleaning processes of percolation and infiltration.
 - Overflow of each detention basin shall have a vault filtration unit with changeable filters for the anticipated contaminants of the animal waste and the parking lot contaminants. SEATAC may direct that these vault filtration units be at the head of the detention basins, rather than at the outflow.
 - Filters shall be changed out before and after each rainy season.
 - Berms are to enclose bioswales where sheetflow is expected.
 - Bioswales shall use non-invasive plants known to absorb the anticipated contaminants or absorptive materials such as wood fiber that can be exchanged before and after each rainy season.
6. Installation of detention basins in tributaries and drainage courses will require permits from CDFW and RWQCB and DPW for excavation.

For Nuisance Birds

7. Provide a list of possible measures to try to diminish the attractiveness of the project site to the congregations of the nuisance birds. Provide quantitative background data of nuisance bird incidence collected for each month through 2 years' time. Provide a schedule for when each measure will begin implementation and describe methods to determine how results will be analyzed. Measures to include are the following:
 - Remove or store (inside a structure making items unavailable to birds) items used for perching (1) in the kennel discard area (34.44328 -118.19112), (2) materials area (34.44450 -118.19117), and (3) vehicle storage area (34.44439 -118.19200)
 - Use restrictive feeding devices that dispense food and make it difficult for rescue animals to leave dropped food spread around the ground area.
 - Cover cages and kennels (including overhead areas) with hardware cloth (mesh too small for nuisance birds to enter).

Applicant's compliance to date: SEATAC minutes indicated there are no hydrological improvements, and that no studies of hydrology, runoff, or water quality have been done. The applicant maintains that there is no evidence of eutrophication in the near River habitats, although the near River habitats are dry except after rainstorms, a difficult habitat for sustaining algae. A sediment study to examine nitrogenous wastes in substrates around the facility in May-June 2014 did not study the water quality as SEATAC had directed, but instead examined nitrogenous compounds in sediments. The control sample upstream of the project had the highest content of

nitrogenous wastes, and so was discarded as an outlier. Nitrogenous wastes may disintegrate in surface soil under ambient project conditions and may not be indicative of contamination of water quality by runoff from the Project during a rainstorm. There was no analysis of potential contamination of heavy metals or petrochemicals.

No statements have been made by applicant with respect to doing anything to discourage nuisance birds.