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Ms. Emma Howard, Planner
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Dear Ms. Howard,

I am writing to comment on the newly proposed Significant Ecological Areas Ordinances. My main concerns regard the development of commercial, industrial, residential uses within and near SEAs. I believe any parcel that shares a property line with an SEA should require some level of SEATAC review. No valuable or diverse habitat exists as an island, and activities on land adjacent to SEAs can have consequences that could damage or fragment habitats these ordinances seek to protect.

Two things in particular, I would like to express here:

- Any proposed development within, or partially within, or directly adjacent to an SEA or in a “buffer zone” should require SEATAC review. This would include shared property lines.
- Exclude development of commercial scale renewable energy plants, substations, overhead transmission lines, and related utility infrastructure in SEAs, agricultural areas in and near SEAs, scenic resources, hillside management areas.

I have listed questions and comments below, in italics, with the text copied from the draft ordinances.

Page 1-2. Significant Ecological Area. A Significant Ecological Area is 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. Significant Ecological Areas are delineated on the Significant Ecological Areas and Coastal Resource Areas policy map of the County General Plan.

I would like to be sure this includes all species, not only rare, threatened or endangered species, and the habitats that support them. Certainly rare, threatened and endangered species co-exist with many diverse, and perhaps common species, and even rely upon them for existence.

2. Ecological Transition Area. An Ecological Transition Area is a subset of a Significant Ecological Area, where the natural ecological features or systems have been degraded as a result of past or on-going land use activities but are deemed functionally integral to the Significant Ecological Area or support important plant or animal populations. Ecological Transition Areas are delineated on the Significant Ecological Areas and Coastal Resource Areas policy map of the County.

I would like to see agricultural land along the northern edge of Portal Ridge, perhaps as far north as Highway 138, included as ETA, and recognized as recovering grassland, valuable forage for migratory birds, including raptors, and not “previously disturbed.” The description would seem to apply to those lands as well.

3. Development Activities. Development activities within a Significant Ecological Area or Ecological Transition Area are defined as any new development, infrastructure or activities, including maintenance, that would impact the biological resources or ecological systems in the Significant Ecological Area, specifically those development activities that: require the issuance of a building permit or grading permit; the approval of a minor land division or subdivision; the relocation of property lines; and the removal of vegetation.

Would this include a Conditional Use Permit?

Page 4. Parcels of land located wholly or partially within a Significant Ecological Area or Ecological Transition Area, including but not limited to infrastructure and fuel modification, shall require a conditional use permit, as provided in Part 1 of Chapter 22.56, except for the following development activities:

1. Any development activity where the entire footprint of the development activity, including associated infrastructure, grading and fuel modification areas, is located outside of the Significant Ecological Area or Ecological Transition Area.

I would like to see continued protection of SEAs that fall partially within development areas, by requiring review by SEATAC, since development activities may directly affect SEAs.

Page 4. D. Conditional Use Permit Required, 2. Individual single-family residences, accessory structures, and additions to individual single-family residences and accessory structures.

It would seem that even single-family structures might impact SEAs through size of footprint, fuel modification requirements, grading impacts, etc. Perhaps a level of review should exist, but not to such levels as a Conditional Use Permit.

Page 4-5. D. Conditional Use Permit Required. Except for the following development activities:

6. Existing agricultural production, including lands that are fallow as part of long term crop management.

It has come to my attention that agricultural lands included in, and adjacent to, SEAs are valuable biologically, and subject to CEQA review, as indicated in a letter from the California Department of Fish and Game, dated 20 September 2011, regarding “Agricultural Clearing, particularly in the Antelope Valley,” to Director Bruckner that states:

The Department is very concerned regarding the historic and continued loss and degradation of biological and botanical resources held in public trust by the Department within the west Mojave Desert of the unincorporated areas of the County. The Department is particularly concerned regarding ongoing direct and cumulative adverse environmental impacts to the biological diversity in the Antelope Valley resulting from agricultural clearing activities. Agricultural clearing, unless conducted within a Significant Ecological Area (SEA), is normally not subject to County review under the California

Environmental Quality Act (CEQA) because such activity is exempted from discretionary action by the County (not considered a project under CEQA). CEQA was adopted in 1970 as a statute requiring state, county, and city governments to assess the potential for negative environmental impacts associated with proposed private developments and to assess avoidance and mitigation measures.

The lack of discretionary regulatory oversight by the County has resulted in ongoing significant, direct, and cumulative losses of important representative elements of the natural heritage and biological diversity of the County, including species listed as threatened and/or endangered under the California Endangered Act (CESA) and Federal Endangered Species Act (FESA). In the Antelope Valley, state and federal listed species include but are not limited to Mohave ground squirrel, Mojave desert tortoise, and Swainson's hawk. Agricultural clearing also adversely impacts other special status species including but not limited to western burrowing owl, American badger, tricolored blackbird, coast horned lizard and special status botanical resources such as Joshua tree woodland, saltbush scrub, and several plant species upon which adverse impacts would be considered significant under a comprehensive CEQA review process. *Several of the Can this ordinance be modified to include agricultural grazing lands, recovering ag. Land, currently farmed land, that could come under review so as to comply with CEQA in protecting biotic resources dependent upon such lands?*

7. Managed grazing lands of horses, cattle, or sheep, and the construction of corrals as an accessory use, as allowed by this Title 22 and other applicable County regulations, including but not limited to regulations related to time of year, County wildlife preserves, and hazardous dust conditions. *Will these activities be exempt from SEATAC or County review?*

Page 6. 10. Public facilities and infrastructure.

I do not think public facilities and infrastructure should be exempt from SEATAC review if they fall within, or partially in an SEA. I presume public facilities and infrastructure to include utilities, substations, transmission, and the like.

Page 10. H. Development Standards and Guidelines. c. Wildlife Movement. Structures, infrastructure and fencing shall be designed and installed so as to not significantly impact the movement of wildlife. A proposed development activity that includes any adverse impacts in this regard shall include a mitigation and remediation plan for those impacts.

Natural wildlife movement should remain, and development arranged to accommodate that activity. "Creation" of corridors may prove an inadequate mitigation measure.

Page 11. H. Development Standards and Guidelines.h. Noise. Noise levels shall remain below 45db(A) at night in canyons and along drainages between 5 p.m. and 7 a.m., unless otherwise expressly permitted.

I would like no manmade noise allowed, except for passing road traffic.

Page 11. H. i. Lighting. Outdoor lighting shall be directed toward structures or activities and away from biological resources. Outdoor lights shall be fully shielded, directing the light downward to maintain dark skies.

Please include signage. No internally lit signs. Perhaps a time cut-off for nighttime signs and lighting, especially for commercial businesses.

Page 12. H. 2. Roadways. c. Access. Human access to wildlife safe passage areas shall be discouraged.

Human access should be prohibited.

Page 19. D. Conditional Use Permit Required. Any development activity on a parcel or parcels of land located wholly or partially within a Hillside Management Area shall require a conditional use permit, as provided in Part 1 of Chapter 22.56, except for the following development activities:

1. Any development activity where the entire footprint of the development activity, including associated infrastructure, grading and fuel modification areas, is located outside of the Hillside Management Area.

I would like to suggest otherwise. Through personal experience, I have found land clearing activities directly adjacent to what would be described "hillside management area," subjected neighboring properties to excessive run-off in our mountain areas subject to substantial rainfall.

Page 23. F. Development Standards and Guidelines. 1. Dedicated Open Space Requirement.

a. At least 70 percent of the gross area of the lot(s) within a Non-Urban or Rural land use designation shall be permanently dedicated open space. At least 25 percent of the net area of the lot(s) within any other land use designation shall be permanently dedicated open space.

So, this would not apply to agricultural land? And why not? Could this 70 percent requirement apply to Ag. Land not currently under cultivation, in an SEA or HMA?

F. Development Standards and Guidelines. 1. Dedicated Open Space Requirement.

Required open space shall remain undisturbed in a natural condition, except for the following types of improvements, where determined to be compatible with this Section by the director. In no event shall the improved open space uses below exceed one-third of the required open space area:

- (a). Parks, playgrounds and other recreational facilities;
- (b). Riding, hiking and cycling trails;
- (c). Areas planted with native locally-indigenous vegetation;
- (d). Manufactured slopes;

Would this open space requirement exclude wildlife corridors, riparian areas, etc.?

Page 28. Stormwater Runoff. Stormwater retention and detention facilities shall be designed as an extension of the natural drainage system to contain runoff and facilitate groundwater recharge, as follows:

Would there be a way to determine how water quality from runoff into retention basins would affect adjacent watercourses, riparian habitats, etc.?

Thank you for the opportunity to comment. Again I would like to express the need for SEATAC review as it applies to all proposed projects, private and commercial-industrial, adjacent to SEAs, open space, dedicated public and private lands, scenic resource areas, agricultural lands, and hillside and hazard management areas.

Sincerely,

Susan Zahnter

