Docusign Envelope ID: ABB42556-5E89-436F-B63D-9E4DC1AC0D9C

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

FINDINGS AND ADDENDUM

to the

Environmental Impact Report

SCH No. 2011081042

Previously Certified By the Lead Agency

Los Angeles County

for the

Cohick Project

as prepared by

California Department of Fish and Wildlife

as a

Responsible Agency Under CEQA

November 7, 2025

Docusign Envelope ID: ABB42556-5E89-436F-B63D-9E4DC1AC0D9C

INTRODUCTION

The California Department of Fish and Wildlife (CDFW) has prepared these findings and addendum to comply with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). CDFW is a responsible agency under CEQA with respect to the Cohick Project (Project) because of its permitting authority under the California Endangered Species Act (CESA) and Western Joshua Tree Conservation Act (WJTCA) (Fish & G. Code, § 2050 and 1927 et seq.) and because of prior environmental review and approval of the Project by Los Angeles County in its role as lead agency (See generally Pub. Resources Code, § 21067; CEQA Guidelines, § 15367; Pub. Resources Code, §§ 21002.1, subd. (d), Pub. Resources Code, §§ 21069; CEQA Guidelines, § 15381; see also Cal. Code Regs., tit. 14, § 783.3, subd. (a).)[1]. The Project plans to construct, on a 0.25-acre property, one 5-unit building consisting of a 4-plex unit with an attached accessory dwelling unit (ADU) and a driveway and walkway. Within the Project footprint, 1 western Joshua tree (*Yucca brevifolia*) (WJT), which is listed as a candidate species under CESA and WJTCA is present. The impacts associated with the Project fall within CDFW's permitting jurisdiction under CESA and WJTCA.

CDFW prepared these findings and addendum in response to the pending application by KMC Services Inc. (Permittee) for WJTCA Incidental Take Permit (ITP) for the Project under WJTCA (Application No. 1927-ITP-2025-020-05). The Project will result in the incidental take of a candidate species listed for protection under CESA and WJTCA. The WJTCA ITP, which is pending before CDFW, is intended to minimize and fully mitigate the permanent impacts of the taking to WJT. These findings and addendum memorialize CDFW's consideration of various issues under CEQA that pertain to the incidental take of species protected by CESA that could arise during the development and implementation of the Project. In addition, these findings and addendum address CDFW's obligations as a responsible agency pursuant to CEQA Guidelines sections 15096 and 15164. (See Fish & G. Code, § 2081, subd. (b); Cal. Code Regs., tit. 14, § 783.4.)

BACKGROUND

The Project is located on 0.25 acre of land within Los Angeles County and involves the construction of a 4-plex with an ADU.

The 2015 Environmental Impact Report (EIR), which was certified by Los Angeles County on October 7, 2015, included discussion and analysis of the Project's potential impacts on biological resources, including WJT. The EIR acknowledges that Joshua tree woodlands are a type of woodland within Antelope Valley and provides a description of vegetation within a Joshua tree woodland. The EIR outlines that Los Angeles County intends to create a Native Woodlands Conservation Management Plan which consists of a conservation management plan, guidance document, and implementation ordinance for woodlands that are rare, including

[1] The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Docusign Envelope ID: ABB42556-5E89-436F-B63D-9E4DC1AC0D9C

WJTs. The EIR also designates a Joshua tree Woodland Significant Ecological Area centered around Antelope Wash in the Antelope Valley Planning Area.

The Permittee submitted a WJTCA ITP application April 4, 2024, for Project activities described above. The proposed WJTCA ITP provides information on the construction of the Project. During preparation of the WJTCA ITP, CDFW determined that the Cohick Project, an 0.25-acre footprint, was not included or evaluated within the 2015 EIR. The WJTCA requires CEQA review, therefore an addendum to the Los Angeles County General Plan Update EIR is required for the Project to obtain CEQA coverage.

CDFW AS RESPONSIBLE AND TRUSTEE AGENCY

A responsible agency is a public agency with discretionary approval authority over a project for which a lead agency has already prepared a negative declaration, mitigated negative declaration, or an Environmental Impact Report (EIR). (CEQA Guidelines, §§ 15366, 15381.) In general, a responsible agency complies with CEQA by considering the environmental analysis prepared by the lead agency and by reaching its own conclusions on whether and how to approve the project involved. (CEQA Guidelines, § 15096, subd. (a).)

CDFW is a responsible agency under CEQA with respect to the Project because of its regulatory authority to issue an ITP under CESA, pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, title 14, section 783 et seq., and because of prior environmental review and approval of the Project by Los Angeles County in its role as lead agency. (See generally Pub. Resources Code §§ 21067, 21069; CEQA Guidelines, §§ 15367, 15381.)

CDFW's authority over the Project as a responsible agency is limited to issuance of a WJTCA ITP. CDFW, as a CEQA responsible agency, is responsible for ensuring the direct and indirect effects of those parts of a project that it is approving are mitigated or avoided. (CEQA Guidelines, § 15096.)

CDFW is also the CEQA trustee agency over fish, wildlife, native plants, and CDFW administered lands (CEQA Guidelines, § 15386). CDFW's authority as California's trustee agency for fish and wildlife derives from the Fish and Game Code. (Pub. Resources Code, §§ 21004; CEQA Guidelines, §§ 15040, 15041, subd. (b), 15386; *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 935-941; see also *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (2015) 62 Cal. 4th 204, 214 (CDFW has "direct authority only over biological resource impacts").)

SUBSEQUENT OR SUPPLEMENTAL ENVIRONMENTAL REVIEW UNDER CEQA

In an effort to provide a degree of finality, CEQA includes a strong presumption against requiring any further environmental review once an EIR has been prepared and adopted for a project (Pub. Resources Code, § 21080.1; CEQA Guidelines, § 15096, subd. (f); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal*. (1993) 6 Cal.4th 1112, 1130). Specifically, once

Docusign Envelope ID: ABB42556-5E89-436F-B63D-9E4DC1AC0D9C

an EIR has been adopted, the lead agency may not require preparation of a subsequent or supplemental EIR unless the lead agency determines, based on substantial evidence, that one of three triggering events has occurred. (Pub. Resources Code, § 21166, CEQA Guidelines, § 15096; see also Pub. Resources Code, § 21081, CEQA Guidelines, §§ 15091, 15093, 15162; *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 949). These triggering events are:

- Substantial changes are proposed in the project which will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was adopted, shows any of the following:
    - The project will have one or more significant effects not discussed in the previous environmental document;
    - Significant effects previously examined will be substantially more severe than shown in the previous environmental document;
    - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental document would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(Pub. Resources Code, § 21166; CEQA Guidelines, § 15162)

PREPARATION OF THIS ADDENDUM TO THE 2015 EIR IN LIEU OF A SUBSEQUENT OR SUPPLEMENTAL CEQA DOCUMENT

Pursuant to section 15096 of the CEQA Guidelines, CDFW has considered the environmental effects of the proposed WJTCA ITP and Project as addressed by the County in the Los Angeles County General Plan Update EIR. Notwithstanding CDFW's obligation to make independent findings under CEQA as highlighted above, CDFW's consideration of the Los Angeles County General Plan Update EIR is constrained by a legal presumption of adequacy. (*Laurel Heights Improvement Association*, *supra*, 6 Cal.4th at p. 1130.) That presumption is tempered, however, by changes to the project, changed circumstances, or potentially significant new information. (Pub. Resources Code, § 21166; Cal. Code Regs., tit. 14, § 15162, subd. (a)).

Docusign Envelope ID: ABB42556-5E89-436F-B63D-9E4DC1AC0D9C

The only such change or new information related to the Project and CDFW's review and consideration of the Permittee's proposed ITP concerns the presence of WJT on the Project site and the resulting need to address and fully mitigate impacts to WJT in the EIR as a species protected under CESA and the WJTCA. CDFW has determined as set forth below that addressing and fully mitigating impacts to WJT and pursuit of WJT take coverage under the WJTCA does not require preparation of a subsequent EIR or supplement to the Los Angeles County General Plan Update EIR. CDFW has considered the effects of Cohick Project in compliance with CDFW's obligations as a responsible and trustee agency for fish and wildlife under CEQA, pursuant to Public Resource Code section 21166 and CEQA guidelines section 15096, 15162, and 15164. CDFW has determined that none of the conditions described in the Public Resource Code section 21166 or CEQA Guidelines section 15162 have occurred and therefore, CEQA does not require preparation of a subsequent environmental document. For that reason, CDFW has prepared this addendum to document CDFW's compliance with CEQA, while ensuring environmental effects to WJT are minimized and fully mitigated through the proposed WJTCA ITP, to be issued pursuant to Fish and Game Code 1927.

ADDRESSING AND FULLY MITIGATING IMPACTS TO WJT IN THE EIR AND ITS PRESENCE WITHIN THE PROJECT

CDFW has determined, in its independent judgment, on the basis of substantial evidence in light of the whole record, that there is no substantial change proposed to the Project or with respect to the circumstances under which the Project is undertaken that will require major revisions of the 2015 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (See Pub. Resources Code, § 21166, subds. (a)-(b); CEQA Guidelines, § 15162, subds. (a)(1)-(2).) Nor is there new information of substantial importance showing any of the instances set forth in CEQA Guidelines section 15162, subdivision (a)(3).

The Project as currently proposed will not have any significant effect on biological resources that was not discussed previously in the 2015 EIR. The 2015 EIR evaluated impacts to WJT woodland. To avoid, minimize, and mitigate Project-related impacts to the WJT woodlands, the 2015 EIR designated them as a Significant Ecological Area. In addition to the Joshua Tree Woodland Significant Ecological Area, the County shall implement a Native Woodlands Conservation Management Plan. This includes a conservation management plan, guidance document, and implementation ordinance for woodlands that are rare, including Joshua tree woodlands.

CDFW has also determined that the impacts of the Project will not be significant for purposes of CEQA because the proposed WJTCA ITP will include, as conditions of approval, measures to avoid, minimize, and fully mitigate impacts to WJT, within the Project footprint. Under the proposed WJTCA ITP, Permittee will compensate for the take of WJT by paying the fees required by the WJTCA for the take of any WJT and will comply with other conditions of approval designed to lesson or avoid potential impacts to WJT under the WJTCA ITP.

Docusign Envelope ID: ABB42556-5E89-436F-B63D-9E4DC1AC0D9C

In sum, the Project does not involve any new, significant environmental effect or any substantial increase in the severity of any previously identified significant effects requiring major revisions of the 2015 EIR. The conclusion is based on the fact the conditions mentioned above will avoid, minimize, and mitigate any potential effects to biological resources, including WJT, to less than the level of significance for purposes of CEQA. Moreover, Permittee has not declined to adopt mitigation measures or alternatives that would substantially reduce one or more significant effects on the environment but are considerably different from those analyzed in the 2015 EIR or were previously found to be infeasible. As a result, CEQA's requirement to prepare a subsequent environmental document under Public Resources Code section 21166 and CEQA Guidelines section 15162 is not implicated here, and the preparation of this addendum is sufficient to comply with CEQA.

Findings

CDFW finds that issuance of the WJTCA ITP for the Project will not result in any previously undisclosed potentially significant effect on the environment or any substantial increase in the severity of any potentially significant environmental effect previously disclosed by the lead agency. Furthermore, to the extent the potential for such effect exists, CDFW finds that adherence to and implementation of the conditions of approval imposed by CDFW through the issuance of the WJTCA ITP will avoid or reduce any potential effect to below a level of significance. CDFW has determined that the CEQA review conducted by the County, along with these findings and addendum, is sufficient and preparation of a subsequent or supplemental EIR is not required.

The Project is approved.

DATE: 11/7/2025

By: DocuSigned by: B6E58CFE24724F5...

Erinn Wilson-Olgin, Regional Manager
South Coast Region
DEPARTMENT OF FISH AND WILDLIFE