Dear Ms. Chi;

On behalf of the Acton Town Council, I ask that the following summary of issues and concerns presented to DRP staff by Acton residents at the May 7, 2018 Acton Town Council meeting pursuant to the Draft SEA Ordinance be entered into the record.

Thank you
Jacqueline Ayer
Correspondence Secretary
The Acton Town Council

NOTES FROM THE ACTON TOWN COUNCIL MEETING ON MAY 7, 2018

DRP Staff members Jennifer Mongolo and Iris Chi kindly attended the meeting to answer questions about the Draft SEA Ordinance and address resident's concerns.

The Acton Town Council expressed deep appreciation to DRP that the draft SEA Ordinance appeared to comply with the spirit and intent of Supervisor Antonovich's motion approving the Antelope Valley "Town & Country" Plan.

The SEA Ordinance requires an applicant who seeks a CUP Renewal within an SEA and does not propose any changes to their conditions, operations, or footprint to nonetheless obtain an SEA CUP if their previous permit did not have an SEA review. When asked why, Ms. Mongolo said it was because the County wants to "see" what is on the property (presumably, she was referring to the plants and animals on the property). It was asked if an SEA CUP for these operations could be denied and whether that would result in the CUP renewal being denied, the response was in the affirmative.

It was asked what the circumstances are in which an SEA CUP would be denied for an existing facility seeking a CUP renewal. Ms. Mongolo clarified that those decisions are made on a case by case basis and are informed by the guidelines document. It was asked how it is feasible for an existing operation that has been there for decades to set aside 75% of its property if a coast horned lizard is found. This prompted the recommendation for a public workshop to be convened to give the community an opportunity to "step through" all of these potential outcomes with County staff to explore the actual long-term implications of the ordinance on important and even essential operations in Acton.
A question was asked about tree protection and whether California Junipers could be removed. The answer is no, to remove a Juniper, an SEA CUP would be required unless the development was exempt such as a single family residence with accessory structure.

A question was asked about the tree species list and what plants or trees or vegetation would trigger the requirement to set aside half the land or more in an SEA CUP. Ms. Mongolo replied "all of it".

A question was asked about the coast horned lizard, and if one or a sign of one is found, then the guidelines require 75% or more of the land to be set aside to get an SEA CUP. This was affirmed if the development was not exempt (such as a single family residence with accessory structure).

A question was asked about who is the "County Biologist" and how are the biological reviews done. The answer given is that the County employs multiple biologists and that biological reviews must be done by a biologist who is approved by the County. It was stated that the County has a list of approved biologists and that your biologist can get approved by the County; he/she just have to go through the approval process.

It was pointed out that development is already prohibited in floodplains, rivers, streams, or drainage channels, and a question was asked about how the county determined it is essential to take anywhere from 50% to 90% of a parcel in Acton to achieve biological resource protection, particularly given that the SEA abuts tens of thousands of acres of preserved land. How does the county know this is enough? How does the County know that this is not too much? The response is that the County considers the ordinance requirements to be reasonable.

A concern was expressed that neither the decisionmakers (the RPC and BOS) nor the public have any knowledge or understanding of the S1/G1 S2/G2 S3/G3 41/G4 categories that determine the set aside ratios, so how can the decisionmakers or the public possibly comprehend whether the set aside ratios actually achieve the development/resource protection balance that is supposed to be struck by this ordinance? The response was that this is a biological resource based ordinance, so it has to reflect biology-based resource valuations.

It was asked why a 2:1 set aside ratio (which takes 66% of a property) is appropriate for G4 resources when even the Department of Fish and Wildlife considers G4 resources to be apparently secure and neither vulnerable, imperiled or endangered? Why does G4 warrant such an enormous taking? There was no answer, it was just stated that these ratios are what DRP thinks is appropriate.

It was asked how the set aside ratios were determined and what information did the county use to confirm that they are enough and not to much? How does the county know that these ratios will strike the "balance" that the county supposedly seeks? In response, Ms. Mongolo said that the ratios are what DRP thinks is appropriate.

It was asked if Category 2 was the proper category for property in which a San Diego Coast Horned Lizard is found and whether that would result in an 80% set aside. The answer was that it could be.

It was pointed out that the County says that the SEA Ordinance achieves a "balance" between development and resource protection, but the factors which achieve this "balance" are actually not in the Ordinance at all; instead they are in the guidelines. The guidelines are not a part of the ordinance and they can be changed at any time by DRP staff without notice, without public comment, and without hearing. So how will this "balance" be protected when the guidelines that secure it can be adjusted at any time. County staff said that this would not happen.
It was pointed out that the "set aside" ratios are set forth in the guidelines, not the ordinance, and that because of this, they can be changed at any time without notice, without public comment, and without hearing. County staff said that this would not happen.
Subject: Supplemental Comments from the Acton Town Council on the Draft SEA Ordinance.

Reference: The Regional Planning Commission Hearing on Agenda Item #5 Scheduled for September 26, 2018

Dear Ms. Chi;

The Acton Town Council (ATC) respectfully requests that you accept the following comments to supplement our previous letter submitted to the Department of Regional Planning ("DRP") on September 19, 2018.

The ATC is now informed that the Draft SEA Ordinance alternative omits properties lying within the Angeles National Forest ("ANF") from the Single Family Residential ("SFR") exemption because DRP does not want this exemption to apply to "inholding" parcels located outside of Acton (such as parcels within the Community of Green Valley). Notably, "inholdings" in Acton that are within the Santa Clara River SEA actually lie in the San Gabriel Mountains National Monument ("SGMNM") rather than the ANF. This distinction is essential, and based on it, the ATC concludes that the SFR exemption set forth in the Draft SEA Ordinance/alternative does apply to all parcels in the Santa Clara River SEA that lie within Acton’s boundaries, including SGMNM inholdings. Accordingly, we respectfully request that this be clarified by staff and that the record properly reflect the bright line distinction between ANF inholdings and SGMNM inholdings.

The ATC has been told that the Draft SEA Ordinance is intended to strike a "balance" between allowing development and protecting biological resources. Yet, the SEA Guidelines set forth a minimum 50% "set aside" for every SEA CUP regardless of the biological resource value or land category. This fact is revealed on page 77 of the Guidelines which identifies a 1:1 set-aside ratio for Category 5 lands. This does not appear to strike a "balance" because it compels a land owner with property that has no identifiable biological resource value to give up half of his/her property in order to develop it. It seems more like a "taking" for which no need exists, and thus appears arbitrary and capricious.
Similarly, the guidelines identify a 2:1 set aside ratio (or 67%) for G4 resources which the California Department of Fish and Wildlife ("DFW") apparently considers to be secure and neither vulnerable, imperiled or endangered. The Draft SEA Ordinance does not provide a justification for taking 67% of a property as a "set aside" when the property itself contains no significant resources; in fact, it seems to the ATC to be arbitrary and capricious.

The ATC is particularly concerned about the impacts of the Draft SEA Ordinance on existing uses that operate pursuant to a Conditional Use Permit ("CUP"). For instance, there are three water hauling companies in Acton that provide essential services to residents of Acton, Agua Dulce, and even other communities. Their CUPs must be renewed periodically, and according to the Draft SEA Ordinance and information obtained from DRP staff, they will be required to undergo a CUP SEA when they next renew their CUP if their prior entitlements did not include a biological review which "adequately addressed resources". As a result, these existing operations will be required to somehow comply with whatever "set aside" requirements and other mandates that the County will subjectively impose and if they cannot do so, their CUP will not be renewed. Such an outcome would be devastating to Acton and other communities, so this concern must be thoroughly considered before the SEA CUP Ordinance is approved. Notably, DRP has not explained why it is necessary to impose an SEA CUP requirement on a property owner seeking to renew an existing CUP, particularly if no facility changes or condition modifications are proposed (in which case the CUP renewal would not even be deemed a "project" pursuant to CEQA). Nor has DRP clearly set forth how the SEA review process will be implemented at these existing facilities, or how they are expected to comply with the minimum 50% set-aside obligation set forth in the SEA Guidelines. The ATC is also concerned by the DRP’s track record of according significant weight to unsupported and factually erroneous "opinions" regarding resource impacts that are offered by "biologists" who are not familiar with the property itself. The ATC is not confident that "balance" will be achieved in the County’s application of the SEA Ordinance to properties that have existing CUPs, and we are concerned that the SEA Ordinance will result in denials of future CUP renewal applications.

Page 27 of the Guidelines state that the "SEA Ordinance relies largely on existing standards, requirements, and thresholds already in use by state, federal, and county resource agencies and authorities". However, neither the Guidelines nor the Draft SEA Ordinance nor the staff report identify the source of the enormous mitigation ratios set forth in Table 5 for SEA CUPs which (as discussed above) mandate the setting aside of 67% of property

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1 See for example the "opinion" offered by the Mountains Recreation and Conservation Authority regarding a minor land division in Acton that was located outside the SEA (TPM 68736). The facts regarding the ridiculous and insupportable mandates that DRP sought to imposed as a result of this materially erroneous "opinion" have already been set forth in the record and will not be repeated here.
that DFW apparently considers to be secure and neither vulnerable, imperiled nor endangered. It is imperative that the County quantitatively establish that these substantial "set-aside" ratios are necessary to achieve adopted biological resource protection goals, otherwise they are rendered arbitrary and capricious.

The Draft SEA Ordinance limits the total impact to G2/S2 habitat resources to 500 square feet [22.102.090] and it appears to explicitly prohibit any further disturbance beyond this. DRP has not explained or discussed how this threshold was determined or why it is warranted or why such a small allowance is appropriate regardless of the parcel size. DRP has not provided any quantitative assessment of "need" for such a significant restriction, nor has it provided any understanding of what G2/S2 resources even are or what the potential implications are of this very tight restriction. The ATC contends that it is not reasonable or appropriate to adopt this provision of the Draft SEA Ordinance until the public and the decisionmakers have a better understanding of it and its implications.

The ATC has been told that, for an SEA CUP, the categorization will not apply to the property as a "whole", rather it will apply to only the portions of the property where it is warranted. We have also been told that the "set-aside" mandates will also be adjusted accordingly. However, this is not reflected in the language of the Draft SEA Ordinance, and we are concerned that this omission leaves a large gap between the requirements imposed by the Draft SEA Ordinance and what the public believes those requirements to be.

In a public meeting held on May 7, 2018, the Community of Acton was informed that any biologist who performs a wildlife assessment pursuant to the Draft SEA Ordinance is permitted to list only the wildlife species that are actually found on the property and that biologists are not permitted to assume that a species is present merely because habitat is found which could support the species. However, this limitation is not reflected anywhere in the Draft SEA Ordinance or in the Guidelines. Therefore, the ATC respectfully requests that this restriction be clearly set forth in both the SEA Ordinance and the Guidelines.

Finally, the ATC notes these additional concerns:

- We are concerned that neither the public nor the decisionmakers have a substantive knowledge and understanding of the S1/G1 S2/G2 S3/G3 41/G4 categories which determine the resource valuations established by the Draft SEA Ordinance and Guidelines. This prevents the public from providing meaningful and informed comments on the Draft SEA Ordinance, and it prevents the decisionmakers from making informed determinations regarding the draft SEA Ordinance and the extent to which it actually achieves the development/resource protection "balance" that is intended.
• The "set aside" ratios set forth for SEA CUPs are identified in the SEA Guidelines document and not the Draft SEA Ordinance. The ATC understands that the Guidelines document is not actually part of the ordinance, which means that the set-aside ratios set forth therein can be changed at any time without public comment or notice or hearing. County staff said that this would not happen, but it is not clear why it would not occur.

• The ordinance requires a finding that development projects are "highly compatible" with biotic resources. Notably, the term "highly compatible" is not defined anywhere and it remains an entirely subjective parameter. The SEA guidelines address "highly compatible" solely in terms of the amount and quality of the land set aside (which makes no sense because "set aside" land provides buffering and preservation, but it does not address "use compatibility" at all). The Draft SEA Ordinance should be revised to identify the characteristics of a "highly compatible" development before it is approved. For instance, it should clarify whether a project must have no effect on any resources; if not, it should clarify how much impact is acceptable.

• The Draft SEA Ordinance and Guidelines require developments to set aside "appropriate and sufficient" undisturbed areas [for example, see page 122 of the Guidelines]. The ATC seeks to understand 1) The "appropriateness" and "sufficiency" thresholds that will be relied upon by the County to ascertain the extent to which a project meets this requirement; and 2) How an existing facility with an existing footprint that merely seeks to obtain a CUP renewal will be deemed to meet this requirement?

The Acton Town Council seeks resolution of these issues before the SEA Ordinance is adopted because Acton remains substantially more affected by the Santa Clara SEA Boundary revisions adopted in 2014 than any other community. This is because the revised Santa Clara SEA Boundary in Acton now extends halfway up Mount Gleason and it captures areas where no resources that were identified for the Santa Clara River SEA even exist. These facts were established in a letter to the DRP submitted in October of 2014 (an excerpt is provided in Attachment 1). Unlike the Santa Clara SEA Boundary established in other communities (like Green Valley for example), the SEA boundary in Acton is not restricted to floodplain, riparian, stream and pond resources; to the contrary, it captures vast non-riparian areas and occupies nearly one-third of Acton’s 100 square mile area. Moreover, there was little justification for this massive expansion because the SEA in Acton abuts thousands of acres of untouched and pristine wilderness that is already preserved in perpetuity within the SGMNM. Prior to adopting the Antelope Valley Plan in 2014, the Board of Supervisors ("Board") recognized that the SEA boundary configuration in Acton was overly broad, which is why the Board exempted single family residential development and minor land divisions in the Antelope Valley Plan area from the SEA Ordinance. It is
also why the Board explicitly stated that the Antelope Valley Plan shall control in the event any conflict arises between the SEA Ordinance and the Antelope Valley Plan.

The Acton Town Council respectfully requests that the SEA Ordinance be revised to address these concerns, and we stand ready to discuss these matters with DRP staff. Please do not hesitate to contact the Acton Town Council regarding the concerns enumerated herein at atc@actontowncouncil.org.

Sincerely,

/S/ Tom Costan
Tom Costan, President
The Acton Town Council

cc: Kathryn Barger – Los Angeles County 5th District Supervisor [kathryn@bos.lacounty.gov]
    Donna Termeer – Field Deputy to Supervisor Barger [DTermeer@bos.lacounty.gov]
ATTACHMENT 1

EXCERPT OF COMMENTS SUBMITTED IN OCTOBER, 2014 REGARDING THE EXPANDED SANTA CLARA SEA BOUNDARY IN ACTON
COMMENTS ON THE PROPOSED SEA BOUNDARY IN ACTON

This summary was developed based on detailed conversations with the County Biologist (from the Department of Regional Planning) as well as SEA criteria data and supplemental information provided by the 2000 Biological Resources Assessment of the Santa Clara River SEA [found here: http://planning.lacounty.gov/assets/upl/project/sea_2000-BRA-SantaClaraRiver.pdf].

1) The proposed Santa Clara River SEA boundary runs along ridgelines in Acton and it extends several miles beyond the Santa Clara River to cover most of the privately held lands in Acton lying south of Soledad Canyon Road. Two fully improved neighborhoods (Sterling Ridge and the Country Way development) are omitted.

2) Large sections of Acton that are included in the SEA are not located within the Santa Clara riverbed, or any associated tributary, floodplain, or seasonal watercourse. More importantly, there exists no data or evidence of any kind which demonstrates or even suggests that these areas support any biological resources of value. In fact, a detailed analysis of the Santa Clara River SEA “Biological Resources Assessment” indicates that much of the biological resources of value actually lie outside of Acton. More importantly, those resources of value which lie within the Community of Acton are confined to the Santa Clara river bed and its associated floodplains and tributaries (Exhibit 1). Clearly, many portions of Acton that are included within the SEA boundary have no demonstrated biological value, and must therefore be omitted from the SEA itself.

3) The sole criterion used to establish most of the SEA boundary in Acton was whether the area could have any surface water runoff that eventually flows into a drainage channel which in turn eventually flows into the Santa Clara River. The southern SEA boundary in Acton was specifically not developed based on the six (6) established SEA designation criteria (presented in Exhibit 1), and therefore lacks an appropriate technical basis. When asked about this substantial policy deviation, the County Biologist merely stated that the ‘water runoff’ criteria was “implied” in the six established SEA criteria. For the record, there is nothing in the six established SEA criteria which can be possibly construed to address, or even consider, water runoff, and there is certainly no possible interpretation of these criteria which supports the Biologist's statement.

4) When questioned regarding the appropriateness of establishing Acton’s SEA boundary based on water runoff characteristics, the Biologist said that development on private lands in Acton which lie between ridgelines and drainage channels could possibly impact the quality of the water that runs into these drainage channels, which could possibly impact downstream tributaries and eventually could possibly affect the water quality in the Santa Clara river itself. This explanation is not found in any of the SEA reference reports, documents or studies prepared by Regional Planning, and it is certainly not addressed in any SEA documentation that has been released.

5) The U.S. EPA, the Army Corps of Engineers, the Regional Water Quality Control Board, and the County Public Works and Health Department already impose stringent surface and subsurface water quality regulations on all development projects in Acton, including (but not limited to) WDR, NPDES, sanitary, streambed alteration, and grading standards. These standards are more than sufficient for preserving the quality of runoff waters into drainage channels which eventually form the tributaries of the Santa Clara River. More importantly, the same water quality standards are imposed on all developments in Acton regardless of whether the development is in or out of the SEA, therefore expanding the SEA boundary outside of the Santa Clara riverbed and its associated drainage channels, tributaries and floodplains serves no actual water quality purpose at all.
6) Notwithstanding the Biologist’s dubious remarks on the importance of extending the SEA boundary to Acton’s ridgelines in order to capture vast areas that are not even near a drainage channel, a surprising number of key drainage channels are actually omitted from the SEA. In fact, a large alluvial fan/drainage area within Bootlegger Canyon that currently lies within the existing Santa Clara River SEA is actually omitted from the new SEA Boundary. There is no clear reason why some drainages were included and others were omitted, and in fact the SEA Boundary itself appears almost random and capricious. And there is certainly no justification for including within the SEA large areas of privately held lands that are miles away from the Santa Clara River and outside of any established drainage channel or floodplain.

The figure below depicts the Santa Clara River (bright blue lines) and the floodplain (lime green areas) portions of Acton that are intended for protection in the SEA. Yet, the actual SEA southern boundary (depicted in orange) extends miles beyond these areas and occupies virtually all of the privately held lands in Acton south of Soledad Canyon Road. There is simply no justification for such an extensive taking of private lands. The SEA Boundary must be revised to include only the designated drainage channels, tributaries, river beds and floodplains within Acton that are depicted in this figure, and it must exclude all privately held lands that are not within such areas.

This Figure was obtained from the 2013 Upper Santa Clara River Integrated Regional Water Management Plan
EXHIBIT 1

Exhibit 1 contains an excerpt from the “Regional Biological Value” section of the Santa Clara River “Biological Resources Assessment” prepared by the Regional Planning Department to justify the proposed SEA Boundary. This excerpt lists the six (6) SEA Designation Criteria (labeled A-F) that were ostensibly used to establish the SEA boundary in Acton, and it describes the specific biological resources of regional value that are found within the SEA and which demonstrate compliance with these criteria. In this exhibit, these biological resources of regional value have been classified into three locational categories (indicated via highlighted colors): Green indicates riparian resources only found near and within the river and some tributaries; Yellow indicates resources that are located outside of Acton (and which may be found in abundance within the adjacent National Forest/National Monument). Red indicates resources that do exist within Acton, but which are limited to floodplain and seasonal stream areas.

As clearly shown in this exhibit, **ALL** of the Santa Clara River resources of “Regional Biological Value” that have been identified by Regional Planning and which occur in Acton are found **ONLY** in and near the Santa Clara riverbed and its associated drainage channels, tributaries, and floodplains. Regional Planning has no justification or basis for including within the SEA several square miles of privately-held land in Acton because these areas have no demonstrated biological value. Therefore these areas must be omitted from the SEA, which must be constrained to include only those areas in or near the Santa Clara Riverbed and its associated floodplains and tributary channels.
9. REGIONAL BIOLOGICAL VALUE

The proposed Santa Clara River SEA meets several SEA designation criteria and supports many regional biological values. Each criterion and how it is met or not met is described below.

**Criterion A:** The Habitat of Core Populations of Endangered or Threatened Plant or Animal Species.

The only natural population of the federally endangered unarmored three-spined stickleback is within the Santa Clara River and its tributaries. The population of federally and state endangered slender-horned spineflower in Bee Canyon is one of fewer than seven known occurrences for this species, one of only two known occurrences in the County, and one of its largest populations.

**Criterion B:** On a Regional Basis, Biotic Communities, Vegetative Associations, and Habitat of Plant or Animal Species that are either Unique or are Restricted in Distribution.

The bigcone spruce-canyon oak forests above Placerita Canyon, the vernal pool in the Placerita Canyon-Sand Canyon divide, the native grassland formations on the so-called Golden Valley Ranch (upper Placerita Canyon), and the alluvial fan sage scrub formations of lower San Francisquito Canyon, Kentucky Springs and Acton are unique and regionally restricted biotic communities within the proposed SEA. Additionally, the riparian forests and woodlands along the Santa Clara River are among the most extensive, diverse and intact formations in Southern California. Rare aquatic species, such as the unarmored three-spined stickleback, Santa Ana sucker, red-legged frog, least Bell's vireo, summer tanager, spineflower, and many others are represented within the proposed SEA, found nowhere else in the region.

**Criterion C:** Within Los Angeles County, Biotic Communities, Vegetative Associations, and Habitat of Plant or Animal Species that are either Unique or are Restricted in Distribution.

The cottonwood-willow forests and woodlands, alluvial fan sage scrub, coastal live oak riparian forest, and bigcone spruce-canyon oak forest communities are best represented in Los Angeles County within the proposed SEA.
**Criterion D:** Habitat that at some point in the Life Cycle of a Species or Group of Species, Serves as Concentrated Breeding, Feeding, Resting, or Migrating Grounds and is Limited in Availability either Regionally or in Los Angeles County.

The Santa Clara River basin affords breeding opportunities for numerous species otherwise not known to breed within Los Angeles County, including California red-legged frog, summer tanager, southwestern willow flycatcher, and the armored three-spined stickleback. The extensive riparian areas shelter dozens of migrant songbird species during Winter, including high concentrations of white-crowned and golden-crowned sparrows, fox sparrow, yellow-rumped warbler, dark-eyed junco, and sharp-shinned hawk. The proposed SEA embraces the river corridor and the linkage zones considered essential to insuring connectivity and resource values for many of the wildlife species present within the Los Angeles County portion of the Santa Clara River.

**Criterion E:** Biotic Resources that are of Scientific Interest because they are either an Extreme in Physical/Geographical Limitations or Represent Unusual Variation in a Population or Community.

Although there are many rare plant resources within the proposed SEA, none exist in the lack of rareness or physical/geographical limits or representations of unusual variation in a population or community.

**Criterion F:** Areas that would Provide for the Preservation of Relatively Undisturbed Examples of the Original Natural Biotic Communities in Los Angeles County.

The proposed Santa Clara River SEA encompasses some of the highest quality, least disturbed and biotically intact acreage of bigcone spruce-canyon oak forest, riparian forest and woodland, coastal sage scrub, and alluvial fan sage scrub remaining in the county, and one of only three known vernal pools in the County.

In conclusion, the area described in this report is proposed to be an SEA because it contains: 1) the habitat of core populations of endangered and threatened plant and animal species; 2) biotic communities, vegetative associations, and habitat of plant and animal species that are either unique or are restricted in distribution in Los Angeles County and regionally; 3) concentrated breeding, feeding, resting, or migrating grounds which are limited in availability in Los Angeles County; and 4) areas that provide for the preservation of relatively undisturbed examples of original natural biotic communities in Los Angeles County.

**IT ALSO INCLUDES LARGE AREAS IN ACTON THAT DO NOT CONTAIN ANY OF THESE RESOURCES**

| Resources not in Acton & may be found within adjacent National Forest/National Monument. |
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Iris Chi

From: Acton Town Council <atc@actontowncouncil.org>
Sent: Monday, September 24, 2018 3:11 PM
To: Iris Chi; Acton Towncouncil
Subject: Summary of issues of concern presented by Acton residents to DRP regarding the draft SEA Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

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Iris Chi  
Department of Regional Planning  
County of Los Angeles  
320 W. Temple Street  
Los Angeles, CA 90012.

Subject: Supplemental Comments from the Acton Town Council on the Draft SEA Ordinance.

Reference: The Regional Planning Commission Hearing on Agenda Item #5 Scheduled for September 26, 2018

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The Acton Town Council (ATC) respectfully requests that you accept the following comments to supplement our previous letter submitted to the Department of Regional Planning ("DRP") on September 19, 2018.

The ATC is now informed that the Draft SEA Ordinance alternative omits properties lying within the Angeles National Forest ("ANF") from the Single Family Residential ("SFR") exemption because DRP does not want this exemption to apply to "inholding" parcels located outside of Acton (such as parcels within the Community of Green Valley). Notably, "inholdings" in Acton that are within theSanta Clara River SEA actually lie in the San Gabriel Mountains National Monument ("SGMNM") rather than the ANF. This distinction is essential, and based on it, the ATC concludes that the SFR exemption set forth in the Draft SEA Ordinance/alternative does apply to all parcels in the Santa Clara River SEA that lie within Acton’s boundaries, including SGMNM inholdings. Accordingly, we respectfully request that this be clarified by staff and that the record properly reflect the bright line distinction between ANF inholdings and SGMNM inholdings.

The ATC has been told that the Draft SEA Ordinance is intended to strike a "balance" between allowing development and protecting biological resources. Yet, the SEA Guidelines set forth a minimum 50% "set aside" for every SEA CUP regardless of the biological resource value or land category. This fact is revealed on page 77 of the Guidelines which identifies a 1:1 set-aside ratio for Category 5 lands. This does not appear to strike a "balance" because it compels a land owner with property that has no identifiable biological resource value to give up half of his/her property in order to develop it. It seems more like a "taking" for which no need exists, and thus appears arbitrary and capricious.
Similarly, the guidelines identify a 2:1 set aside ratio (or 67%) for G4 resources which the California Department of Fish and Wildlife ("DFW") apparently considers to be secure and neither vulnerable, imperiled or endangered. The Draft SEA Ordinance does not provide a justification for taking 67% of a property as a "set aside" when the property itself contains no significant resources; in fact, it seems to the ATC to be arbitrary and capricious.

The ATC is particularly concerned about the impacts of the Draft SEA Ordinance on existing uses that operate pursuant to a Conditional Use Permit ("CUP"). For instance, there are three water hauling companies in Acton that provide essential services to residents of Acton, Agua Dulce, and even other communities. Their CUPs must be renewed periodically, and according to the Draft SEA Ordinance and information obtained from DRP staff, they will be required to undergo a CUP SEA when they next renew their CUP if their prior entitlements did not include a biological review which "adequately addressed resources". As a result, these existing operations will be required to somehow comply with whatever "set aside" requirements and other mandates that the County will subjectively impose and if they cannot do so, their CUP will not be renewed. Such an outcome would be devastating to Acton and other communities, so this concern must be thoroughly considered before the SEA CUP Ordinance is approved. Notably, DRP has not explained why it is necessary to impose an SEA CUP requirement on a property owner seeking to renew an existing CUP, particularly if no facility changes or condition modifications are proposed (in which case the CUP renewal would not even be deemed a "project" pursuant to CEQA). Nor has DRP clearly set forth how the SEA review process will be implemented at these existing facilities, or how they are expected to comply with the minimum 50% set-aside obligation set forth in the SEA Guidelines. The ATC is also concerned by the DRP's track record of according significant weight to unsupported and factually erroneous "opinions" regarding resource impacts that are offered by "biologists" who are not familiar with the property itself. The ATC is not confident that "balance" will be achieved in the County's application of the SEA Ordinance to properties that have existing CUPs, and we are concerned that the SEA Ordinance will result in denials of future CUP renewal applications.

Page 27 of the Guidelines state that the "SEA Ordinance relies largely on existing standards, requirements, and thresholds already in use by state, federal, and county resource agencies and authorities". However, neither the Guidelines nor the Draft SEA Ordinance nor the staff report identify the source of the enormous mitigation ratios set forth in Table 5 for SEA CUPs which (as discussed above) mandate the setting aside of 67% of property

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1 See for example the "opinion" offered by the Mountains Recreation and Conservation Authority regarding a minor land division in Acton that was located outside the SEA (TPM 68736). The facts regarding the ridiculous and insupportable mandates that DRP sought to imposed as a result of this materially erroneous "opinion" have already been set forth in the record and will not be repeated here.
that DFW apparently considers to be secure and neither vulnerable, imperiled nor endangered. It is imperative that the County quantitatively establish that these substantial "set-aside" ratios are necessary to achieve adopted biological resource protection goals, otherwise they are rendered arbitrary and capricious.

The Draft SEA Ordinance limits the total impact to G2/S2 habitat resources to 500 square feet [22.102.090] and it appears to explicitly prohibit any further disturbance beyond this. DRP has not explained or discussed how this threshold was determined or why it is warranted or why such a small allowance is appropriate regardless of the parcel size. DRP has not provided any quantitative assessment of "need" for such a significant restriction, nor has it provided any understanding of what G2/S2 resources even are or what the potential implications are of this very tight restriction. The ATC contends that it is not reasonable or appropriate to adopt this provision of the Draft SEA Ordinance until the public and the decisionmakers have a better understanding of it and its implications.

The ATC has been told that, for an SEA CUP, the categorization will not apply to the property as a "whole", rather it will apply to only the portions of the property where it is warranted. We have also been told that the "set-aside" mandates will also be adjusted accordingly. However, this is not reflected in the language of the Draft SEA Ordinance, and we are concerned that this omission leaves a large gap between the requirements imposed by the Draft SEA Ordinance and what the public believes those requirements to be.

In a public meeting held on May 7, 2018, the Community of Acton was informed that any biologist who performs a wildlife assessment pursuant to the Draft SEA Ordinance is permitted to list only the wildlife species that are actually found on the property and that biologists are not permitted to assume that a species is present merely because habitat is found which could support the species. However, this limitation is not reflected anywhere in the Draft SEA Ordinance or in the Guidelines. Therefore, the ATC respectfully requests that this restriction be clearly set forth in both the SEA Ordinance and the Guidelines.

Finally, the ATC notes these additional concerns:

- We are concerned that neither the public nor the decisionmakers have a substantive knowledge and understanding of the S1/G1 S2/G2 S3/G3 41/G4 categories which determine the resource valuations established by the Draft SEA Ordinance and Guidelines. This prevents the public from providing meaningful and informed comments on the Draft SEA Ordinance, and it prevents the decisionmakers from making informed determinations regarding the draft SEA Ordinance and the extent to which it actually achieves the development/resource protection "balance" that is intended.
• The "set aside" ratios set forth for SEA CUPs are identified in the SEA Guidelines document and not the Draft SEA Ordinance. The ATC understands that the Guidelines document is not actually part of the ordinance, which means that the set-aside ratios set forth therein can be changed at any time without public comment or notice or hearing. County staff said that this would not happen, but it is not clear why it would not occur.

• The ordinance requires a finding that development projects are "highly compatible" with biotic resources. Notably, the term "highly compatible" is not defined anywhere and it remains an entirely subjective parameter. The SEA guidelines address "highly compatible" solely in terms of the amount and quality of the land set aside (which makes no sense because "set aside" land provides buffering and preservation, but it does not address "use compatibility" at all). The Draft SEA Ordinance should be revised to identify the characteristics of a "highly compatible" development before it is approved. For instance, it should clarify whether a project must have no effect on any resources; if not, it should clarify how much impact is acceptable.

• The Draft SEA Ordinance and Guidelines require developments to set aside "appropriate and sufficient" undisturbed areas [for example, see page 122 of the Guidelines]. The ATC seeks to understand 1) The "appropriateness" and "sufficiency" thresholds that will be relied upon by the County to ascertain the extent to which a project meets this requirement; and 2) How an existing facility with an existing footprint that merely seeks to obtain a CUP renewal will be deemed to meet this requirement?

The Acton Town Council seeks resolution of these issues before the SEA Ordinance is adopted because Acton remains substantially more affected by the Santa Clara SEA Boundary revisions adopted in 2014 than any other community. This is because the revised Santa Clara SEA Boundary in Acton now extends halfway up Mount Gleason and it captures areas where no resources that were identified for the Santa Clara River SEA even exist. These facts were established in a letter to the DRP submitted in October of 2014 (an excerpt is provided in Attachment 1). Unlike the Santa Clara SEA Boundary established in other communities (like Green Valley for example), the SEA boundary in Acton is not restricted to floodplain, riparian, stream and pond resources; to the contrary, it captures vast non-riparian areas and occupies nearly one-third of Acton’s 100 square mile area. Moreover, there was little justification for this massive expansion because the SEA in Acton abuts thousands of acres of untouched and pristine wilderness that is already preserved in perpetuity within the SGMNM. Prior to adopting the Antelope Valley Plan in 2014, the Board of Supervisors ("Board") recognized that the SEA boundary configuration in Acton was overly broad, which is why the Board exempted single family residential development and minor land divisions in the Antelope Valley Plan area from the SEA Ordinance. It is
also why the Board explicitly stated that the Antelope Valley Plan shall control in the event any conflict arises between the SEA Ordinance and the Antelope Valley Plan.

The Acton Town Council respectfully requests that the SEA Ordinance be revised to address these concerns, and we stand ready to discuss these matters with DRP staff. Please do not hesitate to contact the Acton Town Council regarding the concerns enumerated herein at atc@actontowncouncil.org.

Sincerely,

/S/ Tom Costan  
Tom Costan, President  
The Acton Town Council

cc: Kathryn Barger – Los Angeles County 5th District Supervisor [kathryn@bos.lacounty.gov]  
Donna Termeer – Field Deputy to Supervisor Barger [DTermeer@bos.lacounty.gov]
ATTACHMENT 1

EXEMPLARY OF COMMENTS SUBMITTED IN OCTOBER, 2014 REGARDING THE EXPANDED SANTA CLARA SEA BOUNDARY IN ACTON
COMMENTS ON THE PROPOSED SEA BOUNDARY IN ACTON

This summary was developed based on detailed conversations with the County Biologist (from the Department of Regional Planning) as well as SEA criteria data and supplemental information provided by the 2000 Biological Resources Assessment of the Santa Clara River SEA [found here: http://planning.lacounty.gov/assets/upl/project/sea_2000-BRA-SantaClaraRiver.pdf].

1) The proposed Santa Clara River SEA boundary runs along ridgelines in Acton and it extends several miles beyond the Santa Clara River to cover most of the privately held lands in Acton lying south of Soledad Canyon Road. Two fully improved neighborhoods (Sterling Ridge and the Country Way development) are omitted.

2) Large sections of Acton that are included in the SEA are not located within the Santa Clara riverbed, or any associated tributary, floodplain, or seasonal watercourse. More importantly, there exists no data or evidence of any kind which demonstrates or even suggests that these areas support any biological resources of value. In fact, a detailed analysis of the Santa Clara River SEA “Biological Resources Assessment” indicates that much of the biological resources of value actually lie outside of Acton. More importantly, those resources of value which lie within the Community of Acton are confined to the Santa Clara river bed and its associated floodplains and tributaries (Exhibit 1). Clearly, many portions of Acton that are included within the SEA boundary have no demonstrated biological value, and must therefore be omitted from the SEA itself.

3) The sole criterion used to establish most of the SEA boundary in Acton was whether the area could have any surface water runoff that eventually flows into a drainage channel which in turn eventually flows into the Santa Clara River. The southern SEA boundary in Acton was specifically not developed based on the six (6) established SEA designation criteria (presented in Exhibit 1), and therefore lacks an appropriate technical basis. When asked about this substantial policy deviation, the County Biologist merely stated that the ‘water runoff’ criteria was “implied” in the six established SEA criteria. For the record, there is nothing in the six established SEA criteria which can be possibly construed to address, or even consider, water runoff, and there is certainly no possible interpretation of these criteria which supports the Biologist’s statement.

4) When questioned regarding the appropriateness of establishing Acton’s SEA boundary based on water runoff characteristics, the Biologist said that development on private lands in Acton which lie between ridgelines and drainage channels could possibly impact the quality of the water that runs into these drainage channels, which could possibly impact downstream tributaries and eventually could possibly affect the water quality in the Santa Clara river itself. This explanation is not found in any of the SEA reference reports, documents or studies prepared by Regional Planning, and it is certainly not addressed in any SEA documentation that has been released.

5) The U.S. EPA, the Army Corps of Engineers, the Regional Water Quality Control Board, and the County Public Works and Health Department already impose stringent surface and subsurface water quality regulations on all development projects in Acton, including (but not limited to) WDR, NPDES, sanitary, streambed alteration, and grading standards. These standards are more than sufficient for preserving the quality of runoff waters into drainage channels which eventually form the tributaries of the Santa Clara River. More importantly, the same water quality standards are imposed on all developments in Acton regardless of whether the development is in or out of the SEA, therefore expanding the SEA boundary outside of the Santa Clara riverbed and its associated drainage channels, tributaries and floodplains serves no actual water quality purpose at all.
6) Notwithstanding the Biologist’s dubious remarks on the importance of extending the SEA boundary to Acton’s ridgelines in order to capture vast areas that are not even near a drainage channel, a surprising number of key drainage channels are actually **omitted** from the SEA. In fact, a large alluvial fan/drainage area within Bootlegger Canyon that currently lies within the existing Santa Clara River SEA is actually **omitted** from the new SEA Boundary. There is no clear reason why some drainages were included and others were omitted, and in fact the SEA Boundary itself appears almost random and capricious. And there is certainly no justification for including within the SEA large areas of privately held lands that are miles away from the Santa Clara River and outside of any established drainage channel or floodplain.

The figure below depicts the Santa Clara River (bright blue lines) and the floodplain (lime green areas) portions of Acton that are intended for protection in the SEA. Yet, the actual SEA southern boundary (depicted in orange) extends miles beyond these areas and occupies virtually all of the privately held lands in Acton south of Soledad Canyon Road. There is simply no justification for such an extensive taking of private lands. The SEA Boundary must be revised to include only the designated drainage channels, tributaries, river beds and floodplains within Acton that are depicted in this figure, and it must exclude all privately held lands that are not within such areas.

![Diagram of SEA boundary and drainage areas](image.png)

*This Figure was obtained from the 2013 Upper Santa Clara River Integrated Regional Water Management Plan*
EXHIBIT 1

Exhibit 1 contains an excerpt from the “Regional Biological Value” section of the Santa Clara River “Biological Resources Assessment” prepared by the Regional Planning Department to justify the proposed SEA Boundary. This excerpt lists the six (6) SEA Designation Criteria (labeled A-F) that were ostensibly used to establish the SEA boundary in Acton, and it describes the specific biological resources of regional value that are found within the SEA and which demonstrate compliance with these criteria. In this exhibit, these biological resources of regional value have been classified into three locational categories (indicated via highlighted colors): Green indicates riparian resources only found near and within the river and some tributaries; Yellow indicates resources that are located outside of Acton (and which may be found in abundance within the adjacent National Forest/National Monument). Red indicates resources that do exist within Acton, but which are limited to floodplain and seasonal stream areas.

As clearly shown in this exhibit, **ALL** of the Santa Clara River resources of “Regional Biological Value” that have been identified by Regional Planning and which occur in Acton are found **ONLY** in and near the Santa Clara riverbed and its associated drainage channels, tributaries, and floodplains. Regional Planning has no justification or basis for including within the SEA several square miles of privately-held land in Acton because these areas have no demonstrated biological value. Therefore these areas must be omitted from the SEA, which must be constrained to include only those areas in or near the Santa Clara Riverbed and its associated floodplains and tributary channels.
9. **REGIONAL BIOLOGICAL VALUE**

The proposed Santa Clara River SEA meets several SEA designation criteria and supports many regional biological values. Each criterion and how it is met or not met is described below.

**Criterion A:** *The Habitat of Core Populations of Endangered or Threatened Plant or Animal Species.*

The only natural population of the federally endangered unarmored three-spined stickleback is within the Santa Clara River and its tributaries. The population of federally and state endangered slender-horned spineflower in Bee Canyon is one of fewer than seven known occurrences for this species, one of only two known occurrences in the County, and one of its largest populations.

**Criterion B:** *On a Regional Basis, Biotic Communities, Vegetative Associations, and Habitat of Plant or Animal Species that are either Unique or are Restricted in Distribution.*

The bigcone spruce-canyon oak forests above Placenta Canyon, the vernal pool in the Placenta Canyon-Sand Canyon divide, the native grassland formations on the so-called Golden Valley Ranch (upper Placenta Canyon), and the alluvial fan sage scrub formations of lower San Francisquito Canyon, Kentucky Springs and Acton are unique and regionally restricted biotic communities within the proposed SEA. Additionally, the riparian forests and woodlands along the Santa Clara River are among the most extensive, diverse and intact formations in Southern California. Rare aquatic species, such as the unarmored three-spined stickleback, Santa Ana sucker, red-legged frog, least Bell’s vireo, summer tanager, spineflower, and many others represented within the proposed SEA are found nowhere else in the region.

**Criterion C:** *Within Los Angeles County, Biotic Communities, Vegetative Associations, and Habitat of Plant or Animal Species that are either Unique or are Restricted in Distribution.*

The cottonwood-willow forests and woodlands, alluvial fan sage scrub, coastal live oak riparian forest, and bigcone spruce-canyon oak forest communities are best represented in Los Angeles County within the proposed SEA.
Criterion D: 
Habitat that at some point in the Life Cycle of a Species or Group of Species, Serves as Concentrated Breeding, Feeding, Resting, or Migrating Grounds and is Limited in Availability either Regionally or in Los Angeles County.

The Santa Clara River basin affords breeding opportunities for numerous species otherwise not known to breed within Los Angeles County, including California red-legged frog, summer tanager, southwestern willow flycatcher, and the armored three-spined stickleback. The extensive riparian areas shelter dozens of migrant songbird species during Winter, including high concentrations of white-crowned and golden-crowned sparrows, fox sparrow, yellow-rumped warbler, dark-eyed junco, and sharp-shinned hawk. The proposed SEA embraces the river corridor and the linkage zones considered essential to ensuring connectivity and resource values for many of the wildlife species present within the Los Angeles County portion of the Santa Clara River.

Criterion E: 
Biotic Resources that are of Scientific Interest because they are either an Extreme in Physical/Geographical Limitations or Represent Unusual Variation in a Population or Community.

Although there are many rare biotic resources within the proposed SEA, it remains to be seen if they will be included in future lists of representations of unusual variation in a population or community.

Criterion F: 
Areas that would Provide for the Preservation of Relatively Undisturbed Examples of the Original Natural Biotic Communities in Los Angeles County.

The proposed Santa Clara River SEA encompasses some of the highest quality, least disturbed and biotically intact acreage of bigcone spruce-canyon oak forest, riparian forest and woodland, coastal sage scrub, and alluvial fan. Sage scrub remaining in the county, and one of only three known vernal pools in the County.

In conclusion, the area described in this report is proposed to be an SEA because it contains: 1) the habitat of core populations of endangered and threatened plant and animal species; 2) biotic communities, vegetative associations, and habitat of plant and animal species that are either unique or are restricted in distribution in Los Angeles County and regionally; 3) concentrated breeding, feeding, resting, or migrating grounds which are limited in availability in Los Angeles County; and 4) areas that provide for the preservation of relatively undisturbed examples of original natural biotic communities in Los Angeles County.

IT ALSO INCLUDES LARGE AREAS IN ACTON THAT DO NOT CONTAIN ANY OF THESE RESOURCES

| Resources not in Acton & may be found within adjacent National Forest/National Monument. |
| Riparian resources found only near or within the river and some associated drainage channels. |
| Resources within Acton that are limited to floodplain and seasonal stream areas. |
September 24, 2018

Doug Smith, Commissioner, Supervisiorial District 1
David W. Louie, Chair, Supervisiorial District 2
Laura Shell, Commissioner, Supervisiorial District 3
Elvin W. Moon, Vice Chair, Supervisiorial District 4
Pat Modugno, Commissioner, Supervisiorial District 5
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Building Industry Association Comment Letter on the Significant Ecological Areas (SEA) Ordinance - September 2018

Dear Supervisor Kuehl,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA), is a non-profit trade association of nearly 1,200 companies employing over 100,000 people all affiliated with building and development. On behalf of our membership, we would like to submit an updated comment letter based on the most recent draft of the County’s Significant Ecological Areas (SEA) Ordinance. Unfortunately, the latest draft still falls short in addressing BIA’s previously expressed concerns, and we are unsettled by some of the newly introduced language. We hope that our former and current comments are evaluated and considered for implementation.

Over the last several years, BIA-LAV has worked with the County and submitted various comment letters to help produce drafts 7, 8 and 9 of the SEA ordinance. Draft 10 of the SEA document was reviewed by our membership, and we had the opportunity to meet with County staff to communicate several technical changes. We had hoped to see most of the additions adopted in the new draft, but very few of the changes were implemented. Particularly, three previously expressed comments still remain at the forefront of our concerns; Native Tree Permits, Enforcement Mechanisms, and the Antelope Valley Exemption. These concerns are described below;
1. Concern - Native Trees Permits: Native trees will be further assessed for negative impacts, through the SEA Protected Trees development standard and Protected Tree Permit. The Protected Tree Permit is a new permit option, processed as a Minor CUP, to allow for development that can meet all development standards except for the SEA Protected Trees development standard.

Recommendation - BIA previously requested that SEA Draft 10, Section 22.102.050, remove additional permitted uses and asked that they only be subject to ministerial review. This included but was not limited to native and non-native vegetation removal, crops, native habitat restoration, etc. The new Protected Tree Permit is in direct conflict with this request and duplicates compliance conditions, as such mitigation efforts are already fulfilled through current permit processes and under the SEA Development Standards.

2. Concern – Enforcement Mechanisms: Notice of SEA violations and violation enforcements were created to regulate unpermitted removal or disturbance of SEA Resources. Any activity defined as development in the SEAs prior to an approved permit is prohibited. A Ministerial SEA Review or SEA CUP will need to be obtained to assess the impacts of the unpermitted development and require the necessary mitigations.

Recommendation - As previously conveyed in our past letter, development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. BIA recommends the language that was adopted by former versions of the ordinance be considered in lieu of the above suggested review and permit process: “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate when referring to a legally established development.

3. Concern - Antelope Valley Exemption: All Antelope Valley (AV) areas (except for the Eastern portion) had always been exempted in previous SEA ordinance drafts. The latest ordinance mandates that the AV areas will also be included as part of the county-wide SEA regulations for single-family residences and agricultural uses. This is meant to protect wildlife corridors and fragment natural communities that provide habitat for protected species and species.

Recommendation - In 2014, the Board of Supervisors passed a resolution to exempt the Antelope Valley Area Plan from encroachment of the SEA ordinance. This motion ensured
that the provisions in the Antelope Valley Area Plan supersede any new or existing SEA ordinance. This exemption was reached through the input of Town Councils, Antelope Valley Area Plan Blue Ribbon Committee, and the Department of Regional Planning to achieve an appropriate balance between economic growth and development, the preservation of important environmental resources, and the protection of the unique rural character of the Antelope Valley. The resolution was promulgated by the 200,000-acre expansion of the SEA in 2014. The recommendation to overturn a previous Board resolution is troublesome and changes the trajectory of developments that were created and dependent on this exemption.

In summary, BIA believes that these considerations will strengthen the SEA ordinance by providing balance between past drafts and previous industry suggestions. Builders need clarity and certainty when new regulations are updated or introduced, especially when existing investments and current projects are impacted. These small changes will provide BIA members and housing producers that certainty and allow fair housing production to battle the housing crisis that has afflicted the region. We ask that the Final Significant Ecological Areas Ordinance be written with our requested adjustments, so we can reasonably achieve the County’s goal of ecosystem conservation. We look forward to continuing to work with the County as this draft ordinance is finalized.

Thank you for your consideration of these suggestions and comments. Should you have any questions please contact, BIA-LAV Director of Government Affairs, Diana Coronado, at (213) 797-5965 or at dcoronado@bialav.org.

Sincerely,

Tim Piasky
Chief Executive Officer
BIA-Los Angeles/Ventura

CC: Los Angeles County Department of Regional Planning
September 20, 2018

David Louie, Chair
Regional Planning Commission
320 West Temple St., 13th Floor
Los Angeles, CA 90012

RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update—SUPPORT

Dear Chairperson Louis and Members of the Commission:

I support the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants’ time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, I strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.
2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.
Sincerely,
D. Fachko
I want to voice my STRONG opposition to the proposed changes to the SEA affecting Aliso Canyon area of Acton...in particular the changes that would specifically target land owners that are inside the SEA as well as inside the Nation Forest, such as myself. These proposed changes would be highly punitive to those of us that bought land in this area only to see this same land being rendered less and less valuable and less usable. My property in particular is a 10 acre parcel of which approximately 5 acres is inside the SEA...the entire parcel is inside the National Forest. Our plans when we bought the place was to eventually build a second residence with horse facilities on the part of our land that is inside the SEA. The proposed changes in the allowed usage of this 5 acres will totally negate those plans. I have not seen any proposal to either purchase these 5 acres at the price we paid for them, or in some other manner equitably compensate us for the loss these planned changes to the SEA will place upon us. It seems to me the County is planing to take 5 acres of my land via "eminent domain" without bothering to go through the necessary steps to do so.

Edward Hamm
30271 Aliso Canyon Rd.
SUMMARY OF CONVERSATION WITH MS. CHI ON SEPTEMBER 20, 2018

On September 20, 2018, Ms. Iris Chi from the Department of Regional Planning was kind enough to contact Jacqueline Ayer and regarding concerns expressed by the Acton Town Council pursuant to the draft SEA Ordinance. The following paragraphs summarize this discussion. It is respectfully requested that these notes be included in the public correspondence record that the County is compiling for the draft Ordinance.

1. It is not the County's practice to put details of public comments that are received at community meetings into the staff report that is submitted to the Regional Planning Commission prior to a hearing.

2. The County encourages written comments because oral comments made at community meetings that are convened to address a proposed ordinance are not usually summarized or compiled by county staff in a manner that is reflected in the record.

3. The County seeks to convene a workshop as soon as reasonably possible; it will take place well in advance of the Board of Supervisor's hearing on the SEA Ordinance.

4. The "set-aside" ratios set forth in the draft SEA ordinance are based on the development footprint.

5. It was asked why a property owner should set aside 4 acres of a 5 acre parcel to put a house, barn, corral and driveway on it just because a horny toad is found in just one corner or the property (which makes the whole property designated as Category 2 or higher). Ms. Chi indicated that the County would not apply the category to the whole parcel, just the portion of the parcel that is reasonable to do so. Ms. Chi also indicated that the set-aside would be determined based only on the portion of the property where the category is applied and that the planner's decision would be informed by the guidelines (which is why the guidelines were written). It was pointed out that the ordinance does not say any of this, and that none of these assurances are reflected in the guidelines. Concern was expressed that the guidelines do not allow the level of flexibility that Ms. Chi suggested and, since they are merely guidelines, they remain deferential to the inflexible language of the ordinance itself. It was further pointed out that the guidelines are not part of the ordinance and the DRP can change the guidelines without public input so what the guidelines say now are not relevant to how the ordinance will be implemented in the future.
6. The reason for omitting the SFR exemption on ANF inholdings is because there is a section of the county north of Santa Clarita (Green Valley?) that has inholdings which the County does not want exempted. So, Acton cannot have exempted ANF inholdings.

7. Concern was expressed that the Draft SEA Ordinance requires CUP renewal applications to undergo SEA review if the property had not undergone prior SEA review. It was asked if this could result in the denial of the CUP, and Ms. Chi said they just have to comply with the SEA requirements. It was asked how they are supposed to comply with a potential 75% set aside requirement (or more) as an existing operation with an established footprint and that if they cannot comply would they lose their CUP – this would have unimaginable consequences for Acton, Agua Dulce, and elsewhere. Ms. Chi indicated that this can be explored in the workshop.

8. It was conveyed that there are concerns that, if a "biologist" or a "conservation agency" were to "opine" that a hauled water operation in Acton affects water resources elsewhere, then this could result in a denial of the CUP even if the opinion is unsubstantiated. Ms. Chi found this scenario unlikely and that this would not be a result of the SEA Ordinance. Examples of such events were provided wherein groundless "opinions" given by "biologists" regarding non-SEA projects in Acton caused substantial delays, wasted thousands of dollars, and nearly resulted in project denials. These examples included:

- On a minor land division creating 2 parcels on a 20-acre hillside property, DRP mandated an enormous set aside merely because it claimed the property was in a "rare wide and direct habitat connection" (at the hearing, the DRP planner even stated this as the reason for such substantial "mitigation"). This "opinion" that the subject property overlaid a "rare wide and direct habitat connection" came from "biologist" from the Mountains Recreation and Conservation Authority. Conversations with the MRCA representative [Mr. Paul Edelman] revealed that he is a colleague of the County Biologist and submitted the "opinion" after the County Biologist contacted him to discuss the project. The conversation with Mr. Edelman also revealed that the "habitat connection" that he "opined" was across the subject property was in fact nearly a mile from the project and separated from it by an extensive road network and commercial and residential development. In this case, the "opinion" offered by the RCMA "biologist" had no basis in fact; it was unsubstantiated, uncorroborated, baseless and entirely incorrect. Nonetheless, DRP relied on this erroneous "opinion" and cost the property owner thousands of dollars, years of delay, and nearly half his land.

- On a single lot subdivision project that a property owner had to complete just to build a house, the biologist for the Department of Fish and Wildlife did not support the project and stated that he "believes that people should not be allowed to build in Acton; people should live in cities and should be building up not out". This biologist's "opinion" was not supported by facts; to the contrary, it merely reflected a personal belief that was being used to fabricate unwarranted project conditions which delayed the project and cost the property owner time and money.

These events were identified to demonstrate that DRP can and does rely on factually unsupported "opinions" without testing there veracity merely because they are offered by "biologists", and that these "opinions" result in undue and unwarranted burdens on Acton.
residents. It is because of these prior events and the fact that the SEA Ordinance relies on qualitative thresholds that Acton residents do not have confidence that DRP will implement the SEA Ordinance in a “fair and balanced” manner. Concern was expressed that the draft SEA Ordinance provides no safeguards to protect Acton waterhaulers (or the essential services they provide) from unfounded and unsubstantiated "opinions" which could result in their CUP renewals being denied if DRP accords them significant weight merely because they are offered by a "biologist".

Thank you
Jacqueline Ayer
September 25, 2018

Iris Chi
Department of Regional Planning

Hello Iris,
In regards to the conversation we had last week regarding proposed changes in the SEA’s for the Antelope Valley. As I told you, we have farmed in the Antelope Valley for decades. We are good stewards of our land and the natural resources we have been entrusted with. We strongly oppose the suggested removal of SEA exemptions on agricultural property. This is just one more restriction and taking of our property rights. Agriculture supports wildlife in our area and does not infringe on wildlife corridors or communities.

Sincerely,

Julie Kyle
Kyle & Kyle Ranches, Inc.
September 20, 2018

County of Los Angeles Department of Regional Planning
Environmental Planning and Sustainability
Attn: Iris Chi, AICP Planner
320 West Temple Street
Los Angeles, CA 90012

RE: SEA Program Update

SENT VIA EMAIL

Dear Ms. Chi,

We are writing in support of the Alternative Option, and very much oppose exempting the Antelope Valley SEA's from review for Single Family Residences (SFR's), Economic Opportunity Areas (EOA's), and agricultural uses.

Excluding the Antelope Valley SEA's from these reviews is antithetical to the purpose of having SEA's in the first place. Our area is unique and biologically diverse, and deserves County protections. The planned city of Centennial alone is an enormous threat to the health and viability of wildlife habitats and biodiversity. In addition, there are countless smaller threats from developments that put these areas at risk of fragmentation. Preservation and proper oversight of these biological gems is imperative, lest they be slowly destroyed, killing off flora and fauna, and robbing future generations of County residents from enjoying them.

We respectfully request that the Department of Regional Planning approve the Alternative Option and remove the exemption of the Antelope Valley SEA's from review for SFR’s, EOA’s, and agricultural areas.

Sincerely,

[Signature]
Teri L. Gordon
President
September 25, 2018

David W. Louie, Chair
Los Angeles County Regional Planning Commission

c/o Los Angeles County Department of Regional Planning
Environmental Planning & Sustainability Section
Attn: Iris Chi, AICP, Planner
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
sea@planning.lacounty.gov

Regarding: Comments on Significant Ecological Area Ordinance

Dear Chair Louie and Members of the Commission:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the final draft of the Significant Ecological Area (SEA) Ordinance.

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 area of the Puente Hills known as Hacienda Heights.

Overall, the Habitat Authority recognizes the need for an updated SEA Ordinance to protect sensitive ecological areas of the County of Los Angeles. We are supportive in concept of this final draft including making conceptual SEAs permanent with adoption of the ordinance, but have remaining reservations.

**Exempt Government Open Space Land Managers from the Ordinance** - Organizations and especially public land management agencies that do not collect public tax dollars and whose main mission are in alignment with the goals of the Ordinance, such as the Habitat Authority, should be considered exempt from the Ordinance including its fee structure. Government organizations are held accountable to a higher standard of transparency and due diligence in their process and conduct.
Thank you for your consideration of our comments. Feel free to contact me or Andrea Gullo, Executive Director, at (562) 945-9003 or agullo@habitatauthority.org for further discussion. Also, please maintain our agency on the contact list for this planning process regarding the SEA Ordinance.

Sincerely,

[Signature]
Bob Henderson
Chairman

cc: Board of Directors
Citizens Technical Advisory Committee
September 24, 2018

David Louie, Chair
Regional Planning Commission
320 West Temple St., 13th Floor
Los Angeles, CA 90012

Subject: Support for Item 5, September 26, 2018 Significant Ecological Areas (SEA) Program Update

Dear Chairperson Louie and Members of the Commission:

SC Wildlands strongly supports the adoption of the SEA ordinances, as revised on September 13, 2018. We also support (1) the re-designation of all Conceptual SEAs to regular SEA status; and (2) adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley. We appreciate the many years that the County has worked to improve the configuration of the SEAs and the associated ordinances to help conserve these irreplaceable areas of the County. We also commend the County on the Implementation Guide, which provides detailed guidance for compliance that will help ensure that the ecological values of the SEAs are maintained during development, as intended by the ordinance.

We applaud the County for not just evaluating natural resources within the County boundary but also assessing how the County’s biological resources fit into a broader regional conservation strategy. The County has incorporated portions of several regionally important linkages into the SEAs to accommodate wildlife movement and habitat connectivity both within and beyond the county boundary. This landscape scale approach is consistent with the Western Governors’ Association Wildlife Corridors Initiative June 2008 report file:///F:/WildlifeLinkageOrdinances/Western-Governors-Association-2008-Corridor-Initiative-Report.pdf; the California State Wildlife Action Plan 2015 update: A Legacy for Californians https://www.wildlife.ca.gov/swap/final; California’s Climate Adaptation Strategy 2018 Update Safeguarding California Plan file:///F:/WildlifeLinkageOrdinances/safeguarding-california-plan-2018-update.pdf; California Fish and Game Code (1930-1940), which specifically deals with maintaining habitat connectivity between Significant Natural Areas https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=2.&title=&part=&chapter=12.&article=; State of California General...

These regionally important habitat linkages are essential to accommodate wildlife movement and sustain large-scale ecosystem processes, especially in light of climate change. The SEAs incorporate portions of four critical landscape linkages identified by the South Coast Missing Linkages effort and one identified by the Linkage Network for the California Deserts. The San Andreas SEA incorporates the southern portion of the Tehachapi Connection (Penrod et al. 2003). The Santa Felicia SEA includes portions of the Sierra Madre-Castaic Linkage (Penrod et al. 2005). The Santa Susana/Simi Hills SEA includes critical areas of a linkage that connects wildlife populations in the Santa Monica Mountains with those in the Sierra Madre Range of Los Padres National Forest (Penrod et al. 2006). The Santa Monica-Sierra Madre Connection is one of two remaining coastal connections in southern California, which will become increasingly important as the climate changes. The Santa Monica SEA includes this entire mountain range, which provides core habitat for numerous native species. The Santa Clara River SEA includes the majority of the San Gabriel-Castaic Linkage (Penrod et al. 2004) in the upper Santa Clara River Watershed. Finally, the Antelope Valley SEA includes portions of a linkage between the San Gabriel Mountains and Edwards Air Force Base (Penrod et al. 2012). SC Wildlands would appreciate being notified of projects proposed in these SEAs and is happy to serve the County in an advisory capacity on issues related to wildlife movement corridors.

We believe that a good balance has been achieved in the SEA ordinance, as it provides major project streamlining for applicants while being grounded in the principles of conservation biology. Clear and up-front requirements for the amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance will be met. Having the SEA ordinance in place is vital to conserving these regionally important areas and it complements other conservation planning activities underway in the region.

Respectfully Submitted,

Kristeen Penrod, Director
SC Wildlands
www.scwildlands.org
Direct 206-285-1916 | Cell 626-497-6492

References Cited


RE: Item 5; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update; Hearing Date, Sept. 26, 2018 — SUPPORT

Dear Chairperson Louie and Members of the Commission:

The Nature Conservancy supports the adoption of this ordinance, as revised on September 13, 2018 with emphasis on a process that ensures that there are no adverse impacts to biodiversity in the SEAs. We believe that years of thoughtful effort and stakeholder outreach have yielded a streamlined process that works to balance the development and natural open space needs of Los Angeles County. The Preliminary Biological Review, the Natural Open Space Preservation requirement, and Protected Trees standard along with associated mitigation ratios are critical to protect SEA Resources in the Draft Resolution.

The Nature Conservancy (Conservancy) is an international non-profit organization dedicated to conserving the lands and waters on which all life depends. Our on-the-ground work is carried out in all 50 states and in 72 countries around the world and is supported by approximately one million members. To date, we have helped conserve more than 120 million acres (including nearly 1.5 million acres in California) and 5,000 river miles around the world. We have been engaged in the protection and management of natural resources across the U.S. since 1951.

The Draft Resolution states, “Development that meets these requirements will receive a streamlined Ministerial SEA Review. Development unable to meet the development standards will require a SEA Conditional Use Permit (SEA CUP) process similar to the current SEA CUP process.” While the ambiguities of the SEA Conditional Use Permits may have prevented a streamlined process and may not have protected the biological resources in the geography, it is concerning that the permits are being completely replaced by the “Ministerial SEA Review.” It is critical to have a science-based analysis.
of proposed projects with a robust review utilizing the Biological Constraints Map. To avoid any negative impacts to habitat in the SEAs, we support further biological study when there is not clarity on site impacts or sufficient information from the available maps.

Construction of single-family homes on legal lots and new subdivisions of land are preferable to development that does not balance housing and natural open space needs and that does not follow existing guidelines. Clear and enforceable requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance—protection of precious SEA resources during development—will actually be met. As noted by the U.S. Fish and Wildlife Service, these development standards will also simplify any necessary federal permitting.

We commend staff on putting in place a consultative process for the early identification of biological constraints, so that applicants are prepared and take biological resources into account in their plans. A well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support three other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley, and
2. The re-designation of Conceptual SEAs to regular SEA.

We are gratified by the outpouring of community support for these important changes.

Thank you for your attention.

Sincerely,

[Signature]

Associate Director, Advocacy & Campaigns
California External Affairs
The Nature Conservancy
Dear Supervisor Barger,

We met briefly during a board meeting when the Acton Town Council made our presentation on illegal dumping. However, today I am writing not as the President of the Town Council but as an Acton resident and property owner; one who lives on an inholding in the Angeles National Forest.

I’m extremely concerned that Planning Commission will adopt the alternate ordinance which will effectively destroy the use and value of my property. A property that represents a good portion of my life’s work. Over the last 4 years the Town Council has pointed out all the shortcomings with the SEA ordinance and it’s expanded boundary. As you know, Supervisor Antonovich made Acton a promise; more than a promise through adopted board action - the single-family home exemption is in place. With this alternative, my neighbors and I are living in fear; the fear that we may lose the use and value of our properties to a SEA review process that relies on unwritten guidelines all because the alternative ordinance excludes parcels in the ANF from the single-family exemption.

During the SEA boundary expansion which gobbled up my property, the County maintained that there are biological resources in the expanded boundary that need protection. There are many problems with that assertion. The County has never shown that the expanded boundary includes any at risk resources or that single family use of A-2 zoned property puts any resource at risk. In October of 2014 Ms. Ayer of the ATC submitted definitive proof into the public record that the resources in question do not exist in the expanded boundary. I ask this question; If the expanded boundary is so important to the keeping of natural resources, why does the alternative ordinance grant the single-family exemption to all of Acton SEA except for inholdings?

If have read the public comment from many organizations that oppose the single-family exemption and I assume it is these comments that are driving the alternative.

California Fish and Wildlife. Comments addressed to Ms. Mongolo. In the 12 years I’ve lived here I have never seen or been paid a visit from CDFW. On my 4 years of serving on the Acton Town Council, the CDFW has never presented any concerns to the community through the ATC or any other mechanism. Recently the ATC contacted the CDFW about a park operator illegally dumping thousands of loads in the Santa Clara river bed. The CDFW responded that they were unable to determine if there was any change to the river bed. In my opinion the CDFW is completely unqualified to comment and I find that fact that they will make recommendations to limit my use of property when that can’t or won’t protect a blue line stream preposterous and completely without merit.

Department of Regional Planning. Comments submitted to Ms. Mongolo. DRP suggesting serve limits on single family homes. The ATC has spent countless hours explaining the nature of Acton’s single-family homes and residents; how we are not an ecological problem; how we choose to live here to be in harmony with the environment; how we currently successfully coexist. I submit the property owners in the SEA are the rightful stewards of the land.
Desert and Mountain Conservancy, Endanger Habitats League, and Transition Habitat Conservancy. Yet more groups that have never taken the time to visit Acton Residents or express concerns to the Town Council.

Supervisor Barger, for the reasons above I do not support the SEA ordinance as drafted and find the alternative damaging, unacceptable, and completely without merit. I respectfully ask that you instruct DRP to fix these serious problems and make good on the promise of Supervisor Antonovich.

Sincerely,

Tom Costan
30815 Aliso Canyon Road
Acton CA 93510
Dear Chairperson Louis and Members of the Commission:

I support the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants’ time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.

2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.

Sincerely,

Violet Ouyang
September 24, 2018

Doug Smith, Commissioner, Supervisorial District 1
David W. Louie, Chair, Supervisorial District 2
Laura Shell, Commissioner, Supervisorial District 3
Elvin W. Moon, Vice Chair, Supervisorial District 4
Pat Modugno, Commissioner, Supervisorial District 5

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

Re: Building Industry Association Comment Letter on the Significant Ecological Areas (SEA) Ordinance - September 2018

Dear Supervisor Kuehl,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA), is a non-profit trade association of nearly 1,200 companies employing over 100,000 people all affiliated with building and development. On behalf of our membership, we would like to submit an updated comment letter based on the most recent draft of the County’s Significant Ecological Areas (SEA) Ordinance. Unfortunately, the latest draft still falls short in addressing BIA’s previously expressed concerns, and we are unsettled by some of the newly introduced language. We hope that our former and current comments are evaluated and considered for implementation.

Over the last several years, BIA-LAV has worked with the County and submitted various comment letters to help produce drafts 7, 8 and 9 of the SEA ordinance. Draft 10 of the SEA document was reviewed by our membership, and we had the opportunity to meet with County staff to communicate several technical changes. We had hoped to see most of the additions adopted in the new draft, but very few of the changes were implemented. Particularly, three previously expressed comments still remain at the forefront of our concerns; Native Tree Permits, Enforcement Mechanisms, and the Antelope Valley Exemption. These concerns are described below;
1. Concern - Native Trees Permits: Native trees will be further assessed for negative impacts, through the SEA Protected Trees development standard and Protected Tree Permit. The Protected Tree Permit is a new permit option, processed as a Minor CUP, to allow for development that can meet all development standards except for the SEA Protected Trees development standard.

Recommendation - BIA previously requested that SEA Draft 10, Section 22.102.050, remove additional permitted uses and asked that they only be subject to ministerial review. This included but was not limited to native and non-native vegetation removal, crops, native habitat restoration, etc. The new Protected Tree Permit is in direct conflict with this request and duplicates compliance conditions, as such mitigation efforts are already fulfilled through current permit processes and under the SEA Development Standards.

2. Concern – Enforcement Mechanisms: Notice of SEA violations and violation enforcements were created to regulate unpermitted removal or disturbance of SEA Resources. Any activity defined as development in the SEAs prior to an approved permit is prohibited. A Ministerial SEA Review or SEA CUP will need to be obtained to assess the impacts of the unpermitted development and require the necessary mitigations.

Recommendation - As previously conveyed in our past letter, development permitted prior to the expansion of an SEA mapped area would not have been previously reviewed for impacts to SEA resources. BIA recommends the language that was adopted by former versions of the ordinance be considered in lieu of the above suggested review and permit process: “Any development authorized by a valid land use approval, or permit authorized by this Title 22, that was not subject to Section 22.56.215 as it existed prior to the effective date of the ordinance establishing the former section. In such cases, the development shall be governed by the land use approval or permit during the life of that grant.” This language would be more appropriate when referring to a legally established development.

3. Concern - Antelope Valley Exemption: All Antelope Valley (AV) areas (except for the Eastern portion) had always been exempted in previous SEA ordinance drafts. The latest ordinance mandates that the AV areas will also be included as part of the county-wide SEA regulations for single-family residences and agricultural uses. This is meant to protect wildlife corridors and fragment natural communities that provide habitat for protected species and species.

Recommendation - In 2014, the Board of Supervisors passed a resolution to exempt the Antelope Valley Area Plan from encroachment of the SEA ordinance. This motion ensured
that the provisions in the Antelope Valley Area Plan supersede any new or existing SEA ordinance. This exemption was reached through the input of Town Councils, Antelope Valley Area Plan Blue Ribbon Committee, and the Department of Regional Planning to achieve an appropriate balance between economic growth and development, the preservation of important environmental resources, and the protection of the unique rural character of the Antelope Valley. The resolution was promulgated by the 200,000-acre expansion of the SEA in 2014. The recommendation to overturn a previous Board resolution is troublesome and changes the trajectory of developments that were created and dependent on this exemption.

In summary, BIA believes that these considerations will strengthen the SEA ordinance by providing balance between past drafts and previous industry suggestions. Builders need clarity and certainty when new regulations are updated or introduced, especially when existing investments and current projects are impacted. These small changes will provide BIA members and housing producers that certainty and allow fair housing production to battle the housing crisis that has afflicted the region. We ask that the Final Significant Ecological Areas Ordinance be written with our requested adjustments, so we can reasonably achieve the County’s goal of ecosystem conservation. We look forward to continuing to work with the County as this draft ordinance is finalized.

Thank you for your consideration of these suggestions and comments. Should you have any questions please contact, BIA-LAV Director of Government Affairs, Diana Coronado, at (213) 797-5965 or at dcoronado@bialav.org.

Sincerely,

Tim Piasky
Chief Executive Officer
BIA-Los Angeles/Ventura

CC: Los Angeles County Department of Regional Planning
Iris Chi

From: Fachko Denise <dfachko@yahoo.com>
Sent: Thursday, September 20, 2018 11:31 PM
To: Rosie Ruiz; DRP SEA
Cc: Denise Fachko
Subject: RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update

Follow Up Flag: Follow up
Flag Status: Flagged

September 20, 2018

David Louie, Chair
Regional Planning Commission
320 West Temple St., 13th Floor
Los Angeles, CA 90012

RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update—SUPPORT

Dear Chairperson Louis and Members of the Commission:

I support the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants’ time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, I strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.
2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.
Sincerely,
D. Fachko
I want to voice my STRONG opposition to the proposed changes to the SEA affecting Aliso Canyon area of Acton...in particular the changes that would specifically target land owners that are inside the SEA as well as inside the Nation Forest, such as myself. These proposed changes would be highly punitive to those of us that bought land in this area only to see this same land being rendered less and less valuable and less usable. My property in particular is a 10 acre parcel of which approximately 5 acres is inside the SEA...the entire parcel is inside the National Forest. Our plans when we bought the place was to eventually build a second residence with horse facilities on the part of our land that is inside the SEA. The proposed changes in the allowed usage of this 5 acres will totally negate those plans. I have not seen any proposal to either purchase these 5 acres at the price we paid for them, or in some other manner equitably compensate us for the loss these planned changes to the SEA will place upon us. It seems to me the County is planing to take 5 acres of my land via "eminent domain" without bothering to go through the necessary steps to do so.

Edward Hamm
30271 Aliso Canyon Rd.
SUMMARY OF CONVERSATION WITH MS. CHI ON SEPTEMBER 20, 2018

On September 20, 2018, Ms. Iris Chi from the Department of Regional Planning was kind enough to contact Jacqueline Ayer and regarding concerns expressed by the Acton Town Council pursuant to the draft SEA Ordinance. The following paragraphs summarize this discussion. It is respectfully requested that these notes be included in the public correspondence record that the County is compiling for the draft Ordinance.

1. It is not the County's practice to put details of public comments that are received at community meetings into the staff report that is submitted to the Regional Planning Commission prior to a hearing.

2. The County encourages written comments because oral comments made at community meetings that are convened to address a proposed ordinance are not usually summarized or compiled by county staff in a manner that is reflected in the record.

3. The County seeks to convene a workshop as soon as reasonably possible; it will take place well in advance of the Board of Supervisor's hearing on the SEA Ordinance.

4. The "set-aside" ratios set forth in the draft SEA ordinance are based on the development footprint.

5. It was asked why a property owner should set aside 4 acres of a 5 acre parcel to put a house, barn, corral and driveway on it just because a horny toad is found in just one corner or the property (which makes the whole property designated as Category 2 or higher). Ms. Chi indicated that the County would not apply the category to the whole parcel, just the portion of the parcel that is reasonable to do so. Ms. Chi also indicated that the set-aside would be determined based only on the portion of the property where the category is applied and that the planner's decision would be informed by the guidelines (which is why the guidelines were written). It was pointed out that the ordinance does not say any of this, and that none of these assurances are reflected in the guidelines. Concern was expressed that the guidelines do not allow the level of flexibility that Ms. Chi suggested and, since they are merely guidelines, they remain deferential to the inflexible language of the ordinance itself. It was further pointed out that the guidelines are not part of the ordinance and the DRP can change the guidelines without public input so what the guidelines say now are not relevant to how the ordinance will be implemented in the future.
6. The reason for omitting the SFR exemption on ANF inholdings is because there is a section of the county north of Santa Clarita (Green Valley?) that has inholdings which the County does not want exempted. So, Acton cannot have exempted ANF inholdings.

7. Concern was expressed that the Draft SEA Ordinance requires CUP renewal applications to undergo SEA review if the property had not undergone prior SEA review. It was asked if this could result in the denial of the CUP, and Ms. Chi said they just have to comply with the SEA requirements. It was asked how they are supposed to comply with a potential 75% set aside requirement (or more) as an existing operation with an established footprint and that if they cannot comply would they lose their CUP – this would have unimaginable consequences for Acton, Agua Dulce, and elsewhere. Ms. Chi indicated that this can be explored in the workshop.

8. It was conveyed that there are concerns that, if a "biologist" or a "conservation agency" were to "opine" that a hauled water operation in Acton affects water resources elsewhere, then this could result in a denial of the CUP even if the opinion is unsubstantiated. Ms. Chi found this scenario unlikely and that this would not be a result of the SEA Ordinance. Examples of such events were provided wherein groundless "opinions" given by "biologists" regarding non-SEA projects in Acton caused substantial delays, wasted thousands of dollars, and nearly resulted in project denials. These examples included:

- On a minor land division creating 2 parcels on a 20-acre hillside property, DRP mandated an enormous set aside merely because it claimed the property was in a "rare wide and direct habitat connection" (at the hearing, the DRP planner even stated this as the reason for such substantial "mitigation"). This "opinion" that the subject property overlaid a "rare wide and direct habitat connection" came from "biologist" from the Mountains Recreation and Conservation Authority. Conversations with the MRCA representative [Mr. Paul Edelman] revealed that he is a colleague of the County Biologist and submitted the "opinion" after the County Biologist contacted him to discuss the project. The conversation with Mr. Edelmen also revealed that the "habitat connection" that he "opined" was across the subject property was in fact nearly a mile from the project and separated from it by an extensive road network and commercial and residential development. In this case, the "opinion" offered by the RCMA "biologist" had no basis in fact; it was unsubstantiated, uncorroborated, baseless and entirely incorrect. Nonetheless, DRP relied on this erroneous "opinion" and cost the property owner thousands of dollars, years of delay, and nearly half his land.

- On a single lot subdivision project that a property owner had to complete just to build a house, the biologist for the Department of Fish and Wildlife did not support the project and stated that he "believes that people should not be allowed to build in Acton; people should live in cities and should be building up not out". This biologist's "opinion" was not supported by facts; to the contrary, it merely reflected a personal belief that was being used to fabricate unwarranted project conditions which delayed the project and cost the property owner time and money.

These events were identified to demonstrate that DRP can and does rely on factually unsupported "opinions" without testing there veracity merely because they are offered by "biologists", and that these "opinions" result in undue and unwarranted burdens on Acton
residents. It is because of these prior events and the fact that the SEA Ordinance relies on qualitative thresholds that Acton residents do not have confidence that DRP will implement the SEA Ordinance in a “fair and balanced” manner. Concern was expressed that the draft SEA Ordinance provides no safeguards to protect Acton water haulers (or the essential services they provide) from unfounded and unsubstantiated "opinions" which could result in their CUP renewals being denied if DRP accords them significant weight merely because they are offered by a "biologist".

Thank you
Jacqueline Ayer
September 25, 2018

Iris Chi
Department of Regional Planning

Hello Iris,
In regards to the conversation we had last week regarding proposed changes in the SEA’s for the Antelope Valley. As I told you, we have farmed in the Antelope Valley for decades. We are good stewards of our land and the natural resources we have been entrusted with. We strongly oppose the suggested removal of SEA exemptions on agricultural property. This is just one more restriction and taking of our property rights. Agriculture supports wildlife in our area and does not infringe on wildlife corridors or communities.

Sincerely,

Julie Kyle
Kyle & Kyle Ranches, Inc.
September 20, 2018

County of Los Angeles Department of Regional Planning
Environmental Planning and Sustainability
Attn: Iris Chi, AICP Planner
320 West Temple Street
Los Angeles, CA 90012

RE: SEA Program Update

SENT VIA EMAIL

Dear Ms. Chi,

We are writing in support of the Alternative Option, and very much oppose exempting the Antelope Valley SEA's from review for Single Family Residences (SFR's), Economic Opportunity Areas (EOA's), and agricultural uses.

Excluding the Antelope Valley SEA's from these reviews is antithetical to the purpose of having SEA's in the first place. Our area is unique and biologically diverse, and deserves County protections. The planned city of Centennial alone is an enormous threat to the health and viability of wildlife habitats and biodiversity. In addition, there are countless smaller threats from developments that put these areas at risk of fragmentation. Preservation and proper oversight of these biological gems is imperative, lest they be slowly destroyed, killing off flora and fauna, and robbing future generations of County residents from enjoying them.

We respectfully request that the Department of Regional Planning approve the Alternative Option and remove the exemption of the Antelope Valley SEA's from review for SFR's, EOA's, and agricultural areas.

Sincerely,

[Signature]

Teri L. Gordon
President
September 25, 2018

David W. Louie, Chair  
Los Angeles County Regional Planning Commission  

c/o Los Angeles County Department of Regional Planning  
Environmental Planning & Sustainability Section  
Attn: Iris Chi, AICP, Planner  
320 W. Temple Street, 13th Floor  
Los Angeles, CA 90012  
sea@planning.lacounty.gov  

Regarding: Comments on Significant Ecological Area Ordinance

Dear Chair Louie and Members of the Commission:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the final draft of the Significant Ecological Area (SEA) Ordinance.

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 area of the Puente Hills known as Hacienda Heights.

Overall, the Habitat Authority recognizes the need for an updated SEA Ordinance to protect sensitive ecological areas of the County of Los Angeles. We are supportive in concept of this final draft including making conceptual SEAs permanent with adoption of the ordinance, but have remaining reservations.

**Exempt Government Open Space Land Managers from the Ordinance** - Organizations and especially public land management agencies that do not collect public tax dollars and whose main mission are in alignment with the goals of the Ordinance, such as the Habitat Authority, should be considered exempt from the Ordinance including its fee structure. Government organizations are held accountable to a higher standard of transparency and due diligence in their process and conduct.
Thank you for your consideration of our comments. Feel free to contact me or Andrea Gullo, Executive Director, at (562) 945-9003 or agullo@habitatauthority.org for further discussion. Also, please maintain our agency on the contact list for this planning process regarding the SEA Ordinance.

Sincerely,

Bob Henderson
Chairman

cc: Board of Directors
Citizens Technical Advisory Committee
September 24, 2018

David Louie, Chair
Regional Planning Commission
320 West Temple St., 13th Floor
Los Angeles, CA 90012

Transmitted via email to rruiz@planning.lacounty.gov and sea@planning.lacounty.gov

Subject: Support for Item 5, September 26, 2018 Significant Ecological Areas (SEA) Program Update

Dear Chairperson Louie and Members of the Commission:

SC Wildlands strongly supports the adoption of the SEA ordinances, as revised on September 13, 2018. We also support (1) the re-designation of all Conceptual SEAs to regular SEA status; and (2) adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley. We appreciate the many years that the County has worked to improve the configuration of the SEAs and the associated ordinances to help conserve these irreplaceable areas of the County. We also commend the County on the Implementation Guide, which provides detailed guidance for compliance that will help ensure that the ecological values of the SEAs are maintained during development, as intended by the ordinance.

We applaud the County for not just evaluating natural resources within the County boundary but also assessing how the County’s biological resources fit into a broader regional conservation strategy. The County has incorporated portions of several regionally important linkages into the SEAs to accommodate wildlife movement and habitat connectivity both within and beyond the county boundary. This landscape scale approach is consistent with the Western Governors’ Association Wildlife Corridors Initiative June 2008 report file:///F:/WildlifeLinkageOrdinances/Western-Governors-Association-2008-Corridor-Initiative-Report.pdf; the California State Wildlife Action Plan 2015 update: A Legacy for Californians https://www.wildlife.ca.gov/swap/final; California’s Climate Adaptation Strategy 2018 Update Safeguarding California Plan file:///F:/WildlifeLinkageOrdinances/safeguarding-california-plan-2018-update.pdf; California Fish and Game Code (1930-1940), which specifically deals with maintaining habitat connectivity between Significant Natural Areas https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=FGC&division=2&title=&part=&chapter=12.&article=; State of California General

Our Mission is to protect and restore systems of connected wildlands that support native wildlife and the ecosystems upon which they depend.

These regionally important habitat linkages are essential to accommodate wildlife movement and sustain large-scale ecosystem processes, especially in light of climate change. The SEAs incorporate portions of four critical landscape linkages identified by the South Coast Missing Linkages effort and one identified by the Linkage Network for the California Deserts. The San Andreas SEA incorporates the southern portion of the Tehachapi Connection (Penrod et al. 2003). The Santa Felicia SEA includes portions of the Sierra Madre-Castaic Linkage (Penrod et al. 2005). The Santa Susana/Simi Hills SEA includes critical areas of a linkage that connects wildlife populations in the Santa Monica Mountains with those in the Sierra Madre Range of Los Padres National Forest (Penrod et al. 2006). The Santa Monica-Sierra Madre Connection is one of two remaining coastal connections in southern California, which will become increasingly important as the climate changes. The Santa Monica SEA includes this entire mountain range, which provides core habitat for numerous native species. The Santa Clara River SEA includes the majority of the San Gabriel-Castaic Linkage (Penrod et al. 2004) in the upper Santa Clara River Watershed. Finally, the Antelope Valley SEA includes portions of a linkage between the San Gabriel Mountains and Edwards Air Force Base (Penrod et al. 2012). SC Wildlands would appreciate being notified of projects proposed in these SEAs and is happy to serve the County in an advisory capacity on issues related to wildlife movement corridors.

We believe that a good balance has been achieved in the SEA ordinance, as it provides major project streamlining for applicants while being grounded in the principles of conservation biology. Clear and up-front requirements for the amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance will be met. Having the SEA ordinance in place is vital to conserving these regionally important areas and it complements other conservation planning activities underway in the region.

Respectfully Submitted,

Kris Penrod, Director
SC Wildlands
[www.schwildlands.org](http://www.schwildlands.org)

Direct 206-285-1916 | Cell 626-497-6492

References Cited


September 24, 2018

VIA ELECTRONIC MAIL

David W. Louie, Chair
Los Angeles County Regional Planning Commission
320 W Temple St, 13th Floor
Los Angeles, CA 90012
<rruiz@planning.lacounty.gov>

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: Item 5; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update; Hearing Date, Sept. 26, 2018 — SUPPORT

Dear Chairperson Louie and Members of the Commission:

The Nature Conservancy supports the adoption of this ordinance, as revised on September 13, 2018 with emphasis on a process that ensures that there are no adverse impacts to biodiversity in the SEAs. We believe that years of thoughtful effort and stakeholder outreach have yielded a streamlined process that works to balance the development and natural open space needs of Los Angeles County. The Preliminary Biological Review, the Natural Open Space Preservation requirement, and Protected Trees standard along with associated mitigation ratios are critical to protect SEA Resources in the Draft Resolution.

The Nature Conservancy (Conservancy) is an international non-profit organization dedicated to conserving the lands and waters on which all life depends. Our on-the-ground work is carried out in all 50 states and in 72 countries around the world and is supported by approximately one million members. To date, we have helped conserve more than 120 million acres (including nearly 1.5 million acres in California) and 5,000 river miles around the world. We have been engaged in the protection and management of natural resources across the U.S. since 1951.

The Draft Resolution states, “Development that meets these requirements will receive a streamlined Ministerial SEA Review. Development unable to meet the development standards will require a SEA Conditional Use Permit (SEA CUP) process similar to the current SEA CUP process.” While the ambiguities of the SEA Conditional Use Permits may have prevented a streamlined process and may not have protected the biological resources in the geography, it is concerning that the permits are being completely replaced by the “Ministerial SEA Review.” It is critical to have a science-based analysis
of proposed projects with a robust review utilizing the Biological Constraints Map. To avoid any negative impacts to habitat in the SEAs, we support further biological study when there is not clarity on site impacts or sufficient information from the available maps.

Construction of single-family homes on legal lots and new subdivisions of land are preferable to development that does not balance housing and natural open space needs and that does not follow existing guidelines. Clear and enforceable requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance—protection of precious SEA resources during development—will actually be met. As noted by the U.S. Fish and Wildlife Service, these development standards will also simplify any necessary federal permitting.

We commend staff on putting in place a consultative process for the early identification of biological constraints, so that applicants are prepared and take biological resources into account in their plans. A well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support three other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley, and
2. The re-designation of Conceptual SEAs to regular SEA.

We are gratified by the outpouring of community support for these important changes.

Thank you for your attention.

Sincerely,

[Signature]

Shona Songly

Associate Director, Advocacy & Campaigns
California External Affairs
The Nature Conservancy
Iris Chi

From: Tom Costan <tom@quality-visual.com>
Sent: Tuesday, September 25, 2018 5:04 PM
To: kathryn@bos.lacounty.gov
Cc: Iris Chi
Subject: The Regional Planning Commission Hearing on Agenda Item #5 Scheduled - SEA Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Supervisor Barger,

We met briefly during a board meeting when the Acton Town Council made our presentation on illegal dumping. However, today I am writing not as the President of the Town Council but as an Acton resident and property owner; one who lives on an inholding in the Angeles National Forest.

I’m extremely concerned that Planning Commission will adopt the alternate ordinance which will effectively destroy the use and value of my property. A property that represents a good portion of my life’s work. Over the last 4 years the Town Council has pointed out all the shortcomings with the SEA ordinance and it’s expanded boundary. As you know, Supervisor Antonovich made Acton a promise; more than a promise through adopted board action - the single-family home exemption is in place. With this alternative, my neighbors and I are living in fear; the fear that we may lose the use and value of our properties to a SEA review process that relies on unwritten guidelines all because the alternative ordinance excludes parcels in the ANF from the single-family exemption.

During the SEA boundary expansion which gobbled up my property, the County maintained that there are biological resources in the expanded boundary that need protection. There are many problems with that assertion. The County has never shown that the expanded boundary includes any at risk resources or that single family use of A-2 zoned property puts any resource at risk. In October of 2014 Ms. Ayer of the ATC submitted definitive proof into the public record that the resources in question do not exist in the expanded boundary. I ask this question; If the expanded boundary is so important to the keeping of natural resources, why does the alternative ordinance grant the single-family exemption to all of Acton SEA except for inholdings?

If have read the public comment from many organizations that oppose the single-family exemption and I assume it is these comments that are driving the alternative.

California Fish and Wildlife. Comments addressed to Ms. Mongolo. In the 12 years I’ve lived here I have never seen or been paid a visit from CDFW. On my 4 years of serving on the Acton Town Council, the CDFW has never presented any concerns to the community through the ATC or any other mechanism. Recently the ATC contacted the CDFW about a park operator illegally dumping thousands of loads in the Santa Clara river bed. The CDFW responded that they were unable to determine if there was any change to the river bed. In my opinion the CDFW is completely unqualified to comment and I find that fact that they will make recommendations to limit my use of property when that can’t or won’t protect a blue line stream preposterous and completely without merit.

Department of Regional Planning. Comments submitted to Ms. Mongolo. DRP suggesting serve limits on single family homes. The ATC has spent countless hours explaining the nature of Acton’s single-family homes and residents; how we are not an ecological problem; how we choose to live here to be in harmony with the environment; how we currently successfully coexist. I submit the property owners in the SEA are the rightful stewards of the land.
Desert and Mountain Conservancy, Endanger Habitats League, and Transition Habitat Conservancy. Yet more groups that have never taken the time to visit Acton Residents or express concerns to the Town Council.

Supervisor Barger, for the reasons above I do not support the SEA ordinance as drafted and find the alternative damaging, unacceptable, and completely without merit. I respectfully ask that you instruct DRP to fix these serious problems and make good on the promise of Supervisor Antonovich.

Sincerely,

Tom Costan
30815 Aliso Canyon Road
Acton CA 93510
Attn: David Louie, Chair

Regional Planning Commission
320 West Temple St., 13th Floor
Los Angeles, CA 90012

RE: Item 5, September 26, 2018; Project No. 2017-003725-(1-5); Significant Ecological Areas (SEA) Program Update—SUPPORT

Dear Chairperson Louis and Members of the Commission:

I support the adoption of this ordinance, as revised on Sept. 13, 2018. Years of thoughtful effort and stakeholder outreach have yielded a sound accomplishment. The essence of this accomplishment is to successfully combine major project streamlining with the scientific principles of conservation biology.

Clear and up-front requirements for amount and configuration of natural open space, as well as standardized mitigation ratios, will ensure that the goal of the ordinance – protection of precious SEA resources during development – will actually be met.

I also commend the early consultative process for identification of biological constraints, so that applicants’ time and money is not wasted. And a well-illustrated Implementation Guide provides detailed guidance for compliance.

To make the SEA update effort complete, we strongly support two other components:

1. Adopting the Alternative Option for reduced SEA exemptions in the Antelope Valley.

2. The re-designation of Conceptual SEAs to regular SEA.

Time has come to adopt and move forward.

Thank you for considering my views.

Sincerely,

Violet Ouyang