August 9, 2018

Ms. Jennifer Mongolo
Los Angeles County Department of Regional Planning
320 West Temple Street, Room 1343
Los Angeles, CA 90012
date: sea@planning.lacounty.gov

Subject: Notice of Consultation on the Antelope Valley (AV) Exemptions for Single Family Residences – Alternative Option Ordinance (AOO) for Los Angeles County Significant Ecological Areas (SEA)

Dear Ms. Mongolo:

The California Department of Fish and Wildlife (CDFW or Department) has reviewed the above-referenced draft of the proposed AOO for Los Angeles County SEAs prepared by the Department of Regional Planning (County). The AOO is a component of the County General Plan and is a regulatory tool written to maintain a balance between conservation and development within designated SEAs located in unincorporated areas of the County.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the AOO that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the AOO that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. CDFW is pleased that the draft AOO addresses some of the Department's comments and recommendations following our review of the existing current Tenth Draft Proposed Ordinance (Ordinance) for County SEAs.

CDFW ROLE

The following statements and comments have been prepared pursuant to the Department’s authority as California’s Trustee Agency for fish and wildlife resources and holds them in trust by statute for all the people of the state. (Fish & Game Code §§ 711.7, subd. [a] & 1802; Public Resources Code § 21070; CEQA Guidelines § 15386, subd. [a]). As trustee, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). For purposes of CEQA, CDFW is mandated to provide, as available, biological expertise during public agency environmental review, focusing on AOO/activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code § 21069; CEQA Guidelines § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration (LSA) regulatory authority (Fish & Game Code § 1600 et seq.). To the extent implementation of the AOO as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA; Fish & Game Code §

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2050 et seq.) or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 et seq.), authorization from CDFW as provided by the applicable Fish and Game Code will be required.

AOO Comments
The AOO describes that the alternative will apply only to the eastern portion of the Santa Clara River SEA that is outside of the National Forest boundary. The AOO states, “[t]he rest of the SEAs in the AV will follow the county-wide SEA regulations when it comes to single-family residences and agricultural uses.” The AOO further states, “[w]ithin the Antelope Valley Area Plan portion of eastern Santa Clara River SEA, and outside of the National Forest, the following are exempt:

- Construction of a new single-family residence with a total building site area up to 20,000 square feet,
- Improvements accessory to a single-family residence, not exceeding a 20,000 square foot total building site area:
  - Additions to an existing single-family residence;
  - Landscaping;
  - New accessory structures;
  - Additions to existing accessory structures; or
  - New or expanded animal keeping areas and facilities.
- Agricultural uses on all previously disturbed farmland”

Comment #1: CDFW generally concurs with the AOO and supports removing additional area within Antelope Valley from the exemptions described in the existing current draft SEA Ordinance. We recommend that exemptions for single-family homes include a screening requirement for current biological surveys to verify information at the site level and to determine if state and federal permits may be required. In addition, it may be beneficial to include adaptive management strategies such as including a cap or pilot sunset date on exemptions, after which the provision is re-evaluated for renewal. Information on tools available to secure open space within the SEA for single family exemptions should be provided, especially where sensitive species and/or wildlife movement occur.

The implementation regulations should describe the mechanism for management, monitoring and enforcement of open space dedicated under the final SEA Ordinance. The Department also emphasizes the need to clearly describe the process for development and mitigation standards for areas outside the SEA with sensitive resources. For example, state- and federal-listed species, state species of special concern (SSC) and state fully-protected species can still occur within or outside of SEAs and require avoidance, minimization and mitigation under CEQA, CESA and the federal Endangered Species Act (FESA; 16 U.S.C. § 1531 et seq.).

Comment #2: Our May 14, 2018, letter to the County in response to the County’s Notice of Consultation on the existing draft Ordinance expressed some concerns and recommendations to further the protection of biological resources. CDFW continues to have some concerns regarding the AOO.
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We are concerned that development within SEAs without the County requiring a biological constraints analyses could lead to assumptions by the regulated community that activities are not subject to additional applicable regulations protective of biological resources. CDFW is particularly concerned regarding regulations under our purview, including protection for listed species (Fish and Game Code § 2050 et seq.), listed plants (Fish and Game Code § 1900 et seq.), nesting birds (Fish and Game Code § 3500 et seq.), and alterations conducted within waters of the state (Fish and Game Code § 1600 et seq.). CDFW recommends that the AOO include language that informs the public that all activities conducted in an SEA are subject to applicable state and federal laws regardless of AOO and that state and federal permits may still be required prior to development. Information in the SEA Ordinance should not be construed as replacing the need for other permitting which may require current, site-specific biological surveys and habitat mapping with identification of wetland/stream resources.

Comment #3: Lands designated in the AOO as “new or expanded animal keeping areas and facilities, and agricultural uses on all previously disturbed farmland” may provide beneficial wildlife habitat value. For example, much of the habitat remaining in the Antelope Valley for western burrowing owl (Athena cunicularia), a California species of special concern (SSC), may be found on previously disturbed farmland and pasture. In addition, the state-threatened Swainson’s hawk (Buteo swainsoni) is known to use agricultural areas in Antelope Valley. Exempting previously disturbed farmland and pasture may encourage the type conversion of native habitat to incompatible agriculture uses with sometimes no or minimal resource assessment, avoidance or mitigation measures conducted for biological resources. Agricultural land activities may then be ceased and then their eventual development may fall under the exemption afforded in the draft AOO. CDFW recommends that new or expanded animal keeping areas and facilities, and agricultural uses on all previously disturbed farmland land use designations not be afforded exemptions from biological resource protective measures, unless it is demonstrated through a biological constraints analysis (including site-specific mapping and surveys) that no wildlife resources occur, including foraging and dispersal habitat.

Comment #4: Please clarify if exemptions for fuel modification zones will be included in the exemptions provided for activities described in the AOO for “[c]onstruction of a new single-family residence with a total building site area up to 20,000 square feet, and [j]improvements accessory to a single-family residence, not exceeding a 20,000 square foot total building site area”. CDFW recommends that if these land use designations include further fuel zone modification to vegetation, they not be afforded exemptions from biological resource protective measures in the SEA Ordinance. Fuel management areas, septic areas, access roads and appurtenant facilities for development should be included in the 20,000 square foot development area and located in the least sensitive area of the site to the extent practicable. In addition, the AOO should require that all plantings within fuel management areas use appropriate local native species.

Comment #5: Based on experience with other similar ordinances in southern California, CDFW recommends that the following clarifications or additional information be included in the final SEA Ordinance and/or implementing regulations for the Antelope Valley area:

A. Annual Monitoring and Reporting: Include an annual monitoring component that maps and reports on projects (including exemptions) to evaluate the performance of the ordinance (e.g., how exemptions and projects are tracking with gains in open space).
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B. **Allowable Uses in Dedicated Open Space:** Identify allowable uses within dedicated open space and identify that trails are conditionally compatible and may be located within such areas only with a trails compatibility study which will determine the least sensitive location for access.

C. **Land Protection and Management:** Identify the land protection method (e.g., conservation easement, land use/zoning designation) for protection of dedicated open space if used to meet environmental requirements.

D. **Property Boundaries:** Lot-line adjustments, lot consolidations, and related property boundary mapping changes should be subject to the SEA Ordinance to preclude processing of parcel and subdivisions maps that would limit or hinder compliance with SEA standards (e.g., clustering) at the site planning stage.

E. **Development Area:** Fuel clearing, septic areas, access roads and appurtenant facilities for development should be included in the 25% development footprint and located in the least sensitive area of the site.

F. **Roads and Infrastructure within/adjacent to the SEA:** The SEA Ordinance appears to allow driveways, streets, roads and highways to be placed within the natural open space if determined to be necessary for access (e.g., Section 22.102.090: Open Space). If clearly demonstrated to be necessary to ensure public health, safety and welfare after evaluation of reasonable alternatives, we recommend that the roadway design (including grading) be the minimum necessary for site access and include wildlife crossings, fish passage, native plantings and other elements to offset environmental impacts. Wildlife movement studies should also be required prior to placement of roadways within natural open space areas that function as wildlife corridors. This same type of requirement for demonstrating public need and consideration of alternatives prior to design should also apply to other infrastructure in SEAs (e.g., water, sewer, utilities, and drainage).

G. **Clustering and Minimization:** For site clustering in the SEA ordinance, if encroaching into steep slopes creates a biologically superior design then it should be allowed on a case-by-case basis. Use of transfer of development rights may also be appropriate where it would help to achieve a biologiucal superior design. This flexibility in the SEA Ordinance is important because in many cases flatter portions of land may contain the most biologically sensitive areas.

H. **Site-Specific Surveys:** The SEA ordinance should require site-specific biological surveys to detect listed/sensitive species as part of the development review application process to help streamline state and federal permitting, including as screening criteria to qualify for exemptions. The Biological Constraints Map (BCM) should include current site-specific surveys using established protocols to evaluate potential impacts to sensitive species; the SEA Ordinance should not defer these surveys as project conditions.

The Department appreciates the opportunity to comment on the draft AOO and to assist the County in further minimizing and mitigating impacts to biological resources. We commend the time and work invested by the County with the SEA and AOO and acknowledge their intent to improve resource conservation within the Antelope Valley.
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CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming CEQA documents and hearing dates for the SEA Ordinance (CEQA Guidelines §15073[e]). If you have any questions or comments regarding this letter, please contact Scott Harris, Environmental Scientist at scott.p.harris@wildlife.ca.gov or (805) 644-6305.

Sincerely,

[Signature]

Erinn Wilson
Environmental Program Manager I
South Coast Region

c: Erinn Wilson, CDFW, erinn.wilson@wildlife.ca.gov
    Scott Harris, CDFW, scott.p.harris@wildlife.ca.gov
    Chris Delith USFW, Ventura, chris_dellith@fws.gov
August 1, 2018

Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Need to Reestablish Single Family Residences in Antelope Valley for SEA Ordinance

The Desert and Mountain Conservation Authority (DMCA) implores the Los Angeles County Department of Regional Planning (DRP) to eliminate the proposed exemption for single-family residences and agricultural uses from the Draft Significant Ecological Areas (SEA) Ordinance.

As noted on the July 25, 2018, DRP’s blog post to the SEA Program website, “Many of the comments we received [on the Draft SEA Ordinance] expressed interest in not completely exempting single-family residences and agricultural uses from SEA review in the Antelope Valley.” Because of these overwhelming negative comments, DRP proposed an Alternative Option that will exempt single-family residences and agricultural uses “only to the eastern portion of the Santa Clara River SEA.”

The exemption of single-family residences and agricultural development from SEA Ordinance compliance in the Antelope Valley, in general, and specifically the upper Santa Clara River SEA, is anathema to the expressed purpose of the SEA Ordinance: to protect the biodiversity and unique resources contained in SEA from incompatible development. Without biological review as required by the SEA Ordinance, the biological resources of these Significant Ecological Areas would never be disclosed and analyzed. The review exemption in either area—for lots greater than half an acre in size—eliminates all options to address biological resources within project designs and approvals.

Thus, the DMCA recommends that the Draft SEA Ordinance must not exempt single family residences or agricultural uses. If you have any questions for our agency, please contact me at 310-589-3200, ext. 128, by email at edelman@smmc.ca.gov, or at the above letterhead address. Thank you for your time and consideration.

Sincerely,

Paul Edelman
Chief of Natural Resources and Planning
August 5, 2018

VIA ELECTRONIC MAIL ONLY

Environmental Planning & Sustainability Section
Los Angeles County Department of Regional Planning
320 W. Temple Street, Room 1354
Los Angeles, CA 90012
<sea@planning.lacounty.gov>

RE: Significant Ecological Areas (SEA) Ordinance: AV exemptions for Single Family Residences – Alternative Option

Gentlepersons:

Endangered Habitats League (EHL) welcomes the Alternative Option for reduced SEA exemptions, which reflects community input. The Alternative option would limit the single-family home and fallowed farmland exemptions to the vicinity of Acton, in the eastern portion of the Santa Clara River SEA that is outside of the National Forest boundary. While we favor removal of these exemptions everywhere, we support the Alternative Option as a substantial improvement.

EHL has previously commented that there is no biological basis to treat SEAs in the Antelope Valley differently from SEAs elsewhere. Due to careful crafting of the draft SEA Ordinance to accommodate virtually all single-family uses on a ministerial basis, ordinance compliance is simple and efficient. Furthermore, fallowed farmland provides raptor foraging habitat and may be important for landscape connectivity.

EHL appreciates the community input which led to this Alternative and finds that it would improve the draft Ordinance by providing greater uniformity throughout the County and greater scientific integrity.

Thank you for considering our views.

Yours truly,

Dan Silver
Executive Director
Hello SEA Team!

I am just sitting down to look at the latest proposed revision. As a preliminary comment, I note that the "close-up" map provided on the blog page (http://planning.lacounty.gov/site/sea/2018/07/25/av-alternative-option/) identify some residential streets but do not indicate the location of major highways (including Soledad Canyon, Aliso Canyon, Escondido, Sierra Highway and Angeles Forest Highway). This makes it difficult for people to tell the extent to which they are affected by this revision. Is there some reason why major highways are omitted from the map, and is it possible to revise the map to at least show the locations of Aliso Canyon Road, Soledad Canyon Road, and Angeles Forest Highway?

I am still going over what is being proposed and can provide more substantive comments soon. I was out of town until August 11, and therefore could not make your August 9 comment deadline.

Sincerely,

Jacqueline Ayer
The people in Neenach support less regulations for SEAs, which it appears the new ordinance is attempting to accomplish.

Thank You,

Paul Henreid  
Neenach (OSO) Town Council - President  
(661) 874-5233
Iris Chi

From: Quincy Hooks <quincy.m.hooks@gmail.com>
Sent: Thursday, August 09, 2018 11:37 PM
To: DRP SEA
Subject: AV exemptions for Single Family Residences alternative option

I believe the current drafts are a good start but it needs more work and the people leaving in the areas need more meetings and gathering to talk about the AV exemptions for Single Family Residences so we can have more ideas from the people
To whom it my concern:

I'm against changing the laws regarding the regulations on individual property's to allow owners to do what they desire on a SEA. If you are to keep the SEAs in tact that would not be a good idea. Every owner would have a different idea, particularly on large property's.

Thank you for working on the SEAs.

Respectfully,

Rose Bryan
Hello,
I am all in favor of this alternative Option: “Special Topic: AV exemptions for Single Family Residences – Alternative Option”
Thank you very much!

Jill Bays, President
Transition Habitat Conservancy
760 868 5136
Jill@transitionhabitat.org
Po Box 720026
Pinon Hills, CA 92372
Dear Ms. Chi;

Thank you for all your hard work on the SEA Ordinance and for putting together our meeting slated for September.

The Acton Town Council will be discussing the proposed revisions to the SEA Ordinance at our meeting on the 20th. In order to make these discussions as fruitful as possible, I would appreciate it if you could provide some background information regarding why DRP considers it necessary to exclude private inholdings in the Angeles National Forest ("ANF") from the SFR exemption that applies to the Santa Clara SEA. I estimate that approximately 60 parcels are affected (most of which are already developed and most of which are not in a stream channel or flood plain and most of which do not have any the biological resources cited in the Santa Clara River BRA report prepared by PCR). A review of the DRP GIS system indicates that these parcels are not critical for providing wildlife corridors, and those small areas located within stream channels and floodplains are already protected and cannot be developed for any purpose anyway. Given this, I conclude that omitting ANF inholdings from the exemption is warranted by some reason other than stream channel/floodplain/biological resource protection. Has DRP concluded that the biological resource protection provisions contained in adopted planning documents will not be met if these parcels are exempted? If so, can you please clarify what those objectives are and why they will not be met unless ANF inholdings are omitted from the exclusion clause?

Any light that you can shed on this would be greatly appreciated!

Thank you very much.

Jacqueline Ayer
Correspondence Secretary
The Acton Town Council