



7/2/2013

Ms. Emma Howard
Regional Planning Department
Room 1354
320 W. Temple Street
Los Angeles, CA 90012
ehoward@planning.lacounty.gov

RE: Comments on December 2012 Significant Ecological Area Draft Ordinance.

Dear Ms. Howard:

Please accept these comments on the Draft Ordinance for the Significant Ecological Areas. The Center for Biological Diversity (“Center”) is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 500,000 members and on-line activists throughout the United States including many members that reside in Los Angeles County. The Center has worked to protect the rare species and their critical habitats and other environmental resources of Los Angeles County for years.

The Center recognizes the need for an ordinance to guide conservation of Los Angeles County’s world class biological and ecological resources and is generally supportive of the creation and implementation such an ordinance. Few places in the world go from coastal plains, to mountains with elevations of over 10,000 feet to deserts, all within less than 100 miles. The uniqueness of the landscape provides habitat for numerous rare and endangered species found nowhere else in the world. The Center is supportive of maintaining the biological diversity of Los Angeles County through conservation of existing natural open space and re-establishment of native habitats.

While we generally support the broad goals proposed in the Draft Ordinance for the Significant Ecological Areas (SEAs), we offer the following comments to improve the conservation values of the SEA ordinance:

- Page 1 SECTION 1. Section 22.08.190 – the goal should include conservation of both the biological diversity and rare and endangered species. The sentence should read
 - “Significant Ecological Area” means: any portion of a lot or parcel of land containing an ecologically important land or water system that supports valuable habitat for plants and animals integral to the preservation of rare, threatened or endangered species or to the conservation of biological diversity in the County.
- Page 7 Section 22.52.2620 Applicability. H (1). While we support minimizing fire hazards for safety of humans and the environment, the broad category of “removal and

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thinning of vegetation for fire safety” “required, requested, or permitted by a governmental agency” could allow for significant impacts to the SEAs based on future changes by “governmental agencies”. Of particular concern are programs including the draft vegetation treatment proposed by Cal Fire¹, currently under consideration for adoption. While we recognize that occasional fire is an intrinsic part of some plant communities’ ecology (ex. chaparral), we also recognize that too-frequent fire interval is equally detrimental to the natural communities, causing “type conversion” from native plant communities to non-native communities. Moreover, much of the fire hazardous vegetation is often landscaping planted around the development. Specific landscaping guidelines should be identified to minimize threats of fire hazards to both humans and the environment in and adjacent to the SEAs.

- Page 8 Section 22.52.2640 Development Standards C (1). While we see the value of excluding some wildlife during establishment of restoration and revegetation projects, over the long term, these wildlife exclusionary fences should be removed after establishment. In some cases over time, these types of fences are no longer needed, but remain, degrade and become a hazard to wildlife.
- Page 9 Section 22.52.2640 Development Standards D. While we support the inclusion of the Migratory Bird Treaty Act and Sections 3503 and 3513 of the California Fish and Game code, other key pieces of legislation appear to be missing that help to conserve ecologically functional landscapes including rare and endangered species and their habitats, clean waterways and good air quality – all of which are key to protecting ecological areas of Los Angeles County. Please include construction compliance with the following laws:
 - Federal Endangered Species Act
 - Bald and Golden Eagle Act
 - Clean Water Act
 - Clean Air Act
 - California Endangered Species Act
 - Section 1600 of the California Fish and Game Code.
- Page 9 Section 22.52.2640 Development Standards E (2). In order to assure that conservation areas on adjacent properties are not degraded we request the following deletion. “In addition, such structures or infrastructure shall not be located in a way that any portion of the required Fuel Modification Zone will include undisturbed natural areas on adjoining or adjacent lots or parcels of land.”
- Page 9 Section 22.52.2640 Development Standards F. While we support the recognition of habitat linkages and wildlife corridors require safe passage for species across streets, highways and roads, the width and type of crossing is really species dependent. The use of “wilderness crossing points” to describe a wildlife crossing suggests a very narrow and constricted passage point. Therefore we request that “wilderness crossing points” be replaced with “wildlife crossings”.
- Page 10 Section 22.52.2640 Development Standards H and I. In the discussion of widths of habitat linkages and wildlife corridors, it is unclear what the minimum widths of the linkages/corridors are based on. Linkages/corridors are well studied in the scientific literature and we request that the County do further research and set up a more effective

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¹http://www.bof.fire.ca.gov/board_committees/resource_protection_committee/current_projects/vegetation_treatment_program_environmental_impact_report_%28vtpcir%29/

evaluation for linkage/corridor widths based on more site specific criteria. We request the use of scientific literature² to more accurately capture the diversity of linkages/corridors that may be needed to facilitate wildlife movement based on species requirements.

- Page 11 Section 22.52.2640 Development Standards J. Of great concern is the 49% allowance of destruction of habitat for “the species of special status”. Please provide the scientific justification for this proposed allowance. A 49% reduction in habitat may be unsustainable and eventually cause extirpation. One commonly utilized tool to evaluate the viability of populations over the long term is a Population Viability Analysis (PVA)³. We request that the County include a PVA for those species of special status found on a proposed project site to evaluate the implication of the proposed action as part of the SEA review process. Only with a PVA can the County actually determine how much of the habitat must be conserved in order to assure that the unique biological resources of Los Angeles County remain extant.
- Page 11-12 Section 22.52.2640 Development Standards K(3). As of 20 years ago, southern California had already lost between 95-97% of its riparian habitat⁴. Therefore we believe it is incumbent on the County to conserve riparian, wetlands and the last few remaining vernal pools in Los Angeles County. As with the linkages/corridors, the ordinance fails to document how the “set backs” distances were determined. Buffers for protection of aquatic resources (vernal pools and riparian areas) are well studied in the scientific literature⁵, yet the “set backs” identified in the draft ordinance may not adequate to fully conserve these unique plant communities and habitat that they provide for rare species. We request that a more detailed analysis of riparian, wetland and vernal pool buffering be included.

Lastly, we request that the ordinance include language that states that the County will retain the contracted environmental consultants who perform the biological studies under the County’s direction in the SEAs (rather than the project proponent). This arrangement assures consistent implementation of survey methodologies between projects, and full disclosure of findings on the project sites.

We commend the County for strengthening the conservation parameters for the SEAs in Los Angeles County to help preserve our world-class natural heritage for future generations, and secure local water supplies. By addressing and incorporating the issues identified above, we believe the ordinance will be further improved and when implemented will help to conserve the irreplaceable natural resources of Los Angeles County.

2 <http://oak.ucc.nau.edu/pb1/vitae/Beier-Loe.1992.checklist.pdf>

3 <http://deepblue.lib.umich.edu/bitstream/handle/2027.42/39274/als9527.0006.010.pdf?sequence=1#page=17> ; http://www.researchgate.net/publication/229192520_Population_viability_analysis/file/d912f50b109c8580be.pdf

4 Bowler, P.A. 1989. Riparian Woodlands: An Endangered Habitat in Southern California. In Endangered Plant Communities of Southern California. A. A. Schoenherr ed. Proceedings of the 15th Annual Symposium. Southern California Botanists, Special Publication No. 3: 80-97.

5 http://www.fws.gov/carlsbad/SpeciesStatusList/RP/19980903_RP_ERARPA-NAFO-ORCA-POAB-PONU-RFS-SDFS.pdf ; http://www.eaaflyway.net/documents/resources/Setbacks_Castelle_wetlandandstreambuffersize1994.pdf

Thank you for your consideration of these comments. Please feel free to contact me with any questions and send all future correspondence regarding this issue to the Center for Biological Diversity.

Sincerely,



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