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

July 26, 2012

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 June 2012 Significant Ecological Area Ordinance Summary Draft

Dear Ms. Howard:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the Significant Ecological Area (SEA) Ordinance Summary Draft (dated June 2012).

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 would like to acknowledge its agreement with and support for the comment letter submitted by the Wildlife Corridor Conservation Authority on July 12, 2012 regarding the June 2012 SEA Ordinance Summary Draft. The Habitat Authority would like to express additional comments as presented below.

While the Habitat Authority appreciates the opportunity to propose specific language for the revised SEA Ordinance, it is difficult to comment in detail on the current draft ordinance when much of the text is vague or not yet crafted. The Habitat Authority looks forward to providing more substantive comments on the next draft ordinance. In the meantime, we have provided some thoughts on the current version below.

Section B – Definitions

In this section an SEA is defined as "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 and the conservation of biological diversity in the County." As currently worded, it could be narrowly interpreted that an SEA is only an area that supports habitat for sensitive species AND biological diversity; rather, the definition should be for areas that support either sensitive species AND/OR biological diversity, not necessarily both. As such, this definition would indirectly acknowledge the importance of wildlife movement and habitat connectivity in promoting biological diversity.

Section C - Applicability

Page 5, item 7, notes that within SEAs or ETAs, "established agricultural uses" are exempted from a conditional use permit. These uses, while not yet defined, are "intended to apply to ongoing legally permitted farming uses in the SEAs, and to distinguish such activity from new farming uses" (page 5). We suggest that this exemption also include grazing of animals such as goats, for habitat restoration or fuel modification activities when conducted by land preservation or open space management entities or agencies.

Other activities in SEAs or ETAs exempted from a conditional use permit as described on pages 5 and 6 include "activities undertaken by a governmental agency or requested by a governmental agency", including removal or thinning of vegetation as required by the Fire Department for fire safety, non-native vegetation removal programs for fire and flood prevention, native habitat restoration for fire prevention, and hazard management for public safety. We suggest that removal of non-native vegetation (including by herbicide) and habitat restoration (including seeding, planting of container plants, and irrigation) for habitat improvement (not just for fire or flood prevention) also be exempted activities by government agencies. We also suggest exemption of government agency activities such as scientific studies, and construction or demolition of trails, structures or facilities necessary for open space management activities.

Section D - Development Standards for Permit Exempt Uses in SEAs

This section lists many development standards which single-family residences, accessory structures, and additions to individual single-family residences and accessory structures would need to adhere to when constructed within SEAs, as they are exempted from a conditional use permit. However, it is unclear as to who will determine whether and how these standards are adhered to, and whether such proof is supplied by the applicant or assessed by County staff. Since these standards are intended to reduce impacts to biological resources, we recommend the involvement of County Biology staff in determining whether such an exempt activity meets the development standards. Comments regarding specific standards are given below:

- **Landscaping.** Please include in this standard that landscaping not only use native species, as suggested in the text, but exclude invasive plants, such as those identified by the California Invasive Plant Council.
- **Fencing**. We support the suggested text for this standard, promoting wildlife movement on natural portions of the property. This can be accomplished by limiting fencing only to the

immediate use areas surrounding a structure and discouraging fencing that surrounds an entire property or parcel.

- **Removal of Vegetation.** The suggested text indicates that this standard will minimize or eliminate tree removal. We suggest that this standard also minimize or eliminate the removal of native plants communities, not just trees.
- **Fuel Modification.** The suggested text indicates that undisturbed and valuable habitats will be avoided by this standard. We suggest that this standard require that all structures and infrastructure be set back at least 200 feet from publicly and privately dedicated natural open space to avoid impacts to native habitats.
- **Identified Sensitive Resources – Mapped by LA County.** The text suggests the inclusion of core habitats; however, these do not appear to be mapped anywhere. How will these be determined and mapped? Also, sensitive resources mapped by other entities should be considered.
- **Clustering.** We suggest adding an additional standard, which would require that such exempted structures be clustered as close as possible to other existing structures and be located as close as possible to existing roads.

This section will also include development standards for projects in previously approved CUP locations, which are also exempted from a CUP, provided that the use of the property is determined to be fundamentally the same as that of the expired conditional use permit. We suggest that these standards prevent the removal of any native habitat that may have developed or recovered on or adjacent to the site, and consider protection of any sensitive species or important wildlife movement corridors that may have since been identified. In addition, we recommend that this standard also consider any cumulative effects from other nearby projects that may have not been approved when the original CUP was approved but which could now have a cumulatively negative impact on biological resources within the SEA.

Section E – SEA Conditional Use Permit

This section proposes a two-tiered approach to CUPs, in which one type (for low intensity or complexity uses) will go before a Hearing Officer and not the SEA Technical Advisory Committee (SEATAC). This type will be required, through a burden of proof, to determine that the project will not impact resources within the SEA that are irreplaceable. Similar to our concern noted under Section D, it is unclear whether the burden of proof is supplied by the applicant or assessed by County staff, and since this process is intended to reduce impacts to biological resources, we recommend the involvement of County Biology staff in the burden of proof evaluation. In addition, we believe that the burden of proof of not impacting "irreplaceable" resources is too high of a threshold to determine whether a project should receive SEATAC review. What is the definition of irreplaceable resources? There are many resources that, while not necessarily irreplaceable, are still sensitive and valuable to the SEA and should be properly evaluated for potential impacts from a proposed project. The threshold for the burden of proof should include whether a project will impact resources upon which a particular SEA was determined.

Under subsection 1, Initial Project Appraisal, it lists the information that an applicant shall submit to the Director. The only information required regarding biological resources is an indication of "any anticipated site design and construction measures intended to protect biological and ecological resources". However, how can the Director determine whether these measures actually protect such

resources if there is no requirement to identify such resources on-site? The Initial Project Appraisal should require that the applicant provide information regarding biological resources present, or potentially present, on-site. The previous version of the draft ordinance required a description of sensitive species listed by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, California Native Plant Society, and Los Angeles County Sensitive Bird Species List; please require this and also consider including other local adopted plans to this list. For example, the Habitat Authority has adopted a Resource Management Plan which identifies and evaluates sensitive species that are, or may be, present on the Puente Hills Preserve. Other local plans may provide more detailed information for other properties in SEAs, if available. Please also consider requiring that the initial project appraisal also include an assessment of Regional Habitat Linkages and Wildlife Corridors present within the SEA which may be impacted by the proposed development, and a description of how the proposed project would mitigate any negative impacts. This information will be necessary to determine which type of CUP will be required, including whether it should be reviewed by SEATAC.

Subsection 2 will include the SEA Conditional Use Permit Burden of Proof for Types 1 and 2, and for Ecological Transition Areas (ETAs). We suggest that the burden of proof for determining whether project fits under Type 1 or 2 include whether the project will impact any SEA "criteria resources", or those resources which were used in determining a particular SEA. In addition, it is unclear how the ETA burden of proof would relate to those for Type 1 and 2 since this is the first time that ETAs have been mentioned in the review process. Also, the burden of proof for ETAs should include whether a project could affect wildlife movement, as well as whether the project would affect the function of the ETA, which is important because it is "functionally integral to the SEA or supports important plant or animal populations" (page 4, item 2).

Thank you for your consideration of our comments. We look forward to providing comments on the more substantive text anticipated in the next draft of the SEA Ordinance. Feel free to contact me or Andrea Gullo, Executive Director, at (562) 945-9003 for further discussion.

Sincerely,

Bob Henderson
Chairman

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