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SENT VIA EMAIL, US MAIL

31 March 2013

Ms. Emma Howard
Los Angeles County Regional Planning
Significant Ecological Area Program
300 West Temple Street
Los Angeles, California, 90012

Dear Ms. Howard,

Re: Draft Significant Ecological Area Ordinance, December 20, 2012

Our groups appreciate the opportunity to comment on the December draft of SEA ordinance. On behalf of our two groups, I wish to address several items of concern regarding the new ordinance in order of their presence by page number.

Page 1/29—I have not been able to find the current ordinance that describes the seating of SEATAC members. Giving the Director of Regional Planning sole power to appoint members of the committee could undermine the independent, functional review of projects, and could see appointees who have no experience in environmental review, or interest in the preservation of SEAs, or have a weighted interest in projects that come before the committee. I would like to see more regarding the “appointment” process that would safeguard the purpose of SEAs.

Page 3/29—Please include biological resources that are not necessarily “significant”, “rare”, since habitats that may possess few, if any, rare, endangered, listed, or otherwise more significant species often support or surround habitats that do support those deemed special by State or Federal listing. Also, how does development itself “maintain or enhance biotic resources within SEAs?”

Pages 5, 6,/29—Exceptions should not include open ended CUPs attained prior to the approval and implementation the these ordinances for the reason that project site conditions may change. What if the property in question is in what has now been identified a Wildlife Corridor, or subsequently discovered to be habitat for listed species? Section 22.52.2620 (page 5) should read: “The Provisions of this Part 25 shall apply to any ground disturbance wholly or partially located within an SEA and to any use or project adjoining or nearby any SEA with the potential to harm that SEA, or public or private conservation or reserve areas; including construction activities, storage, Fuel Modification Zones, and related off-site improvements such as grading, roads, sewer lines, water lines, and drainage facilities wholly or partially located within an SEA. . .” Any number of commercial, industrial, or agricultural projects could cause harm to SEAs adjacent or even some distance from such projects; so, should be reviewed by County biologists who could recommend SEATAC appraisal.

Page 7/29—Lot line adjustments may encroach on SEA lands without SEATAC review. These should be reviewed on an individual basis. The size of the parcels, lot lines in question, and their proposed use should be subject to review to determine effects on SEAs. It is outrageous to exempt surface mining from SEATAC review. It should be exempted from SEAs, period.

Page 8/29—Temporary wildlife impermeable fencing should be permitted for a limited length of time.

Page 8/29—Ideally, lot boundary lines would not have fencing. They really are not necessary for trails or roads. They should be discouraged, but if they are absolutely necessary, then vertical openings should be placed for ease of movement for large mammals.

Page 9/29—Development that shares disturbed land footprint and, “if possible,” Fuel Modification Zones should not be given a pass. “If possible” is such an open-ended phrase, and could make anything “possible.” Streets and Highways should be designed to not bisect Habitat Linkages and Corridors; although I agree that improvements should be made to improve the movement of wildlife in areas where roadways exist.

Page 10/29—Please add and/or: “When any ground disturbance, use, or project may encroach upon a likely to occur species of special status identified in the SEA's Description in the General Plan and/or discovered during the biologist site visit required by Section 22.52.2650.B.1, such ground disturbance, use or project shall not impact an area exceeding 50 percent of the habitat area for the species of special status on the lot or parcel of land. Also, how is this number of 50 percent arrived at? How would CEQA apply, or how would the CDFW or USFWS treat this encroachment?”

Page 11/29—Would ordinances protect water resources by requiring ongoing testing during the life of the project? How does the water resource size bear relation to its propensity to become affected by development? Is it logical that the smaller the water resource, the less affected it would be? Setbacks should be uniformly 300 feet.

Page 13/29—There should be no allowance for expired Variances, CUPs, modifications, etc. There should be review, as mentioned above for Exemptions, since changes can occur during expiration of permits that may include special status species. For example: A rare botanical species may emerge, or even reemerge on a site, due to weather conditions that were not present during the first review and permit process.

Page 14/29—It is unclear whether a special status species must be “discovered” or observed, or the potential to exist on a project is adequate to trigger a requirement to CUP, or review by State and/or Federal agencies. If they must be physically observed by a County biologist, how will one site visit provide adequate evidence, especially if the species in question occur in a season other than that in which the site is visited?

Page 15/29—Relating to the last item, must a species be observed, discovered by the biologist at the site visit, in order to trigger a SEA CUP? There seems to be inconsistency between several items that state special status species occurring or even the potential to occur would trigger more elaborate review, and those that must be observed by the biologist.

Page 18/29—The requirement for triggering a Type B CUP when a project area proposes “hardscaping” covering at least one acre in size or an area of half the project site, whichever is greater. One acre is 43,560 square feet, I feel an excessive amount of area determined to be minimum for a Type B CUP, and it is difficult to ascertain “half of a project site” greater than one acre. This is confusing. Item f.-- concerning drainage and hydrology affecting the “majority of the lot or parcel of land”. How is majority determined?

Page 20/29—Open space requirement for Type A SEA CUP—what or who determines the priority chosen for open space?

Page 21/29—item e.--“at least 80 percent of that SEA has been permanently dedicated as open space remaining in an natural condition or restored to a natural condition, open space may be provided in areas within the nearest adjacent SEA.” Please remove the underlined phrase so that natural, undisturbed open space is prioritized. While it is admirable to restore open space that has been degraded by inappropriate use or development, restored open space should not be considered mitigation for development determined to require open space dedication as part of the CUP conditions for approval.

Page 22/29—Subdivisions—Seriously consider whether subdivisions are appropriate for placement in SEAs, even if clustered. How was the 40 acres (plus or minus) decided upon in determining how open space is allotted ?

Page 24/29—Tell me, how is a Homeowners' Association qualified to hold mitigation land or manage open space in a subdivision? This should be deleted. Compliance monitoring should be required for all open space easements. Item 7.--Other Conditions of Approval-- First, it states a SEA CUP shall apply to the entire project site; then it may specify certain conditions only apply to those within an SEA; then if subdivided, modifications to the SEA CUP only relate to land affected by the modification, not the entire project site. Again, confusing to say an SEA CUP will apply to an entire project, and then state exceptions. Here again, we run into the problem of transition area, and effects of more intensive development on adjoining SEAs.

Page 28/29—Instead of offering voluntary review by Regional Planning or SEATAC, make review by SEATAC a part of the process. It would assure the public be informed of projects in SEAs and provide the opportunity to review project documents and comment on all projects if so desired.

Finally, we have concerns regarding utility-scale renewable energy projects in and near SEAs, and would like to see RE projects excluded from SEAs, and require SEATAC review of all RE projects, that, even though they may not be directly in or adjacent to an SEA, would have far reaching effects on habitats and wildlife therein, via air borne particulate matter, watercourse drainage, roads, structures, equipment, and activities related to daily operations.

Sincerely,



Susan Zahnter, FAVOS, CCWAV

