Puente Hills
Habitat Preservation Authority
Endowment Provided by the Puente Hills Landfill

HABITAT AUTHORITY
CELEBRATING 20 Years
Preservation, Restoration, and Education

April 14, 2014

County of Los Angeles
Department of Regional Planning
Attn: Emma Howard
Regional Planning Department
Room 1354
320 W. Temple Street
Los Angeles, CA 90012

Comments on the Draft Significant Ecological Area Ordinance dated March 25, 2014

Dear Ms. Howard:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the Draft Significant Ecological Area (SEA) Ordinance (dated march 25, 2014). The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq*. with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation. The Habitat Authority owns and or manages over 3,800 acres which lie within the Cities of Whittier and La Habra Heights, as well as in the County unincorporated areas of the Puente Hills known as Hacienda Heights and Rowland Heights.

The Habitat Authority thanks and acknowledges the Department of Regional Planning for the incorporation of certain comments on the previous SEA Ordinance Summary Draft dated June 2012, December 20, 2012 and December 5, 2013. These comments included suggested language for development standards within SEAs, such as exclusion of invasive plants, fencing to promote wildlife movement, and avoidance of habitat impacts from fuel modification. However, certain comments were not addressed in the current Draft Ordinance and are included below for reference, along with additional comments.

SEA ORDINANCE

Those comments with an asterisk (*) are reiterated from a previous Habitat Authority comment letter on an earlier draft but still apply.

22.52.2910 - Applicability

1. * Subsection C.6. Please broaden the exemptions. The exemption from the SEA Ordinance noted in Subsection C.7. is for "any of the following activities required, requested, authorized or permitted by a governmental agency: (a) Removal or thinning of vegetation for fire safety or in response to an emergency; and (b) Hazard management activities in response to an emergency or other public safety concerns." We suggest that activities involving removal of non-native vegetation (including by herbicide) and habitat restoration (including, but not limited to, seeding, planting of container plants, and irrigation) also be exempted activities by open space management government agencies. We also suggest exemption of government agency activities such as scientific studies, erosion control, and construction, maintenance or demolition of trails, structures or facilities necessary for open space management activities.

22.52.2915–Permitted Uses

2. *Subsection B. Please remove all development areas on Habitat Authority property from the maps. This subsection allows for uses or projects located within developed areas identified in the SEA Development Map. However, based upon a review of the Proposed Developed Areas available through the Department's GIS-NET3, many of these mapped areas in the proposed Puente Hills SEA appear to be incorrect. Some existing fuel modification zones are mapped, and others are missing. Since fuel modification practices are exempt activities, please remove from the map all fuel modification areas that are identified as developed that are on Habitat Authority properties. Since the Habitat Authority will not be allowing expansion of development activities within fuel modification zones on lands managed/owned, this layer on the map needs to be adjusted.

3. *Subsection F. Please broaden the exemptions so public funds are not spent unnecessarily. This allows for activities conducted by governmental agencies to improve the quality of biological resources in an SEA, including non-native vegetation removal programs, native habitat restoration programs, and construction of wildlife under and overpasses for habitat linkages and wildlife corridors. It was requested earlier in this letter and in previous letters that such activities be exempt and we still make that recommendation, as they are conducted for the sole benefit of habitat improvement and generally have very minor impacts. However, if they remain as Permitted Uses requiring Site Plan Review, it is our understanding that such review would only apply to new or existing programs, and would not be required for every individual project, some of which are quite small and isolated. For example, the Habitat Authority has an existing Resource Management Plan (RMP) which includes non-native vegetation removal and habitat restoration programs; it is our understanding that the RMP could be submitted for Site Plan Review and approval, and that any subsequent activities consistent with that RMP would be permitted without individual site plan review. This would include , that activities such as scientific studies, erosion control, and construction, maintenance or demolition of trails, structures or facilities

necessary for open space management activities be exempt as requested earlier in this letter and in previous letters; If these activities are not exempt then the intent of the Ordinance may be defeated by the abundance of County staff resources necessary to follow up and make site visits that would be required per this proposed Ordinance due to the many activities of governmental land management agencies county-wide. These activities described above are integral to the management of biological resources, and often have minor impacts compared to other permitted uses such as single-family residences. The requirement for open space management activities (such as non-native vegetation removal or demolition of trails) to undergo a Site Review or Conditional Use Permit process would needlessly cost the County, and land management agencies (which are already struggling with limited resources) additional unanticipated funds which could be used for actual improvement of biological resources and would unnecessarily delay safety, maintenance, and educational management actions on properties enjoyed daily by the public. Please also consider indicating in the ordinance that the Site Plan approval has no term limits.

22.52.2925 - Development Standards This section lists the development standards non-exempt activities would need to adhere to when conducted within SEAs.

4. Subsection F. This subsection notes that new development may not narrow Connectivity Areas to a width of less than 1,000 feet at any point. Given that the spatial scale of corridors required to maintain viable populations can be partially determined by the species using that corridor, we suggest language that guides the width **and length** of Connectivity Areas to be appropriate for the suite of species, or focal species, at specific sites.

5. Subsection G. According to the development standards, new development may not narrow Constriction Areas to a width of less than 200 feet at any point. Given that the spatial scale of corridors required to maintain viable populations can be partially determined by the species using that corridor, we suggest language that guides the width **and length** of Constriction Areas to be appropriate for the suite of species, or focal species, at specific sites. For example, long corridors may not provide suitable conditions for the safe passage of animals, especially if predators are present.

6. Subsection J.2 table. Please consider adding language for the setback to clarify that when measuring the setback distance, measurements begin at the ordinary high water mark or watershed boundary.

Section 22.52.2935 –Uses Subject to Permits– Application Procedures

7. Subsection C. Please the following fourth **bold** item to identify and delineate during site review: **Special status species**

22.52.2945 –Uses Subject to Permits – Conditions of Approval or Issuance

8. *Subsection A.2.a.iii. More emphasis should be given to setting aside land that is contiguous with other preserved lands. This section prioritizes land to be provided as Natural Open

Space and gives preference to open space preserved on the same lot or parcel as the impact. This preference may not always result in the highest conservation value, especially if the resulting open space is small or isolated. Rather, preference should be given to preserving open space that is contiguous with other preserved lands, or to areas that will create or strengthen a habitat linkage or wildlife corridor. This type of strategic conservation will promote the viability of SEAs more than a piecemeal approach.

9. Subsection A.2.a.iii. (3) and (4). In addition, the Habitat Authority recommends switching priorities for numbers 3 and 4 so that Connectivity and Constriction Areas are given a higher priority for preservation as Natural Open Space. As it is important that those Connectivity and Constriction Areas have suitable habitat, restoration in those Areas should also be encouraged as part of maintaining the land in perpetuity.

22.52.2950 - Uses Subject to Permits – Findings

10. *Subsection A.3. SEA viability thresholds should be revised to better protect SEAs. This subsection lists the Findings required for the Hearing Officer or Regional Planning Commission to issue an SEA CUP. Subsection H.3 requires that a project cannot result in the loss of SEA viability, which is defined as (a) bisecting the SEA, (b) closing of a connectivity or constriction, (c) removing habitat characteristic of the SEA, (d) removing the only known location of an SEA species, or (e) removing the only known location of a new or rediscovered species. Items b, d and e provide a very high threshold for determining the loss of SEA viability. For example, the substantial narrowing of a connectivity area, not just the closing of the constriction, could result in SEA viability loss. Or the removal of key habitats or populations of certain species, not just the removal of the only known locations of that species, could also result in SEA viability loss. These SEA viability thresholds should be revised to be less limiting.

Thank you for your consideration of our comments. We look forward to reviewing the still to come sections of the Program Guide as soon as they are made available. Feel free to contact me or Lizette Longacre, Ecologist, at (562) 945-9003 for further discussion.

Sincerely,

Bob Henderson
Chairman

cc: Board of Directors
Citizens Technical Advisory Committee
Connie Chung, Los Angeles County Department of Regional Planning