NorthLake Specific Plan Project Recirculated Partial Final Supplemental Environmental Impact Report

SCH No. 2015031080

Prepared for

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TABLE OF CONTENTS

Section **Page**

Section 1.0 Introduction and Summary 1-1

1.1 Introduction 1-1

1.2 Public Review Process 1-2

Section 2.0 Response to Comments 2-1

2.1 List of Written Commenters 2-1

2.2 Comments and Responses 2-1

Section 3.0 Corrections, Clarifications, and Additions to the RPDSEIR 3-1

Section 4.0 Mitigation Monitoring and Reporting Plan 4-1

4.1 Introduction 4-1

4.2 Mitigation Monitoring and Reporting Program 4-1

TABLES

Table **Page**

2-1 Comments Received on the RPDSEIR from Agencies, Organizations, and Individuals 2-1

4-1 Mitigation Monitoring and Reporting Program 4-3

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SECTION 1.0 INTRODUCTION AND SUMMARY

1.1 INTRODUCTION

The NorthLake Specific Plan Draft Supplemental EIR (2019 Draft SEIR) was eased on May 2, 2017, and circulated for a 45-day public review and comment period ending on June 15, 2017. Following the close of the public comment period on the 2019 Draft SEIR on June 15, 2017, detailed responses to all public agency comments and comments received from members of the general public received regarding the Project and the analyses of the 2019 Draft SEIR were prepared and are contained in the 2019 Final SEIR.

An Errata was released in February 2018, prior to the County Regional Planning Commission (Regional Planning Commission) hearing to make minor technical corrections to the 2019 SEIR and to provide further information in response to public comments received prior to the Regional Planning Commission meeting. The Errata included only minor technical changes to the SEIR and additional information to support the SEIR's conclusions, and the Errata merely clarified or amplified or made insignificant modifications to the adequate SEIR. At the February 21, 2018, public hearing, the Regional Planning Commission requested that the Applicant include an affordable housing component in the Project. Based on this request, the Applicant made minor revisions to the Project analyzed in the 2019 SEIR to include an affordable component. An Errata dated April 4, 2018 was prepared which concluded that the revisions involve only minor changes to the distribution of land uses and an overall reduction in density and intensity or use, and the Errata merely clarified or amplified or made insignificant modifications to the adequate 2019 SEIR. On April 18, 2018, the Regional Planning Commission adopted the required findings, certified the SEIR, and granted the requested Project approvals. On April 23, 2018, appeals were filed by the Center for Biological Diversity, the Santa Monica Mountains Conservancy, and the Golden State Environmental Justice Alliance. A Second Errata dated August 2018 was prepared to make minor technical corrections in the 2019 SEIR and to provide further information in response to public comments at the Regional Planning Commission meeting.

On September 25, 2018, the County Board of Supervisors (Board) held a public hearing on the Project and the appeals and voted to reject the appeals, uphold the Regional Planning Commission approvals, and certify the 2019 SEIR. On April 2, 2019, the Board adopted the Project entitlements, CEQA findings and Mitigation Monitoring and Reporting Program, and Project conditions.

A Petition for Writ of Mandate was filed in May 2019 challenging the Project. The Los Angeles Superior Court's ruling in the *Center For Biological Diversity and Endangered Habitats League v. County of Los Angeles, et al*, Case No. 19STCP01610, dated January 11, 2021 (Court Ruling) granted in part and denied in part the petitioner's Petition for Writ of Mandate. Specifically, the Court Ruling held that the SEIR for the Northlake Specific Plan Project failed to comply with CEQA because it contained: (1) inadequate alternatives analysis (for failing to fully analyze a creek avoidance alternative); (2) inadequate Western Spadefoot Toad (WST) baseline assessment and, therefore, inadequate mitigation (to recreate baseline conditions; mitigation inadequate in detail and commitment); and (3) improper deferred mitigation as to rare plants (measure lacked sufficient detail). The Court denied the Petition for Writ of Mandate regarding: (1) impacts to mountain lions/wildlife crossings, (2) aesthetics, (3) air quality/public health, (4) wildfire impacts, and (5) recirculation.

The Los Angeles County Department of Regional Planning prepared a Recirculated Partial Draft SEIR (RPDSEIR). The RPDSIER did not revise the SEIR in any respect other than as directed by the Court and was limited to a few portions of the 2019 SEIR. Pursuant to CEQA Guidelines Section 15088.5(c), the County only needed to recirculate the portions of the 2019 SEIR that were

modified by the RPDSEIR. The County did not recirculate the other portions of the SEIR for public review and comment because those portions were not modified.

Before approving a project, CEQA requires that the Lead Agency prepare and certify a Final EIR per State CEQA Guidelines Section 15090. As Lead Agency, the County has the principal responsibility for approval of the project. According to Section 15132 of the State CEQA Guidelines, the Final EIR must include:

- The Draft EIR or a revision of the Draft EIR;
- Comments and recommendations received on the Draft EIR either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

This Recirculated Partial Final Supplemental Environmental Impact Report (RPFSEIR) has been prepared by the County of Los Angeles Department of Regional Planning, acting in the capacity of "Lead Agency" under Los Angeles County's (County) Environmental Guidelines, for the NorthLake Specific Plan Project (Project). This RPFSEIR has been prepared consistent with California Environmental Quality Act (CEQA) statutes (Cal. Pub. Res. Code, Sections 21000 et seq., as amended) and implementing guidelines (Cal. Code Regs., Title 14, Sections 15000 et seq.).

1.2 PUBLIC REVIEW PROCESS

The RPDSEIR was made available for public review and comment pursuant to State CEQA Guidelines Section 15087. Copies of the RPDSEIR and appendices were available for a review period of 45 calendar days from April 14, 2025 to May 29, 2025. As CEQA Guidelines Section 15088.5, subdivision (f)(2) permits, the County requested that the scope of public comment be limited to the material that was addressed within the text of the revised portions and the appendices included in the RPDSEIR.

The RPDEIR was available to the general public for review at the following locations:

County of Los Angeles Building and Safety
Antelope Valley Field Office
335 East Avenue K-6 #A
Lancaster, CA 93535
Hours: Monday through Friday,
8:00 a.m.to 4:30 p.m.
Saturday and Sunday, Closed

Castaic Library
27971 Sloan Canyon Road
Castaic, CA 91384
Hours: Monday through Thursday, 10:00 a.m. to 8:00 p.m.
Friday and Saturday, 10:00 a.m. to 6:00 p.m.
Sunday, Closed.

The RPDSEIR was also available for review online at:

https://lacdrp.legistar.com/LegislationDetail.aspx?ID=7297239&GUID=8CCA3A7D-4458-4A58-970D-251E36B9454F&Options=ID|Text|&Search=25-092

Electronic files related to this Project were also made available for download from the Project website provided above. Written comments regarding the RPDSEIR were required to be submitted no later than May 29, 2025 at 5:00 p.m., and were able to be submitted in-person, by mail and by e-mail.

On April 14, at the beginning of the public review period, an electronic copy of the RPDSEIR with appendices, was submitted to the State Clearinghouse located in the Governor's Office of Land Use and Climate Innovation along with a Notice of Availability (NOA) of a RPDSEIR (Appendix A), Notice of Completion & Environmental Document Transmittal (NOC) form, and a Summary Form for Electronic Document Submittal (i.e., SCH Summary Form). Also on April 14, 2025, the NOA was mailed to public entities and interested parties and was filed with the Los Angeles County Clerk-Recorder and remained posted through the end of the public review period. The NOA described where the RPDSEIR was available and how to submit written comments on the RPDSEIR.

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SECTION 2.0 RESPONSE TO COMMENTS

The following is a list of public agencies, organizations, and persons that submitted comments on the RPDSEIR. Comments have been numbered and responses have been developed with corresponding letters/numbers. Appendix B, Comment Letters, contains all comments received from public agencies, persons, and organizations.

2.1 LIST OF WRITTEN COMMENTERS

A list of the public agencies and the persons and organizations that submitted written comments on the RPDSEIR is provided in Table 2-1. Public agency comments are provided below in Section 2.2 of this RPFSEIR.

TABLE 2-1
COMMENTS RECEIVED ON THE RPDSEIR FROM AGENCIES, ORGANIZATIONS, AND INDIVIDUALS

Comment Letter	Date	Name
Public Agencies		
A.1	May 28, 2025	California Department of Fish and Wildlife
A.2	May 29, 2025	Department of Transportation, District 7
A.3	May 29, 2025	County of Los Angeles, Office of the Sheriff
Persons and Organizations		
B.1	April 22, 2025	Reylene Borrego, Yuhaaviatam of San Manuel Nation
B.2	April 22, 2025	Dan Silver, Endangered Habitats League
B.3	May 14, 2025	Francis Tinney, Center for Biological Diversity
B.4	May 29, 2025	Francis Tinney and Tiffany Yap, Center for Biological Diversity
B.5	May 29, 2025	Paul Edelman, Santa Monica Mountains Conservancy

2.2 COMMENTS AND RESPONSES

All comment letters received by the County during the 45-day public review period for the RPDSEIR have been included and responded to in this RPFSEIR. Comments that raise environmental issues have been addressed in these responses. Comments that do not require a response include those that (1) do not address material within the text of the revised portions and the appendices included in the RPDSEIR, (2) do not address the adequacy or completeness of the RPDSEIR; (3) do not raise substantive environmental/CEQA issues; (4) do not address the Project; or (5) request the incorporation of additional information not relevant to environmental issues.

Regarding the evaluation and response to comments, Section 15088 of the State CEQA Guidelines states:

a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments;

b) The Lead Agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that

public agency at least 10 days prior to certifying an environmental impact report;

c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment; and

d) The response to comments may take the form of a revision to the Draft EIR or may be a separate section in the Final EIR. Where the response to comments makes important changes in the information contained in the text of the Draft EIR, the lead agency should either:

    1. Revise the text in the body of the EIR; or
    2. Include marginal notes showing that the information is revised in the response to comments.

With respect to comments letters received, aside from certain courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter is included in Section 2.2 of this RPFSEIR, preceding the response. Brackets delineating the individual comments and a numeric identifier have been added to the right margin of the letter. The County's responses to each applicable comment are included in this section. Responses are delineated to match the numeric identifier of each comment letter. In the process of responding to the comments, there were minor revisions to the text of the RPDSEIR shown in this section and in Section 3.0, Corrections, Clarifications, and Additions to the RPDSEIR, of this RPFSEIR. None of the comments or responses constitute "significant new information," and none of the conditions set forth in Section 15088.5 of the State CEQA Guidelines that would require recirculation of the RPDSEIR have been met. Therefore, this Response to Comments section, the Corrections, Clarifications, and Additions to the RPDSEIR section, and the Mitigation Monitoring Program section are included as part of this RPFSEIR along with the RPDSEIR for consideration by the Regional Commission.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 28, 2025

Jodie Sackett
Los Angeles County
320 W Temple Street, Fl. 13
Los Angeles, CA 90012
jsackett@planning.lacounty.gov

SUBJECT: PARTIAL RECIRCULATED DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE NORTHLAKE SPECIFIC PLAN PROJECT, SCH NO. 2015031080, LOS ANGELES COUNTY, CA

Dear Jodie Sackett:

A.1-1

The California Department of Fish and Wildlife (CDFW) reviewed the Partial Recirculated Draft Supplemental Environmental Impact Report (RPDSEIR) from Los Angeles County (County) for the Northlake Specific Plan Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

A.1-2

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law[2] of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code. A.1-2 cont.

PROJECT DESCRIPTION SUMMARY A.1-3

Proponent: Northlake Associates, LLC

Objective: The previously approved Project consists of development of Phase 1, Phase 2, and off-site external map improvements (65.14 acres), which include remedial grading, drainage features, and road and utility alignments. Project activities in Phase 1 would include the development of 2,295 dwelling units, commercial development, open space and parks, roadways, a school pad, and a fire station across 720 acres within the Project area. Phase 2 would consist of the development of single-family homes, parks, trails, open space, school uses, and associated roadway and infrastructure improvements across 545 acres.

Additional Project construction improvements include a 4.64-acre connection of Grasshopper Creek Park, a debris basin, 2.39 acres in trail connections, a 5.1-acre pad for a water tank, 29.79 acres of manufactured slopes, and 11.98 acres of natural open space. Lastly, an existing crude oil pipeline easement that traverses the entire north-south length of the Project area would be relocated to an alignment along the eastern boundary of the proposed development area.

Creek Avoidance Alternative (CAA): The design basis for the CAA is to avoid disturbing the Grasshopper Creek bottom that runs through the Project site and completing the proposed land plan. The CAA would remove and recompact the underlying landslides to provide suitable soil conditions for development; this is per standard engineering and design practices and Los Angeles County requirements, according to the RPDSEIR. A 300-foot setback from the creek bottom was determined to be the appropriate buffer due to several existing landslides directly underneath the creek bottom. The CAA would require construction of a new road, export of 8.2 million cubic yards of soil, and construction of three clear span bridges. The Project would decrease the developable acreage by approximately 78 acres and decrease the developable footprint by approximately 29 percent compared to the previously approved Project.

[2] "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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A.1-3 cont.

The CAA would reduce impacts to sensitive vegetation communities and special-status species discussed in the RPDSEIR. Impacts to western spadefoot toad (*Spea hammondii*; Endangered Species Act (ESA) proposed threatened; California Species of Special Concern (SSC)) are proposed to be similar to the previously approved Project based on the location of the pond habitat. While the CAA would avoid direct impacts to Grasshopper Creek, the RPDSEIR claims that grading to remediate landslides would result in the loss of up to two-thirds of the creek's current tributary water and eliminate subsurface water. Additionally, the CAA is proposed to create significant indirect impacts to southwestern spiny rush (*Juncus acutus ssp. leopoldii*; California Rare Plant Rank (CRPR) 4.2) and other riparian phreatophytes in and near the creek. In conclusion, according to the RPDSEIR, the CAA would be considered infeasible.

Partial Creek Avoidance Alternative (PCAA): The PCAA would reduce the development scope of Phase 2 of the Project. The PCAA would avoid landslides in the northern portion and, therefore, avoid associated risk of additional loss of creek area. The disturbance area would be reduced in Phase 2 by 61 percent, reduce earthwork, and maintain similar land plan goals proposed by the Project. Lastly, the PCAA would provide approximately 37 fewer acres of active recreational and open space areas.

The PCAA would impact sensitive vegetation communities and special-status species in a similar manner to the previously proposed project. It would reduce impacts to Grasshopper Creek and associated phreatophyte vegetation by 20 percent compared to the previously approved Project. According to the RPDSEIR, the PCAA would be the environmentally superior alternative.

Location: The Project area encompasses approximately 1,330 acres of undeveloped land in unincorporated Los Angeles County. The Project area is located between Interstate 5 to the west, Castaic Lake to the east, and the Angeles National Forest to the west, north, and east. The town of Castaic is located to the south of the proposed Project.

Biological Setting: The Project area is bound by open space to the north and west, and residential development and Castaic Lagoon in the south. The Project area consists of a variety of vegetation communities which include, but is not limited to, California sagebrush, California annual grassland, Foothill needlegrass grassland, wildflower fields, riparian vegetation such as cottonwoods (Populus spp.) and willows (Salix spp.), and ephemeral ponds. Additionally, Grasshopper Creek flows north to south through the center of the Project area.

Updated surveys for western spadefoot toad were conducted by Glenn Lukos Associates (GLA) during the 2022/2023 and 2023/2024 rainfall seasons. Multiple western spadefoot toads were observed in three existing features within the Project area where the species had been detected previously. In April 2022, a GLA biologist conducted a site visit and observed paniculate tarplant (*Deinandra paniculata*; CRPR 4.2). Focused surveys for southwestern spiny rush (*Juncus acutus ssp. leopoldii*; CRPR

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4.2) were conducted in 2021 and was detected at Grasshopper Creek. Moreover, several individual Crotch's bumble bee (*Bombus crotchii*; CESA candidate endangered) were detected within the Project area during focused surveys, following protocol produced by GLA, in May and June 2024. A.1-3 cont.

Sensitive species that are of concern for the Project include Crotch's bumble bee. The RPDSEIR provides mitigation measures relating to western spadefoot toad, round-leaved filaree, paniculate tarplant, southwestern spiny rush, slender mariposa lily (*Calochortus clavatus var. gracilis*; CRPR 1B.2) and club-haired mariposa lily (*C. clavatus var. clavatus*; CRPR 4.3), and compensatory mitigation for impacts to Crotch's bumble bee suitable habitat (i.e., coastal sage scrub, grassland, wildflower field, and needlegrass grassland).

Project History: CDFW previously reviewed the Notice of Preparation in 2015 and provided comments on the Draft Supplemental Environmental Impact Report (DSEIR) in 2017. Previous comments from the DSEIR include, but are not limited to, the range of alternatives considered, DSEIR analysis of wildlife crossing, western spadefoot toad presence and mitigation, impacts to Grasshopper Creek and its tributaries, and impacts to rare plants and vegetation communities.

The RPDSEIR was prepared by the County in accordance with the Los Angeles Superior Court ruling on the Center For Biological Diversity and Endangered Habitats League v. County Of Los Angeles, et al, and Real Parties in Interest, Northlake Associates, et al, Case No. 19STCPO1610 ruling (Court Ruling), dated January 11, 2021. The Court held the ruling that the DSEIR failed to comply with CEQA and required revision of the CEQA document. The Lead Agency drafted the RPDSEIR with revised and updated portions of the Project proposal. Lastly, as referenced in the RPDSEIR, CDFW has reviewed and approved the Habitat Mitigation and Monitoring Plan for special-status plants (July 2022 [Revised October and December 2022 and February 2023) and western spadefoot toad (July 2022 [Revised March and June 2023]).

COMMENTS AND RECOMMENDATIONS A.1-4

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT # 1: Crotch's Bumble Bee

Issue: Mitigation Measures 5.2-6 through 5.2-8 for Crotch's bumble bee may be improved to ensure impacts to the species are appropriately mitigated.

Specific impact: CDFW is not included in the review and approval process for habitat restoration/enhancement that is proposed to be suitable for Crotch's bumble bee. CDFW is concerned that the selected habitat restoration/enhancement sites may not

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A.1-4 cont.

contain Crotch's bumble bee; therefore, the Project would not be mitigating impacts to a level less than significant.

Why impact would occur: According to the RPDSEIR and focused survey results, Crotch's bumble bee is present throughout the Project area. CDFW appreciates that the County has incorporated Mitigation Measures 5.2-6 through 5.2-8, which outlines habitat restoration/enhancement at a 2:1 ratio. CDFW is concerned that the RPDSEIR requires the County's review and approval of the mitigation measures but not CDFW's review and approval. Given that the Project proponent intends to obtain an Incidental Take Permit (ITP) for take authority of Crotch's bumble bee, CDFW should be involved alongside the County regarding the mitigation measures outlined in the RPDSEIR. Additionally, the habitat restoration or enhancement sites that would be proposed as compensatory mitigation should be surveyed to confirm presence of Crotch's bumble bee. Having mitigation sites with vegetation communities that support suitable habitat for the species, but no confirmed presence does not constitute as effective mitigation. Impacts due to Project activities have not been fully mitigated if the targeted species is not present and thriving successfully in the proposed mitigation sites.

Evidence impact may be significant: The California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CDFW considers impacts to species that are candidates for CESA listing to be significant, under CEQA. Accordingly, the Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or the United States Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW Survey Protocol

CDFW recommends the Project proponent retain a qualified biologist with the appropriate handling permits to conduct focused surveys within the proposed habitat restoration/enhancement sites prior to implementation of the HMMP. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire proposed mitigation areas and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the County prior to the start of a monitoring program.

Mitigation Measure #2: MM 5.2-6 To MM 5.2-8 Revision

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Given that the Project proponent intends to obtain an ITP, CDFW would be involved in the review and approval process of compensatory mitigation. CDFW recommends the County revise Mitigation Measures 5.2-6 through 5.2-8 in the RPDSEIR to include review and approval from CDFW. A.1-4 cont.

Recommendation #1: CDFW ITP A.1-5

The focused surveys conducted by GLA were performed without coordination and review of the survey methodology by CDFW. Additionally, it is unclear from the survey report and RPDSEIR if the GLA biologists had the appropriate handling permits prior to conducting focused surveys for Crotch's bumble bee. CDFW strongly recommends that the Project proponent coordinates with CDFW to determine whether the focused surveys are valid to move forward in the ITP process.

Recommendation #2: CEQA A.1-6

CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.

COMMENT # 2: Creek Avoidance Alternatives A.1-7

Issue: The CAA and PCAA would impact Grasshopper Creek and its associated species.

Specific impact: CDFW is concerned that the CAA evaluated in the RPDSEIR did not include meaningful creek avoidance that leaves a hydrologically functioning Grasshopper Creek. Therefore, the RPDSEIR might have selected an alternative that may be more impactful to the environment.

Why impact would occur: The RPDSEIR defines Grasshopper Creek as an ephemeral drainage. By definition, ephemeral drainages only have flows during and immediately following precipitation and are primarily fed from surface runoff (CDFG 2010). The RPDSEIR erroneously states that some of the ephemeral channel is fed by surface and subsurface runoff from landslide formations, which contradicts the definition of ephemeral. Therefore, the RPDSEIR's claims of eliminating subsurface waters may not be a substantial impact to Grasshopper Creek; thus the CAA may be an environmentally superior alternative.

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In addition, the RPDSEIR claims that the CAA cannot sustain the hydrology necessary to support the riparian vegetation post-development. However, the RPDSEIR did not provide necessary details such as surface flow contributions from the tributaries that support the hydrology of Grasshopper Creek. Information specific to the contributions from the tributary channels are necessary to assess if removing those inputs would substantially alter the hydrology of Grasshopper Creek. Given the lack of necessary flow information and the ephemeral nature of Grasshopper Creek (whereby definition is not reliant on subsurface flow), reduction of subsurface flows through landslide remediation may not result in substantial impacts as claimed in the RPDSEIR. In addition, additional alternatives, as discussed below (Recommendation #3-7), may be considered to further reduce concerns of substantial impacts. A.1-8

Finally, the technical memos (F2 and F3 of the RPDSEIR) state that the habitat in Grasshopper Creek is of “poor” habitat quality, thereby claiming that the ephemeral habitat is less valuable. Ephemeral streams naturally contain less vegetative cover and are typically dominated by shrubs, exposed substrate, and bedrock. Ephemeral habitat type is no more or less biologically valuable in an ecosystem than riparian vegetation or phreatophytic vegetation; instead, it serves a different ecological niche. Thus, CDFW advocates for the avoidance and preservation of ephemeral streams as provided by the CAA. A.1-9

Evidence impact would be significant: Section 15126.6(a) of the State CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. Additionally, Section 15126.6(e)(2) of the State CEQA Guidelines requires that an EIR identify an environmentally superior alternative among the alternatives evaluated. The proposed environmentally superior alternative, PCAA, would have similar impacts to the previously approved Project. Therefore, the RPDSEIR does not entirely satisfy the avoidance of Grasshopper Creek and its potential associated species impacts. A.1-10

Recommended Potentially Feasible Mitigation Measure(s) A.1-11

Recommendation #3: Reevaluation of the CAA

CDFW recommends that the CAA be reevaluated in a manner that avoids Grasshopper Creek and avoids significant impacts to its associated species, while leaving the Creek hydrologically functioning. This may include the removal of extensive landslide remediation. Additionally, CDFW recommends the CAA be achieved through engineering solutions such as using swales throughout the development to deliver surface runoff to Grasshopper Creek or subsurface drains that retain flow to Grasshopper Creek consistent with current subsurface discharge. CDFW welcomes coordination with the County and Project proponent to lessen significant impacts to the maximum extent feasible.

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Recommendation #4: Riparian Habitat Compensatory Mitigation A.1-12

If preservation of the existing creek hydrology is not possible, the final CEQA document should contain an alternative that protects Grasshopper Creek in place. This alternative should identify the vegetation alliances and stream habitat acreages that would be avoided as well as the vegetation alliances and acreages that will be lost as a result of the change in hydrology. The vegetation alliances should be mitigated at a minimum 3:1 ratio in the same sub-watershed to mitigate the biological value it provides to resources in the area.

Recommendation #5: Figures and Maps A.1-13

The final CEQA document should include figures or maps that provide vegetation alliance information, locations of habitat created by the change in landslide hydrology, and meaningful comparisons between the PCAA, CAA, and the original Project in terms of these vegetation alliances.

Recommendation #6: CAA Project Redesign A.1-14

CDFW recommends eliminating the single-family housing, proposed to the northwest of Grasshopper Creek in the CAA, and the sports park proposed to the west of Grasshopper Creek in the PCAA. This is to reduce the edge effect and preserve more biologically valuable open space in this area. Additionally, this is to reduce the biological impacts to Grasshopper Creek and preserve more biologically valuable open space in this area.

Recommendation #7: Remediation of Landslides A.1-15

The final CEQA document should address why the CAA appears to include remediation of landslides that occur on the opposite side of Grasshopper Creek. In addition, the final CEQA document should address why landslide remediation would need to occur across the creek from where development is proposed and provide an avoidance alternative to reduce edge effect and impact to the proposed open space.

ADDITIONAL COMMENTS A.1-16

Fuel Modification. The final CEQA document should discuss how fuel modification requirements would impact any avoided stream and open space habitat and clarify if fuel modification requirements are included in the impact calculations and mitigation analysis.

Debris Basin Impacts to Creeks. Page 104 of the RPDSEIR includes a figure that includes turning Grasshopper Creek and unnamed tributaries into debris basins and other in-line water quality features. CDFW does not support turning streams into basins for water quality. Any feature designed to attenuate flow and/or improve water quality should be located outside of the stream with a 300-foot buffer. CDFW does not support A.1-17

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the use of in-line basins or type conversion of ephemeral streams to water quality features. The addition of urban runoff into ephemeral streams type converts them from ephemeral systems to intermittent or perennial systems. This changes the vegetation communities and hydrology, which allows invasive species such as Argentine ants, bullfrogs, crawfish, and invasive aquatic weeds to proliferate and damage the overall value of the surrounding habitat. The RPDSEIR should locate all water quality features outside of streams with a minimum 300-foot buffer. If water will be continually present in the basin from urban runoff, the basin should be located a minimum 500 feet from any stream to prevent the spread of Argentine ants into adjacent stream habitat (S.B Menke, et al. 2007 & Conservation Biology 2010). A.1-17 cont.

Western Burrowing Owl. On October 10, 2024, the Fish and Game Commission voted unanimously to advance the western burrowing owl to candidacy under the CESA. As such, it is afforded all the legal protections of a CESA-listed species. CDFW considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. There is potential for burrowing owl to occur within the Project area, and burrowing owl was mentioned in the RPDSEIR in multiple Mitigation Measures. Burrowing owls use burrows dug by other species, such as the California ground squirrel (*Spermophilus beecheyi*), as well as natural rock cavities, debris piles, culverts, and pipes for nesting during the breeding season and for roosting and cover, year-round. We recommend coordinating with CDFW's CESA Program to determine if take authorization is necessary and discuss appropriate avoidance, minimization, and mitigation measures. A.1-18

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The County is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A). A.1-19

ENVIRONMENTAL DATA A.1-20

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity

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Database (CNDDB). The CNDDB website[3] provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms. A.1-20 cont.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form[4].

The County should ensure data collected for the preparation of the RPDSEIR is properly submitted.

FILING FEES A.1-21

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION A.1-22

CDFW appreciates the opportunity to comment on the RPDSEIR to assist the County in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Joleena De La Fe[5], Environmental Scientist.

Sincerely,

DocuSigned by:
5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

[3] https://wildlife.ca.gov/Data/CNDDB
[4] https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit
[5] Phone: (858) 354-3527; Email: joleena.delafe@wildlife.ca.gov

Docusign Envelope ID: 5BFB120E-1690-47C7-85B1-1070F17EDB1D

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Frederic (Fritz) Rieman, Senior Environmental Scientist Supervisor
Joleena De La Fe, Environmental Scientist
Kelly Schmoker, Senior Environmental Scientist Specialist

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

[CDFG] California Department of Fish and Game. 2010. A Review of Stream Processes and Forms in Dryland Watersheds. Available from https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=25779

[CDFW] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available from: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: CDFW Survey Protocol CDFW recommends the Project proponent retain a qualified biologist with the appropriate handling permits to conduct focused surveys within the proposed habitat restoration/enhancement sites prior to implementation of the HMMP. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire proposed mitigation areas and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the County prior to the start of a monitoring program.	Prior to Project Initiation	Project Proponent/Qualified Biologist
Mitigation Measure #2: MM 5.2-6 To MM 5.2-8 Revision Given that the Project proponent intends to obtain an ITP, CDFW would be involved in the review and approval process of compensatory mitigation. CDFW recommends the County revise Mitigation Measures 5.2-6 through 5.2-8 in the RPDSEIR to include review and approval from CDFW.	Prior to Project Initiation	Lead Agency
Recommendation #1: CDFW ITP The focused surveys conducted by GLA were performed without coordination and review of the survey methodology by CDFW. Additionally, it is unclear from the survey report and RPDSEIR if the GLA biologists had the appropriate handling permits prior to conducting focused surveys for Crotch's bumble bee. CDFW	Prior to Project Initiation	Project Proponent/Qualified Biologist

Docusign Envelope ID: 5BFB120E-1690-47C7-85B1-1070F17EDB1D

Mitigation Measure	Timing	Responsible Party
strongly recommends that the Project proponent coordinates with CDFW to determine whether the focused surveys are valid to move forward in the ITP process.		
Recommendation #2: CEQA CDFW's issuance of an ITP for a Project is subject to CEQA. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/Project proponent for the Project. However, additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 2081 and/or under CEQA, the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the ITP.	Prior to Project Initiation	Lead Agency
Recommendation #3: Reevaluation of the CAA CDFW recommends that the CAA be reevaluated in a manner that avoids Grasshopper Creek and avoids significant impacts to its associated species, while leaving the Creek hydrologically functioning. This may include the removal of extensive landslide remediation. Additionally, CDFW recommends the CAA be achieved through engineering solutions such as using swales throughout the development to deliver surface runoff to Grasshopper Creek or subsurface drains that retain flow to Grasshopper Creek consistent with current subsurface discharge. CDFW welcomes coordination with the County and Project proponent to lessen significant impacts to the maximum extent feasible.	Prior to Project Initiation	Lead Agency

Docusign Envelope ID: 5BFB120E-1690-47C7-85B1-1070F17EDB1D

Mitigation Measure	Timing	Responsible Party
Recommendation #4: Riparian Habitat Compensatory Mitigation If preservation of the existing creek hydrology is not possible, the final CEQA document should contain an alternative that protects Grasshopper Creek in place. This alternative should identify the vegetation alliances and stream habitat acreages that would be avoided as well as the vegetation alliances and acreages that will be lost as a result of the change in hydrology. The vegetation alliances should be mitigated at a minimum 3:1 ratio in the same sub-watershed to mitigate the biological value it provides to resources in the area.	Prior to Project Initiation	Lead Agency/Project Proponent
Recommendation #5: Figures and Maps The final CEQA document should include figures or maps that provide vegetation alliance information, locations of habitat created by the change in landslide hydrology, and meaningful comparisons between the PCAA, CAA, and the original Project in terms of these vegetation alliances.	Prior to Project Initiation	Lead Agency
Recommendation #6: CAA Project Redesign CDFW recommends eliminating the single-family housing, proposed to the northwest of Grasshopper Creek in the CAA, and the sports park proposed to the west of Grasshopper Creek in the PCAA. This is to reduce the edge effect and preserve more biologically valuable open space in this area. Additionally, this is to reduce the biological impacts to Grasshopper Creek and preserve more biologically valuable open space in this area.	Prior to Project Initiation	Lead Agency/Project Proponent

Docusign Envelope ID: 5BFB120E-1690-47C7-85B1-1070F17EDB1D

Mitigation Measure	Timing	Responsible Party
Recommendation #7: Remediation of Landslides The final CEQA document should address why the CAA appears to include remediation of landslides that occur on the opposite side of Grasshopper Creek. In addition, the final CEQA document should address why landslide remediation would need to occur across the creek from where development is proposed and provide an avoidance alternative to reduce edge effect and impact to the proposed open space.	Prior to Project Initiation	Lead Agency

Response to Comment Letter A.1

Victoria Tang, Environmental Program Manager
California Department of Fish and Wildlife
May 28, 2025

Response A.1-1

The comment acknowledges receipt of the RPDSEIR for review. The comment does not address the content or adequacy of the RPDSEIR under CEQA or the State CEQA Guidelines; no additional response is required. The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Response A.1-2

The comment contains introductory language regarding CDFW. The comment does not address the content or adequacy of the RPDSEIR under CEQA or the State CEQA Guidelines; no additional response is required. The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Response A.1-3

The comment contains introductory language regarding Project. The comment does not address the content or adequacy of the RPDSEIR under CEQA or the State CEQA Guidelines other than to note that "CDFW has reviewed and approved the Habitat Mitigation and Monitoring Plan for special-status plants (July 2022 [Revised October and December 2022 and February 2023) and western spadefoot toad (July 2022 [Revised March and June 2023])"; no additional response is required. The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Response A.1-4

The commenter requests CDFW be added to Mitigation Measures MM 5.2-6 through 5.2-8 for review and approval of the Habitat Mitigation and Monitoring Program (HMMP) regarding Crotch's bumble bee. Mitigation Measures MM 5.2-6 through 5.2-8 have been revised to include CDFW for review and approval of the HMMP. Cal. Code Regs., tit. 14, § 783.2, subd. (a)(8) requires the proposal of measures to minimize and fully mitigate the impacts of the proposed taking; implementation of measures MM 5.2-6 through 5.2-8 fully mitigate the impacts to Crotch's bumble bee**.** In addition, commenter requests that an additional mitigation measure be included requiring focused surveys by qualified biologists at mitigation sites for Crotch's bumble bee. This is not needed to fully mitigate impacts to Crotch's bumble bee. However, Mitigation Measure MM 5.2-22 has been added based on the commenter's recommendation.

As further discussed in Section 3.0, Corrections, Clarifications and Additions to the RPDSEIR, the following text is modified as part of the RPFSEIR. The change in text signified by strikeouts (~~strikeouts~~) where text has been removed and by bold underlining (**underline**) where text has been added. The revisions reflect minor updates or clarifications to the content of the RPDSEIR, and thus and do not represent material changes or revisions that modify the findings.

MM 5.2-6 The loss of sage scrub habitat within the impact area is considered a significant impact. Sage scrub habitat shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP), but shall be no less than 2:1 for habitat restoration, enhancement or preservation, or combination thereof. A total of 634.70

acres of sage scrub would be impacted by Project implementation, which includes Purple sage scrub, California sagebrush–California buckwheat scrub, Black sage scrub, California sagebrush–California buckwheat scrub/Foothill needlegrass grassland, California sagebrush–California buckwheat scrub/California annual grassland, and the burned sage scrub areas: burned Purple sage scrub, burned California sagebrush–California buckwheat scrub, burned Black sage scrub, and burned California sagebrush–California buckwheat scrub/California annual grassland. Habitat restoration is the creation of native target habitat that does not currently exist; enhancement is the improvement of existing, disturbed native habitat areas through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. Preservation is conservation of existing habitat that exhibits the functions needed to support target species such as the CBB. The mitigation ratio for habitat restoration, enhancement, and preservation shall depend on the initial quality of the habitat area to be restored, enhanced or preserved and would be determined by the Project Applicant and the LACDRP. Sage scrub habitat restoration/enhancement implementation shall begin not more than one year following project impacts to this habitat type. Where restoration or enhancement is the proposed mitigation, the Project Applicant shall develop a Habitat Mitigation and Monitoring Program (HMMP) and shall submit it to the LACDRP **and the California Department of Fish and Wildlife (CDFW)** for review and approval. The HMMP shall be developed by a qualified restoration ecologist, submitted for review and approval to the LACDRP prior to the issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). Habitat restoration/enhancement will consist of seeding and/or installing container plants of suitable sage scrub species. If it is ecologically appropriate for the selected mitigation site (e.g., soil types), Peirson's morning-glory will be incorporated into the restoration/enhancement planting and/or seeding palettes. The Project Applicant shall implement the HMMP as approved by the LACDRP **and CDFW** and according to its specified materials, methods, and performance criteria, which shall include the following items:

MM 5.2-7 The loss of California annual grassland/wildflower fields within the impact area is considered to be a significant impact. California annual grassland/wildflower fields shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP), but the ratio shall be no less than 2:1 for habitat restoration, enhancement, or preservation or combination thereof. A total of 24.23 acres of Foothill needlegrass grassland and burned Foothill needle grass grassland would be impacted by Project implementation. Habitat restoration is the creation of native target habitat that does not currently exist; enhancement is the improvement of existing, disturbed native habitat areas through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. Preservation is conservation of existing habitat that exhibits the functions needed to support target species such as the CBB. The mitigation ratio for habitat restoration, enhancement, or preservation shall depend on the initial quality of the habitat area to be restored, enhanced, or preserved and would be determined by the project applicant and the LACDRP. The mitigation ratio shall also be no less than 6.5 acres of habitat preserved/restored per burrowing owl location impacted (individual or pair using the same burrows) or greater than 6.5 acres of habitat enhancement per burrowing owl location impacted, depending on the ratio applied to the enhancement site(s). California annual grassland/wildflower fields habitat restoration/enhancement implementation shall begin not more than one year

following project impacts to this habitat type. The project applicant shall develop a HMMP and shall submit it to the LACDRP **and the California Department of Fish and Wildlife (CDFW)** for review and approval. The HMMP shall be developed by a qualified restoration ecologist submitted for review and approval to the LACDRP prior to issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). The HMMP shall also provide mitigation for the loss of burrowing owl habitat; therefore, mitigation site selection criteria shall include the suitability of the potential site(s) for burrowing owls. Habitat restoration/enhancement shall consist of seeding of suitable California annual grassland/wildflower fields plant species. If it is ecologically appropriate for the selected mitigation site (e.g., soil type), Peirson's morning-glory will be incorporated into the restoration/enhancement palette. The Project Applicant shall implement the HMMP as approved by the LACDRP **and CDFW** and according to its specified materials, methods, and performance criteria, which shall include the following items:

MM 5.2-8 The loss of foothill needlegrass grassland within the impact area is considered to be a significant impact. Foothill needlegrass grassland shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP), but the ratio shall be no less than 2:1 for habitat restoration, enhancement, or preservation or combination thereof. A total of 342.85 acres of California annual grassland/Wildflower fields would be impacted by Project implementation. Habitat restoration is the creation of native target habitat that does not currently exist; enhancement is the improvement of existing, disturbed native habitat areas through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. Preservation is conservation of existing habitat that exhibits the functions needed to support target species such as the CBB. The mitigation ratio for habitat restoration, enhancement, or preservation shall depend on the initial quality of the habitat area to be restored, enhanced, or preserved and would be determined by the project applicant and the LACDRP. The mitigation ratio shall also be no less than 6.5 acres of habitat preserved/restored per burrowing owl location impacted (individual or pair using the same burrows) or greater than 6.5 acres of habitat enhancement per burrowing owl location impacted, depending on the ratio applied to the enhancement site(s). Foothill needlegrass grassland habitat restoration/enhancement implementation shall begin not more than one year following project impacts to this habitat type. The project applicant shall develop a HMMP and shall submit it to the LACDRP **and the California Department of Fish and Wildlife (CDFW)** for review and approval. The HMMP shall be developed by a qualified restoration ecologist, submitted for review and approval to the LACDRP prior to issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). The HMMP shall also provide mitigation for the loss of burrowing owl habitat; therefore, mitigation site selection criteria shall include the suitability of the potential site(s) for the burrowing owl. Habitat restoration/enhancement shall consist of seeding of suitable foothill needlegrass grassland plant species. If it is ecologically appropriate for the selected mitigation site (e.g., soil type), Peirson's morning-glory will be incorporated into the restoration/enhancement palette. The Project Applicant shall implement the HMMP as approved by the LACDRP **and CDFW** and according to its specified materials, methods, and performance criteria, which shall include the following items:

MM 5.2-22 **The project applicant shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys for Crotch's bumble bee within the proposed habitat restoration/enhancement sites prior to implementation of the HMMP as set forth in MM 5.2-6 through MM 5.2-8. Focused surveys shall follow California Department of Fish and Wildlife's (CDFW) Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire proposed mitigation areas and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and LACDRP prior to the start of a monitoring program.**

Response A.1-5

The comment states that focused surveys for Crotch's bumble bee were performed without coordination and review of the survey methodology by CDFW. The focused surveys conducted (see RPDSEIR Appendix J) were for the purpose of determining the presence of CBB and if mitigation was necessary in accordance with CEQA. The surveys were not performed specifically as part of the Incidental Take Permit (ITP) process but do provide baseline information that will be incorporated into the ITP permitting process. Focused surveys will be conducted following CDFW's protocols as part of the ITP process. Please note that GLA biologists have been approved by CDFW for conducting focused surveys for Crotch's bumble bee in support of ITPs, in coordination with CDFW on a case-by-case basis and that currently, three GLA biologists have valid Memorandums Of Understanding from CDFW for Crotch's bumble bee surveys. No further analysis is necessary or required.

Response A.1-6

The comment states that the Project's CEQA document should fully identify the potential impacts to Crotch's bumble bee to minimize additional requirements by CDFW as part of the ITP. RPDSEIR Appendix J fully identifies the potential impacts to CBB as set forth at pages 2-27 – 2-28 of the RPDSEIR. As set forth in Response A.1-4, mitigation measures MM 5.2-6 through MM 5.2-8 have been revised as per the commenter's direction and mitigation measure MM 5.2-22 has been added. Nothing more is required to comply with the requirements of CEQA. All ITP requirements will be followed when an ITP application is submitted. No further analysis is necessary or required.

Response A.1-7

The commenter claims the evaluation of the CAA did not include "meaningful creek avoidance that leaves a hydrologically functioning Grasshopper Creek." The Court Ruling (RPDSEIR Appendix A) required that the CAA be recirculated with a complete alternatives analysis. The CAA was previously screened out from full alternatives analysis as it was determined to be infeasible. The Court Ruling does not require any specific parameters of the CAA to be revised, including providing for a hydrologically functioning Grasshopper Creek. Rather, the Court Ruling only requires there to be a complete alternatives analysis. The RPDSEIR CAA analysis complies with the Court Ruling and the mandates of CEQA. The comment states that the RPDSEIR erroneously states that some of the ephemeral channels are fed by surface and subsurface runoff from landslide formations, which contradicts the definition of ephemeral. The commenter is incorrect that the RPDSEIR is inconsistent with the definition of ephemeral. As set forth in the Geotechnical/Hydrogeologic Review of the Creek Avoidance Alternative Design (RPDSEIR Appendix F-2), "Surface flows have become ephemeral with extended dry periods and only occasional flows ranging from a trickle following typical rain events to a torrent following extreme rain events. Sources of water to the creek include surface water directed by tributaries and transient groundwater / moisture stored

largely within landslide debris and, to a lesser extent, along bedding planes and other structure that is hydraulically favorable (see Glossary).” Thus, the subsurface flows are a result of rainfall events, consistent with the definition provided by the commenter. In any event, the CAA is infeasible for numerous reasons, including from an engineering geologic and geotechnical perspective. (See RPDSEIR pages 2-79 through 2-80.) No further analysis is necessary or required.

Response A.1-8

The comment states that the CAA cannot sustain the hydrology necessary to support the riparian vegetation post-development and RPDSEIR did not provide necessary details such as surface flow contributions from the tributaries that support the hydrology of Grasshopper Creek. The information requested is not necessary to conclude that the CAA is not a feasible alternative. The RPDSEIR and its supporting technical appendices provide substantial evidence that the CAA is not feasible from an engineering geologic, geotechnical, and hydrologic perspective. The comment regarding additional alternatives is addressed below. No further analysis is necessary or required.

Response A.1-9

The comment advocates for the avoidance and preservation of ephemeral streams as provided by the CAA. As set forth in Response A.1-7, above, the RPDSEIR is not inconsistent with the definition of ephemeral. With respect to habitat quality, the determination of poor habitat quality was based on an evaluation of existing conditions, not as to whether that are ephemeral streams. (See RPDSEIR Appendix F-2, pages 2-3 and Glossary Figure 2a-d.) Moreover, the CAA is infeasible for numerous reasons, including from an engineering geologic and geotechnical perspective. As per the Court Ruling (RPDSEIR Appendix A), the CAA was to be recirculated with a complete alternatives analysis. The RPDSEIR CAA analysis complies with the Court Ruling and the mandates of CEQA. CDFW’s support for the CAA is noted and will be forwarded to the decision-makers for review and consideration. No further analysis is necessary or required.

Response A.1-10

The comment claims the RPDSEIR does not “entirely satisfy” the avoidance of Grasshopper Creek and its potential associated species impacts. As noted in Response A.1-9, above, as per the Court Ruling (RPDSEIR Appendix A), the CAA was to be recirculated with a complete alternatives analysis. None of the project objectives was to avoid impacts to Grasshopper Creek. Moreover, all biology and hydrology impacts were determined to be Less Than Significant with mitigation. CEQA Guidelines Section 15126.6 is clear that alternatives to be considered need to be able to “feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” The CAA, as compared to the previously approved Project would have reduced impacts regarding biological resources:

> In summary, impacts to Foothill needlegrass, black sage scrub, California annual grassland/Wildflower fields, California sagebrush–California buckwheat scrub, California sagebrush–California buckwheat scrub/Foothill needlegrass grassland, slender/club-haired mariposa lily, and southern California walnut, California gnatcatcher, and an open water area would be reduced but would remain significant. Impacts to CBB would be reduced as impacts to suitable habitat would be less than the previously approved Project. Impacts to WST would be similar to the previously approved Project. Indirect impacts to Grasshopper Creek would remain significant. Impacts to southwestern spiny rush would remain the same as the previously approved Project. Impacts to paniculate tarplant would be avoided; therefore, implementation of MM 5.2-5(b), above, would not be required.

(RPDSEIR, page 2-79.) See also RPDSEIR Table 2-12 for a comparison of the CAA impacts compared to the previously approved Project. The analysis of the CAA contained in the RPDSEIR complies with the Court Ruling and the mandates of CEQA. See also Response A.1-11, below. No further analysis is necessary or required.

Response A.1-11

The comment requests reevaluation of the CAA and suggests various revisions to the CAA. The RPDSEIR provides a complete analysis of the CAA supported by numerous technical reports. Based on those technical reports, it was determined that the CAA was not feasible from an engineering geologic and geotechnical perspective, as well as hydrologic perspective. The commenter's redesign suggestions will not eliminate the significant geologic and geotechnical issues that render the CAA infeasible. Moreover, CEQA does not require analysis of modified versions of the same alternative. (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028-1029 [EIR not required to evaluate variation of an alternative that fell within the continuum of alternatives discussed in the EIR)]; *Planning & Conservation League v. Department of Water Resources* (2024) 98 Cal.App.5th 726, 760 [an EIR need not consider every conceivable alternative; rejecting request for analysis of an additional alternative that was a part of two analyzed alternatives]; *Salton-stall v. City of Sacramento* (2015) 234 Cal.App.4th 549, 577 [EIR not required to study alternative that would have impacts similar to another alternative that was studied in the EIR]; *Town of Atherton v. California High-Speed Rail Authority* (2014) 228 Cal.App.4th 314, 356 [EIR not required to evaluate additional alternative routes similar to those evaluated in EIR].) The alternatives analysis of the CAA contained in the RPDSEIR complies with the Court Ruling and the mandates of CEQA. No further analysis is necessary or required.

Response A.1-12

The comment states that the final CEQA document should contain an alternative that protects Grasshopper Creek in place. See Response to Comment A.1-11, above. Additional analysis or modification of the CAA is not required. The alternatives analysis of the CAA contained in the RPDSEIR complies with the Court Ruling and the mandates of CEQA. No further analysis is necessary or required.

Response A.1-13

The comment requests a comparison of vegetation alliances as between the CAA, PCAA, and the previously approved Project. Such information is not needed to compare potential vegetation impacts from the various alternatives. Extensive vegetation mapping was conducted across the entire Project Site, and the RPDSEIR contains biology resource impact analysis for the CAA and PCAA as compared to the previously approved Project. For example, regarding the CAA, "As with the previously approved Project, the CAA would continue to have the potential to significantly impact biological resources. However, due to the reduced development footprint, impacts to Foothill needlegrass, black sage scrub, California annual grassland/Wildflower fields, California sagebrush–California buckwheat scrub, California sagebrush–California buckwheat scrub/Foothill needlegrass grassland, slender/club-haired mariposa lily, and southern California walnut as well as impacts to California gnatcatcher and an open water area would be reduced under this alternative." (RPDSEIR, page 2-78.) Regarding the PCAA, "as with the previously approved Project, the PCAA would continue to have the potential to significantly impact biological resources but due to the reduced development footprint, impacts to Foothill needlegrass, black sage scrub, California annual grassland/Wildflower fields, California sagebrush–California buckwheat scrub, California sagebrush–California buckwheat scrub/Foothill needlegrass grassland, slender/club-haired mariposa lily, and southern California walnut as well as impacts to California gnatcatcher and an open water area would be reduced under this alternative. Impacts

to the paniculate tarplant would be similar to the previously approved Project." (RPDSEIR, page 2-90.) No further analysis is necessary or required.

Response A.1-14

The comment recommends design changes to the CAA to reduce the edge effect and preserve more biologically valuable open space. As set forth in Response A.1-11, the commenter's redesign suggestions will not eliminate the significant geologic and geotechnical issues that render the CAA infeasible. Moreover, CEQA does not require analysis of modified versions of the same alternative. The alternatives analysis of the CAA contained in the RPDSEIR complies with the Court Ruling and the mandates of CEQA. No further analysis is necessary or required.

Response A.1-15

The comment states that the final CEQA document should address why the CAA includes remediation of landslides on the western side of Grasshopper Creek. Landslide remediation only takes place on the eastern side of Grasshopper Creek, above the 300-foot setback from Grasshopper Creek. The proposed development only occurs on the eastern side of Grasshopper Creek, but for proposed bridges that span the creek. Regarding the suggestion for an additional avoidance alternative, as set forth in Response A.1-11, the commenter's redesign suggestions to reduce the edge effect and impacts to the proposed open space will not eliminate the significant geologic and geotechnical issues that render the CAA infeasible. Moreover, CEQA does not require analysis of modified versions of the same alternative. The alternatives analysis of the CAA contained in the RPDSEIR complies with the Court Ruling and the mandates of CEQA. No further analysis is necessary or required.

Response A.1-16

The comment states that the final CEQA document should discuss how fuel modification requirements would impact any avoided stream and open space habitat. The Los Angeles County Fire Department (LACFD) requires distances up to 200 feet of fuel modification, depending on the adjacent fire potential as measured by the slope, aspect, fuel characteristics, fire history and weather data (wind, temperature and relative humidity). (RPDSEIR Appendix D-1 (Wildfire Technical Report), page 81.) Based on the proposed Site Plan for the previously approved Project (RPDSEIR Figure 1, page 1-2), the 200-foot distance from proposed structures would not intrude into avoided stream and open space habitat. In addition, the determination of biological impacts, including mitigation, is based on the ultimate grading limits of the Project (disturbance area), which includes all construction activities (including staging, grading, equipment areas) and fuel-modification areas. (See 2019 Draft SEIR Appendix D (Biological Technical Report), page 58.) No further analysis is necessary or required.

Response A.1-17

The comment references Exhibit 3, NorthLake Partial Creek Avoidance Alternative (RPDSEIR page 2-87), to address the inclusion of debris basins and other in-line water quality features as part of the PCAA and recommends that these features be located outside of the stream with a 300-foot buffer. However, there is no rule or regulation that requires this. Moreover, as set forth in Response A.1-11, variations of an analyzed alternative do not need to be analyzed. The downstream basins are designed to attenuate volume-related discharge changes and mitigate potential hydromodification impacts to the downstream watercourse. Basin locations are determined by existing topographic constraints, and their effects have been evaluated and incorporated within the development's defined disturbance limits. The basins are a project feature and have been evaluated as part of the previously approved Project. No further analysis is necessary or required.

Response A.1-18

The comment suggests coordinating with CDFW's CEQA Program to determine if take authorization is necessary for the burrowing owl. The comment correctly notes that multiple mitigation measures address the burrowing owl (MM 5.2-7 through MM 5.2-9). Coordination with CDFW's CESA Program will be pursued if take authorization is necessary. No further analysis is necessary or required.

Response A.1-19

The comment recommends inclusion of mitigation measures identified in the comment letter. Please refer to Responses A.1-4 and A.1-6, above, that address each of the recommended mitigation measures. No further analysis is necessary or required.

Response A.1-20

The comment states that all information collected be reported to the appropriate repositories. All required survey reporting will be complied with, including submittal of information to the California Natural Diversity Database. No further analysis is necessary or required.

Response A.1-21

The comment states the Project is subject to CDFW fees upon filing the Notice of Determination. The project Applicant will pay the required fees at the appropriate time. No further analysis is necessary or required.

Response A.1-22

The comment acknowledges the opportunity to comment on the RPDSEIR. The commenter will be provided with this document, the RPFSEIR, containing the responses to the comment letter. Notice of project hearings will also be provided.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life

May 29, 2025

Mr. Jodie Sackett, Subdivisions
Los Angeles County
Department of Regional Planning
320 W. Temple Street, FL. 13
Los Angeles, CA 90012

RE: Northlake Specific Plan Project-
Recirculated Partial DSEIR
SCH # 2015031080
Vic. LA-05/PM R59.0508 to R59.007
GTS # LA-2017-04795-DSEIR

A.2-1

Dear Mr. Jodie Sackett:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced environmental document. The previously approved Project (not certified) consists of development of Phase 1, Phase 2, and associated offsite map improvements for both Phase 1 and Phase 2. Phase 1, which includes the entitlements Vesting Tentative Tract Map ("VTTM") No. 073336, Vesting Tentative Parcel Map ("VTPM") No. 073335, and Conditional Use Permit ("CUP") No. RPPL2023004316, comprises development of a 720-acre portion of the Project Site with a total of 2,295 dwelling units, including 288 single family units on approximately 41 acres, 1,341 multi-family units on approximately 107 acres, 345 senior multifamily units on approximately 49 acres, and 315 affordable units and six market-rate live/work units (included within 20 acres of commercial use). Phase 1 also includes commercial uses (22 acres), open space and parks uses (412 acres), roadways (86 acres), a school pad (21 acres), water tank pad (5.1 acres), and a fire station pad (1.4 acres).

The remainder of the Project Site, referred to as the Phase 2 area, would be developed with 855 single family units; 386 acres of parks, trails, and open space; 23 acres of school uses; and 36 acres of associated roadway and infrastructure improvements. Phase 2 is not included in VTTM 073336 and will require a separate map number. VTPM 073335 requests 21 large lot parcels (40 acres or more) for future lease and finance purposes and covers both phases.

A.2-1 cont.

Associated off-site map improvements in both Phase 1 and Phase 2 total 65.13 acres, including remedial grading, drainage features, and road and utility alignments.

The Project improvements would consist of the construction of Ridge Route Road at the Project's main entrance to the south and a secondary access route to the northwest, construction of Northlake Parkway adjacent to and west of the Phase 2 portion of the Project Site, a 4.64 acre connection of Grasshopper Creek Park, a debris basin, 2.39 acres in trail connections, a 5.1-acre pad for a water tank, 29.79 acres of manufactured slopes, and 11.98 acres of natural open space. In addition, extensions of the existing electrical distribution circuitry would occur along the existing Ridge Route Road to reach the Project, and substation upgrades would occur on Southern California Edison property.

In addition to the above improvements, an existing crude oil pipeline easement containing two oil pipelines that traverse the entire north-south length of the Project Site and both Phases 1 and 2 would be relocated to an alignment along the eastern boundary of the proposed development area and within the identified grading footprint.

The SEIR concluded that impacts associated with the 2019 previously Approved Project (not certified) would result in significant and unavoidable environmental impacts related to Operational, Construction, and Cumulative Air Quality; Construction, Operational, and Cumulative Noise; and Project and Cumulative Traffic. The RPDSEIR evaluates the potential for environmental impacts based on the Court Order. The RPDSEIR provides supplemental analysis related to:

1) Revised biological impact analysis only as to the Western Spadefoot Toad, special-status plants, and crotches' Bumble Bee;
2) Updated Traffic Analysis as to Vehicle Miles Travelled pursuant to Senate Bill 743 and CEQA Guidelines Section 15064.3;
3) Updated Wildfire Analysis pursuant to Appendix G of the CEQA Guidelines; and
4) Revised alternatives analysis only as to the addition of a Creek Avoidance Alternative and a Partial Creek Avoidance Alternative.

A.2-2

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. As a reminder, all environmental document should

include Vehicle Miles Traveled. You may reference the Governor's Office of Planning and Research (OPR) for more information:

https://opr.ca.gov/ceqa/#guidelines-updates

A.2-2 cont.

The Final SEIR appropriately acknowledges significant impacts to multiple State transportation facilities along the I-5 corridor. Specifically, the impacted locations include the I-5 northbound ramps at Lake Hughes Road, the I-5 southbound ramps at Parker Road, the I-5 northbound off-ramp at Ridge Route Road, and the I-5 southbound ramps at The Old Road. These locations are projected to experience operational deficiencies under cumulative conditions. While the County does not have direct jurisdiction over State facilities, we support the County's recognition of these impacts and the County's stated intent to coordinate with Caltrans District 7 to advance potential mitigation strategies. Improvements may include ramp widening, geometric enhancements at ramp terminals, new traffic signals, and intersection control modifications to address queuing, delay, and safety concerns. Ongoing collaboration with Caltrans will be essential to ensure that these improvements are fully evaluated and implemented through the appropriate project development and funding processes. Caltrans concurs that funding mechanisms such as the County's Castaic Bridge and Major Thoroughfare District, along with the payment of applicable district fees, are appropriate to satisfy the project's fair share obligations for improvements to State transportation facilities.

A.2-3

We noticed that the analysis uses 27.0 VMT per service population, based on the previously approved Northlake Specific Plan, as the threshold for determining transportation impacts. We respectfully ask the lead agency to clarify why a reduction-based threshold was not considered in this case. Given the statewide shift under SB 743, it's important to understand how this approach supports the intent of CEQA moving forward.

As a reminder, the Governor's Office of Planning and Research (OPR) recommends using a threshold that reflects a 15% reduction below the regional or jurisdictional average VMT. This benchmark is intended to help projects contribute meaningfully to reducing vehicle travel, emissions, and other transportation-related impacts. We encourage the County to revisit the VMT threshold applied in the analysis and share its reasoning for not incorporating a reduction target, especially in light of the broader goals set by SB 743 and OPR guidance.

A.2-4

A.2-5

To further support VMT reduction and for the County's consideration, we recommend that the project incorporate a Transportation Demand Management (TDM) program. TDM strategies such as enhanced transit connectivity, subsidized transit passes, carpool/vanpool programs, employer-based trip reduction incentives, bicycle and pedestrian infrastructure, and telecommuting support can materially reduce project-level VMT. These measures should be quantified, monitored, and integrated into project conditions or mitigation measures to ensure accountability and effectiveness.

A.2-6

Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications.

A.2-7

Any transportation of heavy construction equipment and/or materials that require the use of oversized transport vehicles on State highways will need a Caltrans transportation permit. Any large-size truck trips be limited to off-peak commute periods for the construction phase and operation phase. Construction truck loads should be covered with a tarpaulin cover.

A.2-8

Storm water run-off is a sensitive issue for Los Angeles County. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without any storm water management plan.

A.2-9

In addition, a truck/traffic construction management plan may be needed for this project because the project is near by Caltrans on/off-ramps. Traffic Management Plans involving lane closures or street detours which will impact the circulation system affecting traffic to and from freeway on/off-ramps should be coordinated with Caltrans.

If you have any questions, please feel free to contact Mr. Alan Lin, the project coordinator, at (213) 269-1124 and refer to GTS # LA-2017-04795-DSEIR.

Sincerely,

Miya Edmonson

MIYA EDMONSON
LDR/CEQA Branch Chief

email: State Clearinghouse

Response to Comment Letter A.2

Miya Edmonson, LDR/CEQA Branch Chief
California Department of Transportation, District 7
May 29, 2025

Response A.2-1

The comment contains introductory language regarding the Project. The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Response A.2-2

The comment contains introductory language regarding Caltrans and Senate Bill 743 and the requirement to include a Vehicle Miles Traveled (VMT) analysis. As discussed in Section 2.2 of the RPDSEIR, a VMT analysis was prepared and is included as Appendix C-1 to the RPDSEIR.

Response A.2-3

The comment expresses support for the County's recognition of impacts on State transportation facilities in the 2019 Final SEIR traffic analysis. The County will coordinate and collaborate with Caltrans as needed. No further analysis is necessary or required.

Response A.2-4

The comment requests clarification for the basis of using the NorthLake Specific Plan (NLSP) VMT per service population (27.03) as the significance threshold for determining an impact. The NLSP VMT per Service Population (27.03) is the baseline for comparison to the previously approved Project VMT per Service Population (25.70) per the methodology required by the County Department of Public Works. Per the County Department of Public Works, this threshold is appropriate because the NLSP approval occurred before SB 743 and modifications are being made after SB 743. Therefore, the previously approved Project does not need to be evaluated against the County baseline like a brand new project. Because the previously approved Project VMT per Service Population is less than the NLSP, VMT impacts were determined to be less than significant. Public Works approved the VMT Transportation Analysis. (See RPDSEIR Appendix C-2 (Department of Public Works December 2, 2024 Transportation Impact Analysis Approval Letter).) No further analysis is necessary or required.

Response A.2-5

The comment recommends that the County incorporate a Transportation Demand Management (TDM) program and identifies potential TDM strategies. While TDM programs are effective in reducing VMT, here, VMT impacts were determined to be less than significant, and therefore no mitigation is necessary or required. As set forth in the Northlake Specific Plan Transportation Impact Analysis for CEQA (RPDSEIR Appendix C-1), there are a number of project features of the previously approved Project that tend to reduce VMT such as constructing a pedestrian network, integrating affordable housing, constructing bicycle trails and expanding the transit network which the previously approved Project is not taking quantitative credit for. No further analysis is necessary or required.

Response A.2-6

The comment states that an Encroachment Permit from Caltrans will be required for any work performed in the State right-of-way. As required, an Encroachment Permit will be applied for and

the work will meet all mandatory design standards and specifications. Commenter made a similar comment to the 2019 SEIR that was responded to. (2019 Final SEIR Response to Comment 3-12 (page 2-40).)

Response A.2-7

The comment states that any transportation of heavy construction equipment and/or materials that require use of oversized transport vehicles on State highways will need a Caltrans transportation permit. As discussed in Section 2.2 of the RPDSEIR, a Construction Traffic Control Plan would be required as detailed in Mitigation Measure MM 5.11-3, which includes scheduling construction activities that affect traffic flow to off-peak hours. Additionally, all construction truck loads would be covered with a tarpaulin cover. Commenter made a similar comment to the 2019 SEIR that was responded to. (2019 Final SEIR Response to Comment 3-11 (pages 2-39 to 2-40).)

Response A.2-8

The comment states that projects should be designed to discharge clean run-off water and that discharge of storm water is not permitted onto State highway facilities. In accordance with the Court Ruling and CEQA Guidelines section 15088(c), the RPDSEIR was not required to recirculate the impact analysis related to stormwater because those portions of the SEIR were not modified. As such, the SEIR contains the final analysis related to stormwater, and the doctrines of res judicata and collateral estoppel preclude litigation and/or relitigation of that issue. (See *Ione Valley Land, Air, and Water Defense Alliance, LLC v. County of Amador* (2019) 33 Cal.App.5th 165, 171; *Sierra Club v. County of Fresno* (2020) 57 Cal.App.5th 979, 990-991; *Citizens For Open Government v. City of Lodi* (2015) 205 Cal.App.4th 296, 325; see also Response B.4-1.) Pursuant to CEQA Guidelines section 15088.5(f)(2), the County requested that reviewers limit their comments to the material included in the RPDSEIR and the County is not required to respond to comments that are not related to the material included in the RPDSEIR. The Project will implement a Storm Water Pollution Prevention Plan (see Mitigation Measure MM 5.2-21). Discharge will not be to State highway facilities. (2019 Draft SEIR page 5.8-75.) Commenter made a similar comment to the SEIR which was responded to. (2019 Final SEIR Response to Comment 3-10 (page 2-39).)

Response A.2-9

The comment states that a truck/traffic construction management plan may be needed for the Project. Please refer to Response A.2-7, above.

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

May 29, 2025

ROBERT G. LUNA, SHERIFF

Mr. Jodie Sackett, Senior Planner
County of Los Angeles
Department of Regional Planning
Subdivisions
320 West Temple Street, Room 1362
Los Angeles, California 90012

Dear Mr. Sackett:

NOTICE OF COMPLETION AND AVAILABILITY OF RECIRCULATED PARTIAL DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE NORTHLAKE SPECIFIC PLAN PROJECT NO. R2015-00408-(5) REVIEW COMMENTS

A.3-1

Thank you for inviting the Los Angeles County Sheriff's Department (Department) to review and comment on the April 14, 2025, Notice of Completion and Availability (NOC-NOA) of the Recirculated Partial Draft Supplemental Environmental Impact Report (Draft SEIR) for the Northlake Specific Plan Project No. R2015-00408-(5) (Project). The approximate 1,330-acre Project Site is located east of Interstate (I) 5, west of Castaic Lake, and north of the community of Castaic, California in unincorporated Los Angeles County. Regional access to the Project area is provided by I-5, and site access is provided via Parker Road and Lake Hughes Road exits from I-5. Local access to the Project Site is provided by Ridge Route Road, which traverses northerly along the western edge of the Project Site.

The proposed Project is located within the service area of the Department's Santa Clarita Valley Sheriff's Station (Station), which is now located at 26201 Golden Valley Road, about 14 miles southeast of the Project site, and no longer located at 23740 Magic Mountain Parkway, Valencia location.

A.3-2

The Station has concerns over the proposed development due to its location, which historically has experienced significant wildland fire incidents. Some examples of those large fires which have impacted and/or threatened the Santa

Clarita Valley area include the Ridge Route and Hughes Fires. The Station also notes that these specific incidents serve as critical reminders of the persistent and severe fire threat in this region. The inherent fire risk associated with the project location, underscored by the history of significant fires in the surrounding area, necessitates careful and thorough consideration during the project approval process and all phases of development. The Station advises that it is imperative to integrate robust precautionary measures into the project design and implementation to mitigate fire hazards and the need for emergency responses. Additionally, comprehensive and effective emergency management plans are essential to ensure the safety of future residents and the broader community in the event of a wildland fire are addressed. A.3-2 cont.

The Department's Pitchess Detention Center (PDC) is located just southeasterly of this development. Specific details of the south portion of the Project would need to be further evaluated and may require mitigation in order to ensure that security for PDC is maintained. A.3-3

With the expected demand for law enforcement services for this Project, which will include but not limited to residential, commercial, recreation, schools and infrastructure, as well as previously approved projects in the region, the cumulative areawide impacts of this Project and other development will likely require additional Sheriff personnel as well as facilities to support those services. The Specific Plan dated June 1992 indicates that funding associated with these additional services and facilities would be included in the Department's requested annual budget to be appropriated by the Board of Supervisors from the County General Fund. However, these funds are not guaranteed, and the proposed Project will warrant a Countywide assessment where the Department, CEO, and BOS will evaluate each development and discuss the funding required for facilities, personnel and/or associated operational equipment to mitigate the impacts. To the extent the Department is being considered as the provider of these law enforcement services, it should be noted/understood that our Department may not have the capacity to provide the necessary staff resources when this project is contemplated and/or completed. It is recommended that jurisdictional agencies evaluate the needs of the community as well as the availability of local law enforcement to provide these services prior to approving the project. The Project Applicant should be required to pay all development impact fees associated with the project. A.3-4

For future reference, the Department provides the following updated address and contact information for all requests for review comments, law enforcement service information, California Environmental Quality Act documents, and other related correspondence:

Jennifer Fang, Acting Bureau Director
Facilities Planning Bureau, SBB-4th Floor
Los Angeles County Sheriff's Department
211 West Temple Street
Los Angeles, California 90012
Attention: Planning Section

Should you have any questions regarding this matter, please contact me, at (323) 526-5657, or your staff may contact Ms. Bee Bee Pee, of my staff, at (323) 526-5697.

Sincerely,

ROBERT G. LUNA, SHERIFF

Jennifer Fang, Acting Bureau Director
Facilities Planning Bureau

JF:BP

c: Richard Martinez, Assistant Division Director, ASD
Brandon Barclay, Acting Captain, Santa Clarita Valley Sheriff's Station (SVC)
Richard O'Neal, Lieutenant, SCV
Andrew B. Cruz, Captain, Contract Law Enforcement Bureau (CLEB)
Erick F. Martinez, Lieutenant, CLEB
Julie A. Lowe, Sergeant, CLEB
Kelly Chiu, Capital Projects Program Manager, Facilities Planning Bureau (FPB)
Bee Bee Pee, Departmental Facilities Planner I, FPB
Chrono
File
(EIR – Northlake SP NOC DSEIR Project)

Response to Comment Letter A.3

Robert Luna, Sheriff
County of Los Angeles, Office of the Sheriff
May 29, 2025

Response A.3-1

The comment acknowledges receipt of the RPDSEIR for review, and contains introductory language regarding the Project and the Los Angeles County Sheriff's Department (Sheriff's Department). The comment does not address the content or adequacy of the RPDSEIR under CEQA or the State CEQA Guidelines; no additional response is required.

Response A.3-2

The comment states concerns regarding potential for wildland fire incidents. The RPDSEIR wildfire analysis and the Wildfire Technical reports (RPDSEIR Appendices D-1, D-2 and K) comport with the requirements of CEQA and the California Attorney General's "*Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*" guidelines. The wildfire analysis includes assessment of the Ridge Route Fire which the Wildfire Technical Report referred to as the "Route Fire." (RPDSEIR Appendix D-1 (Wildfire Technical Report), pages 25-30.) The Wildland Fire Risk Report was prepared in December 2024, a month before the Hughes Fire. As such, it was not included in the fire history section of the report as it had not occurred at the time the report was prepared. Inclusion of that wildfire does not change any of the impact conclusions in the RPDSEIR or the Wildland Fire Risk Report. In fact, the Hughes Fire was predicted by Scenario 6 - LakeSpotsat40, with the origin within the County Recreation Area (RPDSEIR Appendix D-1, page 65, 68 and Appendix B), and the Evacuation Report determined that there would be sufficient time to evacuate the previously approved Project (RPDSEIR Appendix D-1, Table 6; see also RPDSEIR Appendix D-1, page 68) with no impediment to all three evacuation points. The fact that the Hughes Fire happened, which was predicted, does not change the analysis, conclusion, or determination that the wildfire impact is less than significant. The Wildfire Technical report contains numerous precautionary measures, regulatory compliance measures, and project design features that will be implemented as part of the Project to reduce fire hazards and the need for emergency responses. (RPDSEIR Appendix D-1 (Wildfire Technical Report), pages 77-78.) Impacts will be less than significant, and no further analysis is required.

Response A.3-3

The comment identifies that the Pitchess Detention Center is located southeasterly of the Project site and states mitigation may be required to ensure that facility security is maintained. In accordance with the Court Ruling and CEQA Guidelines section 15088.5(c), the RPDSEIR was not required to recirculate the impact analysis related to law enforcement services or impacts to surrounding land uses, including the Pitchess Detention Center, because those portions of the SEIR were not modified. As such, the SEIR contains the final analysis related to law enforcement services and impacts to surrounding land uses, and the doctrines of res judicata and collateral estoppel preclude litigation and/or relitigation of that issue. (See *Ione Valley Land, Air, and Water Defense Alliance, LLC v. County of Amador* (2019) 33 Cal.App.5th 165, 171; *Sierra Club v. County of Fresno* (2020) 57 Cal.App.5th 979, 990-991; *Citizens For Open Government v. City of Lodi* (2015) 205 Cal.App.4th 296, 325; see also Response B.4-1.) Pursuant to CEQA Guidelines section 15088.5(f)(2), the County requested that reviewers limit their comments to the material included in the RPDSEIR and the County is not required to respond to comments that are not related to the material included in the RPDSEIR. The commenter states that impacts to the detention center would need to be further evaluated, but does not identify any impacts to this off-

site facility. To the extent required, these impacts were addressed in the SEIR. The comment is acknowledged; no further response is required.

Response A.3-4

The comment states that the Project would contribute to the cumulative areawide impacts related to law enforcement services. (See Response A.3-3.) Pursuant to CEQA Guidelines section 15088.5(f)(2), the County requested that reviewers limit their comments to the material included in the RPDSEIR and the County is not required to respond to comments that are not related to the material included in the RPDSEIR. These impacts were addressed in the SEIR to the extent required. The project Applicant will be conditioned to pay all required development impact fees. However, any increased costs on governmental agencies related to the provision of public services is not considered a project impact. In *City of Hayward v. Board of Trustee of California State University* (2015) 242 Cal. App. 4th 833, the court found that Section 35 of Article XIII of the California Constitution requires local agencies to provide public safety services, including police and fire protection and emergency medical services, and that it is reasonable to conclude that the city (here the County) will comply with that provision to ensure that public safety services are provided. The *Hayward* ruling also concluded that “assuming the city continues to perform its obligations, there is no basis to conclude that the project will cause a substantial adverse effect on human beings” and the “need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate.”

From: Raylene Borrego
Sent: Tuesday, April 22, 2025 4:01 PM
To: Jodie Sackett <jsackett@planning.lacounty.gov>
Subject: Response to Notice of Completion and Availability of DSEIR: Northlake Specific Plan Project, Project No. R2015-00408-(5), Los Angeles County; [COU-LA-2025-7]

CAUTION: External Email. Proceed Responsibly.

Hello Jodie,

B.1-1

Thank you for contacting the Yuhaaviatam of San Manuel Nation (formerly the San Manuel Band of Mission Indians) regarding the above-referenced project. YSMN appreciates the opportunity to review the project documentation, which was received by the Cultural Resources Management Department on April 15th, 2025. The proposed project is located outside of Serrano ancestral territory and, as such, YSMN will not be requesting to receive consulting party status with the lead agency or to participate in the scoping, development, or review of documents created pursuant to legal and regulatory mandates.

Kind Regards,
Raylene

Raylene Borrego
Cultural Resources Technician

Response to Comment Letter B.1

Raylene Borrego, Cultural Resources Technician
Yuhaaviatam of San Manuel Nation
April 22, 2025

Response B.1-1

The comment acknowledges receipt of the RPDSEIR for review and states that the Project is located outside of Serrano ancestral territory. The comment does not address the content or adequacy of the RPDSEIR under CEQA or the State CEQA Guidelines; no additional response is required.

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From: Dan Silver
Sent: Tuesday, April 22, 2025 5:49 PM
To: Jodie Sackett <jsackett@planning.lacounty.gov>
Subject: NorthLake Specific Plan RPDSEIR

CAUTION: External Email. Proceed Responsibly.

April 22 2025

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

RE: NorthLake Specific Plan RPDSEIR

Dear Mr. Sackett:

Endangered Habitats League has a question and comment pertaining to consistency with General Plan Policies S4.1, S4.20, and L1.10 relating to fire hazard. According to the RPDSEIR, this project's previous entitlements were "rescinded" by the County due to court order. Its zoning must have reverted to a prior baseline, meaning that the new project entails a density increase. Similarly, the rescinding of the prior Specific Plan entitlements means that there is now no "existing" Specific Plan. B.2-1

However, there is no analysis of these General Plan consistency issues in the RPDSEIR, which should be rectified. Or, is it the County's position that the project is exempt from Policies S4.1, S4.20, and L1.10, and if so, why? B.2-2

Yours truly,
Dan Silver, Executive Director
Endangered Habitats League

Response to Comment Letter B.2

Dan Silver
Endangered Habitats League
April 22, 2025

Response B.2-1

The comment states that, according to the RPDSEIR, the project's previous entitlements were "rescinded" by the County due to the Court Ruling, therefore, zoning must have reverted to a prior baseline. As a result, the comment states that the new project entails a density increase. Similarly, the comment states that rescission of the prior Specific Plan entitlements means that there is now no "existing" Specific Plan. The commenter is incorrect; the NLSP was not rescinded. The NLSP was approved in 1992; it was not part of the 2019 Project approvals. The County did not rescind the approval of the NLSP as part of its action on May 18, 2021, nor did the Court order the County to do so. (See RPDSEIR pages 1-4.) In accordance with the Court Ruling, the County's action on May 18, 2021, was limited to setting aside the 2019 Project approvals, and the NLSP remains in place. Thus, the correct baseline is the NLSP. The previously approved Project did not increase density from the NLSP.

Response B.2-2

The comment states that there is no analysis of consistency with General Plan Policies S4.1, S4.20 and L1.10 in the RPDSEIR, which should be rectified. The SEIR Land Use Section was not subject to legal challenge and was not modified. Accordingly, pursuant to the Court Ruling and CEQA Guidelines section 15088.5(c), the SEIR Land Use Section was not required to be recirculated. As such, the SEIR contains the final analysis related to land use impacts, and the doctrines of res judicata and collateral estoppel preclude litigation and/or relitigation of that issue. (See *Ione Valley Land, Air, and Water Defense Alliance, LLC v. County of Amador* (2019) 33 Cal.App.5th 165, 171; *Sierra Club v. County of Fresno* (2020) 57 Cal.App.5th 979, 990–991; *Citizens For Open Government v. City of Lodi* (2015) 205 Cal.App.4th 296, 325; see also Response B.4-1.) Pursuant to CEQA Guidelines section 15088.5(f)(2), the County requested that reviewers limit their comments to the material included in the RPDSEIR and the County is not required to respond to comments that are not related to the material included in the RPDSEIR. This comment is beyond the scope of the RPDSEIR and the County does not need to respond to it. The following response is for informational purposes only.

Regarding Policy LU 1.10, that policy provides: "Prohibit plan amendments that increase density of residential land uses within mapped fire and flood hazard areas unless generally surrounded by existing built development and the County determines the adjoining major highways and street networks can accommodate evacuation as well as safe access for emergency responders under a range of emergency scenarios, as determined by the County." This policy is not applicable as the NLSP was not rescinded, and the proposed Project is not seeking a plan amendment. Additionally, the proposed Project is consistent with this policy in that the Project Site is generally surrounded by existing built development including the 5-freeway to the west, urban development to the south and State recreational areas to the east, and the RPDSEIR Wildfire Impact Analysis established that there is capacity for safe evacuation on the existing roadways under all modelled wildfire scenarios, as well as emergency access for first responders. See RPDSEIR Section 2.3, Wildfire, and RPDSEIR Appendices D-1, D-2 and K.

Regarding Policy S4.1, that policy provides: "Prohibit new subdivisions in VHFHSZs unless: (1) the new subdivision is generally surrounded by existing or entitled development or is located in an existing approved specific plan or is within the boundaries of a communities facility district adopted by the County prior to January 1, 2022, including any improvement areas and future

annexation areas identified in the County resolution approving such district; (2) the County determines there is sufficient secondary egress; and (3) the County determines the adjoining major highways and street networks are sufficient for evacuation as well as safe access for emergency responders under a range of emergency scenarios, as determined by the County. Discourage new subdivisions in all other FHSZs." The proposed Project is consistent with this policy as the NLSP is an existing approved specific plan approved in 1992, and the RPDSEIR Wildfire Impact Analysis confirms there is sufficient secondary egress as well as capacity on the highway and street network for safe evacuation, as well as access for first responders. See RPDSEIR Section 2.3, Wildfire, and RPDSEIR Appendices D-1, D-2 and K.

Regarding Policy S4.20, that policy provides: "Prohibit new and intensification of existing general assembly uses in VHFHSZs unless: (1) the use is located in an existing approved specific plan or (2) the County determines there is sufficient secondary egress and the County determines the adjoining major highways and street networks are sufficient for evacuation, as well as safe access for emergency responders under a range of emergency scenarios, as determined by the County. Discourage new general assembly uses in all other FHSZs." The proposed Project is consistent with this policy for the same reasons it is consistent with Policy S4.1, including that the proposed Project is located in an existing approved specific plan – the NLSP.

From: Frances Tinney
Sent: Wednesday, May 14, 2025 2:36 PM
To: Jodie Sackett <jsackett@planning.lacounty.gov>
Cc: DRP Info; Theresa Rettinghouse
Subject: Recirculated Portions of the Supplemental Draft EIR for the NorthLake Specific Plan

CAUTION: External Email. Proceed Responsibly.

Good afternoon,

B.3-1

I am aware that the County has published Recirculated Portions of the Supplemental Draft EIR for the NorthLake Specific Plan (SCH 201503180)and I am writing to clarify the County's actions.

Is the County planning to recirculate the Draft Supplemental EIR and the Final Supplemental EIR that the County certified on September 25, 2018, and then decertified on May 18, 2021, for public review and comment? If not, does the County plan to recertify those portions of the EIR without public review and comment? If the County does not intend to recirculate those documents, the Center will comment on them along with our comments on the RPSDEIR.

We also request an extension of the comment deadline for the RPSDEIR for at least thirty days given the document with appendices is over 1000 pages.

We request a response to this email by Friday, May 16.

Thank you,

Frances

Frances Tinney
she/her
Attorney
Urban Wildlands Program
CENTER *for* BIOLOGICAL DIVERSITY
509-432-9256

Response to Comment Letter B.3

Francis Tinney
Center for Biological Diversity
May 14, 2025

Response B.3-1

As set forth in the Notice of Completion and Availability, the County only circulated for review and comment the Recirculated Partial Draft Supplemental Environmental Impact Report ("RPDSEIR"), which revises the SEIR as directed by the Court. Given that the revision is limited to certain chapters and portions of the SEIR, CEQA Guidelines section 15088.5(c) only requires the County to recirculate the RPDSEIR.

Further, pursuant to CEQA Guidelines section 15088.5(f)(2), the County requested that reviewers limit their comments to the material included in the RPDSEIR.

The County does not agree to your request for an extension.

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May 29, 2025

Sent via email

Jodie Sackett
Senior Planner
320 W Temple Street, Fl. 13
Los Angeles, CA 90012
jsackett@planning.lacounty.gov

Re: Comments on the Partial Recirculated Draft Supplemental Environmental Impact Report NorthLake Specific Plan (State Clearinghouse No. 2015031080)

Dear Jodie Sackett:

B.4-1

This letter is submitted on behalf of the Center for Biological Diversity ("Center") regarding the Partial Recirculated Draft Supplemental Environmental Impact Report ("PRDSEIR") for the NorthLake Specific Plan ("Project") (State Clearinghouse No. 2015031080.) As you are aware, the Center successfully challenged this Project in 2019. As a result of that lawsuit, the Court ordered Los Angeles County ("County") to set aside its approval of the Project and decertify the 2018 Supplemental EIR ("2018 EIR" or "SEIR"). This PRDSEIR revises parts of the biological resources analysis, the VMT analysis, and the alternatives analysis in the County's next attempt to circulate a legally compliant EIR. But the revised EIR sections are still not adequate, and the sections that the County did not revise are seven years old and now must be updated to account for significant new information. The County must revise and recirculate a complete EIR that fully analyzes and mitigates the Project's impacts.

B.4-2

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people throughout Los Angeles County.

B.4-3

I. THE COUNTY CANNOT LIMIT PUBLIC COMMENT TO THE REVISED PORTIONS OF THE EIR.

As a preliminary matter, the County cannot limit public comment to only the Recirculated Portions of the Draft EIR. Where an agency's actions violate CEQA, "it must do the environmental review process over if it wants to approve the project." (*Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 690.) Because the *entire* EIR was decertified in 2021, the County will need to again certify the completion of the revised EIR *as a whole*, not only the PRDSEIR's revised sections. (Guidelines § 21100.) If the County plans to recertify the entire EIR, it must follow the legal procedures to do so. Accordingly, before approving the Project, the County must prepare and circulate for public review a revised EIR that complies with CEQA. (*See, e.g., King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 901 [where EIR inadequate, County must revise EIR, circulate it for public review and comment, and prepare responses to the comments before reapproving same or modified project].). Any revised draft EIR must comply with CEQA's mandatory requirements for public review, including completing and filing with the State Clearinghouse, providing a 45-day comment period, and consulting with public agencies. (Guidelines §§ 15082-88, 15105.) The County must also consider and respond in detail to the public's comments. (*See* § 21091(d) [requiring agency responses to comments on draft EIRs]; Guidelines § 15088(c) [requiring "good faith, reasoned analysis" in responses]); (*Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 266-67 ["recirculation and consideration of public comments" necessary before revised project approval].)

B.4-4

Moreover, as a matter of policy, nothing limits the County to correcting only the flaws the court identified. All modified projects such as this require revised environmental analysis, and any CEQA document must reflect the County's "independent judgment." (Guidelines §§ 21082.1 & 15090.) The County should take this opportunity to hear from the public on all project aspects and ensure that the Project complies with its policies and intentions for its citizens now, in 2025. And the County should ensure that environmental review contains the analysis needed to allow the public and decisionmakers to understand environmental consequences of the Project and fully comply with CEQA. Restricting the public's ability to comment on the 2018 EIR circumvents CEQA's core purposes to allow for public input on projects. (Pub. Res. Code § 21061.) Accordingly, the Center incorporates here via reference its June 15, 2017, April 16, 2018, April 1, 2019, and December 22, 2020 letters on the previously circulated SEIR. (Exhibits A, B, C, and D).

B.4-5

II. SIGNIFICANT NEW INFORMATION REQUIRES THE COUNTY TO REVISE AND RECIRCULATE NUMEROUS OTHER SECTIONS OF THE 2018 EIR.

CEQA makes plain that significant new information on a project prior to EIR certification requires revision and recirculation for public review. (Pub. Res. Code § 21092.1; CEQA Guidelines § 15088.5(a).) CEQA specifically provides that a supplemental EIR is required when "[n]ew information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available." (Pub. Res. Code § 21166(c).) CEQA defines significant new information as information showing: (1) "[a] new significant environmental impact would result from the project . . ."; or (2) "[a] substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance." (CEQA Guidelines § 15088.5(a).) Additionally, CEQA requires a revised EIR when "substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report." (Pub. Res. Code § 21166(b).) B.4-5 cont.

In this instance, the original EIR was certified in 2018 and entirely decertified in 2021. In the seven years since, significant new information has emerged regarding the Project's wildfire risk, climate change impacts, and uncertain water supply. Not only have multiple devastating wildfire seasons changed our understanding of wildfire risk, but groundbreaking climate change research has emerged, California has committed to new ambitious climate targets, and the state's water regime has dramatically shifted towards both extreme drought and flooding. The County must take into account significant new information on all Project impacts and revise and recirculate the EIR before certification. (CEQA Guidelines § 15088.5(a).) B.4-6

A. The County Must Revise the EIR to Consider New Scientific Knowledge and State Policy on Climate Change. B.4-7

Substantial new information on the severity of the Project's contributions to climate change has become available in the past seven years. Not only has California set new GHG reduction targets, but groundbreaking climate change research sheds light on the critical need to reduce GHG emissions further than the EIR proposes. The County must take this significant information into account and require further mitigation measures aligned with statewide goals.

i. Substantial New Information on Climate Change Impacts Requires Revision. B.4-8

First, since the County certified the original 2018 EIR, the Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for the assessment of climate change, concluded in its 2023 Sixth Assessment Report that: "[u]nsustainable and unequal energy and land use as well as more than a century of burning fossil fuels have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020." (IPCC, 2023) The increase in global surface temperature has resulted in sea level

B.4-8 cont.

rise, more frequent extreme weather events, and "irreversible losses" at the species and ecosystem levels. (IPCC, 2023.) The United States' own 2023 Fifth National Climate Assessment, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies, echoed these findings. The 2023 Assessment concluded that "[t]he global warming observed over the industrial era is unequivocally caused by greenhouse gas emissions from human activities–primarily burning fossil fuels," and long-term responses include "sea level rise, ice sheet losses, and associated disruptions to human health, social systems, and ecosystems." (Climate Action Tracker, 2023)

This significant new information requires immediate and aggressive greenhouse gas emissions reductions to keep warming well below 2°C above pre-industrial levels. The IPCC Sixth Assessment Report and other expert assessments have established global carbon budgets, or the total amount of carbon that can be burned while maintaining some probability of staying below a given temperature target. According to the IPCC, "[t]he best estimates of the remaining carbon budgets from the beginning of 2020 are 500 GtCO2 for a 50% likelihood of limiting global warming to 1.5°C and 1150 GtCO2 for a 67% likelihood of limiting warming to 2°C." (IPCC 2023 at 19.) Additionally, "[i]f the annual CO2 emissions between 2020-2030 stayed, on average, at the same level as 2019, the resulting cumulative emissions would almost exhaust the remaining carbon budget for 1.5°C (50%), and deplete more than a third of the remaining carbon budget for 2°C (67%)." (IPCC 2023). As of 2023, climate policies by countries across the world would lead to an estimated 2.7°C of warming, and possibly up to 3.4°C of warming, well above the level needed to avoid the worst dangers of climate change. (Climate Action Tracker, 2023)

B.4-9

ii. The 2018 EIR's GHG Analysis Is Outdated.

The significant new information described *supra* leaves no doubt that climate change will transform California, resulting in increased temperature and frequency of wildfires, and a reduction in snowpack, precipitation levels, and water availability. (Turco et al., 2023) But the 2018 EIR does not take this into account, instead relying on an outdated GHG emissions calculation model, CalEEMod Version 2016.3.1. (SEIR at 5.7-1.) The significant new information regarding climate change impacts should be assessed under the new version of CalEEMod, which became available in 2020, and again in 2022, intended to incorporate the latest science on GHG emissions. (California Air Pollution Control Officers Association, 2021, 2022) Specifically, the newer models take into account critical sources of GHG emissions prior models did not, such as CARB's EMFAC2017 N2O emissions, and they incorporate the 2019 update to Title 24 (building efficiency percentage reduction). (CAPCOA 2021.) The County offers no justification for using a version two cycles and six years out of date that overlooks several aspects of GHG emissions. The analysis is therefore inadequate and must be revised and recirculated.

B.4-9 cont.

Further, the 2018 EIR fails to analyze the GHG emissions against a legally adequate threshold of significance. Any revised EIR must show how a project will conform to *current* statewide GHG reduction targets and adopt enforceable mitigation to achieve these goals. (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 225-26; *League to Save Lake Tahoe v. County of Placer* (2022) 75 Cal.App.5th 63, 121-22.)

Since 2018, the State has released new GHG reduction targets. In 2022 California enacted AB 1279, the California Climate Crisis Act, requiring the state to achieve net zero GHG emissions by no later than 2045 and maintain net negative GHG emissions thereafter. (AB 1279 2022.) To achieve that goal, CARB released a new Scoping Plan in November 2022 that requires "aggressive reduction of fossil fuels" and "rapidly moving to zero emission transportation," and identifies "a technologically feasible and cost-effective path to achieve carbon neutrality by 2045." (2022 Scoping Plan for Achieving Carbon Neutrality, 2022) Newsom has continued to issue climate-related executive orders, such as a 2020 order requiring that, by 2035, all passenger vehicles will be zero-emission, in addition to other motor vehicle emission goals. (Executive Order N-79-20 (2020).). Enforcement of and compliance with these steps are essential to stabilize the climate and avoid catastrophic impacts to our environment.

The 2018 EIR purports to evaluate the significance of GHG emissions based on consistency with regulatory programs adopted for the purpose of reducing GHG emissions. (SDEIR at 5.7-22.) But, because it was written in 2018, it does not analyze consistency with relevant regulatory programs. Using 2018 regulatory programs as the basis for a threshold of significance in 2025 is not supported by substantial evidence. The GHG significance determination is therefore inadequate and must be revised and recirculated with an updated threshold of significance.

Once the County has revised the GHG analysis, it must consider current best practices in GHG mitigation and adopt all feasible mitigation. Appendix D of CARB's 2022 Scoping Plan includes on-site GHG-reducing design features and mitigation measures, as well as offsite measures the County should consider to conform to these new targets. Other feasible measures can be found in the California Air Pollution Control Officers Association 2022 Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity. (California Air Pollution Control Officers Association, 2024) The Center urges the County to take all feasible steps to reduce GHG emissions in light of the recent climate change research outlined *supra*.

B.4-10

B. The County Must Revise the EIR to Consider Significant New Information Regarding California's Water Supply.

Since the 2018 EIR's preparation and certification, significant new information reveals that California's water supply has become more uncertain. Indeed, climate change and

population growth pose unprecedented challenges to California's efforts to allocate and conserve limited water resources. New studies predict that in the next 35 to 60 years, if GHG emissions continue unchecked, the American West's snowpack will continuously shrink, disappearing for a decade or more at a time. (Siirila-Woodburn et al., 2021) In 2022, the IPCC specifically identified the American West as vulnerable, warning that with projected warming in the western mountains, accumulated snowpack is "virtually certain to decline." (IPCC, 2022) This warning informed a recent Executive Order from Governor Newsom, declaring that California must "redouble near-, medium-, and long-term efforts to adapt its water management to a changing climate, shifting precipitation patterns, and water scarcity." (Executive Order N-7-22 (2022).)

B.4-10 cont.

Climate change has caused increased water extremes—a boom and bust cycle between flooding and drought—that scientists predict will only get worse. (Polade et al., 2017; Swain et al., 2018) During wet years, California has experienced increased run-off as more water falls than can recharge groundwater. (Becker, 2024) In this context, the 2018 EIR's assumption that precipitation averages will be consistent with pre-2018 averages and its reliance on safe groundwater yields established in 2015 ignores reality. (See SDEIR at 5.12-4.) The significant new information is relevant to understanding whether a water supply shortfall is likely and must be considered.

B.4-11

C. The County Must Revise the EIR to Consider Significant New Information Regarding Mountain Lions.

i. CEQA and CESA Require Analysis and Mitigation for Impacts to Mountain Lions.

Relevant authorities require preparation of a subsequent EIR in these circumstances. The California Environmental Quality Act ("CEQA") states that a subsequent or supplemental EIR may be required when either (1) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report or (2) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. (Pub. Res. Code § 21166.)

New information since the EIR was approved in 2018 that mountain lions in the Project area are facing an extinction vortex fits within both of these categories. Mountain lions in the Project area are part of the Central Coast South (CCS) population, which were granted "candidacy status" in April 2020 under CESA, such that they are afforded the same protections as other CESA-listed species. CEQA requires a "mandatory finding of significance" when a project has the potential to impact a CESA-listed species. (CEQA Guidelines § 15065(a)(1); *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 792 fn. 12.) And such a finding triggers a duty to consider and adopt all feasible alternatives or mitigation

B.4-11 cont.

measures to reduce such impacts. (Pub. Res. Code § 21002.) Moreover, under CESA, the County may not approve projects that could jeopardize the continued existence of these populations or result in destruction of essential habitat (Fish & Game Code § 2053(a)) and agencies must require that appropriate mitigation measures be implemented for projects that could destroy mountain lion habitat or impair connectivity (Fish & Game Code § 2054). Neither the 2018 EIR nor the 2025 PRDSEIR address these issues. Given that at least one mountain lion has been documented using a box culvert under the I-5 adjacent to the Project area (Exhibit E) moving from Grasshopper Canyon westerly into Marple Canyon, and there is other evidence of mountain lion presence in the vicinity,[1] adequate analyses and mitigation regarding the Project's impacts to mountain lions should be provided in a recirculated EIR.

ii. Numerous Scientific Studies Reveal That Mountain Lions in the Project Area are Threatened and the Project will Impact Their Long-term Survival

By way of background, continued habitat loss and fragmentation has led to 10 genetically isolated populations within California (Gustafson et al., 2018, 2021). There are six identified mountain lion populations in the Southern California and Central Coast Evolutionarily Significant Unit ("ESU"), and several are facing an extinction vortex due to high levels of inbreeding, low genetic diversity, high human-caused mortality rates from car strikes on roads, depredation kills, rodenticide poisoning, poaching, disease, and increased human-caused wildfires (Benson et al., 2016, 2019; Ernest et al., 2003, 2014; Gustafson et al., 2018; Riley et al., 2014; Vickers et al., 2015). This is detailed in the Center's petition to the California Fish and Game Commission to protect Southern California and Central Coast mountain lions under the California Endangered Species Act (Yap et al., 2019).

The effective population sizes (N_e) of the six populations within the ESU range from 2.3 to 26.9 (Gustafson et al., 2021). An effective population size of 50 is assumed to be sufficient to prevent inbreeding depression over five generations, while an effective population size of 500 is considered sufficient to retain evolutionary potential in perpetuity (Frankham et al., 2014; Traill et al., 2010). All six populations are well below that minimum threshold of 50 and none have an effective population size anywhere near 500, which indicates that these populations are at serious risk of becoming extirpated. Local mountain lions are located at the boundary of two ESU populations, the Central Coast South (CCS) and San Gabriel/San Bernardino (SGSB) populations. These southern California mountain lion populations are severely struggling. Low genetic diversity and high human-caused mortalities are driving mountain lions in the CCS and Santa Ana Mountains towards an extinction vortex (Benson et al., 2019). Scientists predict that the CCS populations is likely to become extinct within 50 years if gene flow with other mountain lion populations is not improved (Benson et al., 2019; Gustafson et al., 2021). Researchers have found that, of the California mountain lion subpopulations, the SGSB population has the smallest

[1] https://www.inaturalist.org/observations/70048855

B.4-11 cont.

effective population size and the smallest area of available habitat (Dellinger et al., 2020; Gustafson et al., 2021). Scientists suggest that the SGSB population "may be approaching levels of genetic drift and inbreeding similar to the well-monitored and genetically depauperate Santa Ana and Central Coast South populations" (Gustafson et al., 2021). Alarmingly, scientists have documented physical and reproductive signs of inbreeding depression in local mountain lions due to being boxed in by roads and development (Huffmeyer et al., 2021). If inbreeding depression sets in, the CCS population is predicted to have a 99% chance of becoming locally extinct within 50 years (Benson et al., 2019).

The Project area is located in the Sierra Pelona Mountains, an area that researchers have identified as one of the last remaining linkages for statewide genetic connectivity that is critical for the overall genetic health of Southern California and Central Coast mountain lions (Gustafson et al., 2021). It is in a sensitive and highly constrained area where the CCS, SGSB, and Western Sierra Nevada mountain lion populations converge (Yap et al., 2019). And, as mentioned, above, mountain lions have been recorded in the vicinity of the Project area and likely move through the area, as evidenced by the use of a nearby underpass to cross the I-5 going east to west (Exhibit E). One study found a single migrant improved the genetics of a small, isolated and inbred puma population in California (Gustafson et al., 2017), therefore any movement in and near the Project area, especially through adjacent crossings, is critical for gene flow and the long-term survival of local mountain lions. This emphasizes the importance of the Project area for maintaining and enhancing connectivity among and between the subpopulations and preserving habitat in the region. The SEIR fails to disclose this information and therefore fails to comply with CEQA.

Numerous studies highlight the impacts of human activities on mountain lions. Human-caused mortalities—including vehicle strikes, rodenticide poisoning, depredation kills, poaching, and wildfire—are the leading cause of death for mountain lions across California, exceeding natural mortality rates (Benson et al., 2020, 2023; Nisi et al., 2023; Vickers et al., 2015). In addition, human activities also alter these large carnivores' behavior in ways that likely further impede important movement and gene flow. For example, researchers found that mountain lions are so fearful of humans and noise generated by humans that they will abandon the carcass of a deer and forgo the feeding opportunity just to avoid humans (J. A. Smith et al., 2017). The authors concluded that even "non-consumptive forms of human disturbance may alter the ecological role of large carnivores by affecting the link between these top predators and their prey" (J. A. Smith et al., 2017). In addition, mountain lions have been found to respond fearfully upon hearing human vocalizations, avoiding the area and moving more cautiously when hearing humans (J. A. Smith et al., 2017; Suraci et al., 2019).

Other studies have demonstrated other shifts in behavior and movement patterns of pumas in response to human activities, like increased avoidance behavior in areas with more

B.4-11 cont.

roads and higher development densities and increased nocturnal activity as human presence increases (Bolas et al., 2025; Dougherty et al., 2025; Lucas, 2020; Nickel et al., 2020, 2021; Nisi et al., 2022, 2023; J. A. Smith et al., 2015, 2019; Y. Wang et al., 2017; Wilmers et al., 2013, 2021; Yovovich et al., 2020). Pumas have also been found to generally avoid areas with nearby night lighting (Barrientos et al., 2023). Thus, the increased human presence due to the Project's new roads and development could have significant negative impacts on puma survival and behavior, which could reduce the genetic health of the local population and ultimately diminish the long-term survival of the CCC population as well as the neighboring CCN and CCS populations. CEQA requires a recirculated EIR that adequately analyzes these potential impacts.

Another study further documented the impacts of human activities on mountain lions specifically on communication and reproductive behaviors important for their survival (Yovovich et al., 2020). Males use scrapes to delineate territories as well as attract potential mates (Allen et al., 2015, 2016), and the males in the study preferred to use relatively flat areas away from human influence as scrape habitat (Yovovich et al., 2020). Similarly, when nursing females (with kittens less than 8 weeks old) shrank their home ranges to an average of 9 km^2 while their young were most vulnerable, they also selected undeveloped lands away from human disturbance, opting for habitat with protective cover and sufficient water and prey availability (Yovovich et al., 2020). The loss of adequate undisturbed communication and nursery habitat could disrupt important communication and reproductive behaviors that facilitate social structure and overall survival. The authors predicted that future development within the Santa Cruz Mountains could reduce nursery and communication habitat by 20% and 50%, respectively, while further fragmenting the landscape. Such patterns likely extend to other regions within the proposed Southern California/Central Coast ESU.

Other studies document nuanced sensitivities of California mountain lions to human presence, activities, and infrastructure while also providing glimpses of how humans and mountain lions can safely coexist. Pumas in the Santa Cruz Mountains were found to less likely occur in areas with higher development densities (*i.e.*, areas with greater road and/or building densities) (Nickel et al., 2020). This aligns with other studies that have demonstrated that mountain lion avoidance behavior increases with greater development densities (J. A. Smith et al., 2015, 2019; Y. Wang et al., 2017; Wilmers et al., 2013). In addition, researchers found that in open space areas where recreational activities are allowed (*e.g.*, hiking, biking), mountain lions generally avoided human presence and became more nocturnal as human presence increased (Nickel et al., 2020). Similar shifts in puma behavior in response to human activities have been documented in other studies (Lucas, 2020; Suraci et al., 2019; Y. Wang et al., 2015, 2017). There is often a cost of these behavioral shifts, such as increased energy expenditure that could potentially reduce fitness. Studies have found that pumas expend more energy by increasing their kill rates in high housing density areas (J. A. Smith et al., 2017) and having higher nighttime activity in developed areas (Y. Wang et al., 2017). This is further supported by

B.4-11 cont.

a study that found mountain lions increased movement efficiency during the Covid-19 shutdown, which suggests that they incur energetic costs by increasing movement and space-use when avoiding human activity (Benson et al., 2021).

Although pumas have been found to have some flexibility to navigate urbanized landscapes, they spent more than 95% of their time away from developed areas and actively avoided open areas like golf courses, cemeteries, and other altered landscaped spaces (Riley et al., 2021). Mountain lions prefer larger habitat patches that are closer together and further away from buildings (Suraci et al., 2020), and they consistently select native vegetation types with dense cover, like chaparral, riparian woodland, and coastal sage scrub, with shrublands being their preferred habitat (Riley et al., 2021). This highlights the importance of intact and connected natural heterogeneous landscapes to the long-term health and persistence of constrained mountain lion populations. The authors state, "An important requirement for the effective conservation of at-risk mountain lion populations in southern California is preserving and enhancing connectivity between larger natural areas." (Riley et al., 2021). In addition, especially in areas where pumas are severely isolated and wildlife connectivity is already constrained, like in and near the Project area, it is important to note that even a single migrant from a different population can help enhance genetic diversity in inbred puma populations (Gustafson et al., 2017). This suggests that any area with important connectivity is critical for the long-term survival of local pumas. The proposed Project could drive local puma populations towards extinction while harming other wildlife.

There are many scientific studies that provide insights on the profound impacts human activities and infrastructure have on mountain lion survival, and they emphasize the need to adequately assess and mitigate impacts to these CESA candidate species in the Project area. These studies add to the accumulating evidence that mountain lions require a habitat mosaic that provides sufficient room to roam away from human-disturbed areas and connected to expansive, intact, heterogeneous habitats (Beier et al., 1995; Dickson et al., 2005; Dickson & Beier, 2002; Kertson et al., 2011; Zeller et al., 2017). Continued construction of roads and development in mountain lion habitat with little regard for their movement and behavioral needs, especially in an area where mountain lions have been detected and movement is already constrained, has significant direct and indirect lethal and sublethal impacts that threaten the persistence of Southern California and Central Coast puma populations. The SEIR fails to adequately assess and mitigate the Project's impacts to local mountain lions.

Mountain lions are a key indicator species of wildlife connectivity and healthy ecosystems. As the last remaining wide-ranging top predator in the region, the ability to move through large swaths of interconnected habitat is vital for genetic connectivity and their long-term survival. In addition, impacts to mountain lions in the region could have severe ecological consequences; loss of the ecosystem engineer could have ripple effects on other plant and animal

species, potentially leading to a decrease in biodiversity and diminished overall ecosystem function. Many scavengers, including California condors, kit foxes, raptors, and numerous insects, would lose a reliable food source (Barry et al., 2019; Ruth & Elbroch, 2014). Fish, birds, amphibians, reptiles, rare native plants, and butterflies would potentially diminish if this apex predator were lost (Ripple et al., 2014; Ripple & Beschta, 2006, 2008). In fact, a recent literature review found that mountain lions are important ecosystem engineers and have been documented to have ecological interactions with at least 485 plant and animal species (Labarge et al., 2022). Adequate assessment and mitigation of the Project's impacts to mountain lions is necessary to ensure their long-term survival as well as the long-term health of the area's biodiversity and ecosystems. The SEIR fails to adequately analyze and mitigate the Project's impacts to pumas.

B.4-11 cont.

Wildlife connectivity in this region is paramount for the survival of the Southern California mountain lions. Any project that does not adequately assess and address impacts to mountain lions and wildlife connectivity could lead to the extirpation of local mountain lions and severe loss of biodiversity and ecosystem function in the region. Further destruction of wildlife connectivity in the area will push local mountain lions closer towards extinction. See further discussion below regarding the SEIR's requirement to adequately describe, assess, and mitigate impacts to wildlife movement and connectivity.

D. The County Must Revise the EIR to Consider Significant New Information Regarding Burrowing Owls.

B.4-12

i. CEQA and CESA Require Analysis and Mitigation for Impacts to Burrowing Owls.

The previous EIR for the Project noted numerous burrowing owls have been documented in the Project area. Therefore, relevant authorities require preparation of a subsequent EIR in these circumstances to ensure potential impacts to burrowing owls are fully analyzed and, if needed, mitigated. The California Environmental Quality Act ("CEQA") states that a subsequent or supplemental EIR may be required when either (1) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report or (2) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. (Pub. Res. Code § 21166.)

New information since the EIR was approved in 2018 shows that western burrowing owls continuing to decline in California. On October 10, 2024, the California Department of Fish and Wildlife (CDFW) accepted a petition to list the Western Burrowing Owl as endangered under the California Endangered Species Act (CESA), determining the listing "may be warranted" and

B.4-12 cont.

advancing the species to the candidacy stage of the CESA listing process.[2] As a candidate species, the western burrowing owl now has full protection of a threatened species under CESA. (See Cal. Fish & Game Code §§ 2074.4, 2085; Cal. Code Regs. tit. 14 § 783.1(b).) "Take" of any endangered, threatened, or candidate species that results from a project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9.) Take of individual burrowing owls and their nests is defined as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill," and is prohibited by sections 3503, 3503.5 and 3513.

CESA's purpose is "to conserve, protect, restore, and enhance any endangered species or any threatened species and its habitat." (Fish & Game Code § 2052.) As such, CESA protects not only species facing imminent risk of extinction, but also those on a trajectory towards eventual extinction. An "endangered" species is one that is "in serious danger of becoming extinct throughout all, or a significant portion, of its range." (*Id*. § 2062.) In contrast, a "threatened" species is one that, "although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of . . . special protection and management efforts." (*Id*. § 2067.) And "candidate" species are those noticed for review for future listing or proposed to be added as endangered or threatened species, (Cal. Fish & Game Code §§ 2068, 2074.4), while also receiving protection under CESA. (Cal. Fish & Game Code §§ 2074.4, 2085; *see also* Cal. Code Regs. tit. 14 § 783.1(b).)

CESA requires development of "reasonable and prudent alternatives" that will not jeopardize the existence of a listed species but will maintain the project purpose to the greatest extent feasible. (Cal. Fish & Game Code § 2053(b).) In the event that such alternatives are infeasible, agencies may still approve individual projects if appropriate mitigation measures are implemented. (Cal. Fish & Game Code § 2054.)

CESA envisions these mandates will be incorporated into the CEQA process. (Cal. Fish & Game Code §§ 2064-2065; Cal. Code Regs., tit. 14, §§ 783.3 & 783.5.) CEQA requires a "mandatory finding of significance" if substantial evidence indicates that a Project may cause a "wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species[.]" (CEQA Guidelines § 15065(a)(1).) This means that projects that reduce a listed species' habitat or reduce the number or range of a listed species are deemed to have significant impacts on the environment as a matter of law. (See *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 792 fn. 12 [citing *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1273–1274].)

[2] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227089&inline

B.4-12 cont.

CEQA requires a "mandatory finding of significance" when a project has the potential to impact a CESA-listed species. (CEQA Guidelines § 15065(a)(1); *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 792 fn. 12.) And such a finding triggers a duty to consider and adopt all feasible alternatives or mitigation measures to reduce such impacts. (Pub. Res. Code § 21002.) Moreover, under CESA, the County may not approve projects that could jeopardize the continued existence of these populations or result in destruction of essential habitat (Fish & Game Code § 2053(a)) and agencies must require that appropriate mitigation measures be implemented for projects that could destroy mountain lion habitat or impair connectivity (Fish & Game Code § 2054). Neither the 2018 EIR nor the 2025 SEIR address these issues. Given that numerous burrowing owls have been documented in the Project area (2018 EIR Exhibit 5), adequate analyses and mitigation regarding the Project's impacts to burrowing should be provided in a recirculated EIR.

B.4-13

E. The County Must Revise the EIR to Consider Significant New Information Regarding Habitat Connectivity.

The California Environmental Quality Act (CEQA) requires an EIR to provide decision-making bodies and the public with detailed information about the effect a proposed project is likely to have on the environment, to list ways in which the significant effects of a project might be minimized, and to indicate alternatives to the project. (Pub. Res. Code § 21061.) CEQA further requires a lead agency to mitigate to the extent feasible significant impacts. (CEQA Guidelines § 15064.4.) The SEIR fails to provide sufficient analyses and mitigation for the Project's potential impacts to wildlife connectivity and special-status species that rely on connected habitats in and near the Project area, including mountain lions, and therefore fails to comply with CEQA. A recirculated EIR that complies with CEQA must be prepared.

New information since the EIR was approved in 2018 that mountain lions in the Project area are facing an extinction vortex and have been documented in the vicinity of the Project area, including an individual using an underpass adjacent to the Project area moving from Grasshopper Canyon westerly into Marple Canyon (Exhibit E), qualifies as (1) a substantial change with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report and (2) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. (Pub. Res. Code § 21166.). Given that mountain lions in the Project area are part of the Southern California and Central Coast proposed ESU that was granted "candidacy status" in April 2020 under CESA and mountain lions require ample amounts of intact, heterogeneous habitats to move freely and find the resources they need to survive, CEQA requires a supplemental EIR that adequately assesses and mitigates the Project's impacts to wildlife connectivity and special-status species.

B.4-14

ii. The SEIR Fails to Adequately Assess and Mitigate the Project's Impacts to Regional Wildlife Connectivity.

The 2018 EIR fails to consider the critical importance of regional wildlife connectivity for the long-term survival of mountain lions and many other species in the area. The 2018 EIR also fails to adequately disclose, assess, and mitigate the Project's impacts to wildlife connectivity. As mentioned above, the Project area is located in the Sierra Pelona Mountains, a mountain range within the Transverse Ranges that scientists have highlighted as "a critical conservation priority in order to maintain gene flow between the Southern Coast [mountain lion] populations and the Sierra Nevada or Central Coast groups" (Gustafson et al., 2021). The Project would remove mountain lion habitat and extend and fortify a movement barrier (i.e., the I-5) in an area where connectivity is already tenuous, as shown by numerous mountain lion genetics studies (e.g., Benson et al., 2019; Ernest et al., 2003; Gustafson et al., 2018, 2021). New roads and development and increased human activities in the area will further degrade any future connectivity restoration work at this barrier. The Project will significantly impact the area's rich biodiversity and could push the local mountain lions, particular the CCS and SGSB populations, further toward local extinction.

B.4-15

ii. The SEIR Fails to Adequately Assess and Mitigate the Project's Impacts to Wildlife Connectivity in and Adjacent to the Project Area.

The County relies on the inadequate and outdated 2018 EIR, which dismisses and diminishes the importance of the Project area for wildlife movement because of the presence of a dam, lagoon, and some development west of the lagoon, stating that "[o]nly local movement of species habituated to an urban landscape (e.g., coyote) are expected to navigate the extensive set of existing barriers. However, the SEIR fails to provide substantial evidence to support such claims. The 2018 EIR reports almost 900 acres of sage scrub communities, more than 450 acres of grasslands (which includes a significant amount of native grasslands), and almost 15 acres of riparian and open water communities (2018 EIR Table 5.2-1), and numerous sensitive and special-status species are known to occur in the Project area, including but not limited to western spadefoots, western toads, gopher snakes, common kingsnakes, coastal California gnatcatchers, burrowing owls, golden eagles, white-tailed kites, badgers, and mountain lions. And the Project area is surrounded by public lands and other undeveloped wildlands. Clearly numerous wildlife species are using and moving through the Project area. Yet no wildlife movement studies or adequate analyses were conducted. The SEIR fails to adequately disclose, assess, and mitigate the Project's impacts to wildlife connectivity.

The 2018 EIR fails to adequately assess and mitigate the Project's impacts to wildlife movement that is reliant on more than three miles of blue-line stream, ephemeral waters, and

B.4-15 cont.

almost 15 acres of riparian and open water habitat in the Project area. In fact, the 2018 EIR and the current EIR fail to mention Grasshopper Creek and its tributaries in its wildlife movement discussion at all, merely referring to Castaic Creek and Castaic Dam. This is a serious misrepresentation of the Project area's importance for wildlife connectivity.

Permanent and ephemeral streams and wetlands provide important live-in and move-through habitat for a wide variety of species. For example, riparian habitats associated with streams provide important connectivity for a wide variety of species, including numerous resident and migratory birds, monarch butterflies (which have been documented nearby[3]), wide-ranging animals like bobcats and mountain lions.

Intermittent and ephemeral rivers and streams are often underestimated habitats despite their importance as live-in and move-through habitat. Recent scientific literature states that "[i]n many intermittent streams, remnant pools persist after flow ceases and provide refuge for aquatic organisms"(Bogan et al., 2019). The researchers state:

> Remnant pools in intermittent streams should be a focus of conservation efforts in regions with a Mediterranean climate, especially during extreme droughts. Native fauna adapted to harsh intermittent flow regimes can thrive in these habitats, whereas non-native taxa may fare poorly. Furthermore, remnant pools supported by deep groundwater sources, such as those along geological faults, may provide both ecological refuge and evolutionary refugia for freshwater biota. (Bogan et al., 2019)

Hydroperiod diversity is important for native amphibian population stability. Intermittent and ephemeral habitats are important refugia from invasive fish and American bullfrogs that outcompete and prey upon native amphibians in permanent waterbodies. They may also be important refuge and recovery sites for native amphibian species after extreme drought. Many native amphibian species, like western spadefoot and western toads that have been documented in the Project area, are adapted to successfully reproduce in seasonally-drying wetlands, including intermittent streams and vernal pools. But during dry years some species may go to permanent waterbodies to breed while species with long-lived adult forms may be able to recover quickly from a skipped breeding season. Although amphibian population declines due to drought have been observed, these adaptations make them more resilient than invasive species to rebound and recover (Moss et al., 2021). In fact, researchers have found that invasive fish and bullfrogs were extirpated from several permanent ponds that had completely dried out during extreme drought, which, once refilled with water, opened up new sites for native species to re-colonize

[3] https://www.inaturalist.org/observations?subview=map&taxon_id=48662

B.4-15 cont.

(Moss et al., 2021). This indicates that conserving intermittent and ephemeral waterways is vital for native amphibians to persist, particularly in areas where invasive species may occur or have the potential to occur. As climate change intensifies, preservation of connected habitats with diverse hydroperiods is vital for the persistence and metapopulation dynamics of native amphibians.

Around 90% to 95% of historic riparian habitat in the state has been lost. Continued destruction and degradation of what little is left will have severe, harmful impacts on overall biodiversity, ecosystem function and climate change resilience. Yet the SEIR ignores and fails to adequately assess and mitigate the Project's impacts to permanent and ephemeral streams and wetlands that both facilitate wildlife movement and need connectivity to upland habitat.

The SEIR's inadequate description of the baseline environmental conditions on the Project site and vicinity undermine its effectiveness as an informational document. It is critical for the SEIR to clearly disclose and adequately assess the importance and function of the habitats that occur in the Project area and the special-status species that are known or have the potential to occur or historically occurred in these habitats so that the public can determine whether the EIR adequately assesses and mitigates the Project's impacts. The SEIR effectively dismisses and downplays the Project area's importance supporting high levels of biodiversity and wildlife connectivity and ultimately fails to adequately describe and assess existing conditions while contradicting the best available science. The SEIR fails to mitigate impacts to wildlife connectivity, mountain lions, and other sensitive species to less than significant and fails to comply with CEQA.

As detailed in a 2021 Center Report (Yap, Rose, Anderson, et al., 2021), roads and development create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned development and roads can affect an animal's behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function (Brehme et al., 2013; Ceia-Hasse et al., 2018; Haddad et al., 2015; Marsh & Jaeger, 2015; Mitsch & Wilson, 1996; Trombulak & Frissell, 2000; van der Ree et al., 2011). For example, habitat fragmentation from roads and development has been shown to cause mortalities and harmful genetic isolation in mountain lions in Southern California and along the Central Coast (Ernest et al., 2014; Gustafson et al., 2021; Riley et al., 2014; Vickers et al., 2015), increase local extinction risk in amphibians and reptiles (Brehme et al., 2018; Cushman, 2006)., cause high levels of avoidance behavior and mortality in birds and insects (Benítez-López et al., 2010; Kantola et al., 2019; Loss et al., 2014), and alter pollinator behavior and degrade habitats (Aguilar et al., 2008; Goverde et al., 2002; Trombulak & Frissell, 2000).

B.4-15 cont.

Habitat loss and fragmentation also severely impacts plant communities. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes (Damschen et al., 2019). The authors conclude that efforts to preserve and enhance connectivity will pay off over the long-term (Damschen et al., 2019). In addition, connectivity is important to allow for range shifts and species migrations as climate changes (Cushman et al., 2013; Heller & Zavaleta, 2009; Krosby et al., 2018). Loss of wildlife connectivity decreases biodiversity and degrades ecosystems. It also prevents the reestablishment of native species, like bald eagles, vernal pool fairy shrimp, and valley elderberry longhorn beetles that may occur in or near the Project area.

Edge effects like traffic, noise, and light from Project construction and operation will have impacts on wildlife and wildlife movement in an area that is already constrained. This is important to consider when open space and connectivity enhancement projects (i.e., a wildlife crossing project in the CDFW priority barrier at El Casco Creek) are nearby, as numerous wildlife have been found to be sensitive to edge effects. For example, field observations and controlled laboratory experiments have shown that traffic noise can significantly degrade habitat value for migrating songbirds (Ware et al., 2015). Subjects exposed to 55 and 61 dBA (simulated traffic noise) exhibited decreased feeding behavior and duration, as well as increased vigilance behavior (Ware et al. 2015). Such behavioral shifts increase the risk of starvation, thus decreasing survival rates. Another study found a 28% decrease in bird abundance in areas when traffic noise was present compared to when there was no traffic noise (McClure et al., 2013). Negative edge effects of roads and development have been documented in wide-ranging predators, such as mountain lions and bobcats (Crooks, 2002; Delaney et al., 2010, 2021; Lee et al., 2012; Riley et al., 2006; J. A. Smith et al., 2015), as well as smaller species with poor dispersal abilities, such as song birds, small mammals, and herpetofauna (Benítez-López et al., 2010; Cushman, 2006; Kociolek et al., 2011; Slabbekoorn & Ripmeester, 2008).

It is widely recognized that the continuing fragmentation of habitat by humans threatens biodiversity and diminishes our (humans, plants, and animals) ability to adapt to climate change. In a report for the International Union for Conservation of Nature (IUCN), world-renown scientists from around the world stated that "[s]cience overwhelmingly shows that interconnected protected areas and other areas for biological diversity conservation are much more effective than disconnected areas in human-dominated systems, especially in the face of climate change" and "[i]t is imperative that the world moves toward a coherent global approach for ecological connectivity conservation, and begins to measure and monitor the effectiveness of efforts to protect connectivity and thereby achieve functional ecological networks" (Hilty et al., 2020). New roads and development and increased human activities in the Project area will significantly impact wildlife connectivity and the rich biodiversity in the region. The SEIR fails to adequately disclose, assess, and mitigate the Project's impacts to wildlife connectivity.

B.4-16

III. THE PRDSEIR'S NEW ANALYSIS OF WILDFIRE RISK REMAINS INADEQUATE.

Wildfires are a natural and necessary process in many of California's ecosystems, and many areas need beneficial fire to restore ecosystem health and cultural connection to the land. However, the last decade of unprecedented wildfires in the wildland urban interface (WUI)—where homes extend into the natural landscape—has been devastating for people and wildlife. Poor land-use planning plays a primary role in destructive wildfire.

Since 2015, California wildfires have killed more than 230 people and destroyed more than 75,000 structures in the wildland urban interface (WUI), where homes extend into the natural landscape. Hundreds of thousands of people have had to evacuate their homes and endure power outages, and millions have been exposed to unhealthy levels of smoke and toxic air, soil, and water pollution. Meanwhile costs for fire suppression, loss of life, medical expenses, property damage, and indirect economic losses are in the hundreds of billions of dollars.

On January 7, 2025, the world watched Los Angeles go up in flames. In a matter of just three days, fires killed at least 29 people, destroyed more than 16,000 structures, and burned more than 34,000 acres of shrublands and oak woodlands. Post-fire rains caused flooding, mudslides, and debris flows, which threatened communities and polluted nearby waters. Toxic debris plagues the landscape, with dangerously high levels of lead, arsenic, and other metals in soils within and near the fire footprint.

Costs of wildfires are skyrocketing. Researchers found that the 2018 California wildfires, which included the Camp Fire that burned through Paradise and the Woolsey Fire that burned through Ventura and Santa Barbara, resulted in $148.5 billion in in capital losses, health costs related to air pollution exposure, and indirect losses due to broader economic disruption cascading along regional and national supply chains (D. Wang et al., 2021).

Experts estimate the costs of the 2025 Los Angeles fires could be as high as $432 billion when considering property and capital losses, wages lost by local businesses and employees, and a decline in county-level GDP (Li & Yu, 2025). These estimates do not include the costs of health impacts; costs could continue to rise as we learn more about the extent of the damage and the long-term impacts of exposure to toxic air pollutants, soil pollutants, contaminated water, and the trauma of fleeing wildfires and/or losing homes, schools, and communities.

The science is irrefutable. Almost all destructive wildfires are accidentally ignited by humans or human infrastructure near roads and development (Balch et al., 2024; Chen & Jin, 2022; Syphard, Rustigian-Romsos, et al., 2019). Development in fire-prone landscapes increases ignition risk while climate change is amplifying fire conditions. Meanwhile, developers make

money by selling risky homes, leaving the burden of recovery on homeowners and taxpayers. Yet the SEIR fails to adequately assess and mitigate the Project's impacts to wildfire risk and instead downplays the Project area's existing conditions and creates a false sense of security with minimal and inadequate mitigation.

B.4-16 cont.

CEQA requires an EIR to identify and analyze a project's significant environmental impacts, including those impacts caused or exacerbated "by bringing development and people into the area affected." (Pub. Resources Code, §§ 21002, 21002.1, subd. (a); CEQA Guidelines, § 15126.2, subd. (a).) The impacts of development in areas prone to wildfire specifically require consideration: "the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, *wildfire risk areas*), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazard areas." (CEQA Guidelines, § 15126.2, subd. (a), emphasis added.)

In 2018, the State officially recognized that introduction of development in the WUI increases ignition risk. (OPR 2018 Final Statement of Reasons – Update to CEQA Guidelines Checklist]; see also *Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161, 193 [recognizing potential for significant environment effects when project brings new development to a wildfire prone area].) Moreover, as discussed in a 2021 Center Report, "*Built to Burn: California's Wildlands Developments are Playing with Fire*," policymakers must reckon with California's wildfire history and acknowledge that reckless land-use policies are increasing wildfire risk and putting more people in harm's way (Yap, Rose, Broderick, et al., 2021).

B.4-17

A. The PRDSEIR Fails to Adequately Describe and Assess the Project's Wildfire Ignition Risk.

A California Court of Appeal recently blocked development over wildfire concerns because the county failed to assess wildfire ignition risk. (See *People ex rel. Bonta v. County of Lake* (2024) 105 Cal.App.5th 1222, 1235 [finding that EIR must sufficiently discuss the project's potential adverse effect of human-cause ignitions and analyze in some detail how the project's design or mitigation measures alleviates such risks, and lead agency failed to utilize industry standard modeling tools or appropriate methodologies for its conclusory findings]). The PRDSEIR fails to do this.

The PRDSEIR falsely and erroneously states that "[n]either construction nor operation of the Project would exacerbate wildfire risks, thereby exposing occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire" (PRDSEIR at 2-67) without providing substantial evidence to support such a claim. The PRDSEIR further dismisses wildfire

B.4-17 cont.

risk, stating that the "level of risk is no greater than similar communities in the area and generally better than projects constructed prior to the current regulatory standards" (PRDSEIR at 2-66), without adequately disclosing or assessing the area's baseline conditions. The wildfire risk of existing communities in fire-prone areas is exceptionally high, as is evidenced by the numerous accidental ignitions in the WUI that have caused unprecedented levels of destruction and death in the last decade, and the risk of these existing communities is irrelevant to the Project's needed wildfire risk assessment. The science clearly shows that placing any new human presence in high fire-prone areas inevitably increases ignition risk. The Project would bring more roads and development and increased human activity into fire-prone areas, thereby increasing ignition risk and endangering the lives of new residents and existing communities.

According to a report from Governor Gavin Newsom's Office, construction of more homes in the wildland-urban interface is one of the main factors that "magnify the wildfire threat and place substantially more people and property at risk than ever before" (Governor Newsom's Strike Force, 2019). Another 2019 study found that housing and human infrastructure in fire-prone wildlands are the main drivers of fire ignitions and structure loss (Syphard et al., 2019). Sprawl developments extending into habitats that are prone to fire have led to more frequent wildfires caused by human ignitions, like power lines, arson, improperly disposed cigarette butts, debris burning, fireworks, campfires, or sparks from cars or equipment (Alexandre, Stewart, Keuler, et al., 2016; Alexandre, Stewart, Mockrin, et al., 2016; Balch et al., 2017; Bistinas et al., 2013; Keeley et al., 1999; Keeley & Fotheringham, 2003; Keeley & Syphard, 2018; Radeloff et al., 2018; Syphard et al., 2007, 2012; Syphard, Rustigian-Romsos, et al., 2019).

Reckless land-use planning that extends the WUI further into California's fire-prone landscape is causing fires to be more destructive. Almost all destructive wildfires are accidentally ignited by humans or human infrastructure near roads and development (Balch et al., 2024; Chen & Jin, 2022; Syphard, Rustigian-Romsos, et al., 2019). For example, the 2018 Camp and Woolsey fires and 2017 Tubbs and Thomas fires were sparked by powerlines or electrical equipment and the 2017 Carr fire was caused by car sparks. Exhibit 3.2-6 in the EIR shows the increased ignitions along roads. And although still under investigation, embers from a previous fire ignited by fireworks is suspected to have caused the Palisades Fire and a spark from a southern California Edison powerline likely caused the Eaton Fire. Placing more homes and people in high fire-prone areas would only increase the potential likelihood of these ignition sources, as has been documented in multiple scientific studies (Balch et al., 2017; Bistinas et al., 2013; Keeley et al., 1999; Keeley & Fotheringham, 2003; Keeley & Syphard, 2018; Radeloff et al., 2018; Syphard et al., 2007, 2012; Syphard, Rustigian-Romsos, et al., 2019).

The PRDSEIR also fails to adequately discuss the role of climate as it pertains to wildfire risk in the Project area. California's climate facilitates wildfire. With typically cool wet winters and hot dry summers, vegetation will grow and then dry out over the course of the year. Strong

seasonal winds, known as the Santa Ana winds in the Project area, occur in the fall and winter. If there is little or no precipitation prior to a strong wind event and a fire has been ignited, the winds can spread the fire dangerously fast (Cayan et al., 2022; Keeley et al., 2024). B.4-17 cont.

Winds drive the fastest, deadliest, and most destructive wildfires in the U.S. (Balch et al., 2024). And researchers have found that fires are spreading faster. Between 2001 and 2020 the maximum daily growth rate of wildfires in the U.S. more than doubled, and California fires grew almost 400% faster (Balch et al., 2024). Experts suggest that this trend could be due to warming temperatures, habitat conversion to more flammable vegetation (i.e., nonnative grasses), and/or the co-occurrence of high winds with increasing human-related ignitions (Balch et al., 2024). Although the winds do not ignite the fires, ignitions in the WUI often coincide with strong wind events (Abatzoglou et al., 2018; Hantson et al., 2022; Mietkiewicz et al., 2020). Almost always ignited by humans and human infrastructure in dry shrublands and grasslands, these wildfires spread quickly and are difficult to contain during windy conditions, which amplifies their negative impacts to people and ecosystems (Hantson et al., 2022).

The three most destructive wildfires in California were driven by wind. Earlier this year, the Eaton Fire burned more than 10,000 acres within just 16 hours of ignition, damaging more than 9,000 structures and killing at least 18 people. The Palisades Fire burned more than 17,000 acres in the first 36 hours of ignition and resulted in almost 7,000 structures burning and at least 12 people dying. And in 2018 the Camp Fire burned more than 50,000 acres in its first day, eventually becoming California's deadliest and most destructive wildfire, killing 85 people and destroying almost 19,000 structures.

The Hughes Fire, which ignited on January 22, 2025 just east of the Project area, burned through more than 10,000 acres of land in less than 11 hours.[4] Although no one was injured, 31,000 people were under mandatory evacuations and more than 14,000 structures were at risk of burning. Yet the SEIR fails to mention this nearby fair and fails to adequately disclose and assess the prevailing winds in the Project area that influence and exacerbate the Project's wildfire ignition risk. The SEIR fails to comply with CEQA. B.4-18

The PRDSEIR also fails to adequately assess the impacts climate change on wildfire risk. Climate change is exacerbating extreme weather conditions and wildfire impacts (Williams et al., 2019). The number of days with extreme fire weather conditions in California has doubled since 1980, and further climate change will amplify that trend (Goss et al., 2020). Hotter and drier conditions combined with later and shorter rainy seasons are making the landscape more conducive to wildfire ignitions and spread while lengthening the fire season (Dong et al., 2022; Goss et al., 2020; Luković et al., 2021; Ma et al., 2021; Swain, 2021). Wildfire risk is now year-

[4] CalFire (2025). Hughes Fire Status Update Reports. Available at: https://www.fire.ca.gov/incidents/2025/1/22/hughes-fire/updates.

round. Continued climate change and increasing fire conditions will lead to more intense and more destructive wildfires (MacDonald et al., 2023). The SEIR fails to adequately assess the Project's wildfire risk.

B.4-18 cont.

B.4-19

B. The PRDSEIR Fails to Adequately Mitigate the Project's Wildfire Risk.

The PRDSEIR fails to adequately mitigate wildfire ignition risk in the Project area while attempting to instill a false sense of security. The PRDSEIR erroneously concludes that the Project would have a "less than significant impact" before mitigation and "no mitigation is necessary" (PRDSEIR at 2-69) despite the best available science and numerous fire science experts demonstrating study after study that any increase extension of development into fire-prone areas increases ignition risk. Instead, the PRDSEIR relies on "project design features" for wildfire prevention and protection (PRDSEIR at 2-67); however, these measures are inadequate. As courts have repeatedly held, project design features cannot be used to avoid thorough analysis of a project's environmental impacts and adoption of adequate mitigation. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645.) In particular, the efficacy of project design features cannot be assessed against an undefined wildfire impact and lack the enforceability of mitigation measures. Therefore, the Project's wildlife analysis is inadequate and violates CEQA.

The science clearly shows that placing any new human presence in high fire-prone areas inevitably increases ignition risk, yet the PRDSEIR simply relies on "project design features" that include compliance with Chapter 7A of the California Building Code, internal sprinklers, fuel breaks and fuel modification zones, a new fire station location (not an actual fire station with funded equipment and personnel) (PRDSEIR at 2-67). These measures do not guarantee safety when (not if) a fire burns through the area. While fire-resistant measures can reduce wildfire risk, they cannot make structures or communities fireproof. In an analysis that included more than 40,000 structures exposed to wildfire between 2013 and 2018 in California, many structures deemed "firesafe" were destroyed. And while an analysis conducted in the aftermath of the 2018 Camp Fire showed that new building codes improved home survival, with 38.5% of homes built to code undamaged compared to 11.5% of homes built prior to 2008, 61.5% of the homes built to fire-safety codes were still destroyed (Knapp et al., 2021).

In addition, even if the Project includes "a new fire station location" (PRDSEIR at 2-67), there is no guarantee that a fire station would actually be built. And even if it were to be built, it is unclear if human and monetary capital will be sufficient to sustain and maintain a new fire station. There is no requirement that the developer pay for the county's costs of building or operating a station, nor is there any guarantee that sufficient firefighting personnel and equipment will be available. During the LA wildfires in January 2025, firefighters lacked enough personnel and fire engines to keep all communities safe (Fuller et al., 2025; Toohey & Fry, 2025). The personnel cost over the life of the Project (essentially forever) will likely be hundreds

of millions of dollars. Funding is already lacking for the increasing costs of fire suppression and property damage from wildfires in California, and the developer is not required to reimburse the California Department of Forestry and Fire Protection (CalFire) for the many millions (or billions) of dollars CalFire will likely expense when (not if) Centennial needs to be defended from wildfire. The cost of fire suppression in areas managed by CalFire has skyrocketed from $114 million in the 2000-2001 fiscal year to close to $3 billion for the 2020-2021 and 2021-2022 fiscal years combined (CalFire 2022). The Legislative Analyst's Office (LAO) reported that CalFire used an estimated $3.3 billion for wildfire protection and suppression in the 2022-2023 fiscal year (LAO 2023). And as mentioned previously, climate change is amplifying extreme weather conditions and wildfire risk (Goss et al., 2020; Swain, 2021; Swain et al., 2018, 2025), which is making it more challenging to protect communities from wildfire. Such information must be analyzed when assessing wildfire risk. The PRDSEIR fails to adequately assess and mitigate the Project's impacts to wildfire risk to less than significant. B.4-19 cont.

Development in and near fire-prone areas should be avoided. If unavoidable, mitigation measures should require structures to have ember-resistant vents, fire-resistant roofs, fire-resistant siding, double-paned windows, and irrigated defensible space immediately adjacent to structures and around communities. External sprinklers (not internal sprinklers, which are proposed in the SEIR) with an independent water source could reduce structures' flammability. Rooftop solar and clean energy microgrids could reduce fire risk from utilities' infrastructure during extreme weather. In addition, mitigation measures should include equitably retrofitting existing communities near the Project area with similar fire-resilient measures, providing wildfire personal protective equipment (e.g., N95 masks, air purifiers), and shelter-in-place facilities. Education and awareness for workers, new residents, and nearby communities should be provided and include how to reduce ignition risk. Maintenance and enforcement of ignition reduction measures should be funded and implemented in perpetuity. In addition, developers should be responsible for the insurability of homes and structures as well as recovery and remediation costs when (not if) a fire occurs in or near the Project area.

C. The EIR Must Incorporate Traditional Ecological Knowledge and Indigenous Science into Its Wildfire Analysis. B.4-20

The PRDSEIR fails to mention or discuss the area's historical fire regimes and the role Indigenous communities likely played in shaping the fire ecology of habitats in and adjacent to the Project area. Indigenous communities should be included in discourse over climate change and wildfire. They are disproportionately impacted by wildfire. Native Americans were found to be six times more likely than other groups to live in high fire-prone areas, and high vulnerability due to socioeconomic barriers makes it more difficult for these communities to recover after a large wildfire (Davies et al., 2018). In addition, farmworkers, who are majority people of color

and often include migrant workers that come from Indigenous communities, often have less access to healthcare due to immigration or economic status. They are more vulnerable to the health impacts of poor air quality due to increased exposure to air pollution as they work. Yet farmworkers often have to continue working while fires burn, and smoke fills the air, or risk not getting paid (Herrera, 2018; Kardas-Nelson et al., 2020; Parshley, 2018). B.4-20 cont.

Ramos (2022) states, "Indigenous communities have often been marginalized in the sciences through research approaches that are not inclusive of their cultures and histories." Traditional ecological knowledge ("TEK") is often excluded from analyses or distilled to conform to Western science (Ramos, 2022). EIRs, like this one, often fail to acknowledge that Indigenous communities and cultural burning played a role in California's historical fire activity and often only mention previous wildfires in the area in CalFire records. This perpetuates the exclusion and marginalization of Indigenous communities and TEK. Consultation with local Native Tribes and incorporation of Indigenous science, including but not limited to oral histories, ethnographies (that may include burn scars and charcoal records), and archeological data should be incorporated in fire history analysis. As a society, we need to work towards integrative research that "transcends disciplinary boundaries" and employs a range of methodological options to get a deeper understanding of the relationship between people and ecosystems (Ramos, 2022). Doing so will help inform fire management strategies and mitigation measures that work towards reducing harms of wildfire to people while facilitating beneficial fire for the appropriate ecosystems.

D. Increased Development in Fire Zones Disrupts Natural Fire Regimes and Harms California's Ecosystems and Wildlife. B.4-21

Wildlife and the habitats they rely on have also suffered from the last decade of unprecedented fires in the WUI. Fragmented populations of sensitive species, like mountain lions, California condors, and San Joaquin kit foxes, are vulnerable to further habitat loss and fragmentation as well as the fires themselves, smoke inhalation and air pollution, post-fire landslides, and toxic runoff. The Project could amplify harms by increasing unintentional human-driven wildfires that disrupt natural fire regimes, further degrade ecosystems, and threaten California's wildlife.

E. Unintentional Wildfires Caused by Poorly Sited Development Cause Poor Air Quality and Harm People. B.4-22

As discussed in the Center for Biological Diversity's report, *The True Cost of Sprawl: Bad Planning Harms People, Wildlife and the Climate* (Reid-Wainscoat et al., 2024), unintentional wildfires due to human activity and ill-placed developments lead to increased occurrences of poor outdoor and indoor air quality from $PM_{2.5}$ from smoke (*e.g.*, Phuleria et al.,

2005), which can have both acute and long-term health effects that disproportionately affect vulnerable populations, like children, the elderly, those with underlying chronic disease, low-income communities, and communities of color. Hospital visits for respiratory symptoms (*e.g.*, asthma, acute bronchitis, pneumonia, or chronic obstructive pulmonary disease) and cardiovascular symptoms (*e.g.*, congestive heart failure, ischemic heart disease, and myocardial infarction) have been shown to increase during and/or after fire events (Delfino et al., 2009; Künzli et al., 2006; Liu et al., 2015; Rappold et al., 2012; Reid, Brauer, et al., 2016; Viswanathan et al., 2006). In addition, epidemiologists have found that increased exposure to wildfire smoke may also be linked to higher rates of dementia (B. Zhang et al., 2023; Z. Zhang et al., 2023). Researchers estimated that between 2008 and 2018 more than 50,000 premature deaths were caused by California wildfire smoke (Connolly et al., 2024). And wildland firefighters are suffering disproportionately high rates of cancer and other serious diseases, likely due to extreme smoke exposure (Hwang et al., 2023; Johnson & Lam, 2023), as well as mental health issues due to extended fire seasons and working extended shifts away from their families (Ashton et al., 2018; Bransford et al., 2018; Del Real & Kang, 2018; Greene, 2018; Gutierrez, 2018; Simon, 2018). B.4-22 cont.

Increases in wildfire also result in higher frequency and toxicity of smoke exposure to communities in the path of and downwind of the fires. This has become evident especially with the 2025 LA wildfires, where toxic air pollution and runoff from burned buildings and urban infrastructure are a growing concern. This can lead to harmful public health impacts due to increased air pollution not only from burned vegetation, but also from burned homes, commercial buildings, cars, etc. Buildings and structures often contain plastic materials, metals, and various stored chemicals that release toxic chemicals when burned, such as pesticides, solvents, paints, and cleaning solutions (Weinhold, 2011). During the 2018 Camp Fire that burned 19,000 structures, the smoke caused dangerously high levels of air pollution in the Sacramento Valley and Bay Area and the California Air Resources Board found that high levels of heavy metals like lead and zinc traveled more than 150 miles (CARB, 2021). And unsafe levels of lead, arsenic, and other dangerous metals have been documented in and downwind of the Eaton and Palisades fire footprints (Champlin, 2025; H. Smith & Briscoe, 2025).

F. More Unintentional Ignitions Due to Development in Fire Zones Increases Firefighting Costs and Strain on Firefighters. B.4-23

More development in fire-prone areas will necessitate significant firefighting costs from both state and local authorities. CalFire is primarily responsible for addressing wildfires when they occur, and its costs have continued to increase as wildfires in the wildland-urban interface have grown more destructive. As mentioned above, the cost of fire suppression in areas managed by CalFire has skyrocketed from $114 million in the 2000-2001 fiscal year to close to $3 billion for the 2020-2021 and 2021-2022 fiscal years combined (CalFire 2022). The Legislative

Analyst's Office (LAO) reported that CalFire used an estimated $3.3 billion for wildfire protection and suppression in the 2022-2023 fiscal year (LAO 2023). This does not include the cost of lives lost, property damages, or clean up. As noted above, the vast majority of wildfires in California are unintentionally ignited by people in poorly-planned development in high fire prone areas (Balch et al., 2017; Keeley & Syphard, 2018). More development in high fire hazard areas will increase unintentional ignitions and associated fire suppression costs. B.4-23 cont.

Climate change is increasing extreme weather and fire conditions, which, in combination with poorly planned development, has led to more ignitions and longer fire seasons that are increasing strain on over-burdened firefighters and first responders. According to Captain Michael Feyh of the Sacramento Fire Department, California no longer has a fire season (Simon, 2018); wildfires in California are now year-round because of increased human ignitions in fire-prone areas. Emergency calls to fire departments have tripled since the 1980s (Gutierrez & Cassidy, 2018), and firefighters (and equipment) are being spread thin throughout the state. Firefighters often work 24- to 36-hour shifts for extended periods of time (often weeks at a time), and are being kept away from their homes and families for more and more days out of the year (Ashton et al., 2018; Bransford et al., 2018; Del Real & Kang, 2018; Greene, 2018; Gutierrez, 2018; Simon, 2018). In addition, the firefighting force often must rely on volunteers to battle fires year-round. At its peak, more than 16,000 firefighters from the U.S., Canada, and Mexico, including from prison systems, were combatting the 2025 LA wildfires.

The extended fire season is taking a toll on the physical, mental, and emotional health of firefighters, as well as the emotional health of their families (Ashton et al., 2018; Del Real & Kang, 2018; Simon, 2018). As mentioned above, wildland firefighters are suffering disproportionately high rates of cancer and other serious diseases, likely due to extreme smoke exposure (Hwang et al., 2023; Johnson & Lam, 2023). For those fighting urban conflagrations, exposure to hazardous pollutants are even higher. In a preliminary study conducted on firefighters who fought the LA wildfires, lead and mercury blood levels were five and three times higher compared to firefighters who fought vegetation wildfires (Hernandez, 2025). In addition, the physical and mental fatigue of endlessly fighting fires and experiencing trauma can lead to exhaustion, which can cause mistakes in life-or-death situations while on duty, and the constant worry and aftermath that family members endure when their loved ones are away working in life-threatening conditions can be harrowing (Ashton et al., 2018). According to psychologist Dr. Nancy Bohl-Penrod, the strain of fighting fires without having sufficient breaks can impact firefighters' interactions with their families, their emotions, and their personalities (Bransford et al., 2018). There have also been reports that suicide rates and substance abuse have increased among firefighters (Cart, 2022; Greene, 2018; Simon, 2018).

G. Wildfire Disproportionately Affects Low-Income and Minority Communities. B.4-24

B.4-24 cont.

Wildfire impacts disproportionately affect low-income and minority communities. As discussed in the Center's 2021 Built to Burn report (Yap, Rose, Broderick, et al., 2021):

> Past environmental hazards have shown that those in at-risk populations (*e.g.,* low-income, elderly, disabled, non-English-speaking, homeless) often have limited resources for disaster planning and preparedness (Richards, 2019). Vulnerable groups also have fewer resources to have cars to evacuate, buy fire insurance, implement defensible space around their homes, or rebuild, and they have less access to disaster relief during recovery (Davis, 2018; Fothergill & Peak, 2004; Harnett, 2018; Morris, 2019; Richards, 2019).
>
> In addition, emergency services often miss at-risk individuals when disasters happen because of limited capacity or language constraints (Richards, 2019). For example, evacuation warnings are often not conveyed to disadvantaged communities (Davies et al., 2018). In the aftermath of wildfires and other environmental disasters, news stories have repeatedly documented the lack of multilingual evacuation warnings leaving non-English speakers in danger. (Axelrod, 2017; Banse, 2018; Gerety, 2015; Richards, 2019). Survivors are left without resources to cope with the death of loved ones, physical injuries and emotional trauma from the chaos that wildfires have inflicted on their communities.
>
> Health impacts from wildfires, particularly increased air pollution from fine particulates ($PM_{2.5}$) in smoke, also disproportionately affect vulnerable populations, including low-income communities, people of color, children, the elderly and people with pre-existing medical conditions (Delfino et al., 2009; Hutchinson et al., 2018; Jones et al., 2020; Künzli et al., 2006; Reid, Jerrett, et al., 2016).
>
> Increased $PM_{2.5}$ levels during wildfire events have been associated with increased respiratory and cardiovascular emergency room visits and hospitalizations, which were disproportionately higher for low socioeconomic status communities and people of color (Hutchinson et al., 2018; Jones et al., 2020; Liu et al., 2017; Reid, Jerrett, et al., 2016). Similarly, asthma admissions were found to have increased by 34% due to smoke exposure from the 2003 wildfires in Southern California, with elderly and child age groups being the most affected (Künzli et al., 2006).
>
> Farmworkers, who are majority people of color, often have less access to healthcare due to immigration or economic status. They are more vulnerable to the health impacts of poor air quality due to increased exposure to air pollution as

they work. Yet farmworkers often have to continue working while fires burn, and smoke fills the air, or risk not getting paid (Herrera, 2018; Kardas-Nelson et al., 2020; Parshley, 2018).

B.4-24 cont.

When wildfires burn through communities, they threaten homes, livelihoods, lives, and health. In addition to the immediate impacts of lives and homes lost, evacuations and displacement, impacts from air pollution, soil contamination, lost jobs, and the trauma of escape and recovery extend well beyond the fire footprint and last long after the fire is extinguished. The SEIR fails to adequately assess and mitigate the Project's impacts to wildfire risk and the aftermath of a wildfire when it burns through communities in and near the Project area.

IV. THE PRDSEIR'S REVISED SECTIONS REGARDING IMPACTS TO WESTERN SPADEFOOT REMAIN INADEQUATE.

B.4-25

Due to their dependence on ephemeral aquatic breeding sites connected to suitable upland habitat, western spadefoots are particularly sensitive to habitat disruption. Increasingly fragmented habitats can create isolated subpopulations that have higher risks of local extinction (Neal et al., 2020). In southern California, western spadefoot populations have become extremely fragmented, and persistence of remaining subpopulations of is fragile (Halstead et al., 2021; Neal, 2019; Neal et al., 2020).

Additionally, western spadefoots are demographically unstable, meaning their population recruitment varies from year to year depending on environmental conditions, especially rainfall (Fisher & Shaffer, 1996). The species therefore experiences large annual fluctuations in population sizes, as breeding and recruitment can boom during exceptionally wet years and be impossible in dry/drought years. This high demographic instability makes them particularly sensitive to habitat alterations that may interfere with recolonization and reestablishment after unsuccessful recruitment years (Fisher & Shaffer, 1996).

Western spadefoot populations are often able to persist in the face of environmental variability due to metapopulation connectivity; when one population experiences declines, migrants from surrounding populations can bolster the population and prevent local extirpation. As climate change impacts become more severe and extreme weather events continue to occur, shifts in hydroperiod and increased temperatures expected to become more extreme (Montrone et al., 2019; Pyke, 2004; Thomson et al., 2016), and such population dynamics are likely to be increasingly important for species persistence. Due to reduced connectivity between suitable habitats, populations that are unable to successfully breed may decline and disappear and will be unable to be re-established by neighboring populations, leading to further permanent species decline. It is therefore highly important to consider habitat connectivity between upland and aquatic habitat as well as between different pools and pool complexes.

The PRDSEIR's analysis fails to take these important factors into account and therefore fails to provide sufficient mitigation that would ensure the local population persists into the future. B.4-25 cont.

A. The PRDSEIR does not provide an adequate baseline regarding western spadefoot presence. B.4-26

We appreciate that the PRDSEIR clarifies the pond descriptions and pond names in the various previous surveys and environmental review documents. However, the PRDSEIR still provides conflicting evidence regarding VP6/Pond 3. First, the PRDSEIR states that the initial fairy shrimp surveys in 2004/2005 showed that VP6 "did not support WST at the same time they were observed in SP 1 and VP 1 but did support western toad larvae leading to the conclusion that the habitat is at least potentially suitable during such above-average years." (Draft Western Spadefoot Toad (*Spea hammondii*) Impact Assessment and Habitat Mitigation and Monitoring Plan, or "WST Plan," p.8). Later, the SEIR states that "the feature designated VP 6 by BonTerra exhibited suitable ponding but WST were not detected." (WST Plan, p.10). It is not clear why the presence of tadpoles is not considered to be a detection of WST, or why the EIR would conclude that the habitat is "potentially suitable" and not "occupied." Despite claims that the pond does not support western spadefoot, the SEIR does acknowledge that it provides suitable habitat, and the proposed mitigation does include VP6/Pond 3 in its calculation of pond acreage that must be mitigated (WST Plan, p.13). Nonetheless, the characterization of VP 6/Pond 3 as unoccupied is unfounded, and downplays the importance of the existing pools to the spadefoot population present on the Project site.

The PRDSEIR also minimizes the importance of the western spadefoot population present at the Project site. The PRDSEIR states that the Court Ruling "suggests that WST are very rare within the Castaic area and the surrounding areas of northern Los Angeles County." (WST Plan, p.7). However, the Court Ruling merely echoes the comment letter submitted by CDFW,[5] which itself cites the Applicant's own previous environmental review document, specifically the SEIR. As quoted in the letter, the PRDSEIR states: "the Grasshopper Canyon population is one of few known populations in the region." B.4-27

The PRDSEIR provides CNDDB records to show that numerous observations (35+) of western spadefoot occur in the region near the Project site and therefore claims that "WST populations are not rare in the nearby areas." (WST Plan, p.7). However, it is important to note that CNDDB observations do not necessarily represent whole populations, merely element occurrences. In fact, many western spadefoot CNDDB observations in the region are clustered and likely represent the same population. To better understand the occurrences discussed in the

[5] Courtney, Betty J. June 15, 2017. Northlake Specific Plan Project (PROJECT), DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (DSEIR), SCH# 2015031080.

PRDSEIR, we conducted a query of CNDDB western spadefoot occurrences on May 21, 2025 including the Mint Canyon, Newhall, Val Verde, and Whitaker Peak, and San Fernando 7.5 Minute Quadrangles ("quads") (note that we included additional quads that were further from the Project site than those displayed in the PRDSEIR to capture the entire Santa Clarita Valley). Our search resulted in 44 total observations, including those at the Project site in the Whitaker Peak quad. Of these observations, only 10 had occurrence ranks (a ranking of the quality of the habitat and the condition of the population at that location) of "Good" or "Excellent;" 10 others were "Fair," 10 were "Poor," 14 were "Unknown" and one was "Possibly extirpated." The CNDDB results therefore do not necessarily indicate a healthy, widespread population—rather, they show that western spadefoot do occur in the area, but while numerous populations appear healthy, numerous others are likely struggling. We do not dispute the fact that western spadefoot occur south and west of the project, but this does not mean they are common, and it certainly does not mean they are free from risk of regional decline. B.4-27 cont.

Additionally, the population at the Project site lies in an important location in the species' range, considering western spadefoot biogeography. Western spadefoot in southern California (south of the Transverse Ranges) are genetically distinct from western spadefoots in central and northern California (Neal et al., 2018). The western spadefoot present in the Project area belong to the southern population, which has experienced more severe declines than the northern population (although both populations have been heavily impacted by habitat loss and continue to decline). It is of course important to protect all existing western spadefoot populations, but the population present at the Project site lies at the northernmost extent of the southern western spadefoot population. If the westerns spadefoot currently present at the Project site are lost, the range of the southern population will shrink, furthering the pattern of regional decline. Thus, while the SEIR is correct in observing that other populations occur in and around the Santa Clarita Valley (Exhibit 3), it is important to recognize that this does not diminish the importance of the population at the Project site, especially considering its place at the northern edge of the southern population's range.

B. The proposed mitigation for impacts to western spadefoot is insufficient. B.4-28

The mitigation for impacts to western spadefoot in the form of mitigation ponds is improved from previous environmental review documents but is still not sufficient to ensure long-term population persistence.

First, the PRDSEIR's analysis of previous studies misrepresents the efficacy of artificial pools as mitigation for impacts to existing aquatic habitat. The PRDSEIR cites Baumberger (2020) as evidence that artificial ponds can successfully provide habitat to western spadefoot, which we do not dispute. However, the SEIR misrepresents the results of this study, claiming that the mitigation was more successful than it was.

B.4-28 cont.

Baumberger (2020) investigated the success of artificial breeding pools that were created in 2006 as mitigation for impacts to ten breeding pools at a site in East Orange. The mitigation for this project included the creation of 21 pools to mitigate for the 10 affected pools, providing a total mitigation ratio of 2.1:1. Fifteen of these pools (which became 14 when two pools merged together) were in Irvine Mesa, and six were in Shoestring Canyon.

The PRDSEIR focuses only on the results related to Irvine Mesa, ignoring the results from pools at Shoestring Canyon. In Shoestring Canyon, all six mitigation pools failed to hold water and breeding western spadefoot were completely absent from the pools and the nearby creek bed during the 2016 survey period (Baumberger et al., 2020). The PRDSEIR omits this information, focusing only on the pools in Irvine Mesa, which had higher rates of success, thereby misrepresenting the success of the mitigation and making it appear to be more successful than it was.

Further, the results of Irvine Mesa are also misstated. The PRDSEIR quotes the following excerpt of the study itself, claiming that this excerpt shows WST breeding in 12 of the 14 pools on Irvine Mesa (WST Plan, p.31):

> Twelve of the 14 mitigation pools at Irvine Mesa held water for >30 d. During our 2016 surveys, two of the mitigation pools built by Glenn Lukos Associates, Inc. merged (Pools 5 and 9) and we considered them as one pool (Pool 9). We detected *S. hammondii* tadpoles in eight of the Irvine Mesa mitigation pools but documented successful breeding through metamorphosis at only seven of these pools in April 2016 due to desiccation and/or water quality.

However, this excerpt only says that 12 of the 14 pools held water for >30 days. It does not say that western spadefoot were breeding in those pools. In fact, the sentence following this excerpt states "*Spea hammondii* did not breed in all the pools with hydroperiods >30 d (Table 3)." (Baumberger et al., 2020). The excerpt itself states that tadpoles were only detected in eight of the pools, and breeding through metamorphosis was only observed at seven of the pools. It is difficult to understand therefore why the PRDSEIR claims that western spadefoot were breeding in 12 of the 14 pools in 2016, when the very excerpt they cite to support this statement says WST only bred in seven of these pools.

This misrepresentation makes it appear that the artificial mitigation pools were more successful during the drought year of 2016 than the reality. In fact, only ½ of the pools in Irvine Mesa showed successful breeding in 2016, and 0/6 of the pools in Shoestring Canyon showed successful breeding, leading to an overall success rate of just 33%. Thus the mitigation ratio of 2.1:1 did not even successfully mitigate for the full impacts to the ten original pools.

B.4-28 cont.

The EIR notes that the 2016 study occurred during a drought year, and that monitoring of the following 2016/2017 season showed tadpoles in 12 of the pools and "extensive breeding was present" (WST Plan p.31). The reference cited to support this claim is not published and is not publicly available (as far as we can ascertain), so it is impossible to determine whether the "12 pools" refers to pools in Irvine Mesa only or in Irvine Mesa and Shoestring Canyon, and therefore it is impossible to determine the overall efficacy of the mitigation during this "ideal" wet year. It appears likely that the study refers only to Irvine Mesa, in which case the population did show a notable increase in pool occupation, but the exclusion of Shoestring Canyon remains unexplained.

The PRDSEIR goes on to conclude that this observed change in number of pools occupied (from seven in the drought year to 12 the following wet year) shows that given adequate pool quality, "WST will increase in such ponds until a level of equilibrium is achieved (i.e., self-sustaining population), and the pools arrive at their carrying capacity" (p.31). This conclusion is unfounded and has no bearing on the adequacy of mitigation. Even if the study is limited to Irvine Mesa, it is unclear why occupancy of just 12 of the 14 pools would indicate that carrying capacity was reached. The PRDSEIR provides no explanation for this cutoff.

Further, occupancy of pools (which is what the PRDSEIR relies on in making this claim) is not enough to determine carrying capacity. Carrying capacity is the maximum population size that an area can support and sustain. Carrying capacity is therefore a demographic measure, and depends on many population factors including the number, age, and behavior of individuals, among others. Whether a pond is occupied or not does not provide this information. It is possible for ponds to be occupied by many individuals or few, and without actual demographic data it is impossible to say whether a population has reached carrying capacity. It is encouraging to see that the WST Plan includes some demographic monitoring, including counts of egg masses, larvae, and metamorphs (WST Plan, p.27). Such data collected over the ten-year monitoring period would no doubt be informative and aid in our understanding of western spadefoot ecology and demography. But without such data, claims about carrying capacity lack evidence.
Rather, what the data on increased pool occupancy during the 2016/2017 rainy season show is that the western spadefoot population size and pool occupancy varies depending on climatic conditions, as is well known. Changes in abundance between drought years and breeding years are common for western spadefoot (Fisher & Shaffer, 1996). Importantly, mitigation measures must be sufficient to support populations during drought years, not only during average or rainy years. If mitigation ratios and/or mitigation measures are designed with average or wet years in mind, they are likely to underperform during drought years and therefore leave western spadefoots vulnerable to extirpation. Given the variable conditions experienced by vernal pools including drought—which can last for years in California and is expected to become more common in the future (Diffenbaugh et al., 2015)—reliance on a simple 1:1 replacement is not sufficient to mitigate for impacts to breeding habitat by creating artificial pools.

However, this is essentially what the EIR does. The EIR proposes to create 1.07 acres of artificial ponds to mitigate for 0.95 acres of impacted ponds, which amounts to a mitigation ratio of just 1.1:1 (WST Plan, p.13, p.18). Given the success rate of the very study that is cited in the EIR (Baumberger et al., 2020), this mitigation ratio is unlikely to successfully replace the breeding habitat currently present on the property, and leaves the population at risk of decline or extirpation during extended droughts. B.4-28 cont.

Further, the proposed mitigation ponds are very clustered, unlike the current pond arrangement. Currently, the stock pond is approximately 4,000ft away from the seasonal ponds, which are all within approximately 100-400ft of one another (including VP-6/Pond 3) (WST Plan, Exhibit 4). However, the proposed mitigation ponds are all clustered very close together on the west side of the property, within 50ft of one another (WST Plan, Exhibit 5). The EIR claims that "total acreage as opposed to number of ponds is all that is relevant" (WST Plan, p.18). However, this claim does not consider the importance of landscape connectivity and potential metapopulation dynamics. As discussed above, the natural history of western spadefoots makes them vulnerable to climate and habitat disturbances. Given the variation in geology, hydrology, climate, and habitat across a landscape, if one population declines or becomes extirpated, it is possible that others nearby can survive and re-colonize. If the ponds are all clustered, any extreme climatic events or random disturbances are likely to impact all of them in similar ways. On the contrary, if ponds are more spread out across the landscape, the local population is more resilient to random disturbance and potential climatic, hydrological, and ecological changes as well. B.4-29

The proposed mitigation is therefore insufficient because a) the mitigation ratio is too low, and does not provide sufficient replacement habitat in the form of artificial pools and b) the ponds are too close together, increasing the risk of extirpation compared to more dispersed aquatic habitat. The EIR must remedy these deficiencies by a) increasing the mitigation ratio to at least 3:1, thereby providing increased acreage of artificial breeding ponds and b) placing additional mitigation ponds further from the three currently proposed ponds to provide landscape-level population resilience. B.4-30

The WST Plan notes in its discussion of contingency mitigation that there are "nearby sites which can be utilized as replacement site(as) (*sic*) such that the mitigation criteria are fulfilled," including locations at the north end of the Project site and in nearby Marple Canyon (WST Plan p.30). A revised EIR should include these sites not as contingency sites, but as enforceable mitigation sites for additional artificial pools. B.4-31

V. THE PROJECT DOES NOT ADEQUATELY DEFINE AFFORDABILITY, NOR DOES IT GUARANTEE THE LONGEVITY OF THE DESIGNATED AFFORDABLE UNITS. B.4-32

California is experiencing an affordable housing crisis (Kimberlin, 2019). In October 2021, about half of Americans (49%) said housing affordability was a major problem where they live, up 10 percentage points from early 2018. In the same 2021 survey, 70% of Americans said young adults today have a harder time buying a home than their parents' generation did.[6] B.4-32 cont.

These perceptions are backed by data. The national median sale price for a single-family home jumped 25% from $327,100 in the fourth quarter of 2019 (the last full quarter unaffected by the COVID-19 recession) to $408,100 in the fourth quarter of 2021.[6] These impacts also extend to those that are renting their homes. In 2020, 30% of all households had "unaffordable" rent or mortgage payments, defined as exceeding 30% of monthly household income. This is up 1.5 percentage points from 2019. More than 1 in 7 households paid over half of their income on housing.[7]

A variety of factors have set the stage for the financial challenges American homeowners and renters have been facing in the housing market. These include incomes that haven't kept up with inflation, a surge in investor owned properties, rising interests rates, and short term rentals. [7]

To change these trends, it is critical that the County invest in building units that are permanently designated as affordable. While this project does include affordable units at the request of the County, the PRDSEIR does not define affordability, nor does it guarantee these units will remain affordable in perpetuity.

Currently 10% of the units in the NLSP are designated as affordable (PRDSEIR, page 2-56). We encourage the County to set specific targets of either 15% of all units, designated for those that make 50% of the average median income or 20% of all units, designated for those that make 60% of average median income. Additionally, these units should never term out. They can be adjusted if the AMI changes, but they should be affordable in perpetuity.

VI. THE PRDSEIR'S TRANSPORTATION SECTION FAILS TO SUFFICIENTLY ANALYZE THE PROJECT'S VMTS AND MITIGATE IMPACTS. B.4-33

Increasing a region's VMTs isn't just bad planning, it also undermines community health. Increased VMT increases emissions of air pollutants such as nitrogen oxides (NO_x), volatile organic compounds (VOCs), carbon monoxide, heavy metals, carbon dioxide and respirable particulate matter ($PM_{2.5}$). Increased VMT also leads to more ozone (O_3) production through the photochemical reactions of NO_x and VOCs emitted by vehicles (Lurmann et al., 2015). Short- and long-term exposure to several of these pollutants has been linked to premature mortality,

[6] https://www.pewresearch.org/fact-tank/2022/03/23/key-facts-about-housing-affordability-in-the-u-s/
[7] https://www.habitat.org/costofhome/2022-state-nations-housing-report-lack-affordable-housing

compromised birth outcomes, heart disease and a host of respiratory illnesses (Mujtaba & Shahzad, 2021). B.4-33 cont.

Another serious direct impact of increasing the number of cars on roads is automobile crashes, which are the leading cause of death among young people (15 to 19 years old) in the United States.[8] An estimated 42,915 people in the U.S. died in car crashes in 2021 alone and 3.4 million people are injured each year, which costs an estimated $473.2 billion annually as measured by wage and productivity losses, medical expenses, motor-vehicle damage, and employers' uninsured costs (Frumkin et al., 2004; U.S. Department of Transportation, 2022).[9]

Beyond the direct impacts, increased VMT has long term impacts on commuters. In 2019, the duration of the average daily commute in the United States increased to a new high of 55.2 minutes, and a record 9.8 percent of commuters reported daily commutes of at least 2 hours (Burd et al., 2021). These long commutes reduce time available to spend with family, friends, and community, and reduce opportunities for healthy recreation. The increase in inactivity and isolation can also lead to long-term health complications such as pre-diabetes, diabetes, obesity, asthma, isolation, stress and depression (Ewing et al., 2003; Leyden, 2003).

iii. The PRDSEIR's Unsupported Baseline Invalidates the Traffic Analysis. B.4-34

The PRDSEIR incorrectly concludes that there will be no significant transportation impacts associated with the project. The PRDSEIR's revised traffic analysis is invalid because of its reliance on an inaccurate baseline that does not reflect current environmental conditions. The EIR's resulting conclusion that this development—a sprawl development surrounded by vacant land on two sides, five miles from the nearest town—will have insignificant VMT impacts is incorrect. (SEIR at 3-1.)

CEQA requires that an EIR identify the environmental baseline against which project impacts will be assessed. (Guidelines § 15125(a) [agency must describe "baseline physical conditions by which a lead agency determines whether an impact is significant"].) "Establishing a baseline at the beginning of the CEQA process is a fundamental requirement so that changes brought about by a project can be seen in context and significant effects can be accurately identified." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 89 [emphasis added].) An accurate environmental baseline is critical to the CEQA process because it forms the foundation for the entire EIR, serving as the point of comparison for

[8] Center for Disease Control and Prevention. "Underlying Cause of Death, 2018-2021." https://wonder.cdc.gov

[9] NSC Injury Facts. "Costs of Motor-Vehicle Injuries." 2021. https://injuryfacts.nsc.org/all-injuries/costs/guide-to-calculating-costs/data-details/

evaluating the significance of impacts. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 953-54.) Accordingly, an EIR does not comply with CEQA where the environmental baseline is "inaccurate, incomplete, or misleading." (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 219 (citation omitted).)

B.4-34 cont.

An EIR must evaluate the significance of an environmental impact and the effectiveness of mitigation against a baseline of existing conditions, not against hypothetical conditions that might be allowed but have never actually occurred. (14 Cal Code Regs §15125(a)(3). See *Woodward Park Homeowners Ass'n v City of Fresno* (2007) 150 CA4th 683, 707 (EIR for planning and zoning changes for new commercial development rejected because EIR compared proposed development only to hypothetical office park that could be developed under preexisting plan but did not compare proposed development with existing physical conditions on site); *Environmental Planning & Info. Council v County of El Dorado* (1982) 131 CA3d 350 (EIR on proposed new general plan must address existing level of physical development as baseline for impact analysis, not existing plan, even though new plan would allow less growth than existing plan).)

The project site is currently undeveloped (SEIR at 2-81; 2-88; 2-92). But the PRDSEIR evaluates traffic impacts of the project not against the site's current environmental condition, as required by law, but against the hypothetical full buildout of a specific plan that was adopted in 1992 but never actually built. (PRDSEIR at 2-53, 55.) That specific plan authorized 2,337 single family units, 1,286 multi-family units, commercial and industrial space, and an 18-hole golf course. (*Id.* at 2-53.) The PRDSEIR estimates that the plan being considered here will have lower VMT than the 1992 plan. (*Id*. at 2-56.) But what might have been approved in 1992 is not the current environmental condition of the site, is not the correct baseline, and is not relevant to whether this Project has significant impacts. (14 Cal Code Regs §15125(a)(3). See *Woodward Park Homeowners Ass'n v City of Fresno* (2007) 150 CA4th 683, 707.) The traffic analysis must be revised and recirculated.

B.4-35

iv. The SEIR Fails to Mitigate for VMT Impacts.

The County must impose mitigation measures to reduce impacts associated with increasing the County's vehicle miles travelled. CEQA requires that mitigation must include concrete, specific, and enforceable actions. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173 [City's urban decay mitigation measures were inadequate under CEQA to address the impact from the development of a 234-acre regional shopping center on undeveloped agricultural land because the measures did not ensure the city would take concrete, measurable actions].) The County may not defer mitigation measures to a later date unless the EIR provides specific reasons why they cannot be developed now and provides specific performance measures to evaluate their success. (*Preserve Wild Santee v. City of Santee*

B.4-35 cont.

(2012) 210 CA 4th 260, 281 [mitigation measures that are so undefined that their effectiveness is impossible to determine are legally inadequate].)

There are many mitigation measures that can and should be incorporated. Specifically, investment in public transit should be a priority of the project. Providing alternatives to single occupancy vehicle travel is essential to building an efficient, sustainable and equitable transportation system. Unfortunately, we have a long way to go if we are going to achieve this vision in the U.S. In 2013, it was reported that of all the U.S. daily commutes to work, 76.4% are of people driving alone (McKenzie, 2015). According to the Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2015, our collective daily transportation in the U.S. constitutes about 27% of the total greenhouse gasses released (U.S. Environmental Protection Agency, 2017) California's annual average emissions associated with passenger vehicles between 2000 and 2020 was approximately 110 million metric tons of CO2e.

To change these trends, government agencies need to invest in alternative modes of transportation to not only make them cheaper to use, but more efficient than driving. **Best practices for transportation options should include providing free public transit services for future residents and workers; implementing bus only lanes; optimizing bus routes to minimize overlap and ensuring coverage across the city in line with demand; and providing high-frequency, reliable services with regular bus stops for easy access.**

Studies indicate that free public transit services typically result in ridership increase from 20% to 60% in a matter of just a few months (Studenmund and Connor, 1982). Similarly, bus lanes that reduce total transit door-to-door travel times by 5%-15% will increase urban peak ridership 2%-9% (UCLA Institute of Transportation Studies, 2019). Lastly, ensuring accessibility and convenience is essential to increasing ridership. Providing more bus stops decreases the distance residents have to travel to access such services.

It should be a priority of all governments to reduce VMTs with every new project, but instead this proposed sprawl development would steer the region in the opposite direction, eroding community and environmental health to build more sprawl development that relies on single-occupancy vehicle infrastructure. It is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." (Pub. Res. Code § 21002.)

An accurate analysis of the Project's VMT impacts is needed and adoption of feasible mitigation measures that lower the Project's overall transportation impacts and its associated contribution to climate change, bad air quality and overall decreases community health are necessary.

B.4-36

v. The Project Does Not Comply with the General Plan's Goal to Reduce Vehicle Miles Travelled.

Los Angeles County's General Plan states that the county should "support land uses that promote bicycling and walking, and reduce VMTs (Policy LU 5.3, Land-Use Element, Page 75). The Los Angeles County Sustainability Plan states that "reducing vehicle miles traveled by prioritizing alternatives to single occupancy vehicles" is a key strategy (Strategy 8A, page 118). Additionally, the Southern California Association of Government's Regional Transportation plan states that a "more compact and sustainable land use pattern, combined with the transportation network improvements and strategies identified in Connect SoCal, will result in an improved pedestrian and bicycle environment, access to more community amenities, shorter average trip lengths, reduced VMT and better regional air quality" (Connect SoCal, page 144). The RPSDEIR concludes that "the Project does not conflict with the General Plan, any program plan, ordinance, or policy addressing the circulation system" (PRDSEIR, page 2-57).

However, this again relies on the false assumption that the VMT calculation does not need to rely on the County baseline. Research shows that suburban and exurban sprawl increases a region's VMTs (Rubiera-Morollón & Garrido-Yserte, 2020; Mujtaba & Shahzad, 2021). The NLSP represents sprawl and thus it will clearly increase the regions VMTs. This makes it in conflict with the County's General Plan, Sustainability Plan and Regional Transportation Plan.

The County should divest from such poor planning practices and instead focus on development of infill areas that already have critical community infrastructure.

B.4-37

VII. THE REVISED ALTERNATIVES ANALYSIS REMAINS INADEQUATE.

The PRDSEIR's alternatives analysis is conclusory and incorrectly asserts that the environmentally superior alternative would not meet Project objectives. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. (Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d).) Moreover, although "an EIR need not consider every conceivable alternative to a project . . . it must consider a reasonable range of potentially feasible alternatives that will foster informed decision decision-making and public participation." (Guidelines § 15126.6(a).) Additionally, the "key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts." (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089.) Accordingly, a rigorous analysis of reasonable alternatives to the Project must be provided to comply with this strict mandate. Unfortunately, the SEIR fails to meet this requirement because its analysis of the alternatives proposed is inadequate.

B.4-37 cont.

CEQA requires that before approving a project with significant environmental impacts, the agency must make findings identifying the specific considerations that make the environmentally superior alternative infeasible. (Pub. Res. Code § 21081; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1351-52.) As the Center commented in 2020, the County improperly rejected Alternative C for not meeting "all the project objectives." (DEIR, Appendix D [FEIR at 5-15].) Specifically, it determined that Alternative C would not be financially and economically feasible. (*Ibid*. ["Alternative C would not provide enough resort amenities or large enough lots for a financially viable luxury resort."].) But under CEQA, determining that an alternative "may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible." (*Preservation Action Council, supra,* 141 Cal.App.4th at 1352.) Instead, the agency must present "evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the [alternative]." (*Id.*) This evidence may include, for example: total estimated costs, total projected income, total expenses, and the change in the per unit cost of a project that results from a project alternative or mitigation measure. (*Citizens of Goleta Valley*, *supra*, 197 Cal.App.3d at 1180.) The findings of infeasibility must be supported by substantial evidence. (*Id*. at 1176-77.)

B.4-38

The PRDSEIR failed to conduct this analysis for the Creek Avoidance Alternative, instead simply stating that it would not be feasible, without elaboration. (PRDSEIR at 2-86.) For the Partial Creek Avoidance Alternative, the PRDSEIR concludes that it would not meet the project objective of improving opportunities for outdoor recreational experiences simply because it provides 37 fewer acres of open space than the Project. However, the PRDSEIR does not establish that providing 37 fewer acres is a significant impairment of the project objective, especially given that the changed footprint would protect the health of the creek and thereby preserve its use for recreation.

B.4-39

V. CONCLUSION

Thank you for the opportunity to submit comments on the PRDSEIR for the Partial Recirculated Draft Supplemental Environmental Impact Report NorthLake Specific Plan. We urge the County to prepare a new EIR for the Project that fully complies with CEQA and recirculate. Because significant new information has become available on many other impacts, the County must also reevaluate and incorporate new circumstances as well as new research and studies on those impacts that have become available in the last seven years.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the County complies with its legal obligations including those arising under CEQA, we would like to remind the County of its statutory duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 762.)

B.4-39 cont.

The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the County with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the County's representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the County's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, inter alia, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please add the Center to your notice list for all future updates to the Project and do not hesitate to contact the Center with any questions at the number or email listed below.

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ATTACHMENT A

Via Electronic Mail and USPS (w/attachments)

Mr. Jodie Sackett
County of Los Angeles
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Los Angeles, CA 90012
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Re: NorthLake Specific Plan, Draft Environmental Impact Report

Dear Ms. Sackett:

These comments are submitted on behalf of the Center for Biological Diversity ("Center") on the Draft Environmental Impact Report ("DEIR") for the proposed NorthLake Specific Plan Project ("Project"). The California Environmental Quality Act ("CEQA") mandated environmental review for the Project is inadequate and fails to comply with the requirements of the statute. The DEIR fails to adequately analyze a range of environmental impacts, mitigation measures, and alternatives. For the reasons detailed below, we urge that the Project be denied, or at a minimum, the DEIR must be revised and recirculated to remedy these deficiencies.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over one million members and online activists throughout California and the United Sates. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles County.

I. The Current Project Description Does Not Represent The True Scope of the Project and is Misleading.

Under CEQA, a "project" is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment . . . ." (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222 (citing CEQA Guidelines § 15378, subd. (a).) An "accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*Cnty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193; (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149

Cal.App.4th 645, 655 (project description held unstable and misleading) [hereinafter "*San Joaquin Raptor*"].) "However, a curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.).

An inaccurate or truncated project description is prejudicial error because it fails to "adequately apprise all interested parties of the true scope of the project." (*See City of Santee v. Cnty. of San Diego* (1989) 214 Cal.App.3d 1438, 1454-55 [hereinafter "*City of Santee*"].) "Only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." (*San Joaquin Raptor*, 149 Cal.App.4th, at 655.)

As a general matter, the DEIR needs to be clearer about distinguishing between the 1992 NorthLake Plan and the current Project. Adopting a clearer naming system would aid the public by eliminating confusion and helping to more easily identify which plan is being referenced.

There are also numerous deficiencies in the Project Description. The Project Description provides objectives that erroneously rely on outside data which is not provided in the DEIR. There is no way for the public to assess whether the objectives rely on meaningful studies or if a legitimate need exists in the community for this development. For example, one objective states a goal of enhancing local economic well-being by ostensibly providing jobs for the same people who will live in the new housing. (DEIR at 4-3.) This is insufficient for two reasons. First, it is unclear whether there is in fact a need for housing and the DEIR provides no evidence to support this claim. Second, there is no evidence supporting the contention that those purchasing homes will stay within the community for their employment. There are no assurances that those living in the housing development will also work on-site. This has additional implications on GHG/air quality analyses if residents will be traveling outside of community for work, yet the DEIR assumes they will remain on-site. There is also insufficient evidence to support the conclusion that this project will alleviate some need for stability within the community. Simply stating that there are new housing demands or instability in the County is insufficient without further studies or data. The DEIR mentions that this development will generate 9,734 new residents but fails to indicate the anticipated demographics of new residences, especially regarding their ability to afford the housing and their employment objectives (this also impacts the DEIR's purported need for schools and the DEIR's analysis of transportation/GHG issues from due to travel for education and employment).

The DEIR mentions several pending realignments and utility sub-projects which are conditional to development. (DEIR at 4-4; 4-17.) These include the need to build sufficient water supply, wastewater and sewer infrastructure. However, the DEIR fails to clearly indicate the siting, existing conditions, and environmental impacts of these large infrastructure projects, which are, as the DEIR stated, conditional to development. (DEIR at 4-3 – 4-5; Table at 4-1.) The DEIR also mentions the need for realignment of an oil pipeline and electrical transmission lines. (DEIR at 4-4.) Yet the DEIR fails to clearly illustrate how exactly they will realign the pipeline or electrical transmission lines, where they will move these lines, or analyze the environmental impacts of this realignment.

The DEIR's discussion of a school conflicts with the Project's objectives regarding transportation and emissions reductions. The DEIR contains a section dedicated to discussing

the inclusion of a school, yet this is only potentially part of Phase 2; there is no guarantee another school will be built. Although NorthLake Elementary School already exists, the DEIR does not contemplate the reality that school-aged residents would need to travel outside the community to attend middle and high school. Nor does the DEIR consider that some school-aged residents may attend private schools outside of the Project area.

The DEIR states that the development will "remediate" environmental hazards. (DEIR at 4-10.) This statement is problematic because it mischaracterizes the Project's interaction with environmental hazards so as to misleadingly indicate that the project is *improving* the environment through development. It is also unclear whether there will be other hazardous activities associated with the project, which are never mentioned in the Project Description.

The DEIR states that the Project requires "minimum landscaping requirements," (DEIR at 4-12) yet fails to give specifics as to what those requirements are, fails to analyze these requirements in the context of water or non-invasive plant use, and fails to provide assurances that these requirements would comply with Los Angeles County Green Building Standards. The DEIR also fails to explain *how* the Project will meet California's solid waste goals other than a cursory statement that they will do so. Mere conclusory responses are inadequate. (*See Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 ("To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."). Nor does the DEIR explain what is meant by solar panel equivalent.

The DEIR inconsistently references cattle grazing. (*See* DEIR at 1-2; *cf*. DEIR at 7-12.) The DEIR switches between referring to cattle grazing as a "historic" use and a current use of the land. (*Id.*) The DEIR also states that no cattle grazing will be permitted in the new development but fails to clarify where the cattle that currently graze will go. (DEIR at 4-19.) If the cattle are going to be moved to another location, the DEIR needs to analyze the environmental impact on the new location. The DEIR also mentions animal care and handling facilities yet never describes what types of animals will be handled or how this fits into the project as a whole. DEIR at 4-19, 5.8-40.)

The DEIR fails to analyze or disclose any of the impacts of the previously named foreseeable uses and consequently provides no firm basis to assess the environmental costs and appropriate mitigation measures of the Project. (*San Joaquin Raptor*, 149 Cal.App.4th at 655.) As such, the DEIR fails to inform decision-makers and the public of the true scope of the Project from which all interested parties could assess the direct and indirect environmental effects of the Project. (*City of Santee*, 214 Cal.App.3d, at 1454-55; *San Joaquin Raptor*, 149 Cal.App.4th, 655; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 83-86.)

II. The Alternatives Analysis in the DEIR is Inadequate and Fails to Comply with CEQA.

CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. (Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2),

15126(d).) Moreover, although "an EIR need not consider every conceivable alternative to a project . . . it must consider a reasonable range of potentially feasible alternatives that will foster informed decision decision-making and public participation." (Guidelines § 15126.6(a).) Additionally, the "key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts." (*Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1089.) Accordingly, a rigorous analysis of reasonable alternatives to the Project must be provided to comply with this strict mandate. Unfortunately, the DEIR fails to meet this requirement on two levels: the DEIR analysis of the alternatives proposed is inadequate and the DEIR fails to include a reasonable range of alternative.

In rejecting the Creek Avoidance Alternative, the DEIR provides insufficient explanation as to why creek avoidance was eliminated from further consideration. (*See* DEIR at 6-7.) No explanation was given for why, contrary to common sense, eliminating more than half of the residential units would still necessitate the same amount of curbs, streetlights, utilities, etc. The DEIR attempts to bolster this rejection by arguing that the development would require schools, which would need to be built regardless of the number of houses in the development. (DEIR at 6-7.) However, as the DEIR itself stated above, the school is only potentially part of Phase 2 and not integral to the Project.

In analyzing the No Project Alternative, the DEIR impermissibly rejected this alternative in a conclusory fashion. (*See Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 ("To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions."). Additionally, if the reasons for rejection the No Project Alternative is for feasibility reasons, case law indicates the standard for feasibility is high. Whether a project is economically unfeasible "is not measured by increased cost or lost profit, but upon whether the effect of the proposed mitigation is such that the project is rendered impractical." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600 (internal citation omitted).) In *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1180, the Court agreed with the trial court that the administrative record did not contain analysis of the project alternatives in terms of comparative costs, comparative profit or losses, or comparative economic benefit to the project applicant or the community at large.

In analyzing the No Project Alternative and Alternative Site, the DEIR should have discussed the need for the Project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in GHG emissions and help solve the problem of climate change is to "facilitate more efficient and economic use of the lands" already developed within the community. (CAPCOA 2008.) Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases. (CAPCOA 2008.) The DEIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods. (Office of the California Attorney General 2008.). Here, the objectives do not indicate that this specific site is necessary to accomplish the project goals.

In analyzing the Project pursuant to the Specific Plan, the DEIR fails to give any detail about what species would be impacted by the development.

In analyzing the No Industrial Alternative, the DEIR indicates that this alternative actually provides no fewer environmental impacts than the Proposed Project. (DEIR at 6-21). The DEIR also concludes that this alternative that would lead to an increase in driving due to removal of on-site employment opportunities (DEIR at 6-20); however, this erroneously assumes that those living in the development would seek out industrial employment (this assumption also implicates the Project's GHG emissions). Intensive industrial uses next to a national forest will likely be problematic yet this alternative does not discuss this at all. The DEIR fails to specify what industrial uses the developers are considering; these could have huge range of impacts and analyses given the potential different uses.

In analyzing all of the alternatives, the DEIR relies on 1992 NorthLake Specific Plan for guideline conformity as though the old plan holds legal weight. The DEIR has not explained why conformance with the 1992 Plan has any relevance to the current project in 2017. Just because the earlier specific plan was approved does not mean that it necessarily is legally adequate under CEQA. Any environmental conditions or mitigation measures detailed for that plan are not necessarily reflective of current conditions and CEQA requires an analysis based upon actual physical conditions. (Guidelines § 15126.2(a); *Communities for a Better Environment v. City of Richm*ond (2010) 184 Cal.App.4th 70, 83-86.) Environmental laws and regulations as well as CEQA-specific requirements have become significantly stronger in California since 1992 such that mitigation that might have been adequate then may not be sufficient now. CEQA requires adoption of all "feasible" mitigation measures and measures which may have not been feasible in 1992 may be feasible now (such as technologically sophisticated air pollution control equipment or solar power). Additionally, the County's General Plan in 1992 is likely different than current general plan. Recent land use trends indicate a movement towards consolidating sprawl, and a valid development in 1992 might not be an acceptable land use decision in 2017.

The DEIR provides no explanation for why the applicant chose not to make this their preferred alternative given that this is deemed the environmentally superior option. Moreover, Table 6-5 provides no way to quantifiably, and therefore meaningfully, compare the options. Table 6-2 ostensibly provides some detail on which to compare the 1992 NorthLake Specific Plan and the Proposed Plan, but this table excludes all of the other alternatives and is not helpful without having the 1992 NorthLake Specific Plan or EIR. (DEIR at 6-12.) The DEIR should include quantitative and meaningful comparisons between the Project's impacts and proposed alternatives' likely impacts, including analysis of estimated GHG emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative. Under CEQA, "the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures." (*Mountain Lion Foundation v. Fish & Game Com*. (1997), 16 Cal. 4th 105, 134.) The DEIR's general statements regarding these topics are insufficient.

A. The DEIR should have analyzed a wider range of alternatives.

As illustrated above, the DEIR did not analyze a reasonable range of alternatives including, but not limited to, the following: increased density with a substantially smaller project footprint; transportation-oriented design surrounding existing transit nodes or transit corridors within or adjacent to the Project area; a low carbon alternative that would actually result in lower emissions; conversion of the land into a conservation or mitigation bank; and mixed use development combined with greater preservation and enhancement of existing wildlife habitat. As courts have made clear, "[a] potential alternative should not be excluded from consideration merely because it would impede to some degree the attainment of the project objectives, or would be more costly." (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1456-57 (quotations omitted).) The DEIR should have included a larger range of alternatives from which decision-makers could choose.

III. The DEIR's Analysis of Surface Water is Flawed.

The DEIR indicates that the Project would have no significant impacts and no mitigation measures required for water quality and hydrology issues. (DEIR at 5.8-81) Given the proximity of the Project to bodies of water, such as Castaic Lagoon, and the projects infill of Grasshopper Creek, this conclusion is not supportable. Additionally, discussion of Marble Creek and the Santa Clara River are absent from the Project Description. Yet it is clear the Project will have impacts on both of these waterways.

While the DEIR provides a list of Best Management Practices ("BMPs") that may reduce impacts (DEIR at 5.8-38 – 5.8-40), none of BMPs listed are specified as enforceable mitigation measures, which is required under CEQA. The DEIR does not indicate that these mitigation measures are binding on the project or that the applicant is required to comply.

Moreover, the water quality and hydrology section appears to contain significant amounts of "boilerplate" information that does not necessarily assist the public in understanding the impacts of the Project. In particular, the DEIR begins its hydrology and water quality analysis on page 5.8-1 of the DEIR, yet delays any CEQA-required discussion of environmental impacts as they relate to the project until page 58-47 – in other words, 47 pages of the section do not discuss or analyze actual impacts of the Project. And substantive information and studies regarding impact are only included in two separate thousand-page documents.

A. The DEIR does not adequately analyze impacts on wildlife on aquatic wildlife.

CEQA requires the County to require all feasible mitigation measures. (Pub. Res. Code §§21002, 21081(a); CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15091(a)(1).) In its DEIR, the County failed to justify why a 100-percent avoidance mitigation measure of Grasshopper Creek would be infeasible. The mitigation measures provided to resolve infilling the aquatic habitat only consider relocating the respective species. Relocation is generally expensive and unsuccessful, which is well documented in the scientific literature.[1] There is no mention of

[1] Fischer, J. and D.B Lindenmayer 2000. An assessment of the published results of animal relocations. Biological Conservation 96:1-11.

avoiding the creek or providing a buffer and this would be a reasonable avoidance and minimization strategy. Additionally, the County should prohibit herbicide use that may run or drift onto Spadefoot Toad habitat, because herbicides are proven to disrupt amphibian reproduction.[2] Moreover, the Project will likely impact wildlife movement by filling in a portion of Grasshopper Creek Canyon, through which a tributary flows. A recirculated EIR needs to include an alternative to avoid Grasshopper Creek and Canyon in order to avoid and minimize impacts to onsite wildlife as well as connectivity.

The DEIR describes an Integrated Pest Management ("IPM") Plan but declines to actually list pesticides that will be used or provide the IPM in the public review. Nor is this plan binding on the Project. The DEIR states that "[p]esticides in runoff may or may not increase in the post-development phase" (DEIR at 5.8-61) yet fails to address issues that may result regarding runoff and bioaccumulation. The DEIR's reliance on IPM is ill-placed. IPM is entirely voluntary; it does not legally bind the Applicant to employ IPM strategies, and fails to define which products the Applicant has promised not to use. (*Appendix H-1 Water Quality Technical Report.*) Because the Applicant is under no legal compulsion to adhere to this promise, the County cannot and should not rely on this mitigation measure to reduce harm to individuals on or near the Project property. (CEQA Guidelines § 15126.4(a)(2); *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development").) Additionally, the DEIR does not point to any study or analysis that would suggest IPM is an effective means to mitigate harm to sensitive species, such as amphibians. Thus, the DEIR fails to present IPM for the Project to interested members of the community from becoming fully informed of the benefits and risks of this form of mitigation. (Cal. Pub. Res. Code § 21002, 21003.)

The DEIR's failure to prohibit certain pesticides is all the more glaring in light of the threats facing the Santa Clara River. The DEIR admits that the Santa Clara River is considered impaired (DEIR at 5.8-20) and designated as a Significant Ecological Area ("SEA") and it is clear that the Project will impact tributaries, particularly Castaic Creek, that lead to the Santa Clara River. (DEIR at 5.2-27.) This seems likely problematic given that the Santa Clara River is home to numerous endangered wildlife. Yet the DEIR contradicts itself by stating that the Santa Clara River has remained "stable" despite increased urban growth and water use. (DEIR at 5.8-81.)

B. The DEIR Does not ensure TMDL and NPDES Permit compliance.

The DEIR fails to and must implement additional mitigation measures in order to comply with the TMDL requirements. The DEIR has not assessed how the Project will meet these mandatory requirements and must provide more than simply stating that the project will be subject to and comply with jurisdictional waters. (*Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17 (compliance with existing environmental laws or regulations is not sufficient to support a finding that a project will not have significant

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[2] Hayes et al. 2002. Herbicides: Feminization of male frogs in the wild. Nature 419: 895-896. http://palgrave.nature.com/nature/journal/v419/n6910/full/419895a.html

environmental impacts).) None of the recommended mitigation measures explain *how* the Project will comply or provide quantifiable and binding measures to be taken.

C. The DEIR provides conflicting and inadequate information regarding runoff and sedimentation impacts.

The DEIR provides an inadequate description of mitigation measures for alleviating significant sedimentation impacts because of both construction as well as implementation of the Project. The DEIR also fails to demonstrate that these mitigation measures would be effective in reducing impacts to less than significant. The DEIR indicates that the by eliminating cattle grazing, the project will improve existing sediment loads in Castaic Lagoon. (DEIR at 5.8-2.) While cattle grazing does have some impact on water quality, there is no evidence that a project which introduces thousands of people to a previously undeveloped area will have fewer impacts than cattle grazing.

The proposed Project could result in significant nutrient loading into waterways. Yet the DEIR appears to state that the Project may reduce the volume of runoff containing sedimentation from current levels and suggests that in fact Castaic Lagoon possesses an "assimilative capacity for nutrients" so that nutrient loading from the project would not affect the water quality. (DEIR at 5.8-55.)

Thus, the DEIR casts a blanket statement that mitigation measures will reduce peak runoff and total runoff volume for the entire project that is overbroad and misleading, does not provide decision-makers the ability to assess whether mitigation measures that will result in net sedimentation reductions in compliance with existing law, and leaves out essential information like recommended mitigation measures to reduce environmental impacts. The DEIR is contrary to CEQA requirements of full disclosure and intelligent decision-making. (Cal. Pub. Res. Code § 21002, 21003.)

D. The DEIR does not adequately analyze or mitigate impacts arising from hazardous substances.

The DEIR provides that a combination of setbacks from drainage features and hazardous material management measures would minimize the potential for pesticides to enter the many waterways on the project site. (DEIR at 5.8-65.) However, the DEIR fails to provide further details on the hazardous materials business plan, including specific mitigation measures and the enforceability of the measures, which would be controlling for how hazardous materials and potential spills will be managed on the Project site. Instead, the DEIR defers this mitigation measure, an error that must be corrected in the final EIR. Additionally, the pipeline relocation analysis regarding impacts to water quality is insufficient and fails to provide more than cursory mention of compliance with BMPs and Low Impact Development ("LID") strategies. (DEIR at 5.8-66.)

IV. The DEIR Does Not Adequately Analyze or Mitigate Impacts To Groundwater.

The DEIR provides conclusory and inaccurate statements regarding impacts to groundwater. The DEIR states that increasing impervious surface will limit precipitation recharge but that this is counteracted by the increase runoff to Castaic Lagoon. (DEIR at 5.8-73

– 74.) Not only does this not make sense, but the DEIR fails to consider the fact that the runoff from the impervious surfaces will contain contaminants and fails to analyze those impacts.

The DEIR also states that the Project will recharge the Alluvial aquiver, thereby benefiting the groundwater supplies for the Project (DEIR at 58-50.) The DEIR should provide further information as to how an increase in impervious surfaces associated with development will actually benefit groundwater supplies.

V. The DEIR Fails to Adequately Analyze the Growth-Inducing Impacts of the Project.

EIRs are required to provide a detailed discussion regarding the growth-inducing impacts of a project. (Guidelines §§ 21100(b)(5); 21156.) *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 369 sets forth three factors to determine the level of detail required in a growth-inducing impacts analysis: (a) the nature of the project; (b) the directness or indirectness of the contemplated impact; and (c) the ability to forecast the actual effects the project will have on the physical environment. (*Id.*) Applying these factors here, the DEIR should have contained a detailed analysis regarding growth-inducing impacts because (a) the Project at issue is extremely large, is sited in an area with no existing development, and includes infrastructure that will undoubtedly act as a catalyst for future development in the area; (b) the Project will result in direct impacts in the area by paving the way for future development through infrastructure; (c) the County already has lists of potential proposed developments (*see* DEIR at 5.12-43)), such that the County can forecast the nature and extent of growth inducing impacts. Despite these requirements, the DEIR spends less than two pages analyzing the growth-inducing impacts of the Project. This is plainly inadequate under *Napa Citizens.*

The DEIR states that property west of I-5 may be developed but not as the result of this Project (DEIR at 7-14) but this conclusion fails to consider how the current Project will pave the way to induce more development. The DEIR relies on a flawed argument that somehow because this Project was previously approved in 1992 that means the DEIR now does not need to analyze growth-inducing impacts.

The DEIR purports to accommodate a housing crisis in Los Angeles (although the proposed development is not close enough to Los Angeles to legitimately provide housing for residents living in the city) and based on this assumption, mistakenly concludes that this somehow counteracts any growth-inducing capabilities of the Project. (DEIR at 7-14.)

Finally, the DEIR claims that it requires no changes to current zoning or codes. This statement is both inaccurate [*see* DIER at 4-8 (description of necessary Conditional Use Permit for development)] and confuses "precedent-setting action" with garden variety development that nonetheless induces growth in an otherwise undeveloped area of land and requires CEQA analysis. (DEIR at 7-15.)

VI. The DEIR Does Not Adequately Analyze Or Mitigate The Air Quality Impacts of the Project.

The DEIR's air quality impacts analysis is flawed because it underestimates the air quality impacts likely resulting from the Project and fails to adopt all feasible mitigation

measures. Californians experience the worst air quality in the nation, with annual health and economic impacts estimated at 8,800 deaths and $71 billion per year. (ALA 2013.) The Project will further degrade the region's air quality by generating considerable emissions from the construction phase through ongoing operations.

Regarding criteria pollutants, the DEIR's significance analysis is flawed because it uses the "Localized Significance Threshold" or "LST" methodology. (DEIR at 5.1-38.) This is not a proper threshold for this Project. According to South Coast Air Quality Management District ("SCAQMD"), LSTs only apply to projects that must undergo CEQA or NEPA review and "are five acres or less."[3] In contrast, the Project would develop approximately 1,330 acres. Additionally, the DEIR states that specific emissions based on land uses cannot be characterized (and therefore analyzed) without knowing the nature of the use. (DEIR at 5.1-38.) However, the DEIR cannot avoid analysis or disclosure by simply stating that future uses will comply with SCAQMD rules.

The DEIR states that industrial and commercial land uses will be potentially significant (DEIR at 5.1-40) but fails to address mitigation measures by impermissibly concluding that any potential facilities would comply with SCAQMD requirements. The DEIR also makes conclusory and erroneous statements that health risks from off-site sources would be less than significant, requiring no mitigation measures, because a study from the early 2000s set a "conservative" baseline and diesel emissions from heavy trucks have declined since then. The DEIR provides no evidence to support this conclusion.

There are numerous other inadequacies with the DEIR's air quality analysis, including the following:

- Regarding Carbon Monoxide, the DEIR uses outdated studies to conduct an analysis (*See* DEIR at 5.1-37 [citing plans from 1992 and 2003].) The DEIR also includes references to the 1992 and 2012 EIRs as though either of these provide relevant or binding data on the current Project. (DEIR at 5.1-5.)

- None of the County of Los Angeles General Plan Goals or Policies appears to be binding on the Project. (DEIR at 5.1-17.) Nor do any of the BMPs regarding construction activities. (DEIR at 5.1-21.)

- The DEIR references Best Available Control Mechanisms ("BACMs") listed in Appendix C yet this information does not appear anywhere in that appendix. (DEIR at 5.1-17.)

Regarding operational activities, the DEIR states that "[mitigation] measures provide incentives but do not guarantee any reductions [in emissions of mobile source pollutants]." (DEIR at 5.1-33.) The DEIR then goes on to list possible measures, including a suggestion from the 1992 Plan for a "commuter computer program." (*Id.*) The DEIR does not explain what this means or how it would reduce impacts.

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[3] South Coast Air Quality Management District, "Localized Significance Thresholds," (available at http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds).

The DEIR makes a confusing and incorrect argument that the 2012 Air Quality Management Plan ("AQMP") took the 1992 Plan into consideration because it came many years after the creation of the 1992 Plan; the DEIR then improperly concludes that compliance with the 2012 AQMP indicates that there are no significant impacts regarding obstruction of the AQMP. (DEIR at 5.1-20.)

VII. The DEIR Fails To Adequately Analyze Or Mitigate The Impacts Of The Project On Biological Resources.

A. Habitat destruction is a leading cause of extinction.

Species diversity is critical for healthy ecosystems, and ensuring habitat integrity if a key component to species survival. (Dobson 1997.) Habitat destruct or alteration can increase incidents of wildfire and flooding as the ecosystem becomes imbalanced, making it more susceptible to these events. (Brooks 2004; Nilsson 2000.) Developments that convert open space into another use, such as housing, industry, energy or agriculture, negatively impact the species that live in these areas, and the ecosystem as a whole. (Walston 2016; Chaplin-Kramer 2015; Minnich 1998.) Many of the species that have potential to occur in the project area are already imperiled or endangered, and further encroachment onto their habitat worsens the threat to their success and survival.

While the entire habitat may not be converted or destroyed through development, it may be fragmented such that it becomes useless as a habitat for particular species. Even if the habitat remains intact, light and noise pollution can negatively impact the health and reproductive rates of species that are sensitive to these types of pollution. (Slabbekoorn 2008; Longcore 2004.) Pollution in the form of pesticides and rodenticides are also a threat, in addition to run-off pollution from roads that impacts water quality and aquatic life and the species that depend on it. (Perez 2007; Miller 2006; Relyea 2005.) Roads create habitat fragmentation since they act as dangerous physical barriers that many species won't cross, or are killed or injured if they do. (Poessel 2014; Ware 2015; Brock 2004; Swihart 1984.) Additionally, roads facilitate the spread of non-native and invasive species, particularly plants and their seeds, which threaten the survival of species native to these areas. (Gelbard 2003.) Fences create another type of habitat fragmentation by reducing mobility and prevent species from accessing all areas that they depend on for survival, or worse, they ensnare the animals that do try to cross them, resulting in injury or death. (Baines 2003; Paige 2008.) For many species, climate change will mean the need for adaptation in the form of migration to new habitats that support their needs. Fragmentation or obstruction of this mobility will result in greater mortality. (Scheffers 2016.)

Urban infill projects reuse land that has already been disturbed and that is located near urban centers, thus removing the need for conversion of open space for housing, businesses, shopping, roads and other infrastructure. (Wheeler 2002.) These projects are also good candidates for citing distributed solar, further reducing impacts to species and habitat. (Powers 2009.) Wildlife corridors, bridges and underpasses can be constructed in places where roads bisect and disconnect habitat and mobility. (Servheen 2007.) Fences should be used with an understanding of the impacts they have on species mobility, and should be constructed in such a way as to specifically exclude the target species, not all species. Consideration should be given to the type of fencing and the ways in which species could become entangles, injured or killed.

(Paige 2008.) Connective corridors between fragmented habitats will enable species to utilize the habitat and retain needed mobility for survival. (South Coast Wildlands 2008.) Alternatives to toxic and poisonous pesticides and herbicides should be used whenever possible to reduce harm to species and their habitats. (Litmans 2004.)

B. The DEIR does not contain an adequate baseline for biological resources.

CEQA requires that the lead agency analyze and disclose the existing conditions in the Project area. Unfortunately, the DEIR fails to do this by relying upon outdated surveys. In particular, the DEIR relies on surveys primarily from 1997 to 2004 and 2005 and 2006. (DEIR at 5.2-2.) Surveys that are over ten years old cannot provide information on "current conditions" on the site and are therefore not sufficient under CEQA.

Similarly, the DEIR relies upon inadequate surveys for special status species. The DEIR states that the Project site contains "potentially suitable habitat" for five species of federally endangered or threatened shrimp, but that no shrimp was observed during "2014-2015 focused surveys." The 2014-2015 rain season for Los Angeles County was barely half of average, such that shrimp's vernal pool habitat was significantly diminished. The DEIR should include surveys from years (such as 2016-2017) that contain rainfall at average or above average.

In addition, the DEIR claims that protocol level surveys were conducted in 2014-2015 for each species of fairy shrimp. (DEIR at 5.2-25.) However, the survey report does not appear to be included in the appendixes to the DEIR – only a survey report for a 2005-2006 survey is included.

The DEIR only references surveys for the California red-legged frog from 2001. These surveys are too old to provide any meaningful information on the current site conditions. Even if these surveys were not outdated, it is not clear that the surveys were conducted using established protocols. For instance, the surveys were only conducted between 11:30 a.m. and 6:30 p.m. (DEIR, Appx. D, Att. C) even though the adult red-legged frogs are nocturnal.[4] Because critical habitat for the California red-legged frog lies south east of the Project site, the County should require protocol level surveys of the California red-legged frog.

Despite the fact that the federally-threatened California gnatcatchers were located on site, including one onsite nest and a second one directly adjacent off-site, it does not appear that protocol-level surveys[5] were implemented for this species. Protocol-level surveys are necessary in order to evaluate the impacts from the project on the gnatcatcher. These documented locations for California gnatcatchers are some of the most northerly locations for this rare species,[6] and species on the edge of their range are particularly important, especially as the effects of a warming climate proceed.[7]

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[4] https://www.fws.gov/sacramento/es_species/Accounts/Amphibians-Reptiles/es_ca-red-legged-frog.htm.
[5] https://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/CCalGnatcatcher.1997.protocol.pdf.
[6] CNDDB 2017.
[7] Channell, R. and M.V. Lomolino 2000. Dynamic biogeography and conservation of endangered species. Nature 403: 84-86. http://fire.biol.wwu.edu/cmoyer/zztemp_fire/biol432_W00/papers/biogeo_endspp00.pdf.

The DEIR should be recirculated after comprehensive surveys are conducted at the appropriate time of year to observe sensitive plant and animal species.

C. The DEIR fails to adequately analyze or mitigate impacts to special status wildlife.

The DEIR must analyze and mitigate all impacts on special status species, including California Department of Fish and Wildlife ("CDFW") species of special concern. The CDFW defines a species of special concern as a species that, among other things, "is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status."[8] CDFW aims to "achieve conservation and recovery of these animals before they meet California Endangered Species Act criteria for listing as threatened or endangered." (*Id.*) CDFW states that species of special concern "should be considered during the environmental review process." (*Id.*; CEQA Guidelines § 15380(b)(B).) An impact to wildlife is significant where it "substantially reduce[s] the number or restrict[s] the range of an endangered, rare or threatened species." (CEQA Guidelines, § 15065.) CDFW interprets this provision to apply to species of special concern. The County must mitigate significant effects whenever feasible. (Cal. Pub. Res. Code § 21080.5(d)(2)(A).)

- **Western Spadefoot Toad.** The DEIR states that the Project site hosts one of the few known populations of the western spadefoot in the region and that impacts would be significant. (DEIR at 5.2-36.) Yet, the DEIR states that MM 5.2-9 would render impacts less than significant. (DEIR at 5.2-52.) MM 5.2-9 is a "relocation program" that proposes to relocate the spadefoot toad population onto unspecified "suitable habitat." (*Id.*) If "suitable habitat" is not available, then MM 5.2-9 states that the habitat shall be "created." The DEIR fails to offer any evidence or analysis indicating that such a relocation program would be successful. In general, relocation programs are extremely risky and often result in the death of the relocated animals. Even if relocation programs were a reliable mitigation measure (which they are not necessarily), the DEIR provides very little detail as to how the relocation program will be conducted or where the toads will be relocated. The Project should not disrupt one of the last remaining populations of a special status species. Instead, the Project should be reconfigured or downsized in a manner that will not impact the toad populations.

- **Special status reptiles.** The DEIR states that various special status reptile species may occur on the Project site, including the silvery legless lizard, coastal western whiptail, rosy boa, San Bernardino ring-necked snack, Blaineville's horned lizard, and coast patch-nosed snake. (DEIR at 5.2-36.) The DEIR claims that "sweeps" prior to construction and "relocation…as necessary" would render impacts less than significant. (DEIR at 5.2-36.) MM 5.2-10 vaguely states, "If feasible, special status reptiles will be removed from the disturbance area and relocated to suitable habitat in adjacent areas." (DEIR at 5.2-52.) This mitigation measure does not address the habitat destruction that the Project will cause, nor does it ensure that direct mortality of special status species will not occur. And by qualifying the sentence with "if feasible," MM 5.2-10 gives the applicant a way

[8] *See* California Dep't of Fish & Wildlife, *Species of Special Concern* (available at https://www.wildlife.ca.gov/Conservation/SSC/).

to avoid conducting any mitigation if it states mitigation would not be "feasible." In any event, a "clearance sweep" immediately before construction activities begin will not result in the identification, capture, and successful relocation of over half a dozen species of small reptiles (many of which are active only at night and difficult to locate).

- **Southwestern willow flycatcher and least bell's vireo.** The DEIR states that these species have been observed on the Project area. (DEIR at 5.2-37.) In addition, the DEIR states that the Project will impact riparian habitat used by these species. (*Id.*) Given that these species are listed as endangered, the Project should avoid any development in areas used by these species. The DEIR incorrectly states that "biological monitoring" would reduce impacts to less than significant (*Id.*); monitoring will not protect these species from losing vital riparian habitat. While the DEIR promises that "suitable habitat" will be replaced at a 2:1 ratio, the proposed mitigation measures do not set forth specific plans and policies to ensure that actual habitat used by these species will be protected. And for impacts to federally listed endangered species, mitigation ratios generally should be much higher (e.g., at least 5:1).

- **California gnatcatcher.** The DEIR states that the California gnatcatcher has been observed on the Project site and that the Project would impact approximately 634.70 acres of habitat. (DEIR at 5.2-37.) While the DEIR vaguely states that impacts would be mitigated at a 2:1 ratio, the DEIR again does not specify whether it requires the preservation of 1269.40 acres of California gnatcatcher habitat, or where such habitat is located.

- **Other special status bird species.** Numerous other special status bird species inhabit the Project site. (DEIR at 5.2-37 & 38.) The DEIR states that hundreds of acres of habitat for these species would be lost, but that the loss would not be "substantial on a regional basis." (DEIR at 5.2-38.) Given the widespread habitat loss to special status bird species in Southern California caused by sprawl development, the DEIR's conclusion that such impacts are not "substantial" is not supportable.

D. The DEIR fails to set forth adequate or enforceable mitigation measures to protect special status wildlife.

The DEIR's mitigation measures are not adequate to protect special status wildlife. While MM 5.2-2 proposes acquisition of lands as described in certain Area Plan Policies, the DEIR does not provide any details regarding the types of land to be acquired, the amount of acreage, the location of the land, or which species the land acquisition will mitigate impacts. (DEIR at 5.2-42.) Such vague, deferred, and unenforceable mitigation proposals are not appropriate under CEQA. MM 5.2-3 similarly provides various potential mitigation measures (e.g., "creation" of habitat onsite or offsite) but the measures are vague and do not require the applicant to commit to any particular mitigation. CEQA requires more than a mere promise that the applicant will "consult" with applicable agencies; CEQA requires that all feasible mitigation measures be adopted ***prior*** to project approval.

MM 5.2-7 states that mitigation at a 2:1 ratio shall occur for California grassland/wildflowers fields. However, the measure also states that the ratio shall be no less than 6.5 acres of habitat preserved/restored per burrowing owl location impacted. (DEIR at 5.2-47.) It is unclear how this measure will actually protect burrowing owls given that the measure does not appear to require that the protected lands actual contain existing burrowing owl populations. MM 5.2-8 contains similar language regarding the burrowing owl, but does not indicate whether any lands proposed for protection actual have existing burrowing owl populations.

An overarching problem with all of the proposed offsite mitigation is that the DEIR does not appear to require that the lands be connected to other open space. Without such a requirement, the Project could "mitigate" its impacts by protecting land that is isolated from other open space and thus has very little value because wildlife cannot migrant between the mitigation land and other open space. In contrast, the lands to be developed for the Project are adjacent to thousands of acres of open space in the Angeles National Forest.

The DEIR references a Habitat Mitigation and Monitoring Plan that will be developed and reviewed by the County's Department of Regional Planning. This plan is key to minimizing and mitigating impacts to environmental resources and should be included in the revised and recirculated EIR, so that the public and decision-makers can understand what is being proposed to minimize and mitigate the impact to on-site and off-site resources that will be affected by the project.

E. The DEIR fails to adequately analyze impacts on wildlife from noise.

Impacts on wildlife from noise are not adequately addressed within the DEIR. The DEIR merely acknowledges that noise may disrupt some species, but claims such impacts would not be significant because most of the species on the Project area are not federally listed species. (DEIR at 5.2-40.) As such, there is no analysis or determination within the DEIR as to whether noise impacts will disrupt the nesting, foraging, or other behavioral patterns of wildlife in the on-site conserved lands and adjacent open space. A full analysis of project related noise on wildlife should be provided in the revised and recirculated EIR. In addition, the DEIR must include mitigation measures for ongoing project operation to limit noise impacts to wildlife, especially given its location next to a national forest.

F. The DEIR does not address harmful interactions between humans and wildlife.

Another issue that is not addressed in the DEIR is the strong likelihood of problematic interactions between humans and wildlife. The DEIR notes that the Project site is "adjacent to open space in the Angeles National Forest (ANF) and Castaic Lake State Recreation Area (SRA), both of which provide high-quality wildlife habitat." (DEIR at 5.2-14.)

By placing over thousands of people in close proximity to open space areas, there is a strong probability that coyotes and other animals will forage in trash cans, prey on domestic pets, and otherwise disturb and frighten residents. In response, project residents may try to handle such interactions themselves, causing greater damage – for instance, putting out poison which could then kill an endangered or special status species. That interactions between humans and wildlife will occur is a problematic issue that needs to be identified and analyzed in the DEIR.

Another aspect of human and wildlife interaction that is commonly not considered is the likelihood of increasing the dependency of certain wildlife species on human-supplied food sources and human-created habitats which benefit invasive species over native species. (Hansen et al. 2005.) For example, people often place in bird feeders outside their homes which usually causes an increase in certain bird-species as well as bird predators in that area, creating competition among birds, increased predation, and the spread of parasites between species. (Shochat et al. 2010.) With the exurban type of development that this Project proposes, research has documented that native species have reduced survival and reproduction near homes, and native species richness often drops with increased exurban densities. In addition, exotic species, some human-adapted native species, and species from early successional stages often increase with exurban development. (Hansen et al. 2005.) As with this proposed project, the location of development is often nonrandom relative to biodiversity because both are influenced by biophysical factors resulting in the effects on biodiversity being disproportionately large relative to the area of exurban development. (*Id.*) In other words, not all natural areas are created equal and some of the most biodiverse areas and areas that are key to conserve for their biodiversity are often the same areas that are most attractive for exurban development.

VIII. The Project Is Not Consistent With The General Plan.

Land use decisions must be consistent with all applicable land use policies, including the General Plan and all of its elements. (*See Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal. App. 4th 1552, 1562-1563.) Unfortunately, the Project is clearly inconsistent with multiple General Plan policies, as set forth below.

A. General Issues with General Plan Consistency

Although the DEIR defers conducting an analysis of the elements of the Santa Clarita Valley Area Plan 2012 ("SCVAP 2012"), the Project seems to conflict with the SCVAP 2012 goals, such as reducing vehicle trips and preserving water quality. (DEIR at 5.9-9.)

The DEIR states that Los Angeles County Board of Supervisors have only "indicated intent" to approve the general plan update; it is unclear if this update is binding on the Project. (DEIR at 5.9-7). The DEIR also lists several policies from the Los Angeles 1980 General Plan such as encouraging infill development and discouraging sprawling development, but then states that these goals no longer apply without further explanation as to why. (DEIR at 5.9-8.)

The DEIR provides conflicting statements regarding access to schools. The DEIR mentions building a school as part of Phase 2 of the Project and concludes this is consistent with the County's education policies (DEIR at 5.9-16) but construction of a public or private school (also it is likely inconsistent with the County's educational goals to *potentially* provide a location for a *private* school) is not guaranteed and would require travel off-site, which conflicts with travel and emission goals.

Again, the DEIR references "commuter computer program" as a legitimate means of reducing vehicle trips and ensuring consistency with emissions reduction goals. (DEIR at 5.9-21.)

The DEIR impermissibly concludes that the Project is consistent with water goals because it will comply with a NPDES permit. (DEIR 5.9-24.)

B. The DEIR impermissibly relies on 1992 Specific Plan.

The DEIR begins its land use analysis (and much of its analysis throughout the entire DEIR) with the assumption that the 1992 Northlake Specific Plan has been "adopted" and continues to carry legitimacy in providing consistency with various County plans. (DEIR at 5.9-3). The DEIR goes on to conclude, without any evidence, that the incorporation of the 1992 Plan indicates consistency with all applicable plans. (DEIR at 5.9-12.) Specifically, the DEIR states that the 1992 Plan has been incorporated into the SCVAP 2012. (DEIR at 5.9-8.) The DEIR also states that the Los Angeles County General Plan assumes future development from the 1992 Plan (DEIR at 5.9-14.) The DEIR impermissibly concludes that the 1992 Plan supersedes and replaces the Los Angeles County General Plan and SCVAP 2012. (DEIR at 5.9-10.) The DEIR does not provide any evidence for this and ignores the fact that the 1992 Plan is not applicable to the current Project.

Finally, the DEIR dedicates an entire section within the land use analysis to a discussion of the 1992 Specific Plan as though consistency with this outdated and irrelevant document provides any binding or necessary information on the current Project. (DEIR at 5.9-54.)

C. The DEIR does not adequately explain the Project's consistency with other general plan policies.

In Table 5.1-1, 2, and 3, the DEIR attempts to claim consistency with all applicable general plan policies. Unfortunately, these tables do not explain in any detail how the Project is consistent with these various policies, and instead generally refers to mitigation measures. (*See* DEIR at 5.9-13 (the DEIR should provide more explanation of applicable traffic mitigation fees); *see also* DEIR at 5.9-15 (stating that Project is consistent with the General Plan's goal of excellence in environmental resource management because impacts would be mitigated).]

The DEIR additionally could provide more specifics about how the Project will comply with Title 31 Green Building Code Standards. (DEIR at 5.9-11.)

IX. The DEIR Fails to Adequately Address its GHG Emissions.

Action to address climate change becomes ever more urgent with each passing day. The National Oceanic and Atmospheric Administration ("NOAA") and National Aeronautics and Space Administration ("NASA") confirmed that 2014 was the hottest year ever recorded. (NASA 2015.) Climate change will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability.

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, (9th Cir. 2008) 538 F.3d 1172, 1217 ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." (Pub. Res. Code § 21002.) While we are heartened to see the EIR does include measures to reduce the Project's GHG emissions, we urge the EIR be revised to include all possible steps to limit and mitigate the Project's GHG emissions.

For example, rather than committing only 50% of homes to 3-kilowatt solar panel systems, we urge the EIR to require all buildings within the development to have 3 kilowatt solar panel systems or the equivalent. (DEIR at 5.7-22.) Rooftop solar power is the most energy efficient, least-environmentally damaging form of renewable energy available for the Project and is ideal for the Project's location.

CAPCOA has also identified existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (CAPCOA 2008 at Table 16.) These resources provide a rich and varied array of measures to be incorporated into the Project. Potential measures include ease of access to public transit, alternative construction materials, and onsite energy generation. Specific measures for the GHG emissions generated by the Project's energy consumption include, but are not limited to:

- Requiring that the Applicant seek ***and obtain*** the U.S. Green Building Council's LEED or comparable standards for energy- and resource efficient building during pre-design, design, construction, operations and management;
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.;
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting
- Limiting the hours of operation of outdoor lighting;
- Maximizing water conservation measures in buildings and landscaping, using drought tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where GHG emissions are minimized and captured;
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips;

  The Project should further utilize the following measures related to construction:
- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;

- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

New construction, like this Project, has a unique opportunity to fully embrace and incorporate the use of renewable energy in its design, construction and operation. We urge the County to take full advantage of those opportunities, if it chooses to move forward with the Project.

X. Conclusion

Given the possibility that the Center will be required to pursue appropriate legal remedies in order to ensure enforcement of CEQA, we would like to remind the County of its duty to maintain and preserve all documents and communications that may constitute part of the "administrative record." As you may know, the administrative record encompasses any and all documents and communications which relate to any and all actions taken by the County with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further contains all correspondence, emails, and text messages sent to or received by the County's representatives or employees, which relate to the Project, including any correspondence, emails, and text messages sent between the County's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Thank you for the opportunity to submit comments on the Project. We look forward to working to assure that the Project and environmental review conforms to the requirements of state law and to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. In light of many significant, unavoidable environmental impacts that will result from the Project, we strongly urge the Project not be approved in its current form. Please do not hesitate to contact the Center with any questions at the number listed below. We look forward to reviewing the County's responses to these comments in the Final EIR for this Project once it has been completed.

Sincerely,

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ATTACHMENT B

Friends of the Santa Clara River

April 16, 2018

Via Electronic Mail and FedEx (w/attachments)

Mr. Jodie Sackett
County of Los Angeles
Department of Regional Planning
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Los Angeles, CA 90012
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Re: NorthLake Specific Plan, Final Supplemental Environmental Impact Report

Dear Mr. Sackett:

These comments are submitted on behalf of the Center for Biological Diversity ("Center") and Friends of the Santa Clara River ("Conservation Groups") on the Final Supplemental Environmental Impact Report ("FEIR") for the proposed NorthLake Specific Plan Project ("Project").

The Conservation Groups respectfully request that the Project not be approved in its current form. As the California Department of Fish and Wildlife ("CDFW") and the Santa Monica Mountains Conservancy ("SMMC") and have already recommended in their respective comment letters, **the Project should be significantly downsized in order to avoid impacts to Grasshopper Creek, the western spadefoot toad, and other resources.**

On a broader level, it is unfortunate the County is even considering approval of such an outdated and environmentally harmful sprawl project. **The solution to the region's housing shortage is not to pave over blue-line streams, evict rare native wildlife, and destroy other irreplaceable natural resources**. Instead, the County should focus on encouraging development and affordable housing in existing communities. Approving the Project as proposed would also undermine the County's commitment to sustainability and fighting climate change. In addition, approval of the Project would endanger thousands of people, as the project area lies in a very high fire hazard severity zone.

The FEIR does not cure the deficiencies in the Draft Supplemental Environmental Impact Report ("DEIR") to adequately analyze a range of environmental impacts, mitigation measures, and alternatives; and to adequately describe the Project and its impacts. At the same time, the FEIR contains significant new information and the County has erred in failing to issue an amended DEIR, thereby depriving the public its rights to notice and opportunity to comment.

I. Background on the Conservation Groups

The Center for Biological Diversity is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over one million members and online activists throughout California and the United Sates. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles County.

The mission of Friends of the Santa Clara River is to protect and preserve the cultural and biological resources of the Santa Clara River Watershed.

II. The County Should Not Approve Large-Scale Development in a Very High Fire Hazard Severity Zone.

The Project site is located in a "very high" fire hazard severity zone. (DEIR at 5.5-1.) California just experienced its worst wildfire season on record, which resulted in the loss of human life, the destruction of thousands of buildings, and extremely large expenses for the state.[1] A recent study revealed a disturbing trend in which new development is occurring fastest in high fire hazard severity zones.[2]

Unfortunately, the Project appears to continue that trend. The EIR[3] states:

> Implementation of the Project would increase the demand for fire services including personnel, equipment, and facilities as a result of the increased potential for structural fires and human-induced fires. Additionally, the Project site lies outside the service area of the Consolidated Fire District; this will thereby affect response times to the Project site. (DEIR at 5.5-1.)

The EIR later concedes that large fires occur in the SCVAP planning area approximately ***every ten* years**. (DEIR at 5.5-4.) Adding hundreds of acres of development and siting thousands of people in a very high fire hazard severity zone is irresponsible planning and will endanger future residents. Largescale development in such zones also is an irresponsible use of County and state funds and resources, as significant firefighting efforts will eventually be needed if (or when) fires occur.

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[1] *Washington Post*, "Costs to Fight 2017 California Wildfires Shatter Records" (Jan. 18, 2018); *Daily News*, "California keeps going over budget as costs of fighting wildfires continue to increase" Dec. 7, 2017).
[2] *KPCC*, "New housing grows fastest in SoCal's most fire-prone areas" (Mar. 12, 2018); Radeloff 2018.
[3] The DEIR and the FEIR together will sometimes be referred to as the "EIR" in this letter given that both documents collectively make up the EIR. However, citations will still reference the "FEIR" or "DEIR."

III. The FEIR Fails to Demonstrate That a Less Environmentally Damaging Project is Not Feasible.

The Center's comments on the DEIR outlined the County's substantive mandate under CEQA to study alternatives to the proposed project and select an alternative that minimizes impacts to the environment. The Center specifically questioned why the "Creek Avoidance Alternative" was not selected. As discussed below, the FEIR still fails to adequately answer this question.

A. The FEIR does not contain evidence that the Creek Avoidance Alternative is not feasible.

In attempting to justify why the Creek Avoidance Alternative was not selected, the FEIR claims that the Creek Avoidance Alternative would not "provide a mix of uses to reduce offsite vehicle trips and VMT…" (FEIR at 2-26.) Yet, elsewhere the FEIR takes the position that it would be "speculative" to assume that any of the jobs onsite would be filled by future residents of the Project. (FEIR at 2-81.) The FEIR does not explain how it can rely upon these onsite uses to reduce VMT while also implying that onsite jobs will ***not*** result in a reduction in VMT. In short, this justification appears to be little more than a posthoc rationalization by the developer to support its preferred project.

In rejecting the Creek Avoidance Alternative, the FEIR also claims that utility pipelines would need to cross over the creek, which would risk accidental spills, presumably which could contaminate the creek. (FEIR at 2-85.) The FEIR's purported concern for Grasshopper Creek is bewildering since the proposed project would destroy most of it. Obviously the ***risk*** of a spill is a far lesser "impact" than the ***certainty*** that a large portion of the stream will be destroyed. The FEIR fails to explain this logical inconsistency in its analysis. Similarly, the FEIR is devoid of any analysis showing why a utility pipeline would somehow make the project infeasible.

The FEIR's general complaints about how utilities will be needed regardless of project size also do not show how the Creek Avoidance Alternative is infeasible. Developments of all sizes—including those that are merely a few acres—are able to absorb the cost of attaching utilities.

In rejecting the Creek Avoidance Alternative, the FEIR claims that a reduction in project size would "not fully meet the Project objectives to enhance local economic well-being…" (FEIR at 2-85.) The FEIR contains no data backing up this claim, nor does it contain any comparison on the economic benefits of the preferred project versus the Creek Avoidance Alternative. The FEIR also ignores the reality that healthy and intact streams and ecosystems have economic benefits deriving from increased tourism. This omission is particularly notable given the Project's location next to Castaic Lake State Recreation Area, which is a local resource for recreation and tourism.

The FEIR claims that a smaller project is not feasible because the development "would also require development of amenities including schools, and parks." (FEIR at 2-79.) It is striking that the FEIR is justifying the destruction of *more* open space because of a perceived cost of "developing" parks. As noted above, the Project area is already surrounded by parks and open space, such as the Castaic Lake State Recreation Area. Surely something is wrong with the

planning process if the destruction of pristine open space is being justified due to a perceived cost of developing artificial parks. Justifying the destruction of wildlands in order to fund the creation of artificial parks also seems antithetical to the Project purpose of creating a community focused on "outdoor recreation" that "celebrate[s] the uniqueness of the place." (FEIR at 4-2.)

Likewise, the purported concern about developing schools is not consistent with various other statements in the FEIR—the FEIR refers to an "optional school site" (FEIR at 2-43) and contains analysis describing the Project's impacts if no school is developed (FEIR at 2-82.) If the Creek Avoidance Alternative is being rejected because a school would not be feasible with a smaller project, then why does the FEIR also state that a school may not be required? These types of inconsistencies render the FEIR inadequate as a decision-making document.

As discussed further below, the FEIR also contains the unsupportable claim that the Project will *not* have a significant effect on stream and riparian habitats. Because the FEIR fails to acknowledge that the Project will in fact have a significant effect on a stream and riparian habitat, it improperly concludes that no alternative that reduces biological impacts is necessary, which undermines the entire alternatives analysis. (FEIR at 2-94.)

The FEIR also failed to analyze whether a higher density project (and correspondingly smaller footprint) would be appropriate given the sensitive biological resources onsite. Such an alternative should have been included in the alternatives analysis.

The Center's comments on the DEIR also noted that there was no analysis of comparative environmental costs or economic benefits (including costs/profits) among the various project alternatives. The FEIR fails to even acknowledge—let alone respond—to this serious deficiency in the FEIR. (FEIR at 2-86.)

Finally, the FEIR fails to offer any evidence that a "low carbon alternative" is not feasible. It instead confusingly states that a "low carbon alternative" is not feasible because there is "no development on site and lower emissions isn't attainable." (FEIR at 2-91.) As discussed in the Climate Change section of this letter, a zero net energy development ***is*** feasible and a large development in the same area has agreed to seek and obtain zero net energy. Nowhere does the FEIR provide evidence demonstrating that a low carbon or zero carbon alternative is not feasible.

B. The EIR's alternatives analyses fail to account for the aesthetic degradation to Castaic Lake State Recreation Area and resulting economic losses.

Despite the FEIR's purported objective of promoting "economic growth," the FEIR fails to consider how marring the aesthetic and environmental values (and risking degraded water quality) of the Castaic Lake State Recreation Area (the "SRA") could impede economic growth. As documented on the Friends of Castaic Lake website, (http://www.castaiclake.com), the SRA is the County's largest regional park and is a local resource that supports recreation, tourism, hiking, fishing, boating, and tournaments.[4]

[4] The County's official website for Castaic Lake SRA similarly states, "Castaic Lake State Recreation Area is one of the largest and most spectacular state water reservoirs in California! It not only provides fresh water to local communities, but this 12,658-acre facility is also a great local recreational escape for the entire family!" http://parks.lacounty.gov/wps/portal/dpr/Parks/Castaic_Lake_State_Recreation_Area

The SRA's aesthetic and scenic values generate filming fees for the County as well as jobs and economic growth through film production. As the Friends of Castaic Lake website notes, "For leading film industry professionals, Castaic Lake continues to be a lucrative and expansive resource for diverse production necessities. Whether your production is large or small, the lake provides a unique environment for finding the terrain, setting and space needed to get that perfect shot. Many popular television shows such as 'C.S.I.' and 'Fear Factor' have used Castaic Lake to facilitate their production goals."[5] These aesthetic values will be significantly degraded if thousands of houses are built next to the SRA.

Despite the known aesthetic values of the SRA (which also are a driver of economic growth), the EIR contains a scant 1.5 pages of conclusory analysis on the aesthetic impacts of the Project. The EIR acknowledges that the project will be visible from the Castaic Lake SRA trail but incorrectly claims this impact is not significant due to "design guidelines." (DEIR at 7-1.) No analysis is provided supporting this untenable claim. The EIR also contains no visualizations of the extent of impacts to viewsheds, particularly in the SRA, making it impossible for decisionmakers to determine whether impacts to viewsheds would be significant.

C. The current version of the Project does not meet the project objectives.

The FEIR's fixation on the preferred alternative is unjustified because even the preferred alternative does not meet the project objectives outlined in the EIR. The EIR includes a project objective to "[i]nclude a mix of residential, commercial, industrial, recreational, and institutional uses ***that will reduce offsite vehicle trips and vehicle miles travelled***." (DEIR at 4-3, emphasis added.) However, the FEIR elsewhere states: "Regarding to employment, the Project does include employment opportunities associated with the on-site light industrial, commercial, recreational and institutional uses. While it is possible that some of these jobs may be filled by future residents of the Project, ***it is too speculative to conclude that***. It is noted that the Project Objectives (refer to page 4-3 of the Draft SEIR) identify that jobs would be created and do not identify that these jobs would necessarily be filled by future residents of the Project…it is assumed that most future residents would ***not*** work on-site." (FEIR at 2-81, emphasis added.) The FEIR thus is clear that it is likely that the Project will ***not*** "reduce offsite vehicle trips and vehicle miles travelled" by including e or commercial or industrial uses onsite. As such, the preferred alternative fails to meet the project objectives.

Even if the EIR was not internally consistent as described above, there is an even more serious error in the EIR – On April 5, 2018, the County published a 307-page "Supplemental Memo," which reveals that ***all*** of the industrial uses and virtually all of the commercial uses have now been eliminated from the Project and replaced with more dwelling units. (Memo at PDF 12.) The Memo explains that the "[r]evisions would eliminate industrial uses" and "areas that were previously proposed for industrial and commercial would now be developed with residential uses…" (Memo at PDF 14.) This revision to the Project renders it inconsistent with the Project objectives. More importantly, the County rejected (and refused to even consider) the Creek Avoidance Alternative purportedly because of a concern for reduced VMT arising from these same commercial and industrial uses. As such, the County's rejection of the Creek Avoidance Alternative on the basis that it would not provide an adequate "mix of uses" appears to be a pretext, given that the current preferred project also lacks this mix of uses.

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[5] http://www.castaiclake.com/filming.html

Indeed, in the Alternatives Analysis, the EIR considers a "No Industrial Development Alternative" and concludes that it "would not meet the Project objective related to the provision of industrial uses to accommodate the projected labor force…" (DEIR at 6-21.) This conclusion remains in the FEIR.

D. The FEIR continues to misleadingly claim that large-scale development is inevitable on the site.

The FEIR continues to misleadingly suggest that development will occur even in the absence of the Project or certification of the FEIR. (FEIR at 2-87.) The FEIR goes so far as to say that "[t]he Project approved under the Specific Plan could be constructed today." (FEIR at 2-118.) This is factually inaccurate. There are numerous other regulatory requirements aside from CEQA review that are required for the prior version of the project to move forward. For instance, a streambed alteration permit would be needed from CDFW. CDFW has voiced serious concerns with the current version of the Project and those concerns likely apply to the prior version as well. In addition, it has been over 25 years since the entitlement of the original project and no development has occurred—conditions have changed, climate change has intensified, the extinction crisis has broadened. Applicable laws, plans, and regulations have changed significantly. None of these factors would have been adequately analyzed in a 26 year-old document. At a bare minimum, construction of the old version of the project would require certification of a supplemental or subsequent EIR. And CEQA requires analysis based upon existing physical conditions, not theoretical conditions. In short, the FEIR's fixation on the old version of the Project and the perceived "inevitability" of development frustrates public participation and informed decision-making.

IV. The FEIR Fails to Disclose or Mitigate Impacts to Grasshopper Creek and Other Streams.

The FEIR fails to accurately disclose the impacts of the Project on Grasshopper Creek, Castaic Creek, and the Santa Clara River. The FEIR employs a shockingly simplistic approach to determining whether these streams are impacted by considering the size of the entire watersheds instead of the areas actually impacted. For instance, the FEIR claims that the Project will impact "only 26 percent of the Grasshopper Canyon watershed" because the Project is destroying only 697 acres of the 2,685-acre watershed. (FEIR at 2-7.) This approach ignores the fact that 3.5 miles of ***the creek*** itself is part of those 697 impacted acres. The FEIR therefore equates lands at the edges of the watershed with the actual stream in order to downplay impacts to the actual stream. Taken to its logical extreme, the FEIR's approach would likewise conclude that filling the Merced River in Yosemite Valley with cement would not amount to a significant effect on the Merced River because only a few acres of the river's watershed were actually impacted with the cement.

The FEIR similarly persists in claiming that the Project only affects "approximately 1 percent" of the 129,680 acre Castaic Creek watershed and "approximately 0.4 percent" of the upper Santa Clara River watershed. (FEIR at 2-100.) This simplistic comparison is misleading for the same reasons discussed in the above.

The FEIR also fails to consider how other projects within the Castaic Creek and Santa Clara River watersheds have the potential to cumulatively impact these watersheds when

combined with the Project. In short, the FEIR's approach ignores the "death by a thousand cuts" that has slowly degraded water quality and streamflows in these streams. Instead, the FEIR claims BMPs—which are already required by law—will protect these resources that belong to all Californians. If BMPs and compliance with existing regulations were all that is necessary to ensure clean and healthy streams in Southern California, then why do many streams in Southern California fail to meet state and federal water quality standards? The FEIR never answers this crucial question.

Moreover, the FEIR reasserts the untenable claim that filling 3.5 miles of a blue-line stream is not a "significant impact" even without mitigation. The FEIR's claim is inconsistent with the comments submitted by CDFW, SMMC, and the California Department of Parks and Recreation.

The FEIR's claim also conflicts with the CEQA Guidelines. Appendix G considers an impact significant if it will (1) "have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service…." Filling 3.5 miles of a blue-line stream is categorically a "substantial adverse effect" on riparian habitat. Even accepting the FEIR's creative accounting—which misleadingly claims that only 26 percent of the Grasshopper Creek watershed will be impacted—a 26 percent reduction is still a significant impact. Moreover, CDFW already identified this "riparian habitat or other sensitive natural community"; more specifically, CDFW's comments noted that the DEIR did not include an alternative that minimized significant effects to sensitive resources, including the majority of Grasshopper Creek, vernal pools, and a perennial steep.

Appendix G also considers an impact significant if it will (1) "substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site"; or (2) "substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site…" The FEIR contains insufficient evidence to show that destroying a 3.5 miles of a stream will not alter drainage.

Because the FEIR fails to acknowledge the severity of the impacts on the watershed, it proposes insufficient mitigation. In response to the Center's comments that the DEIR failed to incorporate any BMPs as actual mitigation measures, the FEIR doubles down this approach, claiming that "[c]ompliance with regulatory requirements is not considered mitigation since it applies to the Project regardless of impacts; nor is mitigation required in order to ensure regulatory compliance…" (FEIR at 2-93.) The FEIR cites no authority for this claim. In fact, courts have held the opposite—specifically that "a condition requiring compliance with regulations is a common and reasonable mitigation measure, and may be proper where it is reasonable to expect compliance." (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.) And while regulatory compliance ***may*** be one of many reasonable mitigation measures, courts are similarly clear that mere regulatory compliance is often insufficient to support a finding of no significant impact. (*Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17.)

The FEIR now includes "PDFs" or "project design features" which purport to incorporate some BMPs from the water quality technical report. Again, these are not enforceable CEQA mitigation measures. They are also deferred and vague, and are not clearly detailed in the FEIR, thereby frustrating public participation and informed decision-making.

V. The FEIR Fails to Adequately Analyze and/or Mitigate Impacts to Important Habitats and Special Status Wildlife.

The FEIR's claim that the Project would not drive special status species to below self-sustaining levels is unsubstantiated (FEIR, Response to Comments 16.55, Page 2-113). The proposed mitigation measures do not guarantee no net loss of habitat quantity or quality, nor do they ensure that displaced special-status species will thrive (whether sites are acquired or restored/established). These species and habitats are garnered special attention and protection with the intent of improving their chances of survival by avoiding take and further degradation due to impacts from actions such as those described in this project (*See* Center's DEIR Comment letter at p. 13.) The FEIR's finding that significant impacts to biological resources will be mitigated to less than significant is not supported by the facts and fails to meet CEQA's requirements.

The FEIR's assertion that a mitigation ratio of 2:1 for impacted habitats will reduce impacts to biological resources to less than significant (FEIR, Response to Comments 16.22, Page 2-94) and that established/created mitigation sites will exhibit equivalent ecological function within five years (DEIR MM 5.2-6,-7,-8,-11; FEIR, Appendix C, Draft Western Spadefoot Toad Relocation Program, Page 10) is unfounded. The FEIR needs to take into account that, due to their project, habitat loss and species displacement are immediate, while any gains from their mitigation is uncertain. Therefore, higher mitigation ratios coupled with extended years of effective monitoring and adaptive management strategies are needed to improve chances of achieving no net loss of habitats like wetlands and sage scrub (Moilanen et al.; Sudol and Ambrose; Ambrose et al.). If higher mitigation ratios are not feasible, the FEIR must provide evidence and analysis supporting that conclusion. With one third of America's plant and animal species vulnerable to impacts from human activity and one fifth at risk of extinction (Stein et al 2018), it is crucial that strategies to prevent further degradation and loss of biodiversity are explicit and scientifically sound.

<u>Western Spadefoot Toad and Non-riparian Wetland Habitat</u>

Amphibian populations in the U.S. are declining at an alarming rate of almost 4% per year (Grant et al.); therefore, impacts at the local population level must be thoughtfully and scientifically addressed, especially for species known to be in decline, such as the Western Spadefoot Toad, a California species of concern. The Draft Western Spadefoot Relocation Program provides more details regarding the translocation of western spadefoot toads that will be impacted by the project (FEIR, Appendix C). However, amphibian relocation has limited success, particularly if habitat needs to be created (Germano and Bishop). There is no scientific basis for the FEIR's claim that a Relocation Program would "result in substantial avoidance of direct impacts" to the toads, and stating that the species will persist in the region because of this mitigation is misleading and has a high likelihood of being false (DEIR, page 5.2-36).

The Draft Relocation Program fails to demonstrate that the planned relocation and created wetlands will be able to facilitate the long-term survival of the relocated toad populations (FEIR, Appendix C, Draft Western Spadefoot Relocation Program). In describing the potential sites for created pools, the Draft Relocation Program does not describe the upland habitat that would be vital to the toads' continued survival. The Draft Relocation Program states that there is "ample" upland habitat at the potential relocation site, but it does not provide further details (FEIR, Appendix C, Draft Western Spadefoot Toad Relocation Program, Page 2). Based on the map of vegetation types at the project site (DEIR, Exhibit 5.2-1), the proposed relocation sites (FEIR Appendix C, Draft Western Toad Relocation Program, Exhibit 1) are in areas dominated with California sagebrush-California buckwheat scrub with minimal areas (less than 150m at the widest point) of mixed sagebrush/scrub/California annual grasses. These toads prefer areas of open vegetation and short grasses, where soil is sandy and friable (United States Fish and Wildlife; Jansen et al.), and it is unclear if the proposed relocation sites fall in or near the mixed sagebrush/scrub/California annual grasses. In addition, according to Semlitsch and Bodie (2003), the average maximum upland habitat utilization from suitable breeding wetlands for frogs and toads is about 400m, making the California grasses habitat in/near the proposed relocation sites insufficient. If no burrowing habitat is available, toads will disperse further away from breeding ponds in search of their preferred substrate, which could lead to increased mortality and potentially no breeding functionality of the created pools (Germano and Bishop; Jansen et al.). The Draft Relocation Program lacks appropriate considerations of upland terrestrial habitat (including soil type) for the proposed created wetland habitat, making it less likely to facilitate successful toad establishment and more likely to cause toad mortality.

Should relocation be required during a drought year, the FEIR states in the Draft Relocation Program that they will transfer water to existing seasonal ponds to sustain breeding at least to the point of oviposition (FEIR, Appendix C, Draft Western Spadefoot Toad Relocation Program, Page 9). However, it is unclear whether this strategy will actually evoke the toads to emerge from their burrows to breed. These toads stay in burrows up to 0.9m deep (Ruibal et al.), and although the factors that stimulate emergence are not well understood, it is possible that sound or vibration from rain striking the ground may be the primary cue for the toads to emerge (United States Fish and Wildlife). Simply filling the pools may not be enough to motivate the toads to emerge from their burrows, which could leave the entire population to remain in their burrows and lost to construction. The failure of the FEIR to fully disclose and analyze this outcome violates CEQA.

Another factor that the toads' continued survival relies on is that the created wetlands must exhibit the appropriate hydrological and biological conditions. The proposed evaluation of wetland establishment and success based on photo-documentation (FEIR, Appendix C, Draft Western Spadefoot Toad Relocation Program, Pages 10-11) is wildly insufficient. Restoring complex ecosystems like ephemeral wetlands often results in reduced ecological function. In studies conducted in California on wetland mitigation sites permitted between 1979 and 2002, less than 20% of mitigated wetlands were performing optimally (Ambrose et al.; Sudol and Ambrose). Thus, the success of mitigation sites relies on the appropriate assessment of measurable performance standards based on habitat functions and adaptive management strategies (Bronner et al.; Matthews and Endress; Ambrose et al.; Sudol and Ambrose).

To accurately assess the ecological function of a created wetland, there are a suite of functions that must be measured, including buffer and landscape context, hydrology, physical structure (soils and topography), and biotic structure (native vs invasive plant and animal species) (Bronner et al.; Ambrose et al.; Sudol and Ambrose). The FEIR's current evaluation protocol would not provide the necessary information on any of these essential ecological functions. In addition, while the relocation program allows for adaptive management of these wetlands and toad populations, it states that monitoring will continue for only five years, whether or not the mitigation is successful (FEIR, Appendix C, Draft Western Spadefoot Toad Relocation Program, Pages 10). Five years is likely not enough time to determine the long-term trajectory for functional equivalency of created wetlands or the future survival of the Western Spadefoot Toad populations (Germano and Bishop; Zedler and Callaway; Mitsch and Wilson). The relocation program lacks consideration of the time it takes for created wetlands to have their intended functionality, the need for appropriate upland terrestrial habitat for species survival, and the importance of measuring performance criteria indicative of habitat functionality, which makes it unlikely to mitigate significant project impacts on the Western Spadefoot Toad and associated wetlands.

Southwestern Willow Flycatcher, Least Bell's Vireo, and Riparian Wetland Habitat

The FEIR claims that project impacts to riparian habitat and associated special status species are less than significant with mitigation, yet it provides little explanation as to how the mitigation plans will minimize such impacts (FEIR, Response to Comments 16.22, Page 2-94). The project would impact 13.26 acres of riparian/open water habitat, which includes filling in a portion of Grasshopper Creek and its tributaries (FEIR, Appendix C, Conceptual Habitat Mitigation Plan, Table 2). These areas are potential habitat for the federally endangered Southwestern Willow Flycatcher and Least Bell's Vireo, which have been observed in and near the project site (DEIR, Table 5.2-4, Page 5.2-24). The loss of potential habitat for these endangered birds and the fact that California has already lost ~95% of historic levels of riparian areas makes it extremely important that the mitigation of lost riparian wetland habitat clearly targets no net loss through strategic adaptive management and planning.

According to the Conceptual Habitat Mitigation Plan and MM 5.2-11, any mitigation for riparian habitat, whether onsite or offsite, would be completed at a mitigation ratio of 2:1 ratio (DEIR, MM 5.2-11, Page 5.2-54-55; FEIR, Appendix C, Conceptual Habitat Mitigation Plan, Table 2). This is insufficient, particularly since the FEIR needs to replace potential habitat for multiple endangered species. CDFW suggests a mitigation ratio of 5:1 for endangered species wetland habitat in the south coast region (California Department of Fish and Wildlife 2001). The Conceptual Habitat Mitigation Plan also states that riparian habitat will likely require habitat establishment, but no details regarding where this might be are provided, except that it will "require more intensive scouting and analysis" to find potential mitigation sites (FEIR, Appendix C, Conceptual Habitat Mitigation Plan, Page 8). The restoration/establishment of unidentified wetlands is not adequate mitigation under CEQA. In addition to siting mitigation banks approved by the USACE and CDFW (FEIR, Appendix C, Conceptual Habitat Mitigation Plan, Page 7), the Conceptual Habitat Mitigation Plan should also provide potential mitigation sites for riparian habitat restoration/establishment prior to habitat destruction.

Riparian/stream habitats are difficult to replace or create because of their complex hydrological, physical, and biotic structure, and it can take many years before an established riparian mitigation site might (or might not) become as ecologically functional as the lost habitat (Bronner et al.; Ambrose et al.; Sudol and Ambrose). The FEIR proposes a five-year monitoring program of the riparian mitigation sites in MM 5.2-11, which does not guarantee the equivalent ecological function of healthy riparian habitats (DEIR, MM 5.2-11, Page 5.2-54-55). The FEIR also does not provide measures to ensure that adaptive management strategies will be implemented to facilitate ecological function (DEIR MM 5.2-11, Page 5.2-55). Adaptive management, collecting measurable performance standards based on habitat functions to determine mitigation success, and improved documentation strategies are necessary to increase the success rate of riparian mitigation sites (Bronner et al.; Matthews and Endress; Ambrose et al.; Sudol and Ambrose).

Many of the mitigation measures in the FEIR also amount to the deferred development of mitigation. CEQA generally bars such deferred development of mitigation. In the limited circumstances in which deferred mitigation is appropriate, the agency must meet all of the following elements: (1) practical considerations prevented the formulation of mitigation measures during the planning process; (2) the agency committed itself to developing mitigation measures in the future; (3) the agency adopted specific performance criteria prior to project approval; and (4) the EIR lists the mitigation measures to be considered, analyzed, and possibly incorporated into the mitigation plan. (See *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 736-37 [review denied].) Here, the FEIR fails to establish that mitigation measures to protect biological resources could not have been developed *prior* to project approval. Nor does the FEIR establish compliance with any of the other elements set forth above for each mitigation measure.

<u>Coastal California Gnatcatcher and Sage Scrub Habitat</u>

As discussed in the Center's DEIR comment letter, impacts to special status species is per se significant where it substantially reduces the number or restricts the range of the species. During focused surveys conducted in 2014 and 2015, breeding and non-breeding individuals of the federally threatened Coastal California Gnatcatcher were observed throughout and directly adjacent to the project area (DEIR, Table 5.2-4, Page 5.2-24 and Exhibit 5.2-2). The project area is located in the northern region of the California gnatcatcher's current range (USFWS 2018), which is important as climate change continues to cause species to shift their distributions both in latitude and elevation (Chen et al.; Gillings et al.). According to Langham et al. (2015), over 50% of assessed North American birds are predicted to lose more than half of their current geographic range, making high quality habitat in the northern portion of the California gnatcatcher potentially critical for the future survival of the species. Preserving existing habitat known to be utilized by the species should be prioritized while considering species sensitivities and local-scale effects of climate change (Rapacciuolo et al.; Lenoir and Svenning).

The California gnatcatcher is dependent on coastal sage scrub habitat. It is estimated that over 90% of the coastal sage scrub habitat in California has been lost (Bowler, "Coastal Sage Scrub Restoration - I: The Challenge of Mitigation"), and much of the remaining habitat is highly fragmented (Bowler, "Ecological Restoration of Coastal Sage Scrub and Its Potential Role

in Habitat Conservation Plans.”). Thus, the loss of 634.70 acres of remaining, intact, high quality sage scrub communities must be avoided, and if all impacts cannot be avoided, mitigated to ensure no net loss of habitat quantity or quality. Both acquisition and restoration/establishment of high quality habitat should be implemented to more effectively mitigate the loss and degradation of existing sage scrub habitat (Bowler, “Coastal Sage Scrub Restoration - I: The Challenge of Mitigation”; Bowler, “Ecological Restoration of Coastal Sage Scrub and Its Potential Role in Habitat Conservation Plans.”). Although mitigation measures will prioritize existing California gnatcatcher critical habitat at a 2:1 ratio, as described in the draft Conceptual Habitat Mitigation Plan and MM 5.2-6 (FEIR, Appendix C, Conceptual Habitat Mitigation Plan, Page 7), these mitigation measures do not specify degraded areas that will be restored or replaced. In addition, for state and/or federally threatened or endangered species and their habitat, the ratio for mitigation is typically higher, ranging from 3:1 to 10:1.

In MM 5.2-6 the Applicant discusses sage scrub restoration or enhancement; however, the Applicant does not plan to measure enough indicators to determine the ecological function of the mitigation sites (DEIR, MM 5.2-6, Page 5.2-45). It is insufficient to only document the native and invasive plant cover; other indicators must be measured to assess the whole community and overall ecological functionality of the sites, including the presence/absence of native and non-native flora and fauna in the understory (Bowler et al 2000). In addition, should initial attempts of restoration/establishment fail or need improvement, mitigation measures should include adaptive management strategies that allow for protocol updates based on the most current scientific research in order to increase the chances of success. The FEIR should provide a comprehensive revegetation plan with measurable success criteria indicative of habitat functionality, and it should specify that adaptive mitigation strategies will be implemented if/when needed to improve or stabilize the intended ecological function of the mitigation sites, as overseen by the USFWS.

Sage scrub habitat is dependent on fire cycles that span many decades (Bowler, “Coastal Sage Scrub Restoration - I: The Challenge of Mitigation”; Bowler, “Ecological Restoration of Coastal Sage Scrub and Its Potential Role in Habitat Conservation Plans.”). Thus, mitigation measures that provide for the maintenance and monitoring of mitigation sites for only five years are insufficient (DEIR, MM 5.2-6, Page 5.2-46-47), and long-term preservation planning should consider post-fire community changes and include burning and understory supplementation if/when necessary.

It is important to note that increased human presence coupled with the effects of climate change will likely lead to an increase in fire frequency and intensity, which would disrupt vegetation communities in and adjacent to the project that are dependent on low frequency and low intensity fire regimes, such as sage scrub (Westerling and Bryant; Syphard et al.; Fried et al.). While the FEIR provides some details regarding a Fire Management Plan, which includes a fuel modification plan, landscape plan, and irrigation plan, all to be developed in concert with LA County Fire Department approval and to be maintained by a Landscape Maintenance District or HOA (DEIR, Section 5.5), the lack of an established plan makes it difficult to ascertain whether the project footprint and consequent mitigation requirements reflect the total amount of disturbed/impacted habitat. In addition, it should be made clear that the most current fire safety recommendations from the LA County Fire Department and insurance companies, like the

California FAIR Plan Property Insurance (https://www.cfpnet.com/index.php/consumers/brushwildfirerating/), will be implemented during project development and lifetime maintenance of the site.

Burrowing Owl and Grassland Habitat

The Burrowing Owl is a species of special concern whose populations have been dramatically declining in California since the 1980s. The destruction of wintering habitat is a significant impact, as stated in the FEIR. Yet mitigation measures to offset these impacts are insufficient. In MM 5.2-13, the FEIR states that if a wintering burrowing owl is observed during the non-nesting season, the burrow(s) will be closed and the owl(s) will be excluded (DEIR, MM 5.2-13, Page 5.2-56), but they do not mention a Burrowing Owl Exclusion Plan to be developed and approved by the local CDFW office prior to exclusion, as recommended by CDFW (2012). In addition, before habitat destruction and burrowing owl exclusions take place, the FEIR should legally secure mitigation lands and develop burrowing owl monitoring and management plans (California Department of Fish and Wildlife). These mitigation measures are not included in the FEIR. This amounts to the deferred development of mitigation measures, in violation of CEQA and *POET*.

In MM 5.2-14 the FEIR states that if suitable burrows are removed or impacted, then artificial burrows will be created onsite or offsite, depending on available suitable habitat (DEIR, MM 5.2-13, Page 5.2-56). However, the FEIR does not specify where artificial burrows will be created in relation to the impacted natural burrows. According to CDFW (2012), if active burrows are closed, artificial burrows should be created in suitable habitat within 210m of the natural burrow(s) to increase the chances of successful reestablishment. These mitigation measures are not currently incorporated in the FEIR or Conceptual Habitat Mitigation Plan. Once again, this amounts to the deferred development of mitigation measures, in violation of CEQA and *POET*.

The main causes of burrowing owl declines are habitat loss, degradation, and fragmentation, yet mitigation for foothill needlegrass grassland in MM 5.2-8 only provides for a minimum mitigation ratio of 2:1 (DEIR, MM 5.2-8, Page 5.2-50). Because the burrowing owl is a species of special concern, the mitigation ratio should be at least 3:1 to prevent further loss of the species. In addition, mitigation should include both habitat preservation and establishment.

The minimum of 6.5 acres of habitat for every burrowing owl impacted, as mentioned in MM 5.2-8 (DEIR, MM 5.2-8, Pages 5.2-50), is not based on the best available science. This minimum acreage is from an outdated source (The California Burrowing Owl Consortium 1993), and new scientific data regarding burrowing owl mitigation have arisen since then. The amount of habitat required per owl depends on the quality of the habitat, and home ranges have been observed to be from 280 to 600 acres per individual (California Department of Fish and Wildlife). To facilitate the establishment of burrowing owls in mitigated habitat, Trulio (2015) recommends 30 to 140 acres per owl pair, along with open and structurally heterogeneous grassland habitat, high burrow densities, healthy ground squirrel or other fossorial mammal populations, and adjacent owl-occupied nesting habitat. No details are provided in the FEIR or

Conceptual Habitat Mitigation Plan to ensure that appropriate mitigation sites will be acquired and established to facilitate the long-term survival of burrowing owls.

Free-roaming Domestic Animals

Another controllable threat that the FEIR fails to appropriately address is the banning of free-roaming domestic animals. The FEIR states that development "edge effects" such as domestic cats and dogs will be adverse but not significant because wildlife populations in the region would not be impacted to below self-sustaining levels. However, scientific studies have shown that the impacts of free-roaming dogs and cats on wildlife are often underestimated, and in fact, they can pose significant impacts to wildlife (Loss et al.; Young et al.). This controllable impact should be addressed in order to reduce impacts to the adjacent wildlife.

Worker and Future Resident Awareness

There is no mention in the FEIR of developing or implementing a worker training program to increase awareness of potential special status species and habitats that may be encountered/impacted onsite. Providing worker training is a simple way to educate workers about why certain precautions are necessary. It is a way to help workers be able to recognize signs of these species and be more invested in their protection.

Because the project is located near natural open space and nature reserves, the FEIR should include a mitigation measure to increase education and awareness to future residents regarding environmental resources and how to minimize impacts to the environment. They should include that Home Owners Associations or similar entities provide the most up-to-date information regarding fire safety, special status species in and near the area, and the impacts of pesticides/rodenticides on local wildlife.

Pesticide and Rodenticide Impacts

The FEIR fails to appropriately address eliminating the use of rodenticides and pesticides in the proposed project area, which will likely be used for foraging by raptors (including burrowing owls), native predators, and scavengers. Secondary poisoning of wildlife from these products is increasingly decimating populations of predators, particularly in the urban wildlife interface (Mcmillin), and pesticides in urban runoff have been shown to have adverse effects on amphibian populations (Hayes et al.; Relyea.) Nonetheless, the FEIR does not appear to contain any analysis about the dangers of pesticide use in close proximity to special status amphibians such as the western spadefoot toad.

The FEIR instead completely disclaims any responsibility for mitigating pesticide impacts on special status species, stating that the "Project does not have the legal ability to ban the use of specific pesticides by the residents; the Project must achieve regulatory compliance." (FEIR at 2-96.) This is inaccurate and subverts the purpose of CEQA. The purpose of CEQA is not to ensure compliance with other environmental regulations. Instead, CEQA requires the agency to independently assess the potential direct and indirect impacts of the Project—based upon the species present and the surrounding habitats and environmental resources. Given the Project's unique location which encompasses sensitive riparian habitat for special status species,

the County cannot just point to regulations of general applicability and claim impacts are mitigated. Site specific analysis of pesticide impacts and targeted mitigation measures are required.

The FEIR states that MM 5.8-1 and the Integrated Pest Management Plan is sufficient to mitigate against pesticides and rodenticides and that it is illegal to ban the use of pesticides by residents (FEIR Response to Comments 16.23, Page 2-96). The FEIR's reliance upon "Integrated Pest Management" or "IPM" remains vague, deferred, and ineffective. In response to this concerned raised by the Center, the FEIR includes a number of links describing various IPM programs. This does not take the place of site-specific analysis assessing the effectiveness of IPM techniques. Notably, the diversity of the links listed in the FEIR demonstrates that there is no agreed-upon "IPM" set of measures with specific performance criteria. CEQA requires far more than the agency merely agree to abide by a set of ideas that are differently laid out by other parties. CEQA requires that specific, binding and enforceable mitigation measures be disclosed and discussed in the FEIR, and then adopted as conditions of project approval. The FEIR is deficient in this regard. The FEIR should also require that the Home Owners Association or similar entity provide up-to-date information regarding the impacts of rodenticides and pesticides on nearby wildlife.

Indirect Effects on Wilderness and Open Space

Large-scale development near existing conservation areas carries special risks and requires extra measures to ensure that conservation areas are not impacted by development. For instance, residents of the Project may develop unofficial walking, hiking, biking, or off-road vehicle trails in conservation areas, resulting to impacts to wildlife and ecosystem functions. Such impacts are well documented at other conservation areas in Southern California adjacent to development.[6] Unfortunately, the FEIR fails to adequately analyze, disclose, or mitigate this foreseeable effect of siting thousands of people next to the Angeles National Forest and in close proximity to the Los Padres National Forest.

VI. The EIR Does Not Adequately Analyze or Mitigate the Air Quality Impacts of the Project.

A. Air pollution is a public health crisis that requires the County to focus development in existing cities.

Air quality is a significant environmental and public health concern as unhealthy, polluted air contributes to, and exacerbates many diseases and mortality rates. In the U.S., government estimates indicate that between 10-12 percent of total health costs can be attributed to air pollution. (VCAQR 2003) Many plants and trees, including agricultural crops, are injured by air pollutants. This damage ranges from decreases in productivity, a weakened ability to survive drought and pests, to direct mortality. (VCAQR) Wildlife is also impacted by air pollution as the plants and trees that comprise their habitats are weakened or killed (yet the FEIR contains no analysis of the impacts of air pollution on wildlife). Aquatic species and habitats are

[6] David Garrick, "Trials Proposed for Del Mar Mesa Area," *San Diego Union Tribune* (July 20, 2015); Dryw Keltz, "Fish and Wildlife Squeeze Bikers from Carlsbad's Lake Calavera," *San Diego Reader* (June 5, 2017); Steven Bartholow, "Recreationists React to Crack Down on Authorized Trials Near Santee," *Santee Patch* (Nov. 16, 2013).

impacted by air pollution through the formation of acid rain that raises the pH level in oceans, rivers and lakes. (EPA 2016) Greenhouse gases, such as the air pollutant carbon dioxide which is released by fossil fuel combustion, contribute directly to human-induced climate change. (EPA 2016) In this feedback loop, poor air quality that contributed to climate change will in turn worsen the impacts of climate change and attendant air pollution problems. (BAAQMD 2016)

Some of the nation's most polluted counties are in Southern California with LA County continually topping the list. (ALA 2016) Air pollution and its impacts are felt most heavily by young children, the elderly, pregnant women and people with existing heart and lung disease. People living in poverty are also more susceptible to air pollution as they are less able to relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports, as there areas are more affordable. (BAAQMD 2016; ALA 2016) Pollution sources include transportation, industry and manufacturing, construction, the importation and movement of goods, and energy development. Transportation presents one of the most significant sources of pollution in urban areas, where large segments of the population are constantly exposed to roads and traffic. (BAAQMD 2016; Newman)

Although there are many different types of air pollution, Ozone, Fine Particulate Matter and Toxic Air Contaminants are of greatest concern in urban areas, particularly in Southern California. These three air pollutants have been linked to an increased incidence and risk of cancer, birth defects, low birth weights and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD, stroke and heart attack. (Laurent 2016; ALA 2016) Ozone, also commonly referred to as smog, is created by the atmospheric mixing of gases resulting fossil fuel combustion and other volatile organic compounds and sunlight. Although it is invisible, ozone poses one of the greatest health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. (ALA 2016) Fine Particulate Matter is generally found in urban areas as a result of vehicle exhaust emissions, and these microscopic particles are what contribute to visible air pollution. These tiny participles are dangerous because they are small enough to escape our body's natural defenses and enter the blood stream. Fugitive dust is a term used for fine particulate matter that results from disturbance by human activity such as construction and road-building operations. (VCAQR 2003) Fine Particulate Matter can also result from ash caused by forest fires, which will continue to impact those living in the urban-wildland interface and increasingly beyond as climate change exacerbates the risk of forest fires. (BAAQMD 2016) Toxic Air Contaminants are released from vehicle fuels, especially diesel, which accounts for over 50% of the cancer risk from TACs. (BAAQMB 2016) This is especially relevant for Southern California with its abundance of diesel shipping traffic. (Bailey; Betancourt 2012)

Urban infill is an effective plan for reducing the air pollution and greenhouse gas emission resulting from heavy reliance on vehicles. Centrally locating housing, shopping and places of employment reduces vehicle miles travelled and new road construction. With fewer roads and less traffic, it will be less likely that housing will be located near busy, polluting roads, which is a large source of exposure. (BAAQMD 2016) Infill planning also allows for realistic promotion of alternative transportation such as walking or biking.

B. The County must conduct a health risk assessment prior to project approval.

The EIR must adequately analyze the potential health risks—including cumulative impacts—arising from air pollution generated directly or indirectly by the Project. The Guidelines require EIRs to discuss health problems caused by proposed projects. (Guidelines § 15126.2.) The EIR must assure that this is a robust health assessment for all criteria pollutants, Mobile Source Air Toxics, such as acrolein, benzene, 1,3-butadiene, diesel particulate matter, formaldehyde, naphthalene, and polycyclic organic matter, and Toxic Air Contaminants. Simply providing emissions levels or general descriptions of health impacts provides an inadequate context to decisionmakers and the public of the Project's actual effects on public health. In *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, the court held the agency failed to proceed in a manner required by law because the EIR did not include information on the air pollution impacts of the project on specific areas near the project vicinity, including how frequently and for what length of time the level of particulate air pollution in the surrounding area would exceed standards of significance. (*Id*. at 487-88.) Here, the FEIR does not provide adequate information on how specific pollutants would disperse and impact neighboring jurisdictions or specific areas in the project vicinity.

Instead, the EIR disclaims responsibility for analyzing these types of effects of the Project *now*, claiming such analysis is "speculative" because the exact uses have not yet been finalized. (FEIR at 2-67.) The FEIR also confusingly refers to the Northlake Specific Plan as a "program level specific plan." (*Id*.) While CEQA provides for "program level" EIRs, the Conservation Groups are unaware of any regulatory approval known as a "program level specific plan." In any event, CEQA does not allow an agency to avoid analyzing the effects of the project *prior* to approval by labelling it a "program-level" project.

Moreover, to the extent the exact nature of development is uncertain at this time, the agency must use its best efforts to find out all that it reasonably can, and then disclose any remaining uncertainties after conducting such an investigation and inquiry. (See S*an Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 21-24.) For example, the County should have analyzed the health risks and conducted a health assessment based upon the most intensive uses permitted by the Project in order to inform the public and decision-makers of the "worst case" impacts of the Project on people living in the vicinity of the Project. Or it could have analyzed development types it views as "reasonably foreseeable" based upon the proposed zoning designations. In short, the County must use "best efforts to find out and disclose all that it reasonably can…" (Guidelines § 15144; Pub. Res. Code § 21003.1(a).)

All that the EIR proposes in MM 5.1-14 is the preparation of a health risk assessment prior to issuance of building permits for industrial buildings in the Project area. However, this would be a ministerial process that would occur outside of public view. (FEIR at 2-67.) The public and decision-makers would be unable to review the assessment or offer comments on its adequacy (and this applies equally to other types of development that might occur onsite). While CEQA allows for the deferral of developing mitigation measures in very limited contexts, it does not allow for the deferral of analysis regarding potential effects.

C. The County should require much stronger air quality mitigation measures.

CEQA requires that—*prior* to the approval of a project—the lead agency adopt all feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of the project. (Pub. Res. Code § 21002.) In addition, "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified." (CEQA Guidelines § 15126.4(a)(1)(B).)

The EIR states that construction and operational air pollution impacts would remain significant and unavoidable for a number of different types of air pollution. However, the EIR does not demonstrate that the County considered all potentially feasible mitigation measures for each type of air pollution, or adopted all feasible measures. Indeed, there are a wealth of mitigation measures already proposed by other agencies in technical reports that were not incorporated in the EIR.

Many mitigation measures that should be considered and adopted are described in detail in the documents attached: (1) San Joaquin Valley Air Pollution Control District: Mitigation Measures, (2) Bay Area Air Quality Management District, *California Environmental Quality Act: Air Quality Guidelines* (2011), (3) Sacramento Metropolitan Air Quality Management District, Recommended Guidance for Land Use Emission Reductions Version 3.3 (for Operational Emissions) (2016), (4) San Luis Obispo County Air Pollution Control District, CEQA Air Quality Handbook: A Guide for Assessing the Air Quality Impacts For Projects Subject to CEQA Review (2012), (5) California Air Pollution Control Officers Association (CAPCOA), *CEQA and Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act* (2008), and (6) California Attorney General's Office, *Addressing Climate Change at the Project Level* (2010). The documents identify existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's air pollution and GHG emissions. These mitigation measures also provide the co-benefit of reducing many criteria emissions that contribute to the significant impacts to air quality from the Project and should be evaluated for their feasibility in reducing both GHGs and criteria pollutants.

Because CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts, the Project must adopt all feasible mitigation measures to reduce air quality and GHG impacts or provide "substantial evidence" as to why the mitigation measures are infeasible. (Guidelines § 15091(b).) Again, even if the Project's impacts are *unavoidable* that does not absolve the County of its obligation to *mitigate* significant impacts to the extent feasible. Conservation Groups therefore suggest the EIR adopt all feasible mitigation measures set forth in the attached. Their feasibility is proven, in many cases, by their actual implementation by cities and counties across California.

D. The EIR needs to disclose the health risks of siting people next to a freeway.

The EIR proposes siting people within close proximity to the I-5 freeway, which is one of the busiest freeways in the region. The EIR claims that no health risk assessment is necessary because a 2005 Land Use Handbook requires such assessments only when there are sensitive uses within 500 feet of a freeway. (DEIR at 5.1-40.) Here, the EIR proposes multifamily homes within 900 feet of the freeway and single family homes within 1,200 feet.

The problem here is that there are in fact serious health risks associated with siting people 900-1200 feet from a freeway. Numerous studies have documented the air pollution and health impacts associated with siting expressways and freeways in close proximity to residential development, particularly upon sensitive receptors such as children and the elderly. (Lin 2000.) A review of 700 studies concluded that pollution causes asthma attacks in children, the onset of childhood asthma, impaired lung function, premature death and death from cardiovascular diseases, and cardiovascular morbidity. (Health Effects Institute 2010[7].)

Quite critically for this project, the Health Effects Institute study concluded that the "exposure zone" was 300 to 500 meters from the highways (984 feet to 1640 feet). (*Id.*) Other studies have reached similar conclusions. (*See* Anderson 2011; Suglia 2008.) Living near expressways also increases the likelihood that residents will suffer from dementia. (Chen 2017.) The University of Southern California's Environmental Health Centers have also collected data and studies showing risks and health impacts to pregnant women, babies, children, teenagers, adults, and seniors of living by a freeway.[8] While the studies are summarized in the footnoted website, most of them have also been enclosed with this letter. In short, the EIR fails to address the overwhelming body of peer-reviewed scientific evidence demonstrating that siting development next to a freeway or expressway will lead to significant health effects on the residents.

If the County does decide to move forward with siting people in such close proximity to a freeway despite the strong evidence that it may make people sick, it should require the developer to notify potential residents of the health risks of living by an expressway or freeway.[9] And it should disclose all the types of health impacts of such development in the EIR.

Instead, the County discounts the findings of its own Department of Public Health, claiming that "these freeway siting recommendations are based on studies from the early 2000s, and since then, diesel particulate emissions from heavy trucks have substantially declined; therefore, the siting guidelines are even more conservative." (DEIR at 5.1-40.) This ignores the scientific research conducted since the early 2000s (some of which is included as references) showing that living near a freeway is actually *more* dangerous than scientists initially concluded. Moreover, the focus solely on diesel particulate matter ("DPM") is a red herring—there are many other types of air pollution emanating from freeways (not to mention the EIR contains no information on whether the *volume* of DPM-generating vehicles has increased over the past 20 years, which it likely has as population and economic activity has increased in California). The EIR also insinuates that the "topographical location" will reduce risks, but does not provide any evidence supporting this. Air pollution can move horizontally or vertically and likely can travel up a small hillside, especially in windy conditions.

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[7] https://www.healtheffects.org/publication/traffic-related-air-pollution-critical-review-literature-emissions-exposure-and-health

[8] *See* http://envhealthcenters.usc.edu/infographics/infographic-living-near-busy-roads-or-traffic-pollution/references-living-near-busy-roads-or-traffic-pollution (collecting studies); *see also* http://www.latimes.com/projects/la-me-freeway-pollution/.

[9] *See Los Angeles Times,* "L.A. warns homebuilders, but not residents, of traffic pollution health risks," (Aug. 20, 2017) http://beta.latimes.com/local/lanow/la-me-ln-freeway-pollution-warnings-20170804-story.html.

Finally, as discussed later, the Supplemental Memo reveals that the Project now proposes siting people even *closer* to the I-5 than initially proposed, which is likely to lead to more serious health risks and impacts.

VII. The FEIR Fails to Analyze or Mitigate the Project's GHG Impacts.

A. Climate Change is a Catastrophic and Pressing Threat to California

A strong, international scientific consensus has established that human-caused climate change is causing widespread harms to human society and natural systems, and that climate change threats are becoming increasingly dangerous. The Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for the assessment of climate change, concluded in its 2014 Fifth Assessment Report that: "[w]arming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen," and further that "[r]ecent climate changes have had widespread impacts on human and natural systems."[10] These findings were echoed in the United States' own 2014 Third National Climate Assessment and 2017 Climate Science Special Report, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies. The Third National Climate Assessment concluded that "[m]ultiple lines of independent evidence confirm that human activities are the primary cause of the global warming of the past 50 years"[11] and "[i]impacts related to climate change are already evident in many regions and are expected to become increasingly disruptive across the nation throughout this century and beyond."[12] The 2017 Climate Science Special Report similarly concluded:

> [B]ased on extensive evidence,…it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.
>
> In addition to warming, many other aspects of global climate are changing, primarily in response to human activities. Thousands of studies conducted by researchers around the world have documented changes in surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water

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[10] IPCC [Intergovernmental Panel on Climate Change], Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, [Core Writing Team, R.K. Pachauri & L.A. Meyer (eds.)], IPCC, Geneva, Switzerland (2014), http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR_AR5_FINAL_full_wcover.pdf at 2.

[11] Melillo, Jerry M, Terese (T.C.) Richmond & Gary W. Yohe (eds.), Climate Change Impacts in the United States: The Third National Climate Assessment, U.S. Global Change Research Program (2014), http://nca2014.globalchange.gov/downloads at 7.

[12] Melillo, Jerry M, Terese (T.C.) Richmond & Gary W. Yohe (eds.), Climate Change Impacts in the United States: The Third National Climate Assessment, U.S. Global Change Research Program (2014), http://nca2014.globalchange.gov/downloads at 10.

vapor.[13]

The U.S. National Research Council concluded that "[c]limate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases is already affecting—a broad range of human and natural systems."[14] Based on observed and expected harms from climate change, in 2009 the U.S. Environmental Protection Agency found that greenhouse gas pollution endangers the health and welfare of current and future generations.[15]

These authoritative climate assessments decisively recognize the dominant role of greenhouse gases in driving climate change. As stated by the Third National Climate Assessment: "observations unequivocally show that climate is changing and that the warming of the past 50 years is primarily due to human-induced emissions of heat-trapping gases."[16] The Assessment makes clear that "reduc[ing] the risks of some of the worst impacts of climate change" will require "aggressive and sustained greenhouse gas emission reductions" over the course of this century.[17]

The impacts of climate change will be felt by humans and wildlife. Climate change is increasing stress on species and ecosystems—causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes—in addition to increasing species extinction risk.[18] Climate-change-related local extinctions are already widespread and have occurred in hundreds of species.[19] Catastrophic levels of species extinctions are projected during this century if climate change continues unabated.[20] In California, climate change will transform our climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability, as we detail below.

Therefore, immediate and aggressive greenhouse gas emissions reductions are necessary to keep warming well below 2°C above pre-industrial levels. The IPCC Fifth Assessment Report and other expert assessments have established global carbon budgets, or the total amount of

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[13] USGCRP [U.S. Global Change Research Program], Climate Science Special Report: Fourth National Climate Assessment, Volume I [Wuebbles, D.J. et al. (eds.)], U.S. Global Change Research Program, Washington, DC (2017), https://science2017.globalchange.gov/ at 10.

[14] NRC [National Research Council], Advancing the Science of Climate Change, National Research Council (2010), www.nap.edu at 2.

[15] U.S. EPA [U.S. Environmental Protection Agency], Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule, 74 Federal Register 66496 (2009).

[16] Melillo, Jerry M, Terese (T.C.) Richmond & Gary W. Yohe (eds.), Climate Change Impacts in the United States: The Third National Climate Assessment, U.S. Global Change Research Program (2014) at 2. *See also* Report Finding 1 at 15: "The global warming of the past 50 years is primarily due to human activities, predominantly the burning of fossil fuels."

[17] Melillo, Jerry M, Terese (T.C.) Richmond & Gary W. Yohe (eds.), Climate Change Impacts in the United States: The Third National Climate Assessment, U.S. Global Change Research Program (2014) at 13, 14, and 649. *See also* Report Finding 3 at 15: "Human-induced climate change is projected to continue, and it will accelerate significantly if global emissions of heat-trapping gases continue to increase."

[18] Warren, Rachel et al., Increasing impacts of climate change upon ecosystems with increasing global mean temperature rise, 106 Climatic Change 141 (2011).

[19] Wiens, John J., Climate-related local extinctions are already widespread among plant and animal species, 14 PLoS Biology e2001104 (2016).

[20] Thomas, Chris. D. et al., Extinction risk from climate change, 427 Nature 145 (2004); Maclean, Ilya M. D. & Robert J. Wilson, Recent ecological responses to climate change support predictions of high extinction risk, 108 PNAS 12337 (2011); Urban, Mark C., Accelerating extinction risk from climate change, 348 Science 571 (2015).

carbon that can be burned while maintaining some probability of staying below a given temperature target. According to the IPCC, total cumulative anthropogenic emissions of CO_2 must remain below about 1,000 $GtCO_2$ from 2011 onward for a 66 percent probability of limiting warming to 2°C above pre-industrial levels, and to 400 $GtCO_2$ from 2011 onward for a 66 percent probability of limiting warming to 1.5°C.[21] These carbon budgets have been reduced to 850 $GtCO_2$ and 240 $GtCO_2$, respectively, from 2015 onward.[22] Given that global CO_2 emissions in 2016 alone totaled 36 $GtCO_2$,[23] humanity is rapidly consuming the remaining carbon budget needed to avoid the worst impacts of climate change. As of early 2018, climate policies by the world's countries would lead to an estimated 3.4°C of warming, and possibly up to 4.7°C of warming, well above the level needed to avoid the worst dangers of climate change.[24]

The United States has contributed more to climate change than any other country. The U.S. is the world's biggest cumulative emitter of greenhouse gas pollution, responsible for 27 percent of cumulative global CO_2 emissions since 1850, and the U.S. is currently the world's second highest emitter on an annual and per capita basis.[25] Nonetheless, U.S. climate policy is wholly inadequate to meet the international climate target to hold global average temperature rise to well below 2°C above pre-industrial levels to avoid the worst dangers of climate change. Current U.S. climate policy has been ranked as "critically insufficient" by an international team of climate policy experts and climate scientists which concluded: "These steps represent a severe backwards move and an abrogation of the United States' responsibility as the world's second largest emitter at a time when more, not less, commitment is needed from all governments to avert the worst impacts of climate change."[26]

In response to inadequate action on the national level, California has taken steps through legislation and regulation to fight climate change and reduce statewide GHG emissions. Enforcement and compliance with these steps is essential to help stabilize the climate and avoid catastrophic impacts to our environment. California has a mandate under AB 32 to reach 1990 levels of GHG emissions by the year 2020, equivalent to approximately a 15 percent reduction from a business-as-usual projection. (Health & Saf. Code § 38550.) Based on the warning of the Intergovernmental panel on Climate Change and leading climate scientists, Governor Brown issued an executive order in April 2015 requiring GHG emission reduction 40 percent below 1990 levels by 2030. (Executive Order B-30-15 (2015).) The Executive Order is line with a

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[21] IPCC [Intergovernmental Panel on Climate Change], 2013: Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F. et al. (eds.)], Cambridge University Press (2013) at 25; IPCC [Intergovernmental Panel on Climate Change], Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, [Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.)], IPCC, Geneva, Switzerland (2014) at 63-64 & Table 2.2.

[22] Rogelj, Joeri et al., Differences between carbon budget estimates unraveled, 6 Nature Climate Change 245 (2016) at Table 2.

[23] Le Quéré, Corrine, et al., Global Carbon Budget 2017, Earth Syst. Sci. Data Discuss., https://doi.org/10.5194/essd-2017-123 (2017), http://www.globalcarbonproject.org/carbonbudget/17/data.htm.

[24] Climate Action Tracker, Improvement in warming outlook at India and China move ahead, but Paris Agreement gap still looms large (November 2017), http://climateactiontracker.org/publications/briefing/288/Improvement-in-warming-outlook-as-India-and-China-move-ahead-but-Paris-Agreement-gap-still-looms-large.html.

[25] World Resources Institute, 6 Graphs Explain the World's Top 10 Emitters (November 25, 2014).

[26] Climate Action Tracker, USA (last updated 6 November 2017), http://climateactiontracker.org/countries/usa.

previous Executive Order mandating the state reduce emission levels to 80 percent below 1990 levels by 2050 in order to minimize significant climate change impacts. (Executive Order S-3-05 (2005).) In enacting SB 375, the state has also recognized the critical role that land use planning plays in achieving greenhouse gas emission reductions in California.[27]

The state Legislature has found that failure to achieve greenhouse gas reduction would be "detrimental" to the state's economy. (Health & Saf. Code § 38501(b).) In his 2015 Inaugural Address, Governor Brown reiterated his commitment to reduce greenhouse gas emissions with three new goals for the next fifteen years:

- Increase electricity derived from renewable sources to 50 percent;
- Reduce today's petroleum use in cars and trucks by 50 percent;
- Double the efficiency of existing buildings and make heating fuels cleaner. (Brown 2015 Address.)

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, (9th Cir. 2008) 538 F.3d 1172, 1217 ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, project-specific GHG emission disclosure, analysis and mitigation is vital to California meeting its climate goals and maintaining our climate.

B. The FEIR fails to establish consistency with AB 32 and its implementing policies, plans, and executive orders.

The EIR claims that because the Project is purportedly consistent with the Los Angeles County Climate Community Action Plan ("CCAP") and the 2012 Santa Clarita Valley Area Plan ("SCVAP"), the Project will not have a significant effect on climate change. (DEIR at 5.7-44.) As a preliminary matter, the FEIR fails to explain how the CCAP or SCVAP is consistent with CARB's 2017 Climate Change Scoping Plan Update,[28] which identifies a goal of reducing emissions to 1990 levels by 2020. Instead, the FEIR only claims that the CCAP sets a goal of reducing emissions to 11 percent below ***2010*** levels by 2020. (DEIR at 5.7-17.) The CCAP explains that the 11 percent target was based upon a 2013 GHG inventory update that purportedly showed that only a "smaller percent reduction (i.e., a 10% to 11% reduction) from 2005 to 2008 levels is needed to achieve the 2020 target (than anticipated in the AB 32 Scoping Plan)." (CCAP at 3-1.)[29]

However, the CCAP does not account for more ambitious GHG targets of the state that have been implemented since the initial scoping plan was released in 2011. For instance, Governor Brown signed Executive Order B-30-15 on April 29, 2015, which sets a target of reducing GHG emissions to 40 percent below 1990 levels by 2040. Although the EIR states that the CCAP was adopted on October 6, 2015, the CCAP contains no mention of Executive Order B-30-15. The goals in EO B-30-15 are incorporated into the 2017 Scoping Plan, and the Scoping

[27] See http://www.arb.ca.gov/cc/sb375/sb375.htm.
[28] https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf
[29] http://planning.lacounty.gov/assets/upl/project/ccap_final-august2015.pdf

Plan specifically recommends that local governments have a "community-wide goal to achieve emissions of no more than six metric tons CO2e per capita by 2030 and no more than two metric tons CO2e per capita by 2050." (Scoping Plan at 133.) The goals in EO B-30-15 are also incorporated into SB 32, and are therefore state law. (DEIR at 5.7-14.)

Nonetheless, neither the EIR nor the CCAP establish consistency with B-30-15 or the 2017 Scoping Plan. This omission is particularly serious given that the EIR concedes that this executive order—which the EIR characterizes as a statewide interim GHG target—applies to the Project. (DEIR at 5.7-22 & 12.)

The EIR also fails to analyze whether the Project is consistent EO B-16-2012, which (1) directs state agencies to facilitate the rapid commercialization of zero-emission vehicles and (2) establishes a goal of an "80 percent reduction of greenhouse gas emissions from the transportation sector in California by 2050 as compared to 1990 levels." (*Bay Area Citizens v. Association of Bay Area Governments* (2016) 248 Cal. App. 4th 966, 980.) Such large reductions in GHG emissions from the transportation sector requires that local land use authorities (such as the County) decline to approve projects that will lead to outsized transportations and GHG impacts.

To the extent that the County believes that these orders and policies are not specifically applicable to the Project, the Conservation Groups disagree. *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal. 5th 497, 515 ("*SANDAG*") stated that it is not dispositive whether an earlier GHG executive order (EO S-3-05) is an "adopted GHG reduction plan" or accepted threshold of significance. Instead, *SANDAG* observed that EO S-3-05's "goal of reducing California's greenhouse gas emissions to 80 percent below 1990 levels expresses the pace and magnitude of reduction efforts that the scientific community believes necessary to stabilize the climate. ***This scientific information has important value to policymakers and citizens in considering the emission impacts of a project*** like SANDAG's regional transportation plan." (*Ibid*.) *SANDAG* also approvingly cited a letter from the California Attorney General noting that infrastructure and land use decisions "***may lock in transportation inefficiencies and preclude any realistic possibility of meeting the Executive Order's goal of an 80% reduction in GHG emissions***." (*Id*. at 509, emphasis added.)

The 2017 Scoping Plan further states that "Implementation of this change will rely, in part, on local land use decisions to reduce GHG emissions associated with the transportation sector, both at the project level, and in long-term plans (including general plans, climate action plans, specific plans, and transportation plans) and supporting sustainable community strategies developed under SB 375." (Scoping Plan at 101.) This indicates that mere reliance upon an existing long-term plan is not necessarily sufficient to reduce a project's GHG emissions, particularly when additional policies or standards have been implemented since adoption of the long-term plan.

The Conservation Groups are concerned that this Project—which is located fairly far from existing city centers and services—is exactly the type of project that will lock in transportation inefficiencies and preclude the state's ability to meet its GHG reduction goals. In fact, a recent report confirms this concern. Next10 issued their 2017 California Green

Innovation Index Report, ("CGII Report")[30] which shows that transportation emissions—which are the largest source of GHG emissions in the state—have been increasing. The CGI Report reveals that commute times in California have increased and average freeway speeds have decreased, which results in traffic congestion and additional GHG emissions. The CGI Report further demonstrates that GHG emissions reductions have recently has reached a plateau and are not decreasing at a significant pace anymore. (CGII Report at Figure 5.) The Report indicates that this is due to transportation emissions, which have begun to rise. (CGI Report at Figures 9 and 10.) As perhaps the largest land use authority in California, the County should exercise its authority to reduce transportation emissions instead of approving more large-scale sprawl projects.

Center for Biological Diversity v. Department of Fish & Wildlife (2015) 62 Cal.4th 204, 230 stated that "[l]ocal governments [] bear the primary burden of evaluating a land use project's impact on greenhouse gas emissions. ***Some of this burden*** can be relieved by using geographically specific greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis." (Emphasis added.) Here, even assuming that the CCAP and SCVAP are valid documents that adequately implemented plans in existence at the time they were adopted, that does not relieve the County of its burden to ensure that future projects are consistent with all ***new*** policies, plans, and the best available data and science about the current emissions levels. Here, it is not clear that the County considered relevant and current data regarding climate change or the impacts of the transportation sector.

C. The FEIR's measures to reduce GHG emissions are vague and unenforceable.

The FEIR identifies some measures designed to reduce the Project's GHG emissions, including a "commitment" to install a certain amount of solar panels and EV chargers. (DEIR at 5.7-22; FEIR at 2-83.) While such measures are steps in the right direction, they do not qualify as enforceable mitigation measures under CEQA, such that there is no assurance that they will be implemented. If the Applicant is truly "committed" to these measures, then these measures should be incorporated as CEQA mitigation measures and/or binding conditions of project approval. Notably, the FEIR relies on these measures in claiming that the Project will reduce its GHG emissions from 66,083 MTCO2e to 56,722 MTCO2e. Accordingly, if the FEIR is going to rely on these measures to reduce GHG emissions, then there must be conditions of approval.

On a related matter, the FEIR lacks detail on the types of EV chargers that will be required. EV chargers in commercial parking lots should have "Level 3" DC fast charging instead of slower Level 2 charging.

Moreover, the FEIR refers to a "transportation demand management" or "TDM" measures, but lacks sufficient detail for the public to ascertain whether these measures will reduce GHG emissions. (FEIR at 5.7-22.) For example, the FEIR does not specify which "major employment center" will receive shuttle service, or how the local transit network will be expanded. (*Id.*) While the Supplemental Memo provides slightly more detail on this topic, it is insufficient to determine whether such measures will actually lead to real reductions in

[30] http://next10.org/sites/default/files/2017-CA-Green-Innovation-Index-2.pdf

automobile trips or GHGs. Given that the Project site is quite far from existing employment centers, the FEIR should provide specific details on how this program will in fact reduce transportation demand. In Appx. G of the DEIR (prepared by the Applicant's consultant), Table 2-13 purports to estimate the reductions in VMT resulting from the TDM measures. However, the CAPCOA Fact Sheet on which the table relies contains differing numerical reductions or "n/a" for the measures identified in the table.[31] Accordingly, it is not clear from the record whether even the small reductions in GHGs claimed are based upon reliable data. The FEIR also should describe how the TDM will be funded (and to what amount) and what entity will administer it.

D. The FEIR should require "zero net energy" as a condition of the Project.

Other projects in the County that have recently been approved include a goal of zero net GHG emissions. Such projects intend to achieve that goal through reducing onsite GHG emissions to the greatest extent practicable, but also by offsetting any other emissions through local emissions reductions projects.[32] Here, the FEIR fails to provide substantial evidence that such additional reductions needed to achieve zero net energy are infeasible—for instance, the FEIR could include more robust EV charging requirements, more onsite renewable energy, and a program to offset the remaining GHG emissions locally.

Any offset program must ensure "Additionality." California law establishes specific standards for greenhouse gas offset credits used in the AB 32 cap-and-trade system. Health and Safety Code section 38562(d) requires, in relevant part, that:

> (1) The greenhouse gas emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the state board.
>
> (2) For regulations pursuant to Part 5 (commencing with Section 38570) [i.e., regulations implementing the market-based cap-and-trade system], the reduction is in addition to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that otherwise would occur.
>
> (3) If applicable, the greenhouse gas emission reduction occurs over the same time period and is equivalent in amount to any direct emission reduction required pursuant to this division.

In particular, the two-part definition of "additional" under subdivision (d)(2) requires not only that credited reductions are not otherwise legally required, but also that credited reductions would not otherwise occur in the absence of the offset project.

This definition of "additional" also applies in the CEQA context, as the regulatory history of the relevant CEQA Guidelines makes clear. The CEQA Guidelines specify that only GHG reductions that are "not otherwise required" may be used to offset project emissions. (CEQA

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[31] http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf at Table 6-2.
[32] *See* California Department of Fish and Wildlife, *Newhall Ranch Resource and Development Management and Development Plan, Final Additional Environmental Analysis*, Appendix 2.1, available at http://planning.lacounty.gov/assets/upl/case/tr_53108_appendix-2-0-cdfw-final-aea-excerpts.pdf.

Guidelines, § 15126.4, subd. (c)(3).) However, as the California Resources Agency's Final Statement of Reasons for adopting this Guideline explains, the "not otherwise required" language was intended to make clear that only "additional" emissions reductions—that is, reductions not otherwise required by law or likely to occur anyway—may be used to generate offsets for CEQA mitigation.[33] The Final Statement of Reasons explicitly interprets CEQA's mitigation requirements, including requirements governing use of offsets, as "consistent with the Legislature's directive in AB32 that reductions relied on as part of a market-based compliance mechanism must be 'in addition to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that otherwise would occur.'" (*Ibid*.)

Again, the FEIR has not established how zero net energy is infeasible. (See *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600 (whether a project is economically unfeasible "is not measured by increased cost or lost profit, but upon whether the effect of the proposed mitigation is such that the project is rendered impractical.").)

VIII. Many of the Studies Incorporated into the EIR Do Not Reflect the County's Independent Judgment.

Many of the studies that the FEIR cites to (*e.g.*, the Biological Resources Downstream Impacts Assessment [Appx. B], Special Status Plant Species Restoration Plan [Appx. C], Wildlife Crossing Assessment Memo [Appx. D]) indicate on their cover pages that they were prepared for the Applicant by a third party consultant. The FEIR indicates that the County accepted all of the conclusions and analyses prepared by these developer-funded consultants instead of independently preparing its own analyses. This is unlawful under CEQA. (*See California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 194 (a public agency cannot charge a developer with the responsibility to study the impact of a proposed project and the EIR must reflect the independent judgment of the lead agency).)

It is true that the lead agency may receive information "which shall be considered by the public agency, and may be included, in whole or in part, in any report or declaration." (Pub. Res. Code § 21082.1.) To the extent the County can rely upon studies prepared and funded by the developer, this is the only section that would permit the County to do so. However, neither this section nor any of the CEQA Guidelines give the lead agency the discretion to uncritically rely upon the analyses and conclusions in the various developer-funded studies; the County must exercise its own independent judgment and support that judgment with evidence and analyses within the EIR. (*See Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal. App. 4th 357, 371.) This is especially true when neutral expert authorities—such as CDFW and SMMC—strenuously disagreed with much of the developer-funded analyses and conclusions. Nonetheless, the responses in the FEIR to comments by these agencies (and other agencies) generally fail to do anything more to restate the conclusions of the developer-funded studies. Such reliance on developer-funded studies (especially in the face of disagreement by expert agencies) does not allow for informed and reasoned decision-making, nor is such reliance entitled to deference under the "substantial evidence" standard.

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[33] California Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 at 48, 87-90 (December 2009).

In addition, many of these studies were published in the last few weeks, given the public very little time to review and provide comments. This frustrates CEQA's goals of public participation and informed decision-making.

IX. The EIR Needs To Be Recirculated Because The Project Was Significantly Revised on April 5, 2018.

As noted above, the County published a "Supplemental Memo" on April 5, 2018 that disclosed that revisions to the Project were made which removed virtually all of the commercial and industrial uses in favor of more dwelling units. Such revisions effect the traffic analysis, and by extension the air quality analysis and GHG analysis, as well as the studies supporting these analyses.

The EIR should be recirculated with adequate analysis assessing these revisions. Resources Code section 21092.1 provides that "[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report." CEQA Guideline 15088.5 further clarifies that "As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information."

Significant new information includes "a disclosure that (1) a new significant environmental impact would result from the project or a new mitigation measure; (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted; (3) a feasible alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the project's significant impacts but the project's proponents decline to adopt it; or (4) the draft EIR 'was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 654-655.)

At a minimum, either element (1) or (2) could be applicable here. While it is not apparent from the brief analyses in the Supplemental Memo exactly in what location the additional residential uses will be sited, the Memo indicates that "areas that were previously proposed for industrial and commercial would now be developed with residential uses…" (Memo at PDF 14.) However, the industrial and commercial uses were sited closest to I-5, presumably because of the public health risks of siting residential uses immediately adjacent to a highway. Yet, neither the Memo nor the EIR adequately analyze or consider the risks of siting people in such close proximity to a freeway. This is problematic because the scientific literature cited above indicates that the closer people live to a freeway, the more severe and pervasive the potential impacts are upon those persons.

X. The Statement of Overriding Considerations is Conclusory and Factually Incorrect.

The Statement of Overriding Considerations ("SOC") is deficient because it repeats the same factually and legally unsupportable conclusions and analyses set forth in the EIR (which

are outlined in this letter, the Center's previous comments, and in various other comment letters by expert agencies such as CDFW and SMMC). The SOC therefore fails to provide substantial evidence supporting its claims as to the impacts and proposed alternatives and mitigation measures. For example, as discussed above, the EIR does not show that the Creek Avoidance Alternative is not feasible. And the final version of the Project does not even meet all of the project objectives.

The SOC also is factually incorrect in repeatedly claiming that the Project will provide for industrial uses. (Supplemental Memo at PDF 204.) Likewise, the SOC is incorrect in claiming that the Project will be generating more employment opportunities based upon these (now non-existent) industrial uses. (*Id*.) Because of this, the SOC is incorrect in claiming that the "Project will accomplish and be fully consistent with Project Objectives… described in Table 6-1 of the SEIR." (*Id*.) As noted above, the EIR reaches the opposite conclusion when analyzing the No Industrial Development Alternative. (DEIR at 6-21.) At best, the SOC is extremely misleading because it claims economic benefits that are no longer part of the Project. These discrepancies and errors frustrate public participation and informed decision-making.

Moreover, the SOC is replete with bare statements that impacts are outweighed by benefits without adequate supporting analysis. The SOC does not adequately consider the impacts of the Project on other community resources such as the SRA (as discussed above). The SOC contains similarly conclusory claims that all feasible mitigation measures have been adopted. CEQA requires substantial evidence supporting these claims with respect to each area of significant impacts.

Finally, the SOC refers to the EIR as a "Program EIR" even though a program EIR is not appropriate here; the Project is a "specific plan," which is a particular development project, not a program for a regulatory action (e.g., a general plan).

XI. Conclusion.

The Center notes that the County failed to provide any response in the FEIR to the Center's request that—in connection with the administrative record—the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made. The Center again asks that the County confirm that it has complied with these requests.

In light of the many significant, unavoidable environmental impacts that will result from the Project, we strongly urge the Project not be approved in its current form. If the County is intent on moving forward with this unwise project, at a minimum it should be redesigned and downsized to avoid sensitive resources such as Grasshopper Creek and habitat for the western spadefoot toad and burrowing owl.

Sincerely,

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ATTACHMENT C

April 1, 2019

Via Electronic Mail and FedEx (w/attachments)

Los Angeles County Board of Supervisors
c/o Ms. Celia Zavala
Executive Officer
500 West Temple Street
Los Angeles, CA 90012
executiveoffice@bos.lacounty.gov

Re: Northlake Specific Plan

Dear Los Angeles County Board of Supervisors:

These comments are submitted on behalf of the Center for Biological Diversity ("Center") on the proposed Northlake Specific Plan ("Project").

The County just released nearly 400 pages of documents relating to the Project on the evening of March 28, 2019, including a 216-page Findings of Fact and Statement of Overriding Considerations (the "Findings") regarding the Final Supplemental Environmental Impact Report ("FSEIR") for the Project. **The public is unable to review these documents in any meaningful manner over the less than two business days provided before the scheduled April 2 hearing on the Project. The Center strongly objects to the County conducting a hearing on this item on April 2 because there has not been sufficient time for the public to review and comment on these documents.**

The final Findings and final Mitigation, Monitoring and Reporting Program are key components of the CEQA process. For the Board to have a hearing and take an action on these items with virtually no public review or comment contravenes CEQA's mandate of public participation and informed decision-making in environmental matters.

I. Background on the Center

The Center for Biological Diversity is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science,

policy, and environmental law. The Center has over one million members and online activists throughout California and the United Sates. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles County.

II. The EIR Must Be Revised and Recirculated In Light of the "New Normal" of Destructive Wildfires in Southern California.

On February 11, 2019, the Center sent a letter to the Board (the "February 11 Letter") requesting it to reconsider its tentative approval of the Centennial Specific Plan in light of the Board's December 2018 resolution acknowledging the "new normal" of more frequent wildfires in Southern California which are fueled by human ignitions from development in wildfire hazard areas. A copy of the February 11 Letter is attached hereto as Exhibit A, and is hereby incorporated by reference. The issues raised in the February 11 Letter are equally applicable to the Northlake Specific Plan and the FSEIR; in short (1) the County's Wildfire Analysis Motion recognizes the "new normal" of destructive wildfires in Southern California; (2) the Board cannot make an informed decision on Northlake until after the completion of the report called for by the Wildfire Analysis Motion; and (3) the County must revise and recirculate the EIR after the completion of the report called for in the Wildfire Analysis Motion.

On November 13, 2018, the Center sent a letter to the San Diego County Board of Supervisors discussing the wildfire impacts of poorly planned development in San Diego County (the "November 13 Letter"). A copy of the November 13 Letter is attached hereto as Exhibit B, and is hereby incorporated by reference. The issues raised in the November 13 Letter are equally applicable to the Northlake Specific Plan and the FSEIR—(1) developments in fire-prone natural areas that have historically burned have the highest chances of burning; (2) development in fire-prone areas will lead to more frequent fire in Southern California scrublands; (3) public safety in developments like Northlake cannot be guaranteed; (4) developments like Northlake contain insufficient fire safety measures and fire protection plans; (5) increased human ignitions will increase unnatural levels of smoke; (6) the direct economic impacts of wildfires are worsening; (7) the devastating environmental, health, social, and economic costs of poorly-planned, leapfrog developments in areas that will burn are too great, such that there is no justification for approving this development. The FSEIR and Findings do not contain sufficient analysis of these issues.

III. The EIR Must Be Revised and Recirculated In Light of Potential Project Impacts to Wildlife Connectivity and Struggling Local Mountain Lion Populations

On March 11, 2019, the Center sent a letter to the Ventura County Board of Supervisors discussing the importance of wildlife corridors and habitat connectivity (the "March 11 Letter"). A copy of the March 11 Letter is attached hereto as Exhibit C, and is hereby incorporated by reference. The issues raised in the March 11 Letter are equally applicable to the Northlake Specific Plan and the FSEIR—(1) habitat connectivity is essential for wildlife movement and biodiversity conservation; (2) corridors and corridor redundancy should be incorporated to retain functional connectivity and resilience to climate change; (3) developing over 3.5 miles of blueline stream will significantly negatively impact wildlife that use streams as corridors and foraging habitat, such as mountain lions; (4) large developments like Northlake and associated

noise and lighting can interfere with the behavior of local wildlife and impact survival of individuals and populations; (5) creating and enhancing wildlife crossing for existing roads is critical to maintaining wildlife movement and health ecosystems; and (6) projects like Northlake should use the best available science to identify important areas for wildlife movement and habitat connectivity. The FSEIR does not contain sufficient analyses and mitigation of these issues.

In addition, in light of recent studies regarding imperiled mountain lion populations in Southern California, the FSEIR fails to sufficiently analyze potential project impacts to local mountain lion populations. Northlake would be situated in an important linkage area for wildlife movement between the Los Padres National Forest, the Santa Susana Mountains, and the Angeles National Forest. The nearby Central Coast South mountain lion population, which includes individuals in the Santa Monica Mountains, Santa Susana Mountains, and Simi Hills, were found to have dangerously low genetic diversity and effective population size, and they are likely to become extinct within 50 years (Benson et al. 2016; Gustafson et al. 2018; Benson et al. 2019). In addition, Gustafson et al. (2018) found that the nearby mountain lion population in the San Gabriel/San Bernardino Mountains also has low genetic diversity and effective population size, which indicates that they too have a high risk of extinction. Other southern California mountain lion populations, such as those in the Santa Ana Mountains, were also found to have high risk of extinction within the next 50 years (Ernest et al. 2014; Benson et al. 2019). Genetic connectivity with other populations is essential for the survival of these Southern California mountain populations (Gustafson et al. 2017; Benson et al. 2019), and the removal of 3.5 miles of streams and riparian corridors could have a significant adverse impact on these populations by impeding movement. The FSEIR fails to sufficiently analyze these issues and must be recirculated with such analysis.

IV. The EIR Must Be Revised and Recirculated In Light of the Additional Units Added to the Project.

The Findings just released on the evening of March 28 disclose that the Project will include 2,295 dwelling units instead of 1,974 units. Adding 324 dwelling units will likely have more potentially significant impacts in terms of traffic and associated air pollution and greenhouse gas emissions. The FSEIR needs to be recirculated with disclosure, analysis, and mitigation of such impacts.

V. Conclusion

In light of the many significant, unavoidable environmental impacts that will result from the Project, we strongly urge the Project not be approved in its current form.

Sincerely,

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EXHIBIT A

February 11, 2019

Sent via email and FedEx

Los Angeles County Board of Supervisors
c/o Ms. Celia Zavala
Executive Officer
500 West Temple Street
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executiveoffice@bos.lacounty.gov

Re: Changed Circumstances Regarding The Centennial Specific Plan

Dear Los Angeles County Board of Supervisors:

These comments are submitted on behalf of the California Native Plant Society ("CNPS") and the Center for Biological Diversity ("Center") on the Centennial Specific Plan ("Centennial"). This letter highlights new information on wildfire risk that is relevant to informed decision-making and public participation regarding Centennial and its Environmental Impact Report ("EIR"). As a result of this new information, we believe that the final approval of Centennial should be delayed and the EIR should be revised and recirculated for additional public comment. As discussed in more detail in section III below, the California Environmental Quality Act ("CEQA") requires that an EIR be recirculated for public comment when new data or information relevant to the decision-making process arises.

The California Native Plant Society ("CNPS") is a non-profit environmental organization with 10,000 members in 35 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. CNPS works closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over one million members and online activists throughout California and the United Sates. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles County.

I. The County's Wildfire Analysis Motion Recognizes The "New Normal" Of Destructive Wildfires In Southern California.

The Woolsey Fire started on November 8, 2018, and grew to become the most destructive fire in Los Angeles County history. By the time this blaze was extinguished, more than 2,000 structures were either damaged or destroyed and three people lost their lives. The fire—fanned by winds upwards of 70 mph and fueled by consecutive years of drought—scorched 96,000 acres, including 88% of the Santa Monica Mountains. This tragedy was stacked upon similar recent disasters including the Tubbs and Thomas Fires in 2017, and the Carr and Camp fires of 2018. All told, 16 out of 20 of the most destructive fires in California's history, in terms of structures destroyed and lives lost, have occurred within the past two decades.[1]

The role that land use planning decisions play in placing homes in the path of wildfires has become increasingly clear. In December 2018, now-retired CalFire Chief Ken Pimlott urged local land use authorities to consider prohibiting development in fire hazard areas so that homeowners, firefighters, and communities "don't have to keep going through what we're going through."[2]

On the heels of the Woolsey Fire, on December 18, 2018, the Los Angeles County Board of Supervisors unanimously adopted a Motion called "Analysis of the Woolsey Fire," which is enclosed herein as Attachment 1 (hereinafter referred to as the "Wildfire Analysis Motion"). In adopting the Wildfire Analysis Motion, the Board recognized the role that it and the County must play in ensuring the safety of communities under its jurisdiction. The Wildfire Analysis Motion specifically acknowledges the role that climate change has in creating hotter and drier conditions more conducive to wildfire and that residential development in the urban wildland interface increases the likelihood of wildfire ignitions and the property damage they cause:

> Our success in protecting human life should not disguise the fact that the County has entered a new era of threat from wildfires. Prolonged drought, coupled with other effects of climate change, has created an environment of explosive brush fire development, making firefighting more difficult than ever. **We increasingly see residential housing growth at the urban wild land interface which poses greater danger to firefighters and to the residents who live in these extremely high fire severity zones**.

(Wildfire Analysis Motion at p. 2, emphasis added.) The Wildfire Analysis Motion therefore calls for recognition of a "new normal" given these "new realities and the attendant dangers." (*Id*.)

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[1] Top 20 Most Destructive Fires in California History
[2] Interview with Ken Pimlott; Capitol Public Radio, 11-December-2018

The County therefore must "review existing prevention regulations and emergency notification systems, and look to lessons learned and what we can do better moving forward." (Wildfire Analysis Motion at p. 2.) The Wildfire Analysis Motion calls for a collaborative effort between all stakeholders, including fire departments, local land use jurisdictions, and community organizations.

The goal of the Wildfire Analysis Motion is to "determine[] whether changes are needed in order for the County to be best prepared to respond to another catastrophic event such as a wildfire of Woolsey's magnitude." (*Id*. at p. 4.) The motion further requires the County's Chief Executive Officer to report back to the Board in 90 days and every 90 days thereafter until the report is completed. (*Id*. at p. 3.)

II. The Board Cannot Make An Informed Decision On Centennial Until After Completion Of The Report Called For By The Wildfire Analysis Motion.

While we support the Board's efforts to mitigate the threat of future wildfires in the urban wildland interface and to learn from recent disasters, the Board's stated intention of December 11, 2018 to imminently approve the Centennial development is fundamentally contradictory to the intention announced on December 18, 2018 in the Wildfire Analysis Motion. Indeed, the EIR for Centennial does not acknowledge this "new normal" of more frequent wildfires in Southern California which are fueled by human ignitions from development in wildfire hazard areas, increased drought, and hotter and drier conditions due to climate change.

Located in the far northwest corner of the County, Centennial would place more than 19,000 homes in an area designated by CalFire as either a high or very high fire hazard severity zone. Conditions on this site, including frequent high wind events, vegetation and topography mean that wildfires that are ignited on or adjacent to the site could pose a severe risk to future residents and their property. Centennial is exactly the type of "residential housing growth at the urban wild land interface" that the Wildfire Analysis Motion concludes is a direct cause of the destructive wildfires that are repeatedly occurring.

In announcing its intent to approve Centennial on December 11, 2018, the Board included a condition that "the fire mitigation strategies associated with the Centennial Specific Plan be peer reviewed by, or in coordination with the California Department of Forestry and Fire Protection." While that is a step in the right direction, the public and applicable agencies have a right under CEQA to review these mitigation strategies *prior* to project approval. (See CEQA Guidelines § 15126.4(a).) Deferring development of such measures until after project approval violates CEQA and undermines informed decision-making and public participation. (See *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.) The public is also entitled to review and comment upon such measures because they in themselves might have environmental impacts. (CEQA Guidelines § 15126.4(a)(1)(D).)

In addition, the Board (as the decision-makers) needs to base its decision upon an EIR that accurately describes the clear, present, and future threat of wildfire surrounding the Centennial site, including the risks to residents, the environmental and economic costs to the County, and the potential that development in high fire-prone areas will result in more frequent wildfires caused by humans, which will degrade the surrounding environment. The science is clear that development in wildfire areas causes them to burn more frequently than they would naturally, which can prevent native vegetation from re-growing, thereby leading to erosion, loss of biodiversity, and more wildfires.[3]

Delaying a vote on Centennial is also necessary because the Draft Development Agreement negotiated by Tejon Ranch Company and County staff will "lock in" regulations in existence *at the time of execution*. This means that even if the County develops more robust regulations or plans to combat wildfire in the near future, those regulations or plans will not necessarily apply to Centennial, which is likely the largest development proposed in County history. The Draft Development Agreement also improperly constrains the County's discretionary authority to require further supplemental environmental analysis if circumstances warrant it, such as additional regulations or studies on wildfire risk.

In particular, section 3.2 only allows new or modified laws to apply to Tejon or future entitlement holders if such laws do "not delay, modify, prevent, or impede development or operation of the Project on the Property or conflict with any of the vested rights granted to Property Owner under this Agreement." (Development Agreement at page 17.)

Section 3.2 further suggests that even future state or federal laws or regulations will not apply to Centennial unless the County undergoes a burdensome "meet and confer" process with Tejon. Even then, section 3.2 states that Tejon still gets to decide whether to comply with such rules: "A Property Owner may, in its sole and absolute discretion, consent to the application to the Project of any Future Rules." (Development Agreement at page 17.)

Section 3.12 also contains an "override" provision that states that if there are inconsistencies between "Applicable Rules" and the Development Agreement, then the Development Agreement shall control. (Development Agreement at page 22.)[4] Likewise, the County's ability to conduct further environmental review or require further mitigation will be constrained or be subject to claims of "breach of contract" from Tejon.

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[3] Wildfire, Drought, and Climate Change; Los Angeles Times, 12-Jan-2019

[4] This is also explained in the Center and CNPS's comment letter of December 6, 2018 (the "December 6 Letter") on pages 23 & 38-41.

III. The County Must Revise And Recirculate The EIR After Completion Of The Report Called For By The Wildfire Analysis Motion.

Based upon the above, the Board should decline to make a final decision on Centennial until after the report required by the Wildfire Analysis Motion is completed. After this report is completed, County Planning can decide whether to recirculate an EIR that fully apprises the public and the Board of the environmental costs of approving Centennial. Such a revised EIR would be informed by the lessons learned by the collaborative process and report called for by the Wildfire Analysis Motion.

Indeed, state law requires nothing less. An EIR must be recirculated for public comment when new data or information relevant to the decision-making process comes to light. CEQA provides:

> When significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 and consultation has occurred pursuant to Sections 21104 and 21153, but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report.

(Cal. Pub. Res. Code § 21092.1.) The EIR for Centennial needs to include "a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines, § 15151; see also *Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs*. (2001) 91 Cal.App.4th 1344, 1356 [the EIR must set forth sufficient information to "foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision."].)

The Wildfire Analysis Motion acknowledges that the conditions relevant to the approval of Centennial have significantly changed—the Board has now formally recognized the link between residential development in the urban wildland interface, climate change, and the increased frequency of human-ignited wildfires County residents are enduring.

With the backdrop of this "new normal," the Board cannot hold a final vote on Centennial until it takes a hard look at whether the construction of a city in remote wildlands is still in the best interest of the County and whether the environmental review for the project adequately complies with CEQA.

Thank you once again for the opportunity to comment on the Centennial Specific Plan. Please feel free to contact us with any questions.

Sincerely,

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Attachment 1

AGN. NO._____

MOTION BY SUPERVISOR SHEILA KUEHL December 18, 2018

Analysis of the Woolsey Fire

The Woolsey Fire began on November 8, 2018 and burned for thirteen days before it was contained. It was an unprecedented, fast-moving brush fire that was 14 miles wide, with a footprint of 150 square miles, and driven by gusts of up to 70 mph — ultimately moving from the 101 freeway corridor to the ocean in just five hours. 70,000 homes, businesses and other structures lay in the fire's path. A quarter of a million people were evacuated, approximately 2,000 residential and commercial buildings, and other structures were damaged or destroyed. This was the most destructive fire Los Angeles County ("County") has ever seen.

Habitat and open space were also affected. Approximately 88% of the land in the Santa Monica National Recreation Area, owned by the National Park Service, burned, blackening more acres within that National Recreation Area than any other fire in recorded history.

As first responders fought the blaze, their first priority was to protect life through evacuations. County Departments worked together to constantly assess the trajectory of

	MOTION
Solis	_____
Ridley-Thomas	_____
Kuehl	_____
Barger	_____
Hahn	_____

the fire, weather conditions, and topography in order to identify threatened areas in order to effectively fight the fire, ensure the safety of residents, and provide for structure defense where possible. As a result of their strategic deployment of resources, there was minimal loss of life and thousands of homes were saved. Nonetheless, the public has many questions about the procedures used for evacuations, firefighting processes and the decisions made regarding repopulation.

Our success in protecting human life should not disguise the fact that the County has entered a new era of threat from wildfires. Prolonged drought, coupled with other effects of climate change, has created an environment of explosive brush fire development, making firefighting more difficult than ever. We increasingly see residential housing growth at the urban wild land interface which poses greater danger to firefighters and to the residents who live in these extremely high fire severity zones.

Given these new realities and the attendant dangers, the County must prepare for a “new normal." The County needs to review existing prevention regulations and emergency notification systems, and look to lessons learned and what we can do better moving forward. All entities must be involved in this planning process including local law enforcement agencies, fire departments, emergency management agencies, city, state and federal agencies involved in emergency response efforts, residents, city officials and community organizations.

I, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Officer to convene a Working Group to review the response to and recovery from the Woolsey fire and to identify best practices for evacuation and repopulation procedures, including the need for a uniform mass notification system for use throughout the Santa

Monica Mountains and the County of Los Angeles. The task force shall be comprised of all County Departments and other agencies involved in the Woolsey fire and its aftermath, including but not limited to County representatives from emergency response agencies, such as the Los Angeles County Sheriff's Department, the Los Angeles County Fire Department, Animal Care and Control, Public Health, Public Works, as well as the Los Angeles Police Department, the California Highway Patrol, Ventura County Fire, the Ventura County Sheriff's Department, Cal-OES, Cal-Fire, the National Parks, as well as representatives from the unincorporated Santa Monica Mountains, the City of Los Angeles, the cities of Calabasas, Agoura Hills, Hidden Hills, Malibu, and Westlake Village and the County of Ventura. The Working Group shall provide a progress report back to the Board in 90 days and every 90 days thereafter until such time as a final report is prepared and presented to the Board of Supervisors.

I FURTHER MOVE that the Board of Supervisors direct the Chief Executive Officer to engage the Working Group referenced above, and to retain a consultant with subject matter expertise, to review the County, City, State and other involved agencies efforts in responding to the Woolsey fire, and prepare and present a progress report back to the Board in 90 days, and every 90 days thereafter until completed, with an emphasis on the following:

1. The cause and origin of the Woolsey fire;
2. The deployment of firefighting resources as the fire progressed;
3. The distribution and adequacy of firefighting resources, including the availability of mutual aid resources;

4. Evacuation notification and procedures, including the implementation of public alert procedures and the use of mass notification systems;
5. Strategic communications during the fire and its aftermath between first responders, law enforcement, and municipal governments and the communities impacted by the fire; and
6. Community repopulation notification and procedures, including any conflicts in information between and among fire and law enforcement agencies.

The consultant's report shall detail lessons learned and the strengths of the response and recovery efforts and shall also identify areas of improvement to assist the Board in determining whether changes are needed in order for the County to be best prepared to respond to another catastrophic event such as a wildfire of Woolsey's magnitude.

S: LM/Analysis of the Woolsey Fire

18. Analysis of the Woolsey Fire

Recommendation as submitted by Supervisor Kuehl: Direct the Chief Executive Officer to convene a working group to review the response to and recovery from the Woolsey fire and identify best practices for evacuation and repopulation procedures, including the need for a uniform mass notification system for use throughout the Santa Monica Mountains and the County, comprised of all County Departments and other agencies involved in the Woolsey fire and its aftermath, including, but not limited to, County representatives from emergency response agencies such as the Sheriff's Department, the Fire Department, Departments of Animal Care and Control, Public Health, Public Works, as well as the Los Angeles Police Department, the California Highway Patrol, Ventura County Fire, the Ventura County Sheriff's Department, California Office of Emergency Services, California Fire Department, the National Parks, as well as representatives from the unincorporated Santa Monica Mountains, the Cities of Los Angeles, Calabasas, Agoura Hills, Hidden Hills, Malibu and Westlake Village and the County of Ventura, and provide a progress report back to the Board in 90 days, and every 90 days thereafter, until such time as a final report is prepared and presented to the Board; direct the Chief Executive Officer to engage the working group and retain a consultant, with subject matter expertise to review the County, City, State and other involved agencies efforts in responding to the Woolsey fire and prepare and present a progress report back to the Board in 90 days and every 90 days thereafter until completed, detailing lessons learned and the strengths of the response and recovery efforts and shall also identify areas of improvement to assist the Board in determining whether changes are needed in order for the County to be best prepared to respond to another catastrophic event such as a wildfire of Woolsey's magnitude, with an emphasis on the following:

The cause and origin of the Woolsey fire;

The deployment of firefighting resources as the fire progressed;

The distribution and adequacy of firefighting resources, including the availability of mutual aid resources;

Evacuation notification and procedures, including the implementation of public alert procedures and the use of mass notification systems;

Strategic communications during the fire and its aftermath between first responders, law enforcement and municipal governments and the communities impacted by the fire; and

Community repopulation notification and procedures, including any conflicts

in information between and among fire and law enforcement agencies. (18-7650)

Victor Trujillo addressed the Board.

On motion of Supervisor Ridley-Thomas, seconded by Supervisor Barger, this item was approved.

Ayes: 5 - Supervisor Solis, Supervisor Ridley-Thomas, Supervisor Kuehl, Supervisor Barger and Supervisor Hahn

Attachments: Motion by Supervisor Kuehl
Report
Video

19. Employee Relations Commission Hearing Officer Services Master Agreement

Executive Officer of the Board's recommendation: Authorize the Executive Officer of the Board to execute a new non-exclusive Master Agreement (MA) for Employee Relations Commission (ERCOM) Hearing Officer Services with 22 qualified contractors effective February 1, 2019 for a three-year term with two one-year and six month-to-month extension options; execute agreements for ERCOM Hearing Officer Services with additional contractors throughout the MA term upon the recommendation of the Executive Director of ERCOM, provided these contractors meet the minimum requirements and qualifications as outlined in the initial Request for Statement of Qualifications dated August 10, 2018 and Addendum dated September 11, 2018; and execute amendments to the MA for ERCOM Hearing Officer Services, as long as the amendments do not exceed the maximum contract term or the rates approved by the Board. (18-7845)

On motion of Supervisor Kuehl, seconded by Supervisor Ridley-Thomas, this item was approved.

Ayes: 5 - Supervisor Solis, Supervisor Ridley-Thomas, Supervisor Kuehl, Supervisor Barger and Supervisor Hahn

Attachments: Board Letter

EXHIBIT B

November 13, 2018

Via Electronic Mail and Hand Delivery (with references)

San Diego County Board of Supervisors
Attn: David Hall
Clerk of the Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101
David.hall@sdcounty.ca.gov

Re: Wildfire Impacts of Poorly-planned Development in San Diego County

Dear Supervisors:

These comments are submitted on behalf of the Center for Biological Diversity (Center) regarding the approval or pending approval of the following Projects:

1. Warner Ranch
2. Lilac Hills
3. Newland Sierra
4. Valiano
5. Harmony Grove Village South
6. Otay Ranch Village 14, 16, 19
7. Otay Ranch Village 13
8. Otay 250 Sunroad
9. Project Specific Requests (PSRs)

While the Center has many concerns regarding the environmental impacts and inadequate analyses provided in the Environmental Impact Reports of the proposed Projects, the purpose of this letter is to voice our concern regarding the public safety impacts of these poorly-planned, sprawl developments in fire-prone chaparral ecosystems in San Diego County. The Center reviewed the Environmental Impact Report of each Project to determine the cumulative impacts of these developments on wildfire risk and analyze the adequacy of proposed mitigation measures. Project footprints were compared to the fire history and fire threat of the region, as identified by state agencies (the Department of Forestry and Fire Protection [Cal Fire] and the California Public Utilities Commission [CPUC]), and the total number of housing units and potential residents for all the developments were calculated.

The proposed developments would be placed in natural landscapes dominated by fire-prone native chaparral and coastal sage scrub habitats that rely on wildfires to persist. Exurban developments like those proposed – with low to intermediate housing densities extending into chaparral and scrublands – have been shown to lead to frequent human-caused ignitions and fire

frequencies that exceed historical, natural levels in Southern California (Syphard et al. 2018). When fires occur too frequently, chaparral and sage scrub ecosystems are replaced by highly flammable non-native grasses, ultimately eliminating native habitats and increasing fire risks to communities.

By approving these sprawl Projects, the County will allow for the construction of almost 15,000 homes in natural areas dominated by chaparral and sage scrub habitat that regularly experience fire. The U.S. Census Bureau estimates that there are 2.87 persons per household in San Diego County, so together the developments would put more than 40,000 potential residents at risk. Placing more than 40,000 potential residents in fire-prone natural areas that are anticipated to burn without thoroughly considering the severe environmental, health, social, and economic consequences or requiring appropriate, science-based analyses regarding wildfire risk is reckless and a dereliction of your duty to the public. The developments will increase wildfire risks that could cause residents to lose their homes and the lives of loved ones and first responders. The increased fire risk could also worsen public health, destroy native ecosystems, and reduce biodiversity. These poorly-planned developments are not a solution to current housing needs; they will only lead to increased risk of harm and expenses for the County's residents.

Wildland fires are inevitable, natural processes in Southern California that are necessary and beneficial for chaparral and scrub ecosystems. The Center urges the County to protect human lives, property, and native biodiversity, by reforming growth strategies to focus on avoiding the placement of developments in high fire threat areas. Existing homes in fire-risk areas should be incentivized to complete retrofits with fire-resistant construction, appropriate defensible space, and homeowner fire safety education. Urban planning and design should focus on infill development in urban core areas, where wildfire threat is lower and people have access to jobs, public transit, and community. We can no longer dismiss California's natural fire regime and the direct relationship between urban sprawl and deadly wildfires. The County needs to stop approving development in high wildfire threat areas to keep its residents healthy and safe and to protect native biodiversity.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1 million members and online activists throughout California and the United Sates. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life in Southern California, including San Diego County.

I. Developments in Fire-prone Natural Areas That Have Historically Burned Have the Highest Chances of Burning

Approving these Projects will allow for the construction of almost 15,000 homes in areas that Cal Fire has identified as having extreme fire threat to people and the CPUC has determined to have elevated and/or extreme fire threat. Almost all the proposed Projects are located in or adjacent to natural areas that have evolved with fire historically and have burned multiple times in the last 140 years. In fact, 20 fires have burned in areas of the Otay Ranch Villages since

1910, with the most recent and largest fire in the area occurring in 2007 (the Harris 2 Fire, ~91,000 acres burned).

Between the years 2000 and 2011, nearly 1,000 homes per year were destroyed by wildfires in Southern California (Syphard et al. 2012), and those numbers appear to be rising, considering last year's fires burned over 10,000 structures and this year's Camp Fire in Butte County and Woolsey Fire in Ventura County have destroyed almost 7,000 homes. Multiple studies indicate that developments with low/intermediate-density clusters surrounded by fire-dependent vegetation (*i.e.,* chaparral) in areas with a history of fires – like those proposed by the County – have the highest chances of burning (Syphard et al. 2012; Syphard et al. 2013). By approving these Projects, the San Diego Board of Supervisors will be directly endangering the lives of more than 40,000 people by placing homes in the exact arrangement and placement for maximum fire susceptibility in areas where fires will inevitably burn.

II. Development in Fire-prone Areas Will Lead to More Human Ignitions and Too Frequent Fire in Southern California Shrublands

In Southern California, sprawl developments with low/intermediate densities extending into chaparral and sage scrub habitats that are prone to fire have led to more frequent wildfires caused by human ignitions, like arson, improperly disposed cigarette butts, debris burning, fireworks, campfires, or sparks from cars or equipment (Keeley et al. 1999; Keeley and Fotheringham 2003; Syphard et al. 2007; Syphard et al. 2012; Bistinas et al. 2013; Balch et al. 2017; Radeloff et al. 2018). Human-caused fires account for 95% of all fires in Southern California (Syphard et al. 2013), and homes filled with petroleum-based products, such as wood interiors, paint, and furniture, provide additional fuel for the fires to burn longer and spread farther (Keeley et al. 2007). The most numerous and largest fires in San Diego County have been caused by equipment and powerlines in the wildland-urban interface, where housing density is low to intermediate (Syphard and Keeley 2015), and leapfrog developments have been found to have the highest predicted fire risk in the County (Syphard et al. 2013). With the increased ignition risk that comes with these poorly planned developments in high fire-prone areas, the County will only be fueling more frequent, larger, and more destructive wildfires.

The proposed developments would lead to a dangerous feedback loop of deadly fires and habitat destruction. Most would be placed in areas dominated by chaparral and sage scrub, native California habitats that rely on wildfires to persist. These habitats are adapted to infrequent (every 30 to 150 years), large, high-intensity crown fire regimes (Pyne et al. 1996; Keeley and Fotheringham 2001), and if these regimes are disrupted, the habitats become degraded (Keeley 2005, 2006a,b; Syphard et al. 2018). When fires occur too frequently, type conversion occurs and the native shrublands are replaced by non-native grasses and forbs that burn more frequently and more easily, ultimately eliminating native habitats and biodiversity while increasing fire threat over time (Keeley 2005, 2006a,b; Syphard et al. 2009; Safford and Van de Water 2014; Syphard et al. 2018). Thus, placing developments in these high fire-prone areas will lead to more frequent fires that will threaten the lives of more than 40,000 people who will live in or near these areas while degrading the health and biodiversity of Southern California's special ecosystems.

III. Public Safety in These New Development Areas Cannot be Guaranteed

Public safety issues are exacerbated by unreliable infrastructure to accommodate the consequences of more fires. Evacuating from wildfires can be life-threatening and having safety plans in place beforehand is not always enough. For example, while having warning systems and evacuation routes in place are important for fire preparedness and fire safety (e.g., County of San Diego, 2018, Lilac Hills Ranch App J Fire Protection Plan) their functionality when a fire occurs is not guaranteed. Wildfires may ignite with little or no notice, and warning systems can be slow and ineffective at reaching all residents in harm's way. This was the case in last year's Tubbs Fire in Sonoma County and Thomas Fire in Santa Barbara and Ventura Counties, which led to more than 40 deaths and almost $12 billion in property damage (St. John 2017; Lundstrom et al. 2017).

Instead of placing people and homes in places where residents will have to rely on potentially faulty warning systems and evacuation routes to escape from fires, the County should build homes in areas where fire is least likely to occur, such as in infill development in urban core areas. By avoiding placing developments in fire prone natural areas, the County could reduce the risk of fire and more effectively protect lives, property, and the natural environment.

IV. The Developments Contain Insufficient Fire Safety Measures and Fire Protection Plans

Despite the glaring wildfire issues of placing developments in fire-prone ecosystems, the County remains complacent with the developers' fire protection plans that rely on fuel modification zones that are counterproductive and guidelines that are inadequate (*e.g.*, County of San Diego, 2018, Harmony Grove Village South FEIR Appendix L Fire Protection Plan). Reliance on general guidelines and firesafe building/planning codes without sufficiently analyzing site-specific conditions or strategically implementing precautionary fire safety measures can lead to a false sense of safety and preparedness. Wildfire risk cannot be addressed with a one-size-fits-all solution.

Large fires in Southern California landscapes dominated by chaparral and shrublands are often associated with foehn winds (strong, warm, dry, and often downslope winds), such as the Santa Ana winds (Keeley 2006b). The region's largest fires have historically occurred in known wind corridors (Moritz et al. 2010). And in severe weather conditions, wind-driven fires can spread quickly – they can cover 10,000 hectares in one to two days (that's an area the size of Escondido, CA), as embers are blown ahead of the fires and towards adjacent fuels (*e.g.*, flammable vegetation, structures) (Syphard et al. 2011).

The primary approach to mitigating fire risk is through home safety measures to make structures less flammable and vegetation reduction in the defensible space immediately surrounding homes. However, a common misconception regarding defensible space in chaparral and scrub habitats immediately surrounding structures is that the wider the fuel modification zone the more protected the structures are from wildfires. For example, the Newland Sierra Project states that they plan to implement a 250-foot fuel modification zone to reduce fire risk, which is more than double the 100-foot fuel modification zone required by state law (County of

San Diego, 2018 Newland Sierra FEIR, Appendix N Fire Protection Plan). In the September 26, 2018 public hearing, the Board of Supervisors was satisfied that the project was doing as much as they could to mitigate the threat of fire. In addition, some local ordinances require homeowners to clear 300 feet or more of defensible space, and there have been reports of some people being unable to obtain fire insurance without that 300-foot zone (Syphard et al. 2014). However, these actions and guidelines neglect science and may not be appropriate for all regions or habitat types, and they could be dangerously misleading.

In a study conducted in San Diego County, the most effective vegetation treatment distances ranged between 16 to 58 feet from the home (Syphard et al. 2014). Fuel reduction treatments more than 100 feet from structures did not provide additional protection, even for structures situated on steep slopes (Syphard et al. 2014). And because continued disturbance can lead to type conversion from native shrublands to nonnative grasslands that can burn more quickly and easily, extended fuel modification zones could lead to further habitat degradation and increased fire threat (Merriam 2006; Keeley 2006a,b). Thus, asserting that a fuel modification zone beyond the 100-foot requirement provides additional mitigation and improved fire safety in a high fire-prone area gives a false sense of security. The best way to improve fire safety is to proactively reduce exposure to wildfire risk by avoiding the placement of homes in fire-dependent ecosystems (Syphard et al. 2014).

Another critical component of protecting lives and property from wildfires is fire hazard and fire safety education for homeowners in or near fire hazard areas. Structures with fire-resistant features, such as ember-resistant vents, fire-resistant roofs, and surrounding defensible space, have been shown to reduce the risk of destruction due to wildfires (Quarles et al. 2010; Syphard et al. 2014). However, simply stating that the structures are built to fire code does not guarantee that fire threat will be reduced. Proper maintenance and upkeep of the structures themselves as well as the immediate surroundings (*e.g.*, removing leaf litter from gutters and roofing; removing flammable materials like wood fences, overhanging tree branches, or trash cans away from the home) are required to reduce the chances of the structures burning. In addition, external sprinklers with an independent water source would reduce flammability of structures, yet none of the proposed developments include this feature on their structures. And while these fire-resistant structural features are important for fire safety and homeowners should be properly informed, the focus should be on retrofitting existing homes and structures in or near high fire-prone areas with these features, not putting these features on new homes that should not be placed in high fire-prone areas in the first place.

As noted above, the number of homes being destroyed by fires in Southern California are starting to become thousands per year. The arrangement and location of developments have been found to be the main drivers of fire susceptibility, with the highest chances of burning in developments like those proposed by the County – low/intermediate-density clusters surrounded by wildland vegetation in areas with a history of fires (Syphard et al. 2012; Syphard et al. 2013). Thus, the best way to make new construction as fire safe as possible is to avoid placing them in high fire-prone areas (Pincetl et al. 2008; Syphard et al. 2012; Syphard et al. 2013; Moritz et al. 2014). Land-use planning must be reformed to more appropriately consider wildfire risk management.

V. Increased Human Ignitions Will Increase Unnatural Levels of Smoke.

Smoke is a product of the natural and necessary wildfire regime in chaparral and sage scrub ecosystems. However, new leapfrog developments situated in fire-prone chaparral and sage scrub habitats, like those at issue here, will lead to increased human ignitions that will produce increased levels of smoke beyond what is natural. This can lead to harmful public health impacts due to increased air pollution not only from burned vegetation, but also from burned homes, commercial buildings, cars, etc. Buildings and structures often contain plastic materials, metals, and various stored chemicals that release toxic chemicals when burned, such as pesticides, solvents, paints, and cleaning solutions (Weinhold 2011). Thus, human-caused wildfires at the urban wildland interface that burn through developments, as is becoming more common with housing extending into fire-prone chaparral and shrublands, increase the frequency and toxicity of smoke exposure to communities in and downwind of the fires.

Increased fire frequency due to human activity and ill-placed developments will lead to increased occurrences of poor air quality from smoke, which can have public health effects. Hospital visits for respiratory symptoms (*e.g.*, asthma, acute bronchitis, pneumonia, or chronic obstructive pulmonary disease) have been shown to increase during and/or after fire events (Kunzli et al. 2006; Viswanathan et al. 2006; Delfino et al. 2009; Rappold et al. 2012; Liu et al. 2015; Reid et al. 2016). In particular, a study assessing the health impacts of the 2003 Cedar Fire in San Diego County, which burned an area of about 280,000 acres that consisted of chaparral and scrub-dominated landscapes and almost 3,000 structures, there were increases in hospital emergency room visits for asthma, respiratory problems, eye irritation, and smoke inhalation (Viswanathan et al. 2006). The proposed Projects do not thoroughly consider the health impacts that communities will have to suffer if developments are placed in fire-prone shrublands where they will disrupt the natural fire regime and increase fire frequency and smoke exposure. The County needs to consider these public health impacts and refrain from placing poorly-planned, leapfrog developments in landscapes dominated by fire-prone chaparral and shrublands.

VI. The Direct Economic Impacts of Wildfires Are Worsening

The direct economic impacts of human-caused wildfires are staggering. The cost of fire suppression and property damage from wildfires in California is over $18 billion since 2010, which, after adjusting for inflation, is double the cost from the previous three decades combined (Figure 1). Placing more housing in fire-prone natural areas has led to more costly fires, and these patterns will continue should the proposed Projects be approved.

Who shoulders these costs? California and federal residents end up paying in the form of fire insurance premiums and taxes that support Cal Fire and federal government subsidies and grants for homes in high risk areas. And these costs do not include other indirect/hidden costs associated with wildfires, such as the costs of doctors' appointments, medication, sick days taken from places of work, funerals, etc. As the costs of housing in California continues to increase, these costs will also continue to rise, further exacerbating the affordable housing crisis.

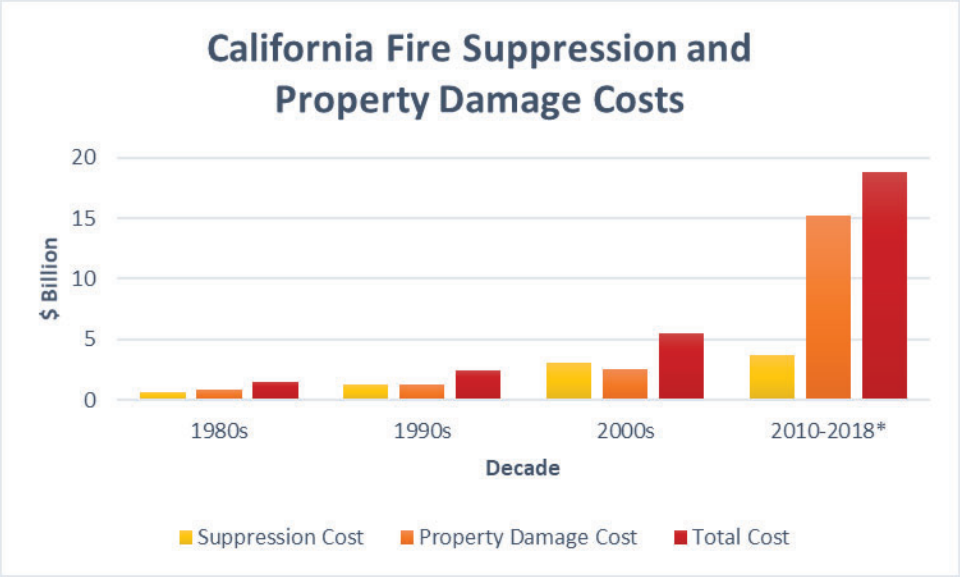

Figure 1. Costs of Fire Suppression and Property Damage by Decade. *Property damage cost data include 2017 insurance claim estimates and no 2018 costs. Data Source: Cal Fire and the Bureau of Labor Statistics.

VII. Conclusion

San Diego County can no longer afford to recklessly neglect the science of wildfires and wildfire risk in Southern California. The devastating environmental, health, social, and economic costs of poorly-planned, leapfrog developments in areas that *will* burn are too great. The Center urges the County to avoid placing developments like Newland Sierra and the Otay Ranch Villages in high fire-prone natural areas. Instead, the County should focus on creating communities in areas with lower wildfire risk, such as in infill development in urban core areas, where people will have access to jobs, public transit, and amenities. In addition, the County should prioritize retrofitting older homes and structures in the wildland-urban interface with fire resistant features, like ember-resistant vents, fire-resistant roofs, external sprinklers, and appropriate defensible space/fuel modification zones. Land-use planning must be reformed to more appropriately consider wildfire risk management and protect human lives, property, and the native biodiversity of Southern California's unique landscape.

Any focus on forest management to address California's fires is profoundly misguided. It makes no sense to complain about, and spend millions of dollars on, logging forests that are far away from communities when the actual fire threat facing thousands of families results primarily from poor planning in the interface adjacent to homes and businesses. Moreover, most of 2018's most extensive fires in California were not even in forests, and instead primarily burned grasslands and chaparral. We must also be honest about the conditions that are actually driving the fires – human ignitions, high winds, drought, and climate-change leading to hotter, drier conditions. Forest management is simply a scapegoat to ignore the difficult problems that need to be addressed, like poor land-use planning and climate change. California needs to stop allowing the building of flammable homes in flammable terrain, and fight climate change, instead of blaming the condition of California's forests for these fires.

Thank you for the opportunity to submit comments on these proposed Projects. We look forward to working to assure that the County forges responsible, fire safe planning to safeguard the health and safety of its residents and the natural environment. Please do not hesitate to contact the Center with any questions at the email listed below.

Sincerely,

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(Attached on CD)

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EXHIBIT C

March 11, 2019

Sent via email and FedEx

Ventura County Board of Supervisors
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Re: Proposed Habitat Connectivity and Wildlife Corridor Ordinance and Planning Commission Recommendations

Dear Ventura County Board of Supervisors:

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding the proposed Habitat Connectivity and Wildlife Corridor Ordinance ("Ordinance") and the Planning Commission Recommendations. The Center appreciates the work of the Board of Supervisors, Planning Commission, and Planning Division Staff in developing the Ordinance. The Ordinance as originally proposed would be a major step forward in maintaining and enhancing wildlife connectivity within Ventura County and the region; however, some of the proposed revisions and recommendations based on discussions from the January 31, 2019 Planning Commission meeting substantially weaken the Ordinance.

The Center strongly supports the objectives of the Ordinance and the County's efforts to preserve functional connectivity by establishing designated habitat connectivity and wildlife corridors (HCWC) and critical wildlife passage areas (CPWA). Limiting development and associated noise and lighting in these important corridor areas, enhancing wildlife crossing infrastructure where barriers already exist (*i.e.*, roads), and incorporating corridor redundancy will help to preserve habitat connectivity and foster the County's expansive biodiversity through current and future climate regimes. However, the Center is concerned about exemptions that would allow for excessive lighting, wildlife impermeable fencing, and surface mining and oil and gas exploration activities in these areas. Furthermore, recommendations from the Planning Commission do not take into account the best available science and instead aim to reduce the designated corridor areas to appease unknown agricultural concerns. The Center urges the Board to strengthen the Ordinance by applying the best available science to identify critical areas for wildlife movement and habitat connectivity, minimizing exemptions that undermine the Ordinance's goals, and requiring larger development buffers from surface water features (*i.e.*,

intermittent and perennial streams and wetlands) to effectively preserve functional connectivity for wildlife and vegetation throughout the County.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.4 million members and online activists throughout California and the United States. The Center and its members have worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Ventura County.

I. Habitat Connectivity Is Essential for Wildlife Movement and Biodiversity Conservation.

Habitat connectivity is vital for wildlife movement and biodiversity conservation. Limiting movement and dispersal with barriers (*e.g*., development, roads, or fenced-off croplands) can affect animals' behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, and landscapes (Trombulak and Frissell 2000; Tewksbury et al. 2002Cushman 2006; van der Ree et al. 2011; Haddad et al. 2015; Ceia-Hasse et al. 2018). Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. In addition, connectivity between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as climate changes (Heller and Zavaleta 2009, Cushman et al. 2013). Lack of wildlife connectivity results in decreased biodiversity and degraded ecosystems. Thus, preserving and maintaining natural and created corridors is critical for species and habitat conservation in fragmented landscapes (Gilbert-Norton et al., 2010).

Wildlife connectivity and migration corridors are important at the local, regional, and continental scale. Local connectivity that links aquatic and terrestrial habitats would allow various sensitive species to persist, including state- and federally-protected California red-legged frogs (*Rana draytonii*), arroyo toads (*Anaxyrus californicus*), and other species. At a regional scale, medium- and large-sized mammals that occur in Ventura County, such as mountain lions (*Puma concolor*), bobcats (*Lynx rufus*), gray foxes (*Urocyon cinereoargenteus*), ring-tailed cats (*Bassariscus astutus*), and mule deer (*Odocoileus hemionus*), require large patches of heterogeneous habitat to forage, seek shelter/refuge, and find mates. In addition, anadromous fish, such as steelhead trout (*Oncorhynchus mykiss*), are born in some of Ventura's waterways, spend several years in the Pacific Ocean, and return to Ventura to spawn. Ventura is an important hub for local and global biodiversity; wildlife movement and habitat connectivity must be maintained throughout the Ventura County.

II. Climate Change Is Likely to Significantly Alter Wildlife Behavior and Movement.

A strong, international scientific consensus has established that human-caused climate change is causing widespread harms to human society and natural systems, and climate change threats are becoming increasingly dangerous. In a 2018 *Special Report on Global Warming of*

1.5°C from the Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for the assessment of climate change describes the devastating harms that would occur at 2°C warming, highlighting the necessity of limiting warming to 1.5°C to avoid catastrophic impacts to people and life on Earth (IPCC 2018). In addition to warming, many other aspects of global climate are changing. Thousands of studies conducted by researchers around the world have documented changes in surface, atmospheric, and oceanic temperatures; melting glaciers; diminishing snow cover; shrinking sea ice; rising sea levels; ocean acidification; and increasing atmospheric water vapor (USGCRP, 2017).

Climate change is increasing stress on species and ecosystems, causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes, and increasing species extinction risk (Warren et al., 2011). A 2016 analysis found that climate-related local extinctions are already widespread and have occurred in hundreds of species, including almost half of the 976 species surveyed (Wiens 2016). A separate study estimated that nearly half of terrestrial non-flying threatened mammals and nearly one-quarter of threatened birds may have already been negatively impacted by climate change in at least part of their distribution (Pacifici et al. 2017). A 2016 meta-analysis reported that climate change is already impacting 82 percent of key ecological processes that form the foundation of healthy ecosystems and on which humans depend for basic needs (Scheffers et al. 2016). Genes are changing, species' physiology and physical features such as body size are changing, species are moving to try to keep pace with suitable climate space, species are shifting their timing of breeding and migration, and entire ecosystems are under stress (Cahill et al., 2012; Chen et al., 2011; Maclean & Wilson, 2011; Parmesan, 2006; Parmesan & Yohe, 2003; Root et al., 2003; Warren et al., 2011). As such, it is imperative that current and future land use planning consider the impacts of climate change on wildlife movement. In order to further this goal, any development within the overlay zones should be reviewed to ensure functional connectivity in light of potential climate change impacts.

III. Corridor Redundancy Helps Retain Functional Connectivity and Resilience.

Corridor redundancy (*i.e*. the availability of alternative pathways for movement) is important in regional connectivity plans because it allows for improved functional connectivity and resilience. Compared to a single pathway, multiple connections between habitat patches increase the probability of movement across landscapes by a wider variety of species, and they provide more habitat for low-mobility species while still allowing for their dispersal (Mcrae et al., 2012; Olson & Burnett, 2008; Pinto & Keitt, 2008). In addition, corridor redundancy provides resilience to uncertainty, impacts of climate change, and extreme events, like flooding or wildfires, by providing alternate escape routes or refugia for animals seeking safety (Cushman et al., 2013; Mcrae et al., 2008; Mcrae et al., 2012; Olson & Burnett, 2008; Pinto & Keitt, 2008). Thus, the Center supports efforts that account for corridor redundancy and functional connectivity to facilitate wildlife movement throughout the County.

IV. Human Development and Associated Noise and Lighting Can Interfere with the Behavior of Local Wildlife Such as Mountain Lions.

Human development and associated noise can degrade adjacent wildlife habitat and behavior. (*See, e.g.,* Slabbekoorn 2008.) For instance, field observations and controlled laboratory experiments have shown that traffic noise can significantly degrade habitat value for migrating songbirds. (Ware et al. 2015.) This finding followed lab results indicating that subjects exposed to 55 and 61 dBA simulated traffic noise exhibited decreased feeding behavior and duration, as well as increased vigilance behavior. (*Id*.) Such behavioral shifts increase the risk of starvation, thus decreasing survival rates. A recent study also highlighted the detrimental impacts of siting development near areas protected for wildlife. The study noted that "Anthropogenic noise 3 and 10 dB above natural sound levels . . . has documented effects on wildlife species richness, abundance, reproductive success, behavior, and physiology." (Buxton, et al.) The study further noted that "there is evidence of impacts across a wide range of species [] regardless of hearing sensitivity, including direct effects on invertebrates that lack ears and indirect effects on plants and entire ecological communities (e.g., reduced seedling recruitment due to altered behavior of seed distributors)." (*Ibid*.) Moreover, human transportation networks and development resulted in high noise exceedances in protected areas. (*Ibid*.)

There also is strong evidence documenting the effects of human activity specifically on mountain lions. One study found that mountain lions are so fearful of humans and noise generated by humans that they will abandon the carcass of a deer and forgo the feeding opportunity just to avoid humans. (Smith 2017.)[1] The study concluded that even "non-consumptive forms of human disturbance may alter the ecological role of large carnivores by affecting the link between these top predators and their prey." (Smith 2017.) In addition, the study found that mountain lions respond fearfully upon hearing human vocalizations. Another study demonstrates that mountain lions exposed to other evidence of human presence (lighting, vehicles, dogs) will impact mountain lion behavior. (Wilmers 2013.) Other studies documented diet shifts in mountain lions near human development, and recommended minimizing any development in mountain lion habitat. (Smith 2016; *see also* Smith 2015.)

Additional studies similarly documented that mountain lions avoid "urban, agricultural areas, and roads and prefer[] riparian areas and more rugged terrain." (Zeller 2017; *see also* Vickers 2015.) One study found that over half (55 percent) of radio collared mountain lions in urban areas did not survive, and the majority were killed by humans either by vehicle strikes or using depredation permits. (Vickers 2015.) Given that human activities can interfere with natural behavior and movement of local wildlife, the Center supports the County's efforts to limit development and associated noise and lighting in corridor areas.

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[1] *See also* Sean Greene, "How a fear of humans affects the lives of California's mountain lions," *Los Angeles Times* (June 27, 2017), available at http://beta.latimes.com/science/sciencenow/la-sci-sn-pumas-human-noise-20170627-story.html.

V. Creating and Enhancing Wildlife Crossings for Existing Roads Is Critical to Maintaining Healthy Ecosystems.

The Center supports the objective of the Ordinance to enhance wildlife connectivity on existing roads through the use of increased setbacks. Enhanced connectivity helps sustain functional ecosystems and ensure public safety. Although natural, existing corridors in fragmented landscapes have been shown to have more wildlife movement compared to created corridors (Gilbert-Norton et al., 2010), crossing structures combined with setbacks at the entrances and exits are useful as retroactive restoration in areas where existing roads have high incidence of wildlife vehicle conflict or where species movement has been severely impacted. When appropriately implemented, wildlife crossing infrastructure has been shown to improve wildlife permeability and reduce wildlife vehicle collisions (Bissonette & Rosa, 2012; Dodd Jr. et al., 2004; Dodd et al., 2012; Kintsch et al., 2018; Sawaya et al., 2014; Sawyer et al., 2012). Thus, by maintaining and restoring habitat connectivity that facilitates movement required for current and future species ranges and behaviors, the County would improve driver safety while promoting local biodiversity.

Outside of California many other states and jurisdictions have been proactively addressing wildlife connectivity issues. For example, Arizona, Colorado, and Wyoming have seen 80-96% reductions in wildlife vehicle collisions while gradually increasing the level of wildlife permeability over time (it appears that some species take more time than others to adapt to crossings) on sections of highways where they have implemented wildlife crossing infrastructure, such as underpasses, culverts, overpasses, wildlife fencing, and escape ramps (Dodd et al., 2012; Kintsch et al., 2017; Kintsch et al., 2018; Sawyer et al., 2012). Utah just completed the state's largest wildlife overpass at Parleys Canyon for moose, elk, and deer. Washington State is about to complete its largest wildlife overpass on I-90, which is anticipated to provide habitat connectivity for a wide variety of species between the North and South Cascade Mountains. The overpass cost $6.2 million as part of a larger $900 million expansion project that will include multiple wildlife crossings along a 15-mile stretch of highway. Savings from less hospital bills, damage costs, and road closures from fewer wildlife vehicle collisions will make up those costs in a few years (Valdes 2018). State transportation departments are actively pursuing these types of projects because of the benefits for wildlife connectivity, public safety, and the economy. The Center supports Ventura County's efforts to actively invest in preserving habitat connectivity where there are no roads or development while also enhancing or restoring connectivity where roads or other transportation infrastructure already exist.

VI. The Ordinance Should Require Stronger Development Buffers for Streams and Wetlands.

Based on recommendations from the Planning Commission, the Ordinance's surface water feature setbacks were reduced from 200 feet to 100 feet. The revision was based on concerns regarding potential impediments on agricultural operations. However, in a letter to the Board of Supervisors, Planning Division staff stated that it was not clear "what specific agricultural operations were of concern" given that there are already various exemptions for commercial agricultural activity (March 12, 2019 Planning Division Letter at 11). This change does not support one of the main objectives of the Ordinance to "[p]reserve the functional

connectivity and habitat quality of surface water features" (Section 8104-7.7(b)). Streams are important corridors for wildlife movement and habitat connectivity; the Ordinance should consider the best available science and require a minimum 200-foot setback from all perennial and intermittent streams, with special attention given to streams that are located within designated critical habitat or support or have the potential to support special-status, sensitive, or rare species.

Streams and wetlands throughout the County support numerous special-status flora and fauna, including steelhead trout (*Oncorhyncus mykiss*), least Bell's vireo (*Vireo bellii pusillus*), and California red-legged frogs (*Rana draytonii*). Many species that rely on these aquatic habitats also rely on the adjacent upland habitats (*e.g.*, riparian areas along streams, and grassland habitat adjacent to wetlands). In fact, 60% of amphibian species, 16% of reptiles, 34% of birds and 12% of mammals in the Pacific Coast ecoregion (which includes Ventura County) depend on riparian-stream systems for survival (Kelsey and West 1998). Many other species, including mountain lions and bobcats, often use riparian areas and natural ridgelines as migration corridors or foraging habitat (Dickson et al, 2005; Hilty & Merenlender, 2004; Jennings & Lewison, 2013; Jennings & Zeller, 2017). Additionally, fish rely on healthy upland areas to influence suitable spawning habitat (Lohse et al. 2008), and encroachment on these habitats and over-aggressive removal of riparian areas have been identified as major drivers of declines in freshwater and anadromous fish (*e.g.*, Stillwater Sciences 2002; Lohse et al. 2008; Moyle et al. 2011).

A literature review found that recommended buffers for wildlife often far exceeded 100 meters (~325 feet), well beyond the largest buffers implemented in practice (Robins 2002). For example, Kilgo et al. (1998) recommend more than 1,600 feet of riparian buffer to sustain bird diversity. In addition, amphibians, which are considered environmental health indicators, have been found to migrate over 1,000 feet between aquatic and terrestrial habitats through multiple life stages (Semlitsch and Bodie 2003; Trenham and Shaffer 2005; Cushman 2006; Fellers and Kleeman 2007). Specifically, the California red-legged frog, a threatened species that occurs and has designated critical habitat within Ventura County, was found to migrate about 600 feet between breeding ponds and non-breeding upland habitat and streams, with some individuals roaming over 4,500 feet from the water (Fellers and Kleeman 2007). Other sensitive species known to occur in Ventura County, such as western pond turtles (*Actinemys marmorata*, a candidate species under the Endangered Species Act) and California newts (*Taricha torosa*), have been found to migrate over 1,300 feet and 10,000 feet respectively from breeding ponds and streams (Trenham 1998; Semlitsch and Bodie 2003). Accommodating the more long-range dispersers is vital for continued survival of species populations and/or recolonization following a local extinction (Semlitsch and Bodie 2003; Cushman 2006). In addition, more extensive buffers provide resilience in the face of climate change-driven alterations to these habitats, which will cause shifts in species ranges and distributions (Cushman et al., 2013; Heller & Zavaleta, 2009; Warren et al., 2011). This emphasizes the need for sizeable riparian and upland buffers around streams and wetlands in Ventura County, as well as connectivity corridors between heterogeneous habitats. The Ordinance should not be weakened to 100-foot stream setbacks.

In addition, maintaining a minimum 200-foot development buffer from streams would facilitate essential ecosystem services that humans rely on. Larger buffer zones than those

proposed in the weakened Ordinance along streams would provide more stream bank stabilization, water quality protection, groundwater recharge, and flood control both locally and throughout the watershed (Nieswand et al. 1990; Norris 1993; Whipple Jr. 1993; Sabater et al. 2000; Lovell and Sullivan 2006). They would also protect communities from impacts due to climate change by buffering them from storms, minimizing impacts of floods, and providing water storage during drought (Environmental Law Institute 2008). Thus, the County should require a minimum 200-foot buffer around streams.

VII. Some of the Proposed Exemptions to the Critical Wildlife Passage Areas Overlay Zone Undermine the Objectives of the Ordinance.

The Center wholeheartedly supports the objectives of the Ordinance, which are outlined in the staff report to include (1) regulating the siting of structures, uses and activities within individual lots so as to avoid key habitat areas used by wildlife; (2) consolidating development to provide open areas as a means to facilitate wildlife passage within and between individual lots; and (3) providing access to, and movement between, surrounding protected habitat areas on a regional geographic scale.

In furtherance of those objectives, the Center again recommends that certain exemptions be removed from the Ordinance. In particular, section 8109-4.9 establishes the Critical Wildlife Passage Areas Overlay Zone ("CWPA"), which provides requirements and procedures for development in this zone. (Exh. 14 at 21.) However, the next section provides that these requirements and procedures do not apply to some types of development, including "[a]ny development on a lot zoned Commercial (CO, C1, CPD)....aboveground pipelines or transmission lines...construction and maintenance of driveways and roads internal to a lot." (*Id*. at 21.) Commercial development, pipelines, and internal roads can all impede wildlife connectivity and disturb animal behavior. As such, it is unclear why these uses are exempt from the CWPA requirements and procedures. Instead, these exemptions undermine the objectives of the Ordinance.

In addition, it appears that some uses are partially exempt from the CWPA requirements and procedures, including golf courses, wildlife impermeable fencing used to enclose commercially grown agricultural crops or products (Section 8109-4.929(c)), and drilling for geologic testing. Golf courses can fragment and degrade wildlife habitat while causing groundwater and surface water pollution arising from pesticides and fertilizers. And as stated in Section 8104-7.7, wildlife impermeable fencing "can create barriers to food and water, shelter, and breeding access to unrelated members of the same species needed to maintain genetic diversity." Exempting wildlife impermeable fencing that encloses vast areas of land undermines the goals of the Ordinance to "preserve functional connectivity for wildlife and vegetation" and"[m]inimize wildlife impermeable fencing" (*Id*). These types of development/land use should not be exempt from the CWPA requirements and procedures.

VIII. The Lighting Exemptions for Surface Mining and Oil and Gas Exploration Undermine the Objectives of the Ordinance.

Light pollution can confuse migratory birds and otherwise disturb and disrupt wildlife foraging and breeding. Light pollution can seriously threaten the continual survival of numerous species: "[t]he cumulative effects of behavioral changes induced by artificial night lighting on competition and predation have the potential to disrupt key ecosystem functions." (Rich and Longcore 2013). Species known to be impacted include mammals, birds (both migrating and non-migrating), reptiles, amphibians, invertebrates, fishes and plants. The impacts are wide ranging. Impacts include utilization of artificial lights, such as streetlights to forage underneath for food, which increases predation risk. (Rich and Longcore 2013). Bird species can also become "entrapped" within lighted areas, refusing to move for the night, and thus increasing their risk of predation. (*Id*.) Furthermore, light pollution need not be highly extensive to have a major impact on nearby plants and wildlife. For instance, one study found that desert rodents reduced foraging activity when exposed to the light of a single camp lantern. (Rich and Longcore 2013).

As such, any exemptions for outdoor lighting standards set forth in section 8109-4.8.2.1 should be narrowly drawn. (See Exh 14 at 8). While some of these exemptions described in section 8109-4.8.2.2 appear warranted, it is unclear why this section exempts "temporary or intermittent outdoor night lighting used for surface mining operations or oil and gas exploration and production." (*Id*.) Notably, the term "intermittent" is defined as a period of between "31 and 90 calendar days within any 12-month period." This exemption would allow surface mining or oil and gas exploration operations to use outdoor night lighting—often in remote or rural areas—for up to three months out of any given year. This exemption is likely to undermine the objective of the Ordinance to provide for movement between protected habitat areas on a regional geographic scale.

Further exemptions are provided in a post-Planning Commission revision in Section 8109-4.8.2.4(b)(11), which states that "lighting utilized for oil and gas exploration and production and surface mining operations may deviate the above-stated standards and requirements and shall be specified in a lighting plan approved by the County during the discretionary permitting process for the subject facility or operation." This weakens the Ordinance by allowing for increased light pollution that would further degrade wildlife corridors and deter animals from using them for movement and migration. Additional exemptions for lighting standards and requirements should not be afforded to surface mining and oil and gas exploration.

IX. The Ordinance Should Use the Best Available Science to Identify Important Areas for Wildlife Movement and Habitat Connectivity.

The Planning Commission Recommendations include the removal of Lockwood Valley from the Habitat Connectivity and Wildlife Corridor ("HCWC") overlay zone. As detailed in the March 12, 2019 Planning Division Letter to the Board of Supervisors, the wildlife connectivity mapping is a result of a collaborative research effort spanning several years and involving "scientists, regulatory agencies, academics, land managers, private property owners, businesses,

and non-profits throughout California." This mapping is the best available science that delineates habitat linkages with "the best potential movement routes" to support animal and plant species that were collectively selected to "represent a diversity of habitat needs and movement patterns" (*Id*.). As such, important habitat linkages identified through this process, including Lockwood Valley, should remain in the HCWC overlay zone.

The Planning Commission Recommendations also include the removal of Tierra Rejada Valley from the Critical Wildlife Passage Areas ("CWPA") overlay zone. This is one of three areas that were identified as "critically important wildlife passage areas" because they have the "highest risk of functional connectivity loss" (*Id*.) Again, this area was designated as a priority corridor area based on the best available science and should not be dismissed. The idea is to encourage clustering of development to minimize impacts of human activities (*e.g*., habitat degradation and removal; increased frequency of wildfire ignitions; edge effects caused by irrigation, artificial night-lighting, introduction of invasive species). To facilitate the general purpose of the Ordinance stated in Section 8104-7.7 "to preserve functional connectivity for wildlife and vegetation throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation and minimizing impacts to those areas that are narrow, impacted or otherwise tenuous with respect to wildlife movement," the Tierra Rejada Valley should remain designated in the CWPA overlay zone.

The Center is encouraged by and supports the Planning Commission's recommendation to include the entire lot of the Santa Susana Field Lab in the HCWC and CWPA overlay zones, as the Save Open Space, Santa Monica Mountains ("SOS") identified this area as important habitat for mountain lions and other wildlife. (See Exh. 23 at PDF 189.) In addition, the SOS requested that the Lake Sherwood/Hidden Valley area be considered for inclusion in the HCWC and CWPA overlay zones because multiple mountain lions have been known to use the undeveloped areas of Lake Sherwood (*Id*.). The Center joins SOS in requesting that this area be considered for inclusion in the overlay zone. Ventura County should implement the best available scientific information regarding wildlife movement and habitat connectivity in the Ordinance. Furthermore, the Center urges the County to monitor existing corridors and identify other priority wildlife movement and habitat connectivity areas in collaboration with local experts, agencies, and organizations.

XI. Conclusion

Thank you for the opportunity to submit comments on the Ordinance and Planning Commission Recommendations. The Center strongly supports the objectives of the Ordinance and appreciates Ventura County's effort to use its local land use authority to develop an ordinance that promotes regional wildlife movement and habitat connectivity. Please do not hesitate to contact the Center with any questions at the number or email listed below.

Sincerely,

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ATTACHMENT D

December 22, 2020

Sent via email

Los Angeles County Board of Supervisors
c/o Ms. Celia Zavala
Executive Officer
500 West Temple Street
Los Angeles, CA 90012
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Re: Supplemental EIR for the Northlake Specific Plan

Dear Supervisors Mitchell, Kuehl, Solis, Hahn, and Barger:

We are writing to urge you to direct staff at the Los Angeles County Department of Regional Planning to prepare a supplemental environmental impact report ("EIR") for the Northlake Specific Plan ("Northlake Development"). The Northlake Development is a 1,300-acre housing development proposed on fire-prone wildlands adjacent to Castaic Lake State Recreation Area approved by the Board in April 2019. Even though the Northlake Development sits within a wildlife connectivity linkage known as the Sierra Madre-Castaic Connection, County staff did not require enforceable or adequate measures to address wildlife connectivity because the project proponent claimed mountain lions do not use the crossings in the area. **We are submitting evidence showing these claims are incorrect: the Mountains Recreation and Conservation Authority recently captured photographic evidence of a mountain lion using the crossing immediately adjacent to the development site.**

Background on the Conservation Groups

The Center for Biological Diversity ("Center") is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center and its members have

worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles.

Endangered Habitats League (EHL) is a non-profit, public interest conservation group for Southern California. It is dedicated to ecosystem protection and sustainable land use for all the region's inhabitants. EHL is and has been a stakeholder in several County of Los Angeles planning and environmental initiatives.

Photographic Evidence from the Mountains Recreation and Conservation Authority Confirms that Mountain Lions Use the Crossing Adjacent to the Northlake Development Site

We are submitting photos to you which were taken by staff at the Mountains Recreation and Conservation Authority ("MRCA") which demonstrate that mountain lions use the culverts under the I-5 freeway immediately next to the Project site. In particular, the attached photos (which we received from MRCA and are authenticated by the attached declaration from Chad Christensen) depict a mountain lion crossing from the east side of the southbound direction of the separated I-5 freeway from Grasshopper Canyon and westerly into the Marple Canyon on November 5, 2020 approximately between 2:49 a.m. and 2:59 a.m. (the "Mountain Lion Photos"). The single-lane box culvert for the Marple Canyon access road that crosses under this southbound section of I-5 is identified as "Tunnel 2" and "Underpass 2" in Santa Monica Mountains Conservancy's April 17, 2018 letter on the Northlake Development. Underpass 2 is one of two freeway crossing structures along a ten-mile section of I-5 between Templin Highway and Castaic Creek. The MRCA owns 245 acres of Marple Canyon west of Underpass 2 between the separated north-/southbound sections of I-5 and six acres east of Underpass 2 that connect with Grasshopper Canyon. The Mountain Lion Photos were taken by a camera placed on MRCA conservation lands by Mr. Christensen for the MRCA's Marple Canyon I-5 Wildlife Crossing Enhancement Project.

While the EIR for the Northlake Project does generally acknowledge that mountain lions may use the Project area (Final EIR at 2-136), County counsel joined the project proponents (which include Northlake Associates, LLC, which is controlled by NLDP Associates, LLC, Castaic Development Partners, LLC, and Michael Rosenfeld of Woodridge Capital Partners, LLC) in representing in court proceedings that "mountain lions will not be impacted by the Project" and "mountain lions are not using Project site crossings as confirmed by expert studies, including a wildlife camera study . . . ." (Respondents' and Real Parties in Interest's Joint Opposition Trial Brief at pp. 8 & 16-17.) **The Mountain Lion Photos demonstrate that these claims (which were based on a developer-commissioned study) are incorrect.**[1]

We further note that the County's own staff biologist, Joseph Decruyenaere, urged the developer's EIR drafters not to minimize the connectivity value of the existing culverts under the

[1] On December 17, 2020, the Conservation Groups requested judicial notice of these photos in Los Angeles County Superior Court case *Center for Biological Diversity et al. v. County of Los Angeles et al*., Case No. 19STCP01610, and the County and developer submitted a brief opposing the request for judicial notice.

I-5, which are far from perfect but are the only available means for mountain lions to cross the I-5 in the area. Mr. Decruyenaere wrote that the EIR language prepared by the developer's consultant:

> unduly minimizes the value of compromised movement opportunities. Nowhere else in biological conservation would you want to argue that because a resource is rare it's less than valuable. The fact that the use of a highly constrained opportunity for movement between natural areas might be made more difficult should always be considered a potentially significant impact unless there simply aren't any wildlife around to use the crossing. If a movement opportunity lacks a vegetated approach or some other feature that would seem to make it work better, that doesn't mean it doesn't pose an opportunity for movement. It just suggests that an animal might be less inclined to use it in the imaginary scenario that they have a better alternative. **However, in the real world, and in the highly fragmented, difficult to navigate landscapes that wildlife are consigned to, compromised movement opportunities may be the only opportunities available.** Revise the discussion to acknowledge the value of the crossings and instead of devaluing them, talk about how the project might change the potential for their use.[2]

Mr. Decruyenaere also wrote that the developer's consultant relies "chiefly on the idea that existing crossing features are not ideal but [they] neglect[] to provide conclusions as to how overall wildlife movement on the site and through the crossing features may actually change with buildout of the project."[3]

The Mountain Lion Photos confirm that mountain lions are using the culverts adjacent to the Project site even if they could be enhanced to be more friendly for wildlife. If built as proposed, the Northlake Development would permanently block these crossings and further constrain the already-limited movement opportunities for mountain lions.

We are submitting this evidence to the Board so the County can prepare an EIR for the Project that accurately discloses the impacts of this Project on the Central Coast South mountain lions. With an accurate EIR the Board can determine whether to reconsider the Project or require mitigation measures or project modifications to ensure the Northlake Development does not harm these mountain lions.

The County Must Prepare A Supplemental EIR for the Northlake Development

Relevant authorities require preparation of a subsequent or supplemental EIR in these circumstances. The California Environmental Quality Act ("CEQA") states that a subsequent or supplemental EIR may be required when either (1) substantial changes occur with respect to the

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[2] Mr. Decruyenaere's comments were attached to an email sent by County Planner Jodie Sackett on February 18, 2018 and are accessible in the administrative record ("AR") of the Los Angeles County Superior Court case *Center for Biological Diversity et al. v. County of Los Angeles et al.*, Case No. 19STCP01610 at AR025874 (and Mr. Sackett's email is located at AR025825-26).
[3] Mr. Decruyenaere's comments are included in an email sent on February 12, 2018, and is available at AR025822-23.

circumstances under which the project is being undertaken which will require major revisions in the environmental impact report or (2) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. (Pub. Res. Code § 21166.)

The Mountain Lion Photos qualify as either (or both) of these two categories. Mountain lions in the Project area are part of the Central Coast South population, which were granted "candidacy status" under the California Endangered Species Act ("CESA") in April 2020, such that they are afforded the same protections as other CESA-listed species. CEQA requires a "mandatory finding of significance" when a project has the potential to impact a CESA-listed species. (CEQA Guidelines § 15065(a)(1); *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 792 fn. 12.) And such a finding triggers a duty to consider and adopt all feasible alternatives or mitigation measures to reduce such impacts. (Pub. Res. Code § 21002.)

We Urge The Board Not To Drive Struggling Mountain Lions Closer to Local Extinction

Prior to the Board's approval of the Northlake Development last year, we submitted a letter to the Board on April 1, 2019 which included multiple peer-reviewed studies showing that Southern California's mountain lions are facing an extinction vortex due primarily to a loss of habitat connectivity. The Central Coast South population is particularly at risk with studies noting that a subset of the Central Coast South population in the Santa Monica mountains has "extremely low genetic diversity" while diversity of broader Central Coast South population is only "slightly higher."[4]

As currently proposed, the Northlake Development would permanently block connectivity over a significant portion of the Sierra Madre-Castaic Connection, which is a linkage critical to the survival of the Central Coast South mountain lions. Numerous expert agencies including the Santa Monica Mountains Conservancy ("SMMC") and California Department of Fish and Wildlife have raised serious concerns about the Northlake Development's permanent impacts on wildlife connectivity, with SMMC even filing an administrative appeal asking the Board to reconsider the Planning Commission's approval of the Project.

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[4] Gustafson KD, Gagne RB, Vickers TW, Riley SPD, Wilmers CC, Bleich VC, Pierce BM, Kenyon M, Drazenovich TL, Sikich JA, Boyce WM, Ernest HB (2018) Genetic source–sink dynamics among naturally structured and anthropogenically fragmented puma populations. Conserv Genet 1–13 . doi: 10.1007/s10592-018-1125-0

Ensuring regional wildlife connectivity and protecting local mountain lions will require cooperation from conservation groups and state and local officials. We ask the Board to be part of the solution – and not part of the problem – by re-assessing the impacts of this development proposal.

Sincerely,

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Declaration of Chad Christensen

I, Chad Christensen, hereby declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently to these facts. As to those matters which reflect an opinion, they reflect my personal opinion and judgment on the matter.

2. I am the Deputy Chief of Natural Resources and Planning for the Mountains Recreation and Conservation Authority (MRCA) and have been in this position since April 2020. Previously I was a Project Analyst hired in February 2017.

3. Attached are true and correct copies of photos taken on November 5, 2020 approximately between 2:49 a.m. and 2:59 a.m. of a mountain lion crossing from the east side of the southbound direction of the separated I-5 freeway from Grasshopper Canyon and westerly into the Marple Canyon. The single-lane box culvert for the Marple Canyon access road that crosses under this southbound section of I-5 is identified as "Tunnel 2" and "Underpass 2" in Santa Monica Mountains Conservancy's April 17, 2018 letter on the Northlake Project (AR010051-59). Underpass 2 is one of two freeway crossing structures along a ten-mile section of I-5 between Templin Highway and Castaic Creek. The MRCA owns 245 acres of Marple Canyon west of Underpass 2 between the separated north-/southbound sections of I-5 and six acres east of Underpass 2 that connect with Grasshopper Canyon.

4. These photos were taken by a wildlife camera that I placed on MRCA conservation lands on June 9, 2020 in my official capacity as Deputy Chief of Natural Resources and Planning and as Project Manager for the MRCA's Marple Canyon I-5 Wildlife Crossing Enhancement Project (Project).

5. The Project was awarded Wildlife Conservation Board (WCB) funding in 2020 to enhance 2.75 acres of habitat on the west and east approaches to Underpass 2 in order to promote wildlife movement between Marple and Grasshopper Canyons. On March 27, 2020, I received a Caltrans Encroachment Permit No. 07-20-N-SV-0894 to install the wildlife cameras within the freeway right-of-way as an MRCA in-kind contribution towards the Project. The

Project Area and Underpass 2 are part of the South Coast Wildland's *Castaic – Sierra Madre Connection.*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 15th of December 2020,

Chad Christensen

Ventura, California

28.32 inHg - 68°F 11/05/2020 02:49AM MARPLE1

28.32 inHg - 68°F 11/05/2020 02:49AM MARPLE1

28.32 inHg - 68°F 11/05/2020 02:49AM MARPLE1

28.38 inHg - 73°F 11/05/2020 02:59AM MARPLE2

28.38 inHg - 73°F 11/05/2020 02:59AM MARPLE2

28.38 inHg - 73°F 11/05/2020 02:59AM MARPLE2

ATTACHMENT E

Electronically FILED by Superior Court of California, County of Los Angeles on 12/17/2020 12:28 PM Sherri R. Carter, Executive Officer/Clerk of Court, by M. Mariano, Deputy Clerk

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Attorneys for Center for Biological Diversity and Endangered Habitats League

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CENTER FOR BIOLOGICAL DIVERSITY and ENDANGERED HABITATS LEAGUE, Petitioners, v. COUNTY OF LOS ANGELES; BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES; PLANNING COMMISSION OF THE COUNTY OF LOS ANGELES; and LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING, Respondents. NORTHLAKE ASSOCIATES, LLC; NLDP ASSOCIATES, LLC; CASTAIC DEVELOPMENT PARTNERS, LLC; WOODRIDGE CAPITAL PARTNERS, LLC; and MICHAEL ROSENFELD, an individual, Real Parties in Interest.	Case No. 19STCP01610 **PETITIONERS' THIRD SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE** Action Filed: May 1, 2019 Assigned for all purposes to the Honorable Richard L. Fruin Department: 15

TO THE COURT AND ALL PARTIES:

PLEASE TAKE NOTICE that Petitioners Center for Biological Diversity and Endangered Habitats League ("Petitioners") hereby request that, in accordance with California Evidence Code sections 452(c) and 453, the Court take judicial notice of the photos of a mountain lion crossing one of the culverts adjacent to the Northlake development site (the "Mountain Lion Photos"), true and correct copies of which are attached to the attached Declaration of Chad Christensen ("Christensen Dec."):

I. Background on the Mountain Lion Photos

The Mountain Lion Photos depict a mountain lion crossing from the east side of the southbound direction of the separated I-5 freeway from Grasshopper Canyon and westerly into the Marple Canyon on November 5, 2020 approximately between 2:49 a.m. and 2:59 a.m. (Christensen Dec. ¶ 3.) The single-lane box culvert for the Marple Canyon access road that crosses under this southbound section of I-5 is identified as "Tunnel 2" and "Underpass 2" in Santa Monica Mountains Conservancy's April 17, 2018 letter on the Northlake Project (AR010051-59). (Christensen Dec. ¶ 3.) Underpass 2 is one of two freeway crossing structures along a ten-mile section of I-5 between Templin Highway and Castaic Creek. (AR010053; Christensen Dec. ¶ 3.) The Mountains Recreation and Conservation Authority ("MRCA")[1] owns 245 acres of Marple Canyon west of Underpass 2 between the separated north-/southbound sections of I-5 and six acres east of Underpass 2 that connect with Grasshopper Canyon. (Christensen Dec. ¶ 3.)

II. Judicial Notice of the Mountain Photos Is Proper

Petitioners acknowledge that extra-record evidence may not be submitted to contradict evidence in the administrative record. (See *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 579 ["extra-record evidence can never be admitted merely to contradict the evidence the administrative agency relied on in making a quasi-legislative decision . . . ."].) However, here Petitioners request judicial notice of the Mountain Lion Photos to confirm what the EIR had already acknowledged in other sections—namely that "mountain lions may occur on the Project site" (AR007642; 7635) and

[1] MRCA is a local government public entity established pursuant to Joint Powers Act and is a partnership between the Santa Monica Mountains Conservancy, a state agency established by the legislature and two local park agencies. See https://mrca.ca.gov/about/.

"are expected to move between the Angeles National Forest through the study area to Castaic Lake in search of water in the summer . . ." (AR 3641.) (See Petitioners' Reply Brief at p. 8.)

More specifically, Petitioners are seeking judicial notice of the Mountain Lion Photos because Respondents argued in their Opposition Brief (and during the hearing on September 24, 2020) that the existing crossings adjacent to Project site are not currently used by mountain lions and are of no value to mountain lions. In particular, Respondents allege "mountain lions are not using Project site crossings as confirmed by expert studies, including a wildlife camera study" and "there is no evidence that mountain lions are using the off-site undercrossings adjacent to or crossing the Project Site." (Joint Opposition Brief at p. 8 & 17.) Petitioners are seeing judicial notice of the Mountain Lion Photos to show that the ***absence of evidence*** claimed by Respondents does not demonstrate an ***absence*** of mountain lions from the area. (See Petitioners' Reply Brief at p. 8.) Indeed, the Mountain Lion Photos confirm recent use of the area and the crossing adjacent to the Project site by a mountain lion.

Judicial notice of the Mountain Lion Photos also is proper because they qualify as an official act of a department of a public agency. (Cal. Evid. Code § 452(c); see also *Cooke v. Superior Court* (1989) 213 Cal.App.3d 401, 416 [overruled on other grounds in *County of San Diego v. State of California* (1997) 15 Cal.4th 68] [Evidence Code section 452(c) applies to legal subdivisions of the state].) In particular, the Mountain Lion Photos were taken by a wildlife camera that Mr. Christensen placed on MRCA conservation lands on June 9, 2020 in his official capacity as Deputy Chief of Natural Resources and Planning and as Project Manager for the MRCA's Marple Canyon I-5 Wildlife Crossing Enhancement Project (the "Wildlife Crossing Enhancement Project"). (Christensen Dec. ¶ 4.)

Courts may also allow judicial notice of post-approval documents in CEQA cases when they are helpful to an understanding of the issues. In Tu*olumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214 ["*Tuolumne County*"], the Court of Appeal granted Real Parties' request for judicial notice of a county transportation council resolution, even though the resolution "did not exist at the time [the] City approved" the project. (*Id.* at 1221.) The Court of Appeal granted the request "so that we have a better picture of the issues that will confront the superior court on remand," and noted that the trial court had also taken judicial notice of the resolution. (*Id.* & fn. 3.)

Other authorities support judicial notice of post-approval documents in some circumstances. Petitioners brought this action under Code of Civil Procedure section 1094.5 (see Verified Petition at ¶ 20), and CEQA specifically provides that challenges should be brought via this section. (See Pub. Res. Code § 21168 [any action or proceeding to set aside a decision of a public agency on the grounds of non-compliance with CEQA "shall be in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure."].) In turn, section 1094.5 provides that extra-record evidence may be admissible "if the evidence was unavailable at the time of the hearing 'in the exercise of reasonable diligence'. . . ." (*Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 367, citing Code Civ. Proc. § 1094.5, subd. (e).) Here, Petitioners could not have requested judicial notice of the Mountain Lions Photos prior to the hearing on the Project because the Mountain Lion Photos did not yet exist.

III. Judicial Notice of the Mountain Lion Photos is Timely

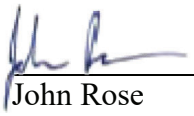
Judicial notice of the Mountain Lion Photos is timely because Respondents have sufficient notice of this request and ample time to respond, given that the Court has taken the case under consideration and not yet issued any final rulings.

IV. Conclusion

Petitioners respectfully request that this Court take judicial notice of the Mountain Lion Photos.

DATED: December 17, 2020

CENTER FOR BIOLOGICAL DIVERSITY

By: 

John Rose
Ross Middlemiss
Aruna Prabhala
John Buse

Attorneys for Petitioners CENTER FOR BIOLOGICAL DIVERSITY and ENDANGERED HABITATS LEAGUE

Attachment

Declaration of Chad Christensen

I, Chad Christensen, hereby declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently to these facts. As to those matters which reflect an opinion, they reflect my personal opinion and judgment on the matter.

2. I am the Deputy Chief of Natural Resources and Planning for the Mountains Recreation and Conservation Authority (MRCA) and have been in this position since April 2020. Previously I was a Project Analyst hired in February 2017.

3. Attached are true and correct copies of photos taken on November 5, 2020 approximately between 2:49 a.m. and 2:59 a.m. of a mountain lion crossing from the east side of the southbound direction of the separated I-5 freeway from Grasshopper Canyon and westerly into the Marple Canyon. The single-lane box culvert for the Marple Canyon access road that crosses under this southbound section of I-5 is identified as "Tunnel 2" and "Underpass 2" in Santa Monica Mountains Conservancy's April 17, 2018 letter on the Northlake Project (AR010051-59). Underpass 2 is one of two freeway crossing structures along a ten-mile section of I-5 between Templin Highway and Castaic Creek. The MRCA owns 245 acres of Marple Canyon west of Underpass 2 between the separated north-/southbound sections of I-5 and six acres east of Underpass 2 that connect with Grasshopper Canyon.

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5. The Project was awarded Wildlife Conservation Board (WCB) funding in 2020 to enhance 2.75 acres of habitat on the west and east approaches to Underpass 2 in order to promote wildlife movement between Marple and Grasshopper Canyons. On March 27, 2020, I received a Caltrans Encroachment Permit No. 07-20-N-SV-0894 to install the wildlife cameras within the freeway right-of-way as an MRCA in-kind contribution towards the Project. The

Project Area and Underpass 2 are part of the South Coast Wildland's *Castaic – Sierra Madre Connection.*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 15th of December 2020,

Chad Christensen

Ventura, California

Response to Comment Letter B.4

Francis Tinney and Tiffany Yap
Center for Biological Diversity
May 29, 2025

Response B.4-1

Commenter provides an introduction to its comment letter. Regarding comments on sections of the RPDSEIR, specific comments are addressed below. With respect to the portions of the SEIR that were not recirculated, the doctrines of res judicata and collateral estoppel preclude litigation and/or relitigation of those issues. See *Ione Valley Land, Air, and Water Defense Alliance, LLC v. County of Amador* (2019) 33 Cal.App.5th 165, 171 ("Res judicata bars all of LAWDA's objections to the partially recirculated EIR certification and project approval, except for those issues arising from the partially recirculated EIR concerning traffic impacts, because the remaining issues were litigated and resolved, or could have been litigated and resolved, in connection with the first petition, and the writ of mandate did not require the County to revisit issues other than traffic impacts."); *Sierra Club v. County of Fresno* (2020) 57 Cal.App.5th 979, 990 ("[A]n order of partial decertification is not necessary to protect Developer from relitigating the CEQA compliance of parts of the EIR not affected by the errors relating to air quality impacts. Instead, Developer is protected by res judicata, collateral estoppel and the requirement for the exhaustion of administrative remedies."); *Citizens for Open Government v. City of Lodi* (2015) 205 Cal.App.4th 296, 325-327 (res judicata barred claim that EIR failed to disclose cumulative water supply impacts as that claim was based on the same conditions and facts in existence when the original action was filed.); *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1517–1518 (rejected a challenge to an EIR's impacts analysis after the issuance of a peremptory writ of mandate as beyond the scope of the additional environmental review ordered in the writ); *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 481 ("Because those challenges asserted in the new petition could have been asserted before the entry of judgment in the prior proceeding and the material facts have not changed, BEEP's challenges to the project description and to the finding on land use consistency asserted in its latest petition for writ of mandate are barred by res judicata."); *Town of Atherton v. California High-Speed Rail Authority* (2014) 228 Cal.App.4th 314, 354 ("Collateral estoppel precludes relitigation of issues argued and decided in prior proceedings."). The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Response B.4-2

This is an introductory comment that is acknowledged. The comment does not address the content or adequacy of the RPDSEIR under CEQA or the State CEQA Guidelines; no additional response is required. The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Response B.4-3

The commenter is incorrect that the County cannot limit public comment to only those issues required for recirculation. The Los Angeles Superior Court's ruling in *Center for Biological Diversity and Endangered Habitats League v. County of Los Angeles, et al*, Case No. 19STCP01610, dated January 11, 2021(Court Ruling; RPDSEIR Appendix A) granted in part and denied in part the petitioner's Petition for Writ of Mandate. Specifically, the Court Ruling held that the SEIR for the Northlake Project failed to comply with CEQA because it contained: (1) inadequate alternatives analysis (for failing to fully analyze a creek avoidance alternative); (2) inadequate Western Spadefoot Toad (WST) baseline assessment and, therefore, inadequate mitigation (to recreate baseline conditions; mitigation inadequate in detail and commitment); and

(3) improper deferred mitigation as to rare plants (measure lacked sufficient detail). The Court denied the Petition for Writ of Mandate regarding (1) impacts to mountain lions/wildlife crossings, (2) aesthetics, (3) air quality/public health, (4) wildfire impacts, and (5) recirculation.

CEQA Guidelines Section 15088.5(c) provides:

> If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.

The RPDSEIR does not revise the 2019 SEIR in any respect other than as directed by the Court. As the RPDSEIR is limited to a few portions of the 2019 SEIR, pursuant to CEQA Guidelines Section 15088.5(c), the County elected not to recirculate the 2019 Draft SEIR or the 2019 FSEIR for public review and comment.

CEQA Guidelines Section 15088.5(f)(2) provides:

> When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. ***The lead agency need only respond*** to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) ***comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated***. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR. (Emphasis added.)

Consistent with CEQA Guidelines Section 15088.5(f)(2), page 1-1 of the RPDSEIR states:

> This document has been made available for public review and comment in accordance with the procedures contained in the Notice of Availability. Written comments may be submitted to Mr. Jodie Sackett, Los Angeles County Department of Regional Planning, 320 West Temple Street, Los Angeles, California 90012. ***As CEQA Guidelines Section 15088.5, subdivision (f)(2) permits, the County requests reviewers to limit the scope of their comments to that material which is addressed within the text of the revised portions and the appendices included in this RPDSEIR. The County also requests that reviewers not make new comments on matters not included in this RPDSEIR.*** (Emphasis added.)

Therefore, pursuant to CEQA Guidelines Section 15088.5(f)(2), the County will not respond to comments related to the chapters or portions of the SEIR that were not modified and were not revised and recirculated in the RPSDEIR. Moreover, as set forth in Response B.4-1, the doctrines of res judicata and collateral estoppel preclude litigation and/or relitigation of issues there were or could have been raised in the prior proceeding.

Commenter is correct that the County will need to recertify the SEIR (which will be comprised of the 2019 SEIR (Draft and Final), the RPDSEIR and the RPFSEIR); however, that recertification does not open up chapters and sections of the 2019 SEIR that were not recirculated for public comment or litigation challenge as the doctrines of res judicata and collateral estoppel preclude litigation and/or relitigation of those issues. None of the cases cited by the commenter reach a different conclusion. In *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, the Court of Appeal ordered the trial court to issue a writ of mandate to the city to reverse its certification of the EIR; this case did not involve recirculation of only portions of the EIR and thus is inapplicable. The same is true regarding *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 – it did not involve a challenge to recirculated sections of an

EIR. And while *Ukiah Citizens for Safety First v. City of Ukiah* required recirculation, it was limited to only one section of the EIR; it did not require recirculation of the entire EIR nor allow for public comment on the sections not recirculated: "Because the EIR certified in this case was inadequate in its analysis of energy impacts of the project, recirculation and consideration of public comments concerning the energy analysis will be necessary before the EIR may be certified and the project approved." *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 266–267. In fact, in response to the Court of Appeal's decision in *Ukiah Citizens for Safety First v. City of Ukiah*, the City of Ukiah prepared and recirculated a "Recirculated Partial Draft Environmental Impact Report" for the project (SCH No. 2011112025),[1] which only revised the energy section and did not revise and recirculate any other portion of the final EIR that the court ordered the city to set aside. The City of Ukiah's project (a Costco Wholesale warehouse) was subsequently approved and the Costco in Ukiah opened its doors in July 2018.[2] The County here took the exact same corrective action that the City of Ukiah did – it revised and recirculated the portions of the 2019 SEIR that the Court ruled did not comply with CEQA. Contrary to the commenter's incorrect legal opinion, recertification of an EIR based on limited recirculation does not open up non-recirculated sections to public comment or legal challenge. The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Response B.4-4

The RPDSEIR complies with the Court Ruling as to those issues that had to be recirculated. As set forth in Response B.4-1, above, the doctrines of res judicata and collateral estoppel preclude litigation and/or relitigation of issues there were raised or could have been raised in the prior proceeding. As set forth in Response B.4-3, CEQA Guidelines Section 15088.5(f)(2) expressly permits the County to limit comments to the material included in the RPDSEIR and only provide responses to those comments. Commenter's prior comments letters were responded to as part of the prior administrative proceeding. No additional response is required.

Response B.4-5

The RPDSEIR complies with CEQA Guidelines Section 15088.5 (c) as the RPDSEIR recirculated those sections of the 2019 SEIR that were required to be revised by the Court Ruling. New information has not been added to sections or chapters of the SEIR that were not recirculated. Moreover, Section 15088.5 does not trump the principles of res judicata and collateral estoppel. (See Response B.4-1.) To the extent that the commenter tries to revive its claim that additional sections of the 2019 SEIR need to be recirculated, that claim is barred by collateral estoppel as that claim was litigated as Cause of Action Two in *Center for Biological Diversity and Endangered Habitats League v. County of Los Angeles, et al*, Case No. 19STCP01610 and the Court denied that claim. (RPDSEIR Appendix A (Court Decision) at pages 8 through 11.) No additional response is required.

Response B.4-6

As set forth in Response B.4-5, above, the RPDSEIR complies with CEQA Guidelines Section 15088.5 (c) as the RPDSEIR recirculated those sections of the SEIR that were required to be revised by the Court Ruling. New information has not been added to sections or chapters of the 2019 SEIR that were not recirculated including climate change impacts and water supply.

[1] The City of Ukiah's Recirculated Partial Draft EIR is available at *https://cityofukiah.com/wp-content/uploads/2021/12/RevisedEnergyAnalysisCostco020917.pdf*. The City of Ukiah's final Recirculated Partial Environmental Impact Report for the project is available at https://cityofukiah.com/wp-content/uploads/2021/12/FEIR_COSTCO_04272017.pdf.

[2] See https://cityofukiah.com/costco-in-ukiah/.

Moreover, Section 15088.5 does not trump the principles of res judicata and collateral estoppel. Wildfire impacts were included in RPDSEIR. No additional response is required.

Response B.4-7

See Responses B.4-1, B.4-3, B.4-5 and B.4-6. In addition, commenter raised claims of inadequate GHG/climate change impacts in its Petition for Writ of Mandate, but chose not to present those claims to the Superior Court. Res judicata bars that claim now. No additional response is required.

Response B.4-8

See Responses B.4-1, B.4-3, B.4-5, B.4-6 and B.4-7.

Response B.4-9

See Responses B.4-1, B.4-3, B.4-5, B.4-6 and B.4-7.

Response B.4-10

See Responses B.4-1, B.4-3, B.4-5, and B.4-6. In addition, the commenter raised claims of inadequate water supply in its Petition for Writ of Mandate, but chose not to present that claim to the Superior Court. Res judicata bars that claim now. No additional response is required.

Response B.4-11

Collateral estoppel bars relitigation of the mountain/wildlife movement and connectivity issues. See Responses B.4-1, B.4-3, B.4-5, and B.4-6. The Court Ruling denied all of the commenter's claims regarding mountain lions and wildlife crossings finding that "The use of the undercrossings by large animals was thoroughly discussed in the SEIR … The County had the best available information on the topic when it approved the Project in April 2019. The County's implied determination that the Project will not interfere with mountain lion crossings of the I-5 is supported by substantial evidence." (RPDSEIR Appendix A (Court Ruling), pages 19 through 21.) No additional response is required.

Response B.4-12

See Responses B.4-1, B.4-3, B.4-5, and B.4-6. In addition, CBD raised claims of inadequate analysis of impacts to the burrowing owl in its Petition for Writ of Mandate, but chose not to present that claim to the Superior Court. Res judicata bars that claim now. The commenter is correct regarding the changed status for the burrowing owl as of October 10, 2024; however, the change in status to State Candidate does not affect the adequacy of the previous SEIR's determination of significance. The burrowing owl was a California Species of Concern at the time of the significance determination and there is no need to change this determination or to update the mitigation measures. All the burrowing owl detections were of "wintering" owls and no breeding owls were detected. (See 2019 Draft SEIR Table 5.2-4 (Special Status Wildlife Species Known To Occur In The Project Region), page 5.2-23.) Thus, it may be possible for project construction in burrowing owl habitat to take place outside the winter season such that an Incidental Take Permit (ITP) would not be required as no owls would be impacted or otherwise harmed. As stated in the 2019 Draft SEIR:

> The burrowing owl winters on the Project site. This is an unusual wintering location for this species, since it is located in the foothills rather than on the valley floor. The focused surveys determined that the Project site is only used by the burrowing owls for wintering and not breeding. Breeding or wintering populations of burrowing owl have been almost

completely extirpated from the coastal slope of southern California; therefore, impacts to this wintering population would be considered potentially significant. Implementation of MM 5.2-12, MM 5.2-13, and MM 5.2-14[3] would reduce impacts to less than significant. These mitigation measures require pre-construction wintering owl surveys, and if active wintering burrows are detected within the Project impact boundary, artificial burrows outside the impact boundary within suitable habitat would be constructed at a 1:1 ratio, ensuring a substantial reduction in potential impacts during and after Project implementation." (2019 Draft SEIR, page 5.2-39.)

Nevertheless, the Applicant will consult with CDFW and should CDFW determine that an ITP would be warranted, an ITP will be obtained. In any event, the proposed 2:1 Mitigation for all areas of suitable habitat fully mitigates the impact in accordance with CEQA.

Response B.4-13

See Responses B.4-1, B.4-3, B.4-5, B.4-6 and B.4-11.

Response B.4-14

See Responses B.4-1, B.4-3, B.4-5, B.4-6 and B.4-11.

Response B.4-15

See Responses B.4-1, B.4-3, B.4-5, B.4-6 and B.4-11.

Response B.4-16

The RPDSEIR, including Appendices D-1 (Wildland Fire Risk Report), D-2 (Northlake Specific Plan Wildland Fire Evacuation Scenarios – Evacuation Time Estimates Memorandum) and K (Wildland Fire Risk Report Northlake Project Addendum #1), complied with all of the mandates of CEQA (Appendix G, Section XX, subsection a, b and c requirements) and the California Attorney General's "*Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act"* regarding wildfire impact analysis. Commenter provides no credible evidence of a significant wildfire impact.

Response B.4-17

Commenter claims the RPDSEIR does not include substantial evidence supporting the determination that "[n]either construction nor operation of the Project would exacerbate wildfire risks, thereby exposing occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire." The substantial evidence is contained in RPDSEIR Appendices D-1 (Wildland Fire Risk Report), D-2 (Northlake Specific Plan Wildland Fire Evacuation Scenarios – Evacuation Time Estimates Memorandum), and K (Wildland Fire Risk Report Northlake Project Addendum #1). These are expert technical reports, cited in and attached to the RPDSEIR, that provide the substantial evidence for all of the wildfire impact determinations. Commenter is incorrect that the RPDSEIR did not adequately disclose or assess the area's baseline conditions. The Wildland Fire Risk Report (RPDSEIR Appendix D-1) provides an extensive discussion of the baseline environmental conditions, including climate history, vegetation and wind history.

[3] **MM 5.2-14** Prior to the initiation of any grading and/or construction-related activity involving the disturbance and/or removal of potentially suitable wintering burrowing owl habitat, the area shall be assessed. If the habitat assessment concludes that the area lacks potentially suitable burrowing owl burrows, no additional action is required. However, if potentially suitable burrows are located in the assessment area, any burrows that may be impacted by the project will be replaced with artificial burrows within on-site or off-site (if applicable) preserved areas with potentially suitable burrowing owl habitat.

(RPDSEIR Appendix D-1, pages 13 through 25; see also Response B.4-18, below.) RPDSEIR Appendix K (Wildland Fire Risk Report Northlake Project Addendum #1) specifically addresses risk from new human presence in high fire-prone areas and the wildlife-urban interface (WUI) and concludes that "the increased wildfire risk from human-ignited wildfire is less than significant." (Appendix K at page 7.) The RPDSEIR, including Appendices D-1, D-2, and K, complied with all of the mandates of CEQA (Appendix G, Section XX, subsection a, b, and c requirements) and the California Attorney General's "*Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act"* regarding wildfire impact analysis. Commenter provides no credible evidence of a significant wildfire impact.

Response B.4-18

Commenter claims the Wildland Fire Risk Report fails to mention the Hughes Fire in January 2025 and did not account for climate change. Regarding the Hughes Fire, the Wildland Fire Risk Report was prepared in December 2024, a month before the Hughes Fire. As such, it was not included in the fire history section of the report as it had not occurred at the time the report was prepared. The Hughes Fire was predicted by Scenario 6 - LakeSpotsat40, with the origin within the County Recreation Area (RPDSEIR Appendix D-1, page 65, 68), and the Evacuation Report determined that there would be sufficient time to evacuate the previously approved Project with no impediment to all three evacuation points (RPDSEIR Appendix D-1, Table 6; see also RPDSEIR Appendix D-1, page 68). The fact that the Hughes Fire happened, which was predicted, does not change the analysis, conclusions or determinations that the wildfire impacts are less than significant. Regarding climate change, the Wildland Fire Risk Report contains an extensive discussion of weather, temperature, humidity and wind history based on years of reported meteorological data for the Project Site that were added into the extensive modeling of the 10 wildfire scenarios. (RPDSEIR Appendix D-1, pages 25 through 50.) The sources cited by commenter are not Project Site specific. For modeling purposes, local (i.e., Project Site) historical data trends provide the only credible data to predict future change. Thus, the comment that the Wildland Fire Risk Report failed to account for climate change is incorrect. Commenter provides no credible evidence of a significant wildfire impact.

Response B.4-19

Commenter claims the RPDSEIR fails to adequately mitigate the wildfire risk, yet submits no credible evidence of a wildfire significant impact. The RPDSEIR, and the supporting technical appendices (RPDSEIR Appendix D-1, D-2 and K), provide substantial evidence that the wildfire risk is less than significant. The RPDSEIR, including Appendices D-1, D-2 and K, complies with all of the mandates of CEQA (Appendix G, Section XX, subsection a, b and c requirements) and the California Attorney General's "*Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act"* regarding wildfire impact analysis. The County is not required to impose mitigation measures where there is a less-than-significant impact. Applicable case law prohibits the imposition of mitigation measures unless they have a nexus to and are proportional to a project's significant impacts. (*Nollan v. California Coastal Comm.* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374.) Commenter's claim that project design features cannot be used to avoid impact analysis citing *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 is inapplicable. The Wildland Fire Risk Report sets forth wildland fire protection measures (including regulatory compliance measures) that were previously required or integrated into the previously approved Project and additional fire protection measures or project design features all of which contribute to avoiding or reducing wildfire impacts and were considered in the wildfire impact analysis. (RPDSEIR Appendix D-1, pages 77 – 78.) The RPDSEIR, including Appendices D-1, D-2, and K, contains detailed analysis that is substantial evidence supporting the determination of a less than significant wildfire impact. There is no missing analysis (and the commenter does not identify any missing analysis); thus,

Lotus is inapplicable in this case. In *Lotus*, the issue was adoption of mitigation absent impact analysis or a significance threshold for determining a significant impact that required mitigation. Commenter provides no credible evidence of a significant wildfire impact.

Response B.4-20

Commenter claims the RPDSEIR and its wildfire technical reports fail to mention or discuss the Project area's "historical fire regimes and the role Indigenous communities likely played in shaping the fire ecology of habitats in and adjacent to the Project area," yet identifies no requirement to include such in the technical impact analyses. There is no such requirement. The RPDSEIR, including Appendices D-1, D-2, and K, complies with all of the mandates of CEQA (Appendix G, Section XX, subsection a, b, and c requirements) and the California Attorney General's "*Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act"* regarding wildfire impact analysis. The Wildland Fire Risk Report (Appendix D-1) provides an extensive discussion of the baseline environmental conditions and reported fire history. Commenter provided no credible evidence of a significant wildfire impact.

Response B.4-21

Commenter states that the proposed project could increase unintentional human-driven wildfires that disrupt natural fire regimes and further degrade ecosystems, yet provides no evidence in support. The RPDSEIR, including Appendices D-1, D-2, and K, complies with all of the mandates of CEQA (Appendix G, Section XX, subsection a, b and c requirements) and the California Attorney General's "*Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act"* regarding wildfire impact analysis. Appendix K (Wildland Fire Risk Report Northlake Project Addendum #1) specifically addresses risk from new human presence in high fire-prone areas and the wildlife-urban interface (WUI) and concluded that "the increased wildfire risk from human-ignited wildfire is less than significant." (Appendix K at page 7.) Commenter provided no credible evidence of a significant wildfire impact.

Response B.4-22

Commenter raises concerns regarding unintentional wildfires and associated air quality. Addendum #1 to the Wildland Fire Risk Report specifically addresses risk from new human presence in high fire-prone areas and concluded that "the increased wildfire risk from human-ignited wildfire is less than significant." (RPDSEIR Appendix K at page 7.) Moreover, the RPDSEIR concludes that "Neither construction nor operation of the Project would exacerbate wildfire risks, thereby exposing occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire." Commenter speculates that an unintentional wildfire in the Project Area would result in poor air quality; none of the commenter's citations are Project Site specific. CEQA does not require the analysis of speculative impacts. (CEQA Guidelines Section 15145.) Commenter provided no credible evidence of a significant wildfire impact.

Response B.4-23

Commenter states that development in fire-prone areas increases firefighting costs due to unintentional ignitions. RPDSEIR Appendix K provides an assessment of exacerbation of wildfire risk (CEQA Guidelines section 15126.2(a)) from increased human habitation in a wildlife-urban interface and concluded that the increased wildfire risk from human-ignited wildfire associated with the previously approved Project is less than significant. Any increased costs on governmental agencies related to the provision of public services is not considered a project impact. In *City of Hayward v. Board of Trustee of California State University* (2015) 242 Cal. App. 4th 833, the court found that Section 35 of Article XIII of the California Constitution requires local agencies to provide

public safety services, including fire protection and emergency medical services, and that it is reasonable to conclude that the city (here the County) will comply with that provision to ensure that public safety services are provided. The *Hayward* ruling also concluded that "assuming the city continues to perform its obligations, there is no basis to conclude that the project will cause a substantial adverse effect on human beings" and the "need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate." Commenter provided no credible evidence of a significant wildfire impact.

Response B.4-24

Commenter claims the RPDSEIR (though it cites the SEIR) fails to adequately assess and mitigate the Project's impacts to wildfire risk, yet fails to identify an error or omission in the extensive analysis. Stating that "wildfire impacts disproportionately affect low-income and minority communities," while may be true, is not a critique of the RPDSEIR wildfire impact analysis and in no way undermines the RPDSEIR's analysis. Moreover, commenter fails to cite any guideline or requirement for the wildfire impact analysis to address "the aftermath of a wildfire." The RPDSEIR wildfire analysis and the Wildfire Report comport with the requirements of CEQA and the California Attorney General's "*Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*" guidelines. Commenter submitted no credible evidence of a potential significant wildfire impact. See also Response B.4-22.

Response B.4-25

While the commenter claims the WST impact analysis failed to take into account certain factors, the commenter fails to identify anything that was omitted from the WST analysis and does not provide any credible evidence of a potential significant impact that was not already addressed in the WST analysis. GLA prepared a detailed Western Spadefoot Toad (Spea hammondii) Impact Analysis and Habitat Mitigation and Monitoring Plan (HMMP) in coordination with the California Department of Fish and Wildlife (CDFW), which included review by CDFW, with comments provided by CDFW in the WST Plan dated between August 31 and September 30, 2022, with additional comments dated April 28 and May 1, 2023. Upon their final review, following requested revisions on April 28 and May 1, 2023, CDFW provided an email confirming that all requested modifications to the WST Plan had been completed and that CDFW had no additional comments, thus confirming the adequacy of the WST Plan. (See RPDSEIR Appendix B-1 (Western Spadefoot Toad Impact Assessment and Habitat Mitigation and Monitoring Plan).) Importantly, CDFW submitted a comment letter on the RPDSEIR (Letter A.1, above) and stated "CDFW has reviewed and approved the Habitat Mitigation and Monitoring Plan for special-status plants (July 2022 [Revised October and December 2022 and February 2023) and western spadefoot toad (July 2022 [Revised March and June 2023])." Commenter provided no credible evidence of a significant WST impact.

Response B.4-26

As referenced by the commenter, WST was not detected in VP6 in 2004/2005 when the species was at the same time observed in two other pools at the site (SP1 and VP1). However, the RPDSEIR determined that VP6 is potentially suitable during above-average rainfall years, meaning that the pool would need to inundate for an adequate duration to allow WST larvae to complete its lifecycle to the metamorph stage. VP6 is a very shallow pond that in some years contains sufficient water for at least the deposition of eggs and the presence of larvae. As referenced from the RPDSEIR by the commenter, western toad larvae were observed in the pool in 2004/2005. However, the pool was not observed in 2004/2005 to pond for sufficient duration to allow larvae to reach sufficient size to emerge as metamorphs. The commenter further questions why the presence of "tadpoles" in VP6 in 2004/2005 is not considered as a detection of WST, or

why the RPDSEIR concluded that VP6 is “potentially suitable” for WST and not “occupied”. But the commenter themselves noted that it was western spadefoot larvae (and not WST) that was detected in VP6. As such, VP6 was not occupied by WST in 2004/2005, and therefore, the RPDSEIR did not recognize it as occupied. Therefore, the commenter’s statement that the characterization of VP6 as being unoccupied by WST as “unfounded” is incorrect, as the WST was clearly not present in VP6 in 2004/2005 and the determination of presence/absence of any species is based on the year in which surveys are conducted. That WST was detected in other pools at the same time is not a basis for concluding that VP6 was occupied, as WST was clearly not present in VP6 during that season, and that is an important distinction. However, that the pool could support WST in the future, based in part on the detection of the larvae of another toad species (western toad) in the pool, was the basis for the RPDSEIR to conclude that VP6 represents suitable habitat for WST and to conservatively propose mitigation for the pool. This is an accurate depiction of VP6 and does not “downplay the importance of the existing pools to the spadefoot population present on the Project site” as was stated by the commenter. Nevertheless, the commenter is correct that VP6 was included in the ponds for which impacts are considered significant. Thus, impacts are fully mitigated as determined in coordination with CDFW, which reviewed and approved the WST HMMP. (See Response B.4-24.)

Response B.4-27

As noted in Response B.4-25, GLA prepared a detailed Western Spadefoot Toad (*Spea hammondii*) Impact Analysis and Habitat Mitigation and Monitoring Plan in coordination with CDFW. CDFW expressly acknowledged that it approved the WST HMMP. (RPDSEIR Comment Letter A.1, Response A.1-3.) Commenter provides no credible evidence of a potential significant impact not already addressed in the WST analysis or fully mitigated to CDFW’s satisfaction.

Response B.4-28

See Response B.4-25 and B.4-27.

Response B.4-29

See Response B.4-25 and B.4-27.

Response B.4-30

See Response B.4-25 and B.4-27. Commenter’s claims of inadequate mitigation are incorrect. CDFW approved the WST HMMP. (See RPDSEIR Comment Letter A.1, Response A.1-3.)

Response B.4-31

The mitigation identified in the CDFW-approved HMMP (onsite ponds) is alone sufficient to mitigate the project impacts to WST. The “contingency sites” are identified specifically for that purpose, as contingencies to be utilized as necessary if criteria could not be fulfilled with the onsite pools. However, the contingency sites are not presently needed to create additional artificial pools as part of the proposed mitigation. If the contingency sites are later needed to satisfy mitigation criteria, then activities performed, including additional artificial pool creation, would be undertaken as required under the HMMP which is enforceable mitigation (Mitigation Measure MM 5.2-9). It is speculation to assume that the onsite pools will not be successful and thus additional ponds at different locations will be needed. CEQA does not require the analysis of speculative impacts. (CEQA Guidelines Section 15145.) The HMMP provides detailed performance criteria for both success criteria for the onsite ponds and contingency site criteria should additional pools be required. (See Response B.4-25 and B.4-27.)

Response B.4-32

Commenter requests a higher percentage of affordable units. This is not a comment that addresses impact issues that were required to be recirculated in the RPDSEIR, nor is it a CEQA issue. Moreover, the doctrines of res judicata and collateral estoppel preclude litigation and/or relitigation of this issue. (See Response B.4-1.) Comment will be forwarded to the decision-makers.

Response B.4-33

Commenter provides background information on VMT but does not provide any credible evidence of a potential VMT impact. The RPSDEIR contains adequate VMT analysis, approved by Public Works. (RPDSEIR pages 2-53 through 2-60, RPDSEIR Appendices C-1 and C-2.)

Response B.4-34

Commenter claims the use of the NLSP is an invalid baseline for the VMT analysis. Commenter is incorrect. The NLSP is the approved specific plan for the Project Site. The approvals are valid, and the plan could be constructed as approved; as it was approved and still valid, it is not hypothetical. As such, the NLSP is the correct baseline to compare the previously approved Project to. The County Department of Public Works expressly approved the VMT analytic approach, including using the NLSP as the baseline. The NLSP VMT per Service Population (27.03) is the baseline for comparison to the previously approved Project VMT per Service Population (25.70) per the methodology required by the County Department of Public Works. Per the County Department of Public Works, this threshold is appropriate because the NLSP approval occurred before SB 743 and modifications are being made after SB 743. Therefore, per the County, the previously approved Project does not need to be evaluated against the County baseline like a brand new project. Because the previously approved Project VMT per Service Population is less than the NLSP, VMT impacts were determined to be less than significant. Public Works approved the VMT Transportation Analysis. (See RPDSEIR Appendix C-2 (Department of Public Works December 2, 2024 Transportation Impact Analysis Approval Letter.)

Response B.4-35

Commenter claims mitigation needs to be adopted to reduce significant VMT impacts, yet the VMT analysis, approved by Public Works, demonstrates that there will be no VMT impact. As such, mitigation is not necessary or required. The County is not required to impose mitigation measures where there is a less-than-significant impact. Applicable case law prohibits the imposition of mitigation measures unless they have a nexus to and are proportional to a project's significant impacts. (*Nollan v. California Coastal Comm.* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374.) Moreover, as set forth in the Northlake Specific Plan Transportation Impact Analysis for CEQA (RPDSEIR Appendix C-1), there are a number of project features of the previously approved Project that tend to reduce VMT, such as constructing a pedestrian network, integrating affordable housing, constructing bicycle trails and expanding the transit network which the previously approved Project is not taking quantitative credit for. Commenter provided no credible evidence of a VMT impact.

Response B.4-36

Commenter repeats its comment that the VMT analysis used the wrong baseline. As set forth in Response B.4-34, that is incorrect; the VMT analysis, approved by Public Works, used the correct baseline. Moreover, as noted in Response B.3-35, there are a number of project features of the previously approved Project that tend to reduce VMT such as constructing a pedestrian network, integrating affordable housing, constructing bicycle trails, and expanding the transit network which

the previously approved Project is not taking quantitative credit for, all of which demonstrates consistency with the General Plan policies to reduce VMT. Commenter provided no credible evidence of a VMT impact.

Response B.4-37

Commenter takes issue with the rejection of Alternative C and refers to financially viable luxury resort. Neither the 2019 SEIR nor the RPDSEIR contain an Alternative C, and a luxury resort is not a proposed project use. The 2019 SEIR identified Alternative 4 (Phase 1 Development) as the environmentally superior alternative. The RPDSEIR identified the Partial Creek Avoidance Alternative (PCAA) (RPDSEIR Alternative 2) as the environmentally superior alternative. The Court Ruling only required recirculation of the Creek Avoidance Alternative (CAA) as a fully analyzed alternative. The RPDSEIR alternatives analysis of the CAA and the PCAA complies with the Court Ruling and CEQA's requirements.

Response B.4-38

Commenter claims that the rejection of the CAA needed to include cost information as to why it is infeasible. Not so. Rejection of an alternative can be based on economic, legal, social, or other considerations. (CEQA Guidelines Section 15091 (a) (3).) And only a single basis for rejection, supported by substantial evidence, is required. (See *Save Panoche Valley v. San Benito Cnty.* (2013) 217 Cal.App.4th 503, 523 [upholding rejection of alternative as one finding of infeasibility was supported by substantial evidence; court did not review the other infeasibility findings as only one supported finding was needed].) Here, the RPDSEIR determined that the CAA was infeasible due to its "engineering geologic, geotechnical and hydrologic issues." (RPDSEIR, page 2-80.) That determination was supported by the Geotechnical/Hydrologic Review of the Creek Avoidance Alternative (RPDSEIR Appendix F-2) which provided expert substantial evidence:

> Our review found that the CAA configuration results in significant increased geotechnical, engineering hydrogeologic, and safety / critical access risks to the development. The CAA was also found to seriously impact Grasshopper Creek as well. It is our opinion that the CAA approach, in an attempt to "save" the creek, would likely result in the ultimate degradation and destruction of the creek and canyon habitat. We also conclude that the engineering geologic /geotechnical adversities that would develop as a result of implementing the CAA approach would result in unacceptable increases in risk and, as a result, would not be feasible.

Commenter also claims that the RPDSEIR states that the CAA is not feasible "without elaboration." The RPDSEIR and the Geotechnical/Hydrologic Review of the Creek Avoidance Alternative (RPDSEIR Appendix F-2) provide extensive analysis demonstrating that the CAA is infeasible. Commenter provided no credible evidence to the contrary.

Regarding the PCAA, as set forth in the RPDSEIR,

> The PCAA provides the same number of residential units as the previously approved Project, but on a smaller Phase 2 development area. As such, the PCAA contributes the same as the previously approved Project regarding the County's RHNA allocation as the previously approved Project. As with the previously approved Project, the affordable unit count would be maintained at 315 units. However, the PCAA provides significantly less active recreational and open space area (37 fewer acres). Accordingly, the PCAA does not meet the following objective to the same degree as the previously approved Project:
>
> - Specific Plan 4, Open Space/Recreational Area, Goal i: To improve opportunities for a variety of outdoor recreational experiences

Rejection of an alternative for failing to meet project objectives as compared to the proposed project is legally permissible. (See *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1503; *Save San Francisco Bay Ass'n v. San Francisco Bay Conserv. & Dev. Comm'n* (1992) 10 Cal.App.4th 908, 929.) Commenter provided no credible evidence to the contrary. Both determinations that the CAA and the PCAA are infeasible are supported by substantial evidence and consistent with the mandates of CEQA.

Response B.4-39

Commenter summarized its comments, threatens litigation, and requests notice and document retention. All of Commenter's comments were addressed above. Commenter is on the project notice list. No further response is required.

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May 29, 2025

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

Via Electronic Mail

Comments on Partial Recirculated Draft Supplement EIR
NorthLake Specific Plan - SCH 2015031080

Dear Mr. Sackett:

B.5-1

The Santa Monica Mountains Conservancy offers the following comments on the Partial Recirculated Draft Supplemental Environmental Impact Report (PRDSEIR) for the proposed NorthLake project. All the EIR alternatives to date, after all proposed mitigations, would still result in significant biological impacts to habitat for the State listed mountain lion population, Western spadefoot toad habitat, and habitat connectivity to existing underpasses used by wildlife under the southbound lanes of Interstate 5. One such underpass has protected public land on both sides of the southbound lanes.

B.5-2

The cumulative impacts analysis for biological impacts remains inadequate and free of any facts as demonstrated by this concluding PRDSEIR paragraph:

> *The cumulative impact on biological resources would be considered greater than the Project alone. However, when considering all the proposed and existing projects in the Project area, the previously approved Project contributes a relatively small portion of the impacts in the area due to its relatively small impact acreage, and the location adjacent to existing development. The Project is not expected to contribute a significant impact to the Project area. Incremental impacts would not be cumulatively considerable, and no additional mitigation is required.*

A project with 33 million cubic yards of grading that extends development over three miles into core National Forest and State Park adjacent habitat is none of the above, it is cumulatively significant. It is an avoidable tragedy to wildlands and the viewsheds of many public viewing areas.

B.5-3

The Conservancy urges the County not to certify the PRDSEIR. If the County does certify the PRDSEIR, the Conservancy urges that only the Partial Creek Avoidance Alternative Recirculated Alternative 2 be considered for adoption as the environmentally superior alternative in the PRDSEIR. The County should also trim the northern development footprint boundary of this alternative to include just enough grading to allow just the shown northern access road to Ridge Route but no other northward development shown in the Phase Two project area. The County has the power to shape this and all other alternatives. They are not at all set in stone. The long-term ecological value of this referenced Alternative 2 and of the Phase One Only Alternative is wholly dependent on all open space both to the north and to the periphery of the development being permanently protected by conservation easements recorded as conditions of any map recordation and with substantial monitoring endowments. Expansion of the project would be permanently precluded.

B.5-4

The County has no obligation to approve more development than that immediately above-described footprint of a trimmed down PRDSEIR Alternative 2. The applicant failed to include specific measurable Project Objectives in both the DEIR and all subsequent EIR documents. The official EIR Project Objectives are subjective with no set minimum baseline numbers for **any** development components. In addition, the sum all EIR material to date leading up to the PRDSEIR does not conclude that any specific number of any type of housing is necessary for the County meet its RHNA numbers.

B.5-5

Because the sum of EIR materials and PRDSEIR to date conclude that the project will still result in many unavoidable significant adverse environmental impacts, the County does not have to adopt a Statement of Overriding Conditions if it chooses to negotiate a reduction of any adverse impacts. With this above laid out complete capacity to legally shape the project, the County should balance new housing in the Specific Plan area with the needs of the existing greater public such as--traffic reduction, open space, wildfire prevention, viewshed protection, air pollution avoidance, water supply, landfills, and access to quality nature.

B.5-6

The PRDSEIR environmentally superior alternative (Alternative 2) provides over 1500 mixed housing units. The best argument in the PRDSEIR against this PRDSEIR Alternative 2 is that there would 37 acres less of active recreational and open space area. What short sighted thinking. There instead actually would be hundreds of more acres of open space, and any lost recreational area could simply be integrated into the Alternative 2 footprint. The upper half of Grasshopper Canyon would not need to be filled in with 10 million cubic yards of fill.

Times have changed. Big fires have burned. Home insurance has permanently gone up and become scarce to obtain in Very High Fire Hazard Severity Zones which this project is and will remain in. Ecological resources have more protection. Citizens value viewsheds from freeways and parklands with more expectations of preservation. The physical and biological constraints of the subject property are immense. The proposed project makes a mockery of the County planning policies and objectives to protect open space and sensitive resources. It is

1990s idea in 2025 and must be substantially reduced to respect lessons learned in the January 2025 fires. B.5-6 cont.

What is going to happen to the oil pipelines that traverse the length of the project on the east side of Grasshopper Canyon? B.5-7

The PRDSEIR shows land in Marple Canyon owned by the Mountains Recreation and Conservation Authority (MRCA) as potential mitigation areas. The MRCA has not provided any approval or made any arrangement with the applicant. B.5-8

The Conservancy works with the MRCA on many habitat restoration projects in the Santa Clara River watershed. Temperatures will continue to get hotter as the climate changes, and water will become progressively more expensive and evaporate more rapidly. Habitat restoration is hard and fraught with failure from drought, herbivory, and onslaughts of aggressive non-native weeds. To our staff knowledge, there are no known successful upland restoration projects in the Santa Clara River watershed. Hydroseeded manufactured slopes with v-ditches adjacent to residential subdivisions do not qualify.

The entire PRDSEIR mitigation program for the loss of sensitive plant species depends on upland habitat restoration of plants that are rare. They are rare because they have a tough time growing in very many places. No one knows how viable the seeds of these species are when collected and what percentage if any will germinate when finally sown years later in protected open spaces. With the total absence of proven success doing upland habitat restoration, or creation, the only way to ensure adequate mitigation is hold bonds for each separate required plant species restoration that would be held for 10 years or until proven success. If there is restoration failure after 10 years, the County would keep the bond funding and purchase open space as a second-best mitigation alternative. A sliding scale can be worked out in which for example every quarter-acre of failed restoration, the County would recoup $100,000 of funds. That type of ratio is vital to generate enough funding to purchase properties because of the cost of land now, the pre-acquisition costs to find willing sellers at appraised values, and the increased cost of land 10 years hence. B.5-9

The Conservancy, the MRCA, and the Desert and Mountain Conservation Authority (DMCA) work extensively together to accept and record conservation easements for mitigation lands. The legal costs of negotiations, title review, title reports, monitoring, reporting, and potential legal defense again violators over decades (all in a hyper-inflation period) are significant given that conservation easements are in perpetuity instruments. A qualified conservation easement holder that accepts conservation easements without substantial funding is doing a disservice to itself and the citizens of California. The MRCA and the DMCA have both learned the hard way.

B.5-9 cont.

The bulk of the PRDSEIR biological mitigation measures depend on the recordation of multiple conservation easements potentially spread between watersheds miles apart with marginal access. The Final PRDSEIR should be modified to state that the applicant must be willing to pay all Grantee expenses for the acceptance of conservation easements and provide endowments that will fund adequate oversight in perpetuity with inflation adjustors. The PRDSEIR language must also be enhanced to definitively state that no other uses besides restoration would be allowed in any conservation easement, including any fire department required fuel modification. If necessary to avoid fuel modification requirements, the project must make the conservation easements larger.

B.5-10

The PRDSEIR requires an endowment for the Incidental Take Permit of Crotch's bubble bee (CBB). There is no CDFW approved mitigation bank for CBB. As a result, the endowment must cover the care and protection of over 1,000 acres of semi-disparate open space, in perpetuity, even if a percentage of the land is within the Specific Plan area. For such onsite habitat, the PRDSEIR fails to address what entity would hold fee title. Would it be a HOA with limited long-term interest in habitat protection? With all the costs of labor in 2025, endowments to cover care of over 1,000 acres of conservation easement protection potentially spread over multiple properties in different sub-watersheds must be well into the seven-figure range. The Final PRDSEIR must include detailed discussion about conservation easement costs because the easements are essential to the document's biological mitigation measures.

Sincerely,

PAUL EDELMAN
Deputy Director
Natural Resources and Planning

Response to Comment Letter B.5

Paul Edelman
Santa Monica Mountains Conservancy
May 29, 2025

Response B.5-1

Commenter claims that all of the EIR alternatives result in significant biological impacts to mountain lion habitat, Western spadefoot toad (WST) habitat, and habitat connectivity to the existing underpasses used by wildlife. Commenter is incorrect. First, the Court Ruling only required recirculation of the CAA, to be a fully analyzed alternative as opposed to a screened out alternative. Second, the Court denied the claims regarding impacts to mountain lions and wildlife crossings; as such, the doctrines of res judicata and collateral estoppel preclude litigation and/or relitigation of those issues. (See Response B.4-1, B.4-11, and B.4-13 through B.4-15.) Third, the RPDSEIR provides recirculated WST mitigation that demonstrates impacts to WST habitat is less than significant. Finally, the PCAA:

> would eliminate approximately 2,200 feet of development in the northern portion of the site when compared to the previously approved Project, which would enable wildlife movement along multiple paths between the northern I-5 under-crossing and Castaic Lake. Additionally, the PCAA would also enable wildlife movement along the more southerly of the two I-5 undercrossings, connecting wildlife movement to Castaic Lake. The PCAA would also enable wildlife movement along pathways through the southerly part of the Project's development area, consistent with the preliminary Wildlife Connectivity Plan adopted as a condition of approval of the Project. By eliminating development at the northern end of the Project Site, the PCAA would enable enhanced wildlife movement when compared with the previously approved Project, resulting in a less than significant impact related to wildlife movement.

(RPDSEIR pages 2-90 – 2-91.)

Response B.5-2

Commenter claims the previously approved Project's biological impacts are cumulatively significant, but does not provide any credible evidence of a significant cumulative biological impact; rather, the commenter concludes that there must be a cumulative impact because of the 33 million yards of grading. The RPDSEIR provides a fulsome cumulative impact determination that finds that, because the project-specific biological resource impacts are less than significant with mitigation, the "incremental impacts would not be cumulatively considerable." All of the RPDSEIR's impact analyses (as well as the 2019 SEIR impact analyses) took into account the amount of grading as necessary and applicable.

> This cumulative impact analysis considers potential impacts to sensitive biological resources that would result from combined, incremental impacts of the Project when added to other past, present, and reasonably foreseeable future projects having closely related impacts. The following cumulative impact analysis is based on a review of related projects in the vicinity of the Project Site, the Project's direct and indirect impacts with implementation of mitigation measures, existing conditions in the Project vicinity, and an analysis of aerial photographs.
>
> The Project would have potentially significant adverse impacts on biological resources. Several mitigation measures (MM 5.2-1 through MM 5.2-22, including as modified above) would be implemented to reduce these impacts to less than significant levels. Cumulative

> projects in the area are expected to have similar potential impacts to the Project on biological resources in the Project vicinity due to similar development activity and/or similar existing conditions. The cumulative impact on biological resources would be considered greater than the Project alone. However, when considering all the proposed and existing projects in the Project area, the previously approved Project contributes a relatively small portion of the impacts in the area due to its relatively small impact acreage, and the location adjacent to existing development. The Project is not expected to contribute a significant impact to the Project area. Incremental impacts would not be cumulatively considerable, and no additional mitigation is required.

(RPDSEIR Section 2.1.9 Cumulative Impacts, page 2.52.) The cumulative impact determination comports with the mandates of CEQA.

Response B.5-3

Commenter asks that the PCAA be adopted as the environmentally superior alternative. In compliance with Section 15126.6(e)(2) of the State CEQA Guidelines, the PCAA is identified as the environmentally superior alternative in the RPDSEIR:

> Based on the alternatives analysis in this RPDSEIR, in compliance with Section 15126.6(e)(2) of the State CEQA Guidelines, Recirculated Alternative 2, the Partial Creek Avoidance Alternative, would be the environmentally superior alternative among all six Project alternatives summarized in Table 2-12 above as it reduces the development footprint, thus reducing biology impacts and greenhouse gas emissions and would have less construction noise impacts (though construction noise would still be significant and unavoidable). However, the significant and unavoidable impacts to air quality would not be reduced to below a level of significance. All other impacts would be similar to the previously approved Project. On balance, Recirculated Alternative 2 would result in the greatest reduction in impacts compared to the previously approved Project while maintaining the same amount of housing. For these reasons, Recirculated Alternative 2 is the environmentally superior alternative. As compared to project objectives, the PCAA provides significantly less active recreational and open space area (37 fewer acres). Accordingly, the PCAA does not meet the following objective to the same degree as the previously approved Project:
>
> - Specific Plan 4, Open Space/Recreational Area, Goal i: To improve opportunities for a variety of outdoor recreational experiences.

Commenter's support for adoption of the PCAA as the proposed project, instead of the previously approved Project, will be forwarded to the decision-makers.

Regarding commenter's suggested revisions to the PCAA, CEQA does not require analysis of modified versions of the same alternative. (See Response A.1-11 and A.1-12.) Commenter's suggestions will be forwarded to the decision-makers.

Response B.5-4

Commenter claims there needed to be specific measurable Project Objectives, but fails to cite any CEQA requirement that project objectives be measurable. Rather, CEQA Guidelines Section 15124(b) states "[t]he statement of objectives should include the underlying purpose of the project and may discuss the project benefits." (See also *California Oak Found. v. Regents of Univ. Cal.* (2010) 188 Cal.App.4th 227, 276 (a lead agency has broad discretion to formulate project objectives).) In addition, including measurable objectives with minimum baseline numbers for development components would violate the principle that project objectives cannot be too project-

specific. (See *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 668 (project objective "artificially narrow"); *We Advocate Through Envt'l Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692 (project objectives were so narrowly defined lead agency "dismissively rejected" any alternatives other than the proposed project).) Moreover, a challenge to the Project Objectives is barred by doctrines of res judicata and collateral estoppel. (See Response B.4-1 and B.4-3.)

Response B.5-5

Commenter claims that the County does not need to adopt a Statement of Overriding Considerations "if it chooses to negotiate a reduction of any adverse impacts." Commenter is incorrect. Reduction of significant and unavoidable impacts to less than significant is not a negotiation. In any event, all significant and unavoidable impacts would need to be reduced to less than significant such that a Statement of Overriding Considerations was not required. (See CEQA Guidelines Section 15093.) The County has the discretion to adopt a Statement of Overriding Considerations if it finds that the project benefits outweigh the environmental impacts. (*Id*.) If adopted, the Statement of Overriding Considerations will provide the balancing the commenter requests; the Statement of Overriding Considerations is not required to be included in the RPDSEIR or the RPFSEIR.

Response B.5-6

Commenter is advocating for the adoption of the PCAA. Commenter's support for adoption of the PCAA as the proposed project, instead of the previously approved Project, will be forwarded to the decision-makers.

Response B.5-7

Commenter asks about the oil pipelines located on the Project Site. As set forth in the RPDSEIR Project Description, "an existing crude oil pipeline easement containing two oil pipelines that traverse the entire north-south length of the Project Site would be relocated to an alignment along the eastern boundary of the proposed development area and within the identified grading footprint.) (RPDSEIR, page 1-2.)

Response B.5-8

Commenter is correct that Marple Canyon has been identified as a potential mitigation site for certain habitat. In coordination with Mountains Recreation and Conservancy Authority, the applicant's biologists have evaluated Marple Creek and mapped southwestern spiny rush for purposes of conservation and mitigation. While formal arrangements have not been made, discussions are anticipated to recommence if and when the Project receives its approvals.

Response B.5-9

Commenter provides comments as to potential additions to the Rare Plant mitigation measures (Mitigation Measures MM 5.2-5(a) – MM 5.2-5(c) and MM 5.2-4) in terms of bonds, conservation easement etc. It should be noted that the County and the project Applicant reviewed these mitigation measures with CDFW and incorporated all of their comments and revisions to CDFW's satisfaction and approval. (See Response A.1-3 (CDFW approval of Habitat Mitigation and Monitoring Plan for special-status plants (July 2022 [Revised October and December 2022 and February 2023]).) Commenter speculates that the mitigation measures may be ineffective, but fails to provide any credible evidence in support. The Rare Plant HMMPs, approved by CDFW, contain contingency plans to ensure the performance standards are achieved, which include the

potential for an additional 10-year program at alternative sites. Commenter's suggestions will be forwarded to the decision-makers.

Response B.5-10

Commenter raises questions with the potential need for an endowment for the Incidental Take Permit of Crotch's bubble bee. Both the County and the applicant recognize that this is a standard requirement for mitigation and associated conservation. To this end, the RPDSEIR provided the following:

> If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record will consider all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

As noted above, a "qualified natural lands management entity" will be selected to hold the conservation easement(s), and the endowment amount will be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management, if needed.

SECTION 3.0 CORRECTIONS, CLARIFICATIONS, AND ADDITIONS TO THE RPDSEIR

Any corrections, clarifications and additions to the RPDSEIR text, tables, and figures generated either from responses to comments or independently by the County, are stated in this section. Various corrections regarding figure/table numbers and names, grammatical, punctuation, spelling and typographical errors in the RPDSEIR are not called out separately in this document; however, any substantive changes are individually addressed.

These RPDSEIR corrections, clarifications and additions are provided to clarify and amplify the RPDSEIR. Changes may be corrections or clarifications to the text and tables of the RPDSEIR. Other changes to the RPDSEIR clarify that the analysis is based upon the information and concerns raised by comments during the public review period. None of the information contained in these RPDSEIR revisions constitutes significant new information or changes to the analysis or conclusions of the RPDSEIR.

The information included in these revisions that resulted from the public comment process does not constitute substantial new information that requires recirculation of the RPDSEIR. Section 15088.5 of the State CEQA Guidelines states in part:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the Project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (including a feasible Project alternative) that the Project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible Project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project, but the Project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The changes to the RPDSEIR included in this section do not constitute "significant" new information. Therefore, recirculation of the RPDSEIR is not required because the new information added to the RPDSEIR through these revisions only clarify or amplify information already provided or make insignificant modifications to the already adequate RPDSEIR.

Specifically, three mitigation measures were modified and one additional mitigation measure has been added at the request of CDFW. The modifications simply included CDFW as an approving

agency, along with County of Los Angeles Department of Regional Planning, for plant habitat plans called for in mitigation measures MM 5.2-6 through MM 5.2-8. New mitigation measure MM 5.2-22 requires additional Crotch's bumble bee surveys at the mitigation sites called for in mitigation measures MM 5.2-6 through MM 5.2-8. However, impacts to Crotch's bumble bee were fully mitigated with mitigation measures MM 5.2-6 through MM 5.2-8, as required by Cal. Code Regs., tit. 14, § 783.2, subd. (a)(8). There are no changes to impact determinations.

The revisions contained in the following pages are in the same order as the information appears in RPDSEIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by bold underlining (**underline**) where text has been added. The applicable page numbers from the RPDSEIR are also provided where necessary for ease of reference.

RPDSEIR Page 1-2 is revised as follows:

However, 32~~3~~**1** units would be reallocated from the Phase 2 area of the Project to the Phase 1 area (for a total of 2,297 Phase 1 units).

RPDSEIR Page 2-43 is revised as follows:

MM 5.2-6 The loss of sage scrub habitat within the impact area is considered a significant impact. Sage scrub habitat shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP), but shall be no less than 2:1 for habitat restoration, enhancement or preservation, or combination thereof. A total of 634.70 acres of sage scrub would be impacted by Project implementation, which includes Purple sage scrub, California sagebrush–California buckwheat scrub, Black sage scrub, California sagebrush–California buckwheat scrub/Foothill needlegrass grassland, California sagebrush–California buckwheat scrub/California annual grassland, and the burned sage scrub areas: burned Purple sage scrub, burned California sagebrush–California buckwheat scrub, burned Black sage scrub, and burned California sagebrush–California buckwheat scrub/California annual grassland. Habitat restoration is the creation of native target habitat that does not currently exist; enhancement is the improvement of existing, disturbed native habitat areas through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. Preservation is conservation of existing habitat that exhibits the functions needed to support target species such as the CBB. The mitigation ratio for habitat restoration, enhancement, and preservation shall depend on the initial quality of the habitat area to be restored, enhanced or preserved and would be determined by the Project Applicant and the LACDRP. Sage scrub habitat restoration/enhancement implementation shall begin not more than one year following project impacts to this habitat type. Where restoration or enhancement is the proposed mitigation, the Project Applicant shall develop a Habitat Mitigation and Monitoring Program (HMMP) and shall submit it to the LACDRP **and the California Department of Fish and Wildlife (CDFW)** for review and approval. The HMMP shall be developed by a qualified restoration ecologist, submitted for review and approval to the LACDRP prior to the issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). Habitat restoration/enhancement will consist of seeding and/or installing container plants of suitable sage scrub species. If it is ecologically appropriate for the selected mitigation site (e.g., soil types), Peirson's morning-glory will be incorporated into the restoration/enhancement planting and/or seeding palettes. The Project Applicant shall implement the HMMP as approved by the LACDRP **and CDFW**

and according to its specified materials, methods, and performance criteria, which shall include the following items:

RPDSEIR page 2-46 is revised as follows:

MM 5.2-7 The loss of California annual grassland/wildflower fields within the impact area is considered to be a significant impact. California annual grassland/wildflower fields shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP), but the ratio shall be no less than 2:1 for habitat restoration, enhancement, or preservation or combination thereof. A total of 24.23 acres of Foothill needlegrass grassland and burned Foothill needle grass grassland would be impacted by Project implementation. Habitat restoration is the creation of native target habitat that does not currently exist; enhancement is the improvement of existing, disturbed native habitat areas through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. Preservation is conservation of existing habitat that exhibits the functions needed to support target species such as the CBB. The mitigation ratio for habitat restoration, enhancement, or preservation shall depend on the initial quality of the habitat area to be restored, enhanced, or preserved and would be determined by the project applicant and the LACDRP. The mitigation ratio shall also be no less than 6.5 acres of habitat preserved/restored per burrowing owl location impacted (individual or pair using the same burrows) or greater than 6.5 acres of habitat enhancement per burrowing owl location impacted, depending on the ratio applied to the enhancement site(s). California annual grassland/wildflower fields habitat restoration/enhancement implementation shall begin not more than one year following project impacts to this habitat type. The project applicant shall develop a HMMP and shall submit it to the LACDRP **and the California Department of Fish and Wildlife (CDFW)** for review and approval. The HMMP shall be developed by a qualified restoration ecologist submitted for review and approval to the LACDRP prior to issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). The HMMP shall also provide mitigation for the loss of burrowing owl habitat; therefore, mitigation site selection criteria shall include the suitability of the potential site(s) for burrowing owls. Habitat restoration/enhancement shall consist of seeding of suitable California annual grassland/wildflower fields plant species. If it is ecologically appropriate for the selected mitigation site (e.g., soil type), Peirson's morning-glory will be incorporated into the restoration/enhancement palette. The Project Applicant shall implement the HMMP as approved by the LACDRP **and CDFW** and according to its specified materials, methods, and performance criteria, which shall include the following items:

RPDSEIR page 2-49 is revised as follows:

MM 5.2-8 The loss of foothill needlegrass grassland within the impact area is considered to be a significant impact. Foothill needlegrass grassland shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP), but the ratio shall be no less than 2:1 for habitat restoration, enhancement, or preservation or combination thereof. A total of 342.85 acres of California annual grassland/Wildflower fields would be impacted by Project implementation. Habitat restoration is the creation of native target habitat that does not currently exist; enhancement is the improvement of existing, disturbed native habitat areas

through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. Preservation is conservation of existing habitat that exhibits the functions needed to support target species such as the CBB. The mitigation ratio for habitat restoration, enhancement, or preservation shall depend on the initial quality of the habitat area to be restored, enhanced, or preserved and would be determined by the project applicant and the LACDRP. The mitigation ratio shall also be no less than 6.5 acres of habitat preserved/restored per burrowing owl location impacted (individual or pair using the same burrows) or greater than 6.5 acres of habitat enhancement per burrowing owl location impacted, depending on the ratio applied to the enhancement site(s). Foothill needlegrass grassland habitat restoration/enhancement implementation shall begin not more than one year following project impacts to this habitat type. The project applicant shall develop a HMMP and shall submit it to the LACDRP **and the California Department of Fish and Wildlife (CDFW)** for review and approval. The HMMP shall be developed by a qualified restoration ecologist, submitted for review and approval to the LACDRP prior to issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). The HMMP shall also provide mitigation for the loss of burrowing owl habitat; therefore, mitigation site selection criteria shall include the suitability of the potential site(s) for the burrowing owl. Habitat restoration/enhancement shall consist of seeding of suitable foothill needlegrass grassland plant species. If it is ecologically appropriate for the selected mitigation site (e.g., soil type), Peirson's morning-glory will be incorporated into the restoration/enhancement palette. The Project Applicant shall implement the HMMP as approved by the LACDRP **and CDFW** and according to its specified materials, methods, and performance criteria, which shall include the following items:

RPDSEIR page 2-29 is revised as follows:

MM 5.2-9 A mitigation program for western spadefoot toad (WST) shall be implemented prior to construction, ground disturbance, or vegetation removal that would impact the WST breeding habitat, or areas within 1,000 feet of WST-occupied ponds within the Project Site. The mitigation program would include the components set forth below. A detailed methodology for this effort shall be reviewed by the CDFW and the LACDRP prior to implementation of the mitigation program. Results of the mitigation program shall be provided to the CDFW and the LACDRP.

- Prior to implementing the Spadefoot Relocation Plan, two focused surveys during average or above-average rainfall years will be conducted within the prior appropriate seasons. If any additional ephemeral ponds are determined to be occupied besides those identified in recent surveys (i.e., 2015), the Spadefoot Relocation Plan will be modified to include replacement of the additional occupied pond as well as those identified in recent surveys.
- Suitable sites for seasonal pond creation, within the Project open space, specifically within other NorthLake-owned properties, have been identified and 1.07 acres of seasonal pond habitat will be created. The specific location of the 1.07-acre pool complex is depicted on Exhibit 5 of the *NorthLake Castaic, Los Angeles County, California, Western Spadefoot Toad Impact Assessment and Habitat Mitigation and Monitoring Plan July 2022 (Revised March and June 2023)* (HMMP). As described in the WST Mitigation Implementation Plan, three pools would be created based on

current grading plans. The combined size of the three pools (1.07 acres) exceeds the maximum combined size of potential WST habitat currently at the Project Site (0.95 acres, as shown in Table 2-4, above). The WST Mitigation Implementation Plan would address the following issues specific to the site or sites:

- Soil Characteristics and whether clay liners will be necessary
- Pool locations and site access routes for construction
- Types of habitat potentially affected by construction and measures to restore damaged **habitat** subject to temporary impacts
- Watershed size and characteristics
- Grading plan with cross section for each pool to be created
- Specifications for clay liner (i~~n~~**f** needed) including source of clay and installation methods
- Upland habitat characteristics, including soil suitability for burrowing and vegetative buffer, will also be addressed in the plan

RPDSEIR page 2-28 and RPDSEIR Appendix J page 5 are revised as follows:

> Based on areas of suitable habitat, the project would provide 337.55 acres of mitigation within the onsite conservation areas and 156.7 acres of conservation on adjacent NorthLake ownership for a total of ~~492.2~~ **494.25** acres of preservation

RPDSEIR page 2-96 is revised as follows:

> Ability to Avoid or Substantially Lessen the Significant Impacts of the Project Development of the Project Site with the PCAA would decrease the development disturbance area compared to the previously approved Project, although the uses remain the same. Although the degree of impacts for some topics may be less with this alternative, the overall impact conclusions would be consistent with the previously approved Project. Consistent with the previously approved Project, the PCAA would result in significant and unavoidable impacts related to air quality~~,~~ **and** noise~~, and traffic (VMT)~~. No additional significant or more significant impacts would occur with this alternative.

Mitigation Measure MM 5.2-22 will be added to the Mitigation Monitoring and Reporting Program. See Section 4.0, below.

MM 5.2-22 **The project applicant shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys for Crotch's bumble bee within the proposed habitat restoration/enhancement sites prior to implementation of the HMMP as set forth in MM 5.2-6 through MM 5.2-8. Focused surveys shall follow California Department of Fish and Wildlife's (CDFW) Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire proposed mitigation areas and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and LACDRP prior to the start of a monitoring program.**

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SECTION 4.0 MITIGATION MONITORING AND REPORTING PLAN

4.1 INTRODUCTION

In accordance with the requirements of Section 21081.6 of the *California Public Resources Code,* and as part of its adoption of the RPFSEIR for the NorthLake Specific Plan Project, the County of Los Angeles adopts this Mitigation Monitoring and Reporting Program (MMRP). The County adopts this MMRP in its capacity as the lead agency for the SEIR and RPSEIR in accordance with the provisions of the California Environmental Quality Act (CEQA) (*California Public Resources Code* Section 21000 et seq.) and the State CEQA Guidelines (*California Code of Regulations,* Title 14, Section 15000 et seq.).

The principal purpose of this MMRP is to ensure that the mitigation measures for the approved Project are reported and monitored to ensure compliance with their requirements. In general, the Los Angeles County Department of Regional Planning is responsible for overseeing implementation and completion of the adopted measures. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the attached MMRP table.

4.2 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP is provided in tabular format to facilitate effective tracking and documentation of the status of mitigation measures. The attached MMRP table provides the following monitoring information:

- **Mitigation Measures.** The text of all adopted mitigation measures (MMs) from the RPDSEIR and all applicable MMs from the 2019 SEIR has been provided in this MMRP.
- **Responsible for Implementation.** This MMRP identifies the party that is responsible for implementing each of the MMs that are specified in the RPDSEIR, RPFSEIR, and 2019 SEIR.
- **Timing.** This MMRP includes information related to when each MM in the RPDSEIR, RPFSEIR, and applicable MMs in the 2019 SEIR will be implemented.
- **Responsibility for Monitoring.** This MMRP identifies the County Department(s) or other public agency(ies) that are responsible for overseeing the implementation and completion of each MM.
- **Completion Date.** The completion date column of this MMRP is used to record the date that each mitigation measure is completed. This column of the MMRP table will be filled in by the County in the future as the Project is implemented and the MMs are completed. Upon completion, the MMRP and associated documentation will be kept on file at the Los Angeles County Department of Regional Planning.

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TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
Air Quality (Section 5.1 of the 2019 Draft SEIR)					
MM 5.1-1	Prior to grading permit issuance, applicants shall develop a Construction Traffic Emission Management Plan to minimize emissions from vehicles including, but not limited to, scheduling truck deliveries to avoid peak hour traffic conditions, consolidating truck deliveries, and prohibiting truck idling in excess of 5 minutes. (SCVAP MM 3.3-1)	Prior to grading permit issuance	Applicant	County of Los Angeles Department of Regional Planning	
MM 5.1-2	Prior to grading permit issuance, applicants shall develop a Construction Dust Emission Management Plan to minimize construction-related dust and particulate emissions. The Construction Emission Management Plan shall require the use of Best Available Control Measures, as specified in Table 1 of SCAQMD's Rule 403. If potentially significant impacts are identified after the implementation of the SCAQMD recommended Best Available Control Measures, the Construction Emission Management Plan shall include the following additional elements: (SCVAP MM 3.3-2 dust measures) • Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. When wind speeds exceed 15 miles per hour the operators shall increase watering frequency. • Active sites shall be watered at least three times daily during dry weather. • Increase watering frequency during construction or use non-toxic chemical stabilizers if it would provide higher control efficiencies. • Suspend grading and excavation activities during windy periods (i.e., surface winds in excess of 25 miles per hour). • Suspend the use of all construction equipment during first-stage smog alerts. • Application of non-toxic chemical soil stabilizers or apply water to form and maintain a crust on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). • Application of non-toxic binders to exposed areas after cut and fill operations and hydroseeded areas. • Cover or application of water or non-toxic chemical suppressants to form and maintain a crust on inactive storage piles. • Planting of vegetative ground cover in disturbed areas as soon as possible and where feasible. • Operate street sweepers that comply with SCAQMD Rules 1186 and 1186.1 on roads adjacent to the construction site so as to minimize dust emissions. Paved parking and staging areas shall be swept daily. • Reduce traffic speeds on all unpaved roads to 15 miles per hour or less. • Pave or apply gravel on roads used to access the construction sites when possible. • Designate personnel to monitor dust control measures to ensure effectiveness in minimizing fugitive dust emissions. • An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt.	Prior to grading permit issuance	Applicant and Future Developers	County of Los Angeles Department of Regional Planning; SCAQMD	
MM 5.1-3	Prior to grading permit issuance, applicants shall develop a Construction Equipment Exhaust Emission Management Plan to minimize construction-related exhaust emissions. The Construction Equipment Exhaust Emission Management Plan shall require the following elements: (SCVAP MM 3.3-2 exhaust emission measures) • Scheduling truck deliveries to avoid peak hour traffic conditions, consolidating truck deliveries, and prohibiting truck idling in excess of 5 minutes.	Prior to grading permit issuance	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)

• Schedule construction activities that affect traffic flow to off-peak hours (e.g., between 10:00 AM and 3:00 PM, and between 7:00 PM and 6:00 AM provided that a noise disturbance is not generated across a residential or commercial property line).
• Use of diesel-powered construction equipment shall use ultra-low sulfur diesel fuel.
• Use electric welders to avoid emissions from gas or diesel welders when such equipment is commercially available.
• Use electricity or alternate fuels for on-site mobile equipment instead of diesel equipment when such equipment is commercially available.
• Use on-site electricity or alternative fuels rather than diesel-powered or gasoline powered generators when such equipment is commercially available.
• Maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.
• Minimize idling time either by shutting equipment when not in use or reducing the time of idling to 5 minutes as a maximum.
• Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use.
• Retrofit large off-road construction equipment that will be operating for significant periods. Retrofit technologies such as particulate traps, selective catalytic reduction, oxidation catalysts, air enhancement technologies, etc., shall be evaluated. These technologies will be required if they are certified by CARB and/or the US EPA, and are commercially available and can feasibly be retrofitted onto construction equipment.
• The project applicant shall require all on-site construction equipment to meet US EPA Tier 4 or higher emissions standards according to the following:
  o April 2010 through December 31, 2011: All off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 2 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  o January 1, 2012 through December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
  o Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. A copy of each unit's certified tier specification, BACT documentations, and CARB, SCAQMD, or ICAPCD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
• The contractor shall utilize low-VOC content coatings and solvents that are consistent with applicable SCAQMD and ICAPCD rules and regulations.				

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
	• Consideration shall be given to use of other transportation methods to deliver materials to the construction sites (for example, trains or conveyors) if it would result in a reduction of criteria pollutant emissions.				
MM 5.1-4	The Project Applicant or Construction Manager shall ensure that, during all grading activities, construction grading shall be discontinued on days forecasted for first-stage alerts.	During all grading activities	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-5	Prior to grading permit issuance, applicants shall be required to conduct an LST analysis (SCVAP MM 3.3-3).	Prior to grading permit issuance	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-6	The Project Applicant or Construction Manager shall ensure that, during mass grading activities, mass grading shall not occur within 1,600 feet of the Northlake Hills Elementary School when school is in session to the maximum extent feasible.	Prior to issuance of grading permits for areas within 1,600 feet of the Northlake Hills Elementary School	Construction Contractor, Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-7	Prior to final building inspection, the applicant shall provide preferential parking spaces for carpools and vanpools at major commercial and office locations. The spaces shall be clearly identified on plot plans and may not be pooled in one location (SCVAP MM 3.3-6).	Prior to final building inspection	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-8	New residential developments shall allow only natural gas-fired hearths and shall prohibit the installation of wood-burning hearths and wood-burning stoves (SCVAP MM 3.3-7).	Prior to issuance of each residential building permit	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-9	A commuter computer program shall be developed for the NorthLake residents in an attempt to reduce commuter vehicle trips generated by the proposed projects. (1992 SP EIR MM 4.5-9).	Prior to issuance of the first residential occupancy permit	Applicant	County of Los Angeles Department of Regional Planning	
MM 5.1-10	Prior to the issuance of each non-residential building permit, the Applicant and its contractors shall provide plans and specifications to the County demonstrating that the following features have been incorporated into the building designs. Proof of compliance shall be provided to the County prior to the issuance of occupancy permits. • For buildings that are greater than 100,000 square feet of building space or with more than ten tenant-occupants, changing/shower facilities shall be provided as specified in Section A5.106.4.3, Nonresidential Voluntary Measures, of the California Green Building Standards (CALGreen) Code. • Facilities shall be installed to support future electric vehicle charging at each non-residential building with 30 or more parking spaces. Installation shall be consistent with Section A5.106.5.3, Nonresidential Voluntary Measures (Tier 1), of the CALGreen Code. • The Project shall install 135 electric vehicle (EV) chargers[4] at non-residential parking spaces within the Project limits and/or the greater Castaic community.	Prior to the issuance of each non-residential building permit	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-11	Prior to the issuance of each residential building permit, the Applicant and its contractors shall provide plans and specifications to the County demonstrating that the following features have been incorporated into the building designs or specifications. Proof of compliance shall be provided to the County prior to the issuance of occupancy permits • Visitor parking shall include preferentially located parking spaces for alternative-fueled vehicles. • Bicycle parking shall be provided as specified in Section A4.106.9, Residential Voluntary Measures, of the CALGreen Code, or, provide required long-term and short-term bicycle parking for buildings as specified in Section 22.52.1225 of the County Zoning Ordinance, whichever is more stringent. • 100 percent of residences shall be pre-wired for an EV charging station and at least 10 percent of residences shall have an EV charging station.	Prior to the issuance of each residential building permit	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	

[4] Assumed to be Level 2 chargers that can provide enough electricity to provide a 25 mile driving range per hour spent charging.

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.1-12	Prior to issuance of each building permit for parking structures and parking lots with 20 or more parking spaces, the Applicant and its contractors shall provide plans and specifications to the County demonstrating that the following features have been incorporated into the parking facility. Proof of compliance shall be provided to the County prior to the issuance of occupancy permits. • The parking facility shall include a minimum of five percent preferentially located parking spaces for alternative-fueled (electric, natural gas, or similar low-emitting technology) vehicles. • The parking facility shall include at least one electric vehicle charging station. Electrical lines shall be designed and sized to add additional charging stations for up to three percent of the total parking spaces when a demand is demonstrated. The design and installation shall be consistent with Section A4.106.8.2, Residential Voluntary Measures, of the CALGreen Code. • For residential parking facilities, bicycle parking shall be provided as specified in Section A4.106.9, Residential Voluntary Measures, of the CALGreen code.	Prior to issuance of each building permit for parking structures and parking lots with 20 or more parking spaces	Construction Contractor, Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-13	Once constructed, the Applicant shall ensure that the tenants/operators of non-residential uses include the following features and procedures. Proof of compliance shall be provided to the County within one month following the issuance of each occupancy permit. • Post signs requiring that trucks shall not be left idling for prolonged periods (i.e., in excess of 5 minutes, as required by State law). • Post both bus and Metrolink schedules in conspicuous areas. • Configure the employee work schedules around the local bus schedule and provide said schedules as evidence of compliance to Regional Planning upon request.	Within one month following the issuance of each occupancy permit	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-14	Prior to the issue of occupancy permits for each industrial building, the Permit Applicant/Developer shall demonstrate that ambient air quality concentrations of criteria pollutants at sensitive receptors resulting from the proposed use(s) shall not exceed the following: • Nitrogen dioxide (NO_2) – 0.10 parts per million (ppm), 1 hour average; 0.03 ppm, annual arithmetic mean • Inhalable particulate matter (PM10) – 2.5 micrograms per cubic meter (μg/m^3), 24-hour average; 1.0 μg/m^3-annual average • Fine particulate matter (PM2.5) – 2.5 μg/m^3, 24-hour average The Permit Applicant/Developer shall also demonstrate through preparation of a subsequent health risk assessment that the incremental health risks from toxic air pollutants at sensitive receptors resulting from the proposed use(s) shall not exceed the following: • Maximum incremental cancer risk – 10 in 1 million • Cancer burden – 0.5 excess cancer cases in areas where the cancer risk exceeds 1 in 1 million • Chronic hazard index – 1.0 • Acute hazard index – 1.0	Prior to the issuance of occupancy permits for each industrial building	Applicant and Future Developers	County of Los Angeles Department of Regional Planning and Department of Public Health	
MM 5.1-15	No playgrounds, ball fields, or other facilities that encourage active recreation shall be built west of the Southern California Edison (SCE) easement.	Prior to tract map approval	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-16	Prior to the commencement of brush clearing, grading, or other activity that would generate fugitive dust, the Property Owner/Developer shall employ a Dust-Control Supervisor who will be on the site within 30 minutes of the start of work taking place each morning; will have the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all South Coast Air Quality Management District (SCAQMD) Rule 403 requirements; and will have completed the SCAQMD Fugitive Dust Control Class and has been issued a valid Certificate of Completion for the class.	Prior to brush clearing activities, issuance of grading permits, or other construction activities	Construction Contractor	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.1-17	To aid in the prevention of Valley Fever among construction crews on the Project site, the following measures shall be implemented by the Construction Contractor during all construction activities: • Hire crews from local populations where possible, since it is more likely that they have been previously exposed to the fungus and are therefore immune. • Require crews to use NIOSH-approved respiratory protection with particulate filters to restrict inhalation of particulates during Project clearing, grading, and excavation operations in accordance with California Division of Occupational Safety and Health regulations. • Where acceptable to the County of Los Angeles Fire Department, control weed growth by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering. • During rough grading and construction, the access way into the Project site from adjoining paved roadways shall be paved or treated with environmentally safe dust-control agents.	Prior to issuance of grading permits and through duration of construction activities	Construction Contractor	County of Los Angeles Department of Regional Planning	
MM 5.1-18	Prior to sale, lease, or rental of any residential structure or portion thereof on the NorthLake Project site, the Property Owner/Developer shall provide to each prospective purchaser or tenant a notice and statement of acknowledgment that shall be executed (i.e., read and signed) by the prospective purchaser, lessee, or tenant that the property within NorthLake may present a temporary risk of exposure to Valley Fever spores during construction or other earth-moving activities. The form shall include strategies to reduce potential exposure to Valley Fever spores. The form and method of distribution of said notice and statement of acknowledgment shall be as approved by the County of Los Angeles Department of Regional Planning**.**	Prior to sale, lease, or rental of any residential structure or portion thereof on the NorthLake Project site	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.1-19	Prior to issuance of each grading and building permit, the applicant/developer shall require in contract specifications, that contractors set goals to limit unnecessary construction equipment idling to 3 minutes and include methods to encourage equipment operators to achieve the 3-minute goal.	Prior to each grading and building permit	Project Applicant and Construction Contractor	County of Los Angeles Department of Regional Planning	
MM 5.1-20	Prior to the issue of the first occupancy permit for commercial or industrial facilities, the master developer shall establish the NorthLake Community Transportation Program that would be established through the creation of Covenants, Codes and Restrictions (CC&Rs) for all commercial and industrial properties within the Specific Plan to establish and coordinate the following programs that would reduce single-vehicle commuting and the associated criteria pollutant and GHG emissions: • Ride share program – The program will establish a system for coordinating ride sharing among employees of on-site commercial and industrial businesses. The program will also work with employers to support vanpools. • Commuter bus program – The program will coordinate with Santa Clarita Valley Transit to (1) extend the existing bus routes into the NorthLake Project area and (2) determine employee demand for express commuter buses to the Project Site and establish commuter bus service in response to demand.	Prior to issuance of the first occupancy permit for commercial or industrial facilities	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
Biological Resources (Section 5.2 of the 2019 Draft EIR, RPDSEIR, RPFSEIR)					
MM 5.2-1	If special-status species may potentially be subject to direct loss through implementation of construction activities, mitigation measures proposed as part of biological site survey reports shall include a requirement for preconstruction special-status species surveys, followed by measures to ensure avoidance, relocation or safe escape of special-status species from construction activity, whichever action is the most appropriate. If special status species are found to be brooding, denning, nesting, etc. on site during the preconstruction survey, construction activity shall be halted until offspring are weaned, fledged, etc. and are able to escape the site or be safely relocated to appropriate off-site habitat areas. A qualified biologist shall be on site to conduct surveys, to perform or oversee implementation of protective measures, and to determine when construction activity may resume. **(SCVAP 2012 EIR MM 3.7-2)**	Prior to issuance of grading permits	Project Applicant, Future Developers, Construction Contractor, and Qualified Biologist	County of Los Angeles Department of Regional Planning	
MM 5.2-2	Impacts on sensitive habitats resulting from implementation of the Area Plan shall be compensated for through the acquisition of lands described in Policies CO 10.1.3, CO 10.1.11 and CO 10.1.12. Said acquisition shall prioritize habitat types that are particularly at risk in the region. At risk habitats include but are not limited to waterways, wetlands and vernal pools; alluvial scrub; native grasslands; savannas, woodlands and forests; holly-leaf cherry and Great basin sagebrush associations; and rocklands. **(SCVAP 2012 EIR MM 3.7-2)**	Prior to issuance of grading permit(s) and during construction	Project Applicant, Future Developers, and Construction Contractor	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.2-3	Removal of riparian habitat will require coordination with the California Department of Fish and Wildlife and the U.S. Army Corps of Engineers. Mitigation for riparian habitat lost may include one or a combination of the following measures: 1) project alteration to avoid impacting the onsite riparian habitat; 2) the onsite creation of at least an equal amount of equal quality habitat; 3) enhancement of poor quality onsite habitat, usually greater than 1:1 ratio (habitat lost to habitat enhanced); and 4) creation of offsite habitat where none currently exists. Final mitigation requirements shall be determined through consultation with the appropriate agencies. **(1992 SP EIR MM 4.7-5)**	Prior to issuance of grading permit(s) and during construction	Project Applicant, Future Developers, and Construction Contractor	County of Los Angeles Department of Regional Planning and California Department of Fish and Wildlife and U.S. Army Corps of Engineers	
MM 5.2-4	Mitigation for the club-haired mariposa lily and the slender mariposa lily shall consist of transplantation of lilies to a mitigation site and establishment of a self-sustaining population as set forth in the *NorthLake Castaic, Los Angeles County, California, Special-Status Plants Impact Assessment and Habitat Mitigation and Monitoring Plan* (*Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan*).[5] The *Special-Status Plants Impact Assessment and Habitat Mitigation and Monitoring Plan* has been subject to review and approval by LACDRP and CDFW. A designated Project Biologist approved by the LACDRP and CDFW shall oversee its implementation. Seeds will be collected from lilies that are located within the impact boundaries and bulbs will be subsequently excavated and stored for later transplantation to the translocation site depicted on Exhibit 5 of the *Special-Status Plants Impact Assessment and Habitat Mitigation and Monitoring Plan.* The Mitigation Program in the *Special-Status Plants Impact Assessment and Habitat Mitigation and Monitoring Plan* sets forth the following activities necessary to fully mitigate the significant impacts to the club-haired mariposa lily and the slender mariposa lily: • A pre-grading survey shall be conducted for two seasons following emergence of leaves and during the peak flowering period (approximately March through June) by the Biological Monitor. The Biological Monitor shall clearly identify each lily location within the impact area with a pin flag for later collection. The pre-grading survey shall also document the approximate coverage of native and non-native plants at each lily population to be impacted. • Prior to seed collection, the existing lily locations marked during pre-construction surveys shall be monitored every two weeks by the Biological Monitor or a qualified Seed Collector to determine when the seeds are ready for collection. The Seed Collector shall collect seeds from the plants within the collection area when the seeds are ripe. The seeds shall be cleaned and stored by a qualified nursery or an institution with appropriate storage facilities. • Individual lily bulbs shall be excavated and collected following the seed collection and once the bulbs have entered their winter dormancy period (approximately September 1). The bulbs shall be stored by a qualified nursery or institution with appropriate storage facilities and all non-target bulbiferous species shall be discarded. • A portion of the collected seeds will be used to grow 500 slender/club-haired mariposa lilies for contingency purposes and stored a native plant nursery until needed as determined by the project biologist. • Receptor site or sites identified in BonTerra's *Feasibility Analysis of NorthLake Biological Mitigation Requirements* and refined by GLA (as shown on Exhibit 5 of the *Special-Status Plants Impact Assessment and Habitat Mitigation and* Monitoring *Plan*) shall be located in dedicated open space or the site will be subject to dedication with a Conservation Easement. The receptor site or sites have been shown to exhibit similar soils, associated native species, and topographical features to the impact areas. • Receptor sites on lands currently owned by NorthLake will be managed by SMMC or other approved entities. Prior to commencing the actions set forth in this plan, the applicant shall submit final agreements to CDFW and the County with the acceptable entities that will hold the Conservation Easement(s) (CE) and provide long-term management. • Funding for this measure shall be suitably established to the County's satisfaction.	Prior to vegetation clearing and/or grading activities; monitoring shall be conducted for ten years or until the mitigation site reaches its performance standards	Project Applicant, Future Developers, Construction Contractor and Qualified Biologist	County of Los Angeles Department of Regional Planning	

[5] Glenn Lukos Associates. July 2022 [Revised October and December 2022, February and April 2024]. *NorthLake Castaic, Los Angeles County, California, Special-Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (Appendix B-2 to the RPDSEIR).

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
• Performance criteria have been developed in the *Special-Status Plants Impact Assessment and Habitat Mitigation and Monitoring Plan,* dated February 2023, and pre-approved by the LACDRP and CDFW. The performance criteria shall address (1) native and non-native plant coverage requirements (mitigation site conditions should be consistent with lily populations in the impact area) and (2) percentage of lilies that exhibit emergent leaves that that bloom each year as follows (because the salvaged plantings will be phased over a three-year period as described above, the monitoring period would be ten years for each phase or a minimum of 13 years beginning from the start of phase 1. As set forth in Table 3 of the of the *Special-Status Plants Impact Assessment and Habitat Mitigation and Monitoring Plan*, under the phased translocation, 40-percent of plants would be translocated in year 1, 40-percent in year 2 and 20-percent in year 3): **Year One** • Emergence of leaves of a minimum of 70-percent of the translocated bulbs • Flowering of a minimum of 50-percent of the translocated bulbs • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and • No evidence of herbivory **Year Two** • Emergence of leaves of a minimum of 60-percent of the translocated bulbs • Flowering of a minimum of 40-percent of the translocated bulbs • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and • No evidence of herbivory **Year Three** • Emergence of leaves of a minimum of 50-percent of the translocated bulbs • Flowering of a minimum of 30-percent of the translocated bulbs • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and • No evidence of herbivory **Year Four** • Emergence of leaves of a minimum of 50-percent of the translocated bulbs • Flowering of a minimum of 30-percent of the translocated bulbs • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and • No evidence of herbivory **Year Five** • Emergence of leaves of a minimum of 60-percent of the translocated bulbs • Flowering of a minimum of 40-percent of the translocated bulbs • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and				

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
• No evidence of herbivory **Year Six** • Emergence of leaves of a minimum of 70-percent of the translocated bulbs • Flowering of a minimum of 50-percent of the translocated bulbs • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and • No evidence of herbivory **Year Seven** • Emergence of leaves of a minimum of 70-percent of the translocated bulbs • Flowering of a minimum of 50-percent of the translocated bulbs • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and • No evidence of herbivory • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and • No evidence of herbivory **Year Eight** • Emergence of leaves of a minimum of 80-percent of the translocated bulbs • Flowering of a minimum of 60-percent of the translocated bulbs **Year Nine** • Emergence of leaves of a minimum of 90-percent of the translocated bulbs • Flowering of a minimum of 70-percent of the translocated bulbs • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and • No evidence of herbivory **Year Ten** • Emergence of leaves of a minimum of 100-percent of the translocated bulbs • Flowering of a minimum of 70-percent of the translocated bulbs • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial plot identification; and • No evidence of herbivory • Potential seed sources from additional donor sites shall also be identified in case it becomes necessary to collect additional seed for use on the site following performance of remedial measures. The monitoring shall be conducted for ten years (for each phase) from installation of the translocated bulbs or from installation of container plants. As noted, this could result in two separate and unrelated ten-year monitoring efforts, including one that originates with bulb installation and a subsequent effort that begins with container stock installation. If the performance standards are not being met during the first year, additional measures may be suggested as determined appropriate by the Project Biologist as set forth in the Contingency				

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
	Plan set forth in the Special-Status Plants Impact Assessment and Habitat Mitigation and Monitoring Plan as set follows: • If any of the translocation/receptor sites are observed to be failing significantly to achieve the performance standard during the ten-year monitoring period, the Biological Monitor will identify an alternate site(s) in which to install the contingency plant materials that will be stored at a nursery for the first year of the program. • If the receptor sites appear on track to meet the performance standards no sooner than year seven of the monitoring and maintenance period, the remaining plant material may be planted at the receptor sites (if space allows) or additional acceptable receptor sites will be identified. • Seeds and/or bulbs will continue to be harvested from lilies maintained in the nursery and installed in the receptor sites on an as-needed basis to ensure receptor sites are progressing toward final performance. • If the receptor sites fail to achieve the performance standards by the tenth year of the program, the monitoring period may be extended if the Project Biologist in consultation with LACDRP and CDFW, determines that the site is continuing to progress and can ultimately achieve the performance standards. Alternatively, if it is determined that a particular receptor site is not able to meet performance standards, then additional receptor sites will be identified to make up the difference. Thus, for example, if a receptor site received 500 bulbs, at the 80-percent success criteria it must have 400 emergent plants or 300 flowering plants to be successful. If the site only exhibits 40-percent emergent plants and 30-percent of flowering Mariposa lilies, then the site would be credited with the partial success achieved and an additional site where the shortfall could be made up would be identified. • Potential seed sources from additional donor sites shall also be identified in case it becomes necessary to collect additional seed for use on the site following performance of remedial measures.				
MM 5.2-5a	Mitigation for the round-leaved filaree shall consist of transplantation of round-leaved filaree to a mitigation site and establishment of a self-sustaining population as set forth in the *NorthLake Castaic, Los Angeles County, California, Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (*Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan*).[6] The *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* has been subject to review and approval by LACDRP and CDFW. A designated Project Biologist approved by the LACDRP and CDFW shall oversee its implementation. Seeds will be collected from round-leaved filaree that are located within the impact boundaries and stored for propagation of container plants to provide for introduction of propagated plants to the translocation site depicted on Exhibit 4A of the *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan*. The Mitigation Program in the *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* sets forth the following activities necessary to fully mitigate the significant impacts to the round-leaved filaree: • A pre-grading survey shall be conducted for two seasons, prior to grading of the occupied area, during the peak flowering period (approximately March through May) by the Biological Monitor. The Biological Monitor shall clearly identify the extent of the round-leaved filaree location within the impact area with pin flags and record the extent of the population using sub-meter GPS for later collection. The pre-grading surveys shall also document the approximate coverage of native and non-native plants at the location of the population to be impacted. • Prior to seed collection, the existing round-leaved filaree locations marked during pre-construction surveys shall be monitored every two weeks by the Biological Monitor or a qualified Seed Collector to determine when the seeds are ready for collection. The Seed Collector shall collect seeds from the plants within the collection area when the seeds are ripe. The seeds shall be cleaned and stored by a qualified nursery or an institution with appropriate storage facilities.	Prior to vegetation clearing and/or grading activities; monitoring shall be conducted for ten years or until the mitigation site reaches its performance standards	Project Applicant, Future Developers, Construction Contractor and Qualified Biologist	County of Los Angeles Department of Regional Planning	

[6] Glenn Lukos Associates. July 2022 [Revised October and December 2022, February and April 2024]. *NorthLake Castaic, Los Angeles County, California, Special-Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (Appendix B-2 to the RPDSEIR).

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
• Collected seeds, up to one half, will be used to grow a minimum of 300 plants and the remaining half will be stored to allow for contingency purposes all of which would be planted at the receptor site once performance standards are achieved. • Receptor site or sites identified by GLA during site assessments in 2021 (see Exhibit 4A in *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan*[7]) shall be located in dedicated open space or the site will be subject to dedication with a Conservation Easement. The receptor site or sites have been shown to exhibit similar soils, associated native species, and topographical features to the impact areas. Performance criteria have been developed in the *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* and pre-approved by the LACDRP and CDFW. In developing the performance standards for the round-leaved filaree, it is important to consider the primary goal of the plan referenced above, which is to establish a self-sustaining population of this plant consisting of the number of individuals/population size determined during pre-construction surveys. With replacement of the existing population, the impacts would be fully mitigated. This requires consideration of the following factors: • The number of flowering individuals in any given year can vary substantially, based on environmental conditions, such that it is necessary to observe the translocated populations over a period of years to accurately determine survival and overall stability of the population. To this end, this plan proposes a ten-year monitoring term to track emergent plants along with flowering individuals which in combination provides the best and easiest indicators to track that the translocation is succeeding. • Various threats to the plants must be minimized during the ten-year monitoring and maintenance period to ensure survival, germination, and ultimate flowering of recruited individuals, with seed set, leading to future germination/successful reproduction. • Habitat characteristics, including non-native grasses and herbaceous weeds, are important and require monitoring to determine that specific translocation/receptor sites are exhibiting a positive trajectory. Given these considerations, the performance standards set forth below are to be achieved for the program to be considered successful. Because of the variability in the number of flowering individuals from year-to-year, the performance standards will have been achieved during at least three years of the ten-year monitoring program. Thus, the standards provide specific criteria showing that the program is on a positive trajectory. Should the performance standards be achieved early in the program, monitoring will continue for the full ten years to ensure that there is no degradation of the habitat values during the ten-year period. Thus, if the following standards are met in at least three years of the ten-year monitoring period then the program is considered successful. Program funding shall be suitably established to the County's satisfaction. **Year One Through Year Ten** • Flowering of a minimum of 100-percent of the total number of flowering plants counted during pre-construction surveys originating from container stock or seed bank. As noted, the number of container stock individuals planted or plants originating from seed following the initial establishment will equal or exceed the number impacted as determined during pre-construction surveys during at least three years of the ten-year monitoring period; and • Habitat subject to translocation must exhibit same or less cover by non-native grasses and forbs than during the initial planting (30-percent).				

[7] Glenn Lukos Associates. July 2022 [Revised October and December 2022, February and April 2024]. *NorthLake Castaic, Los Angeles County, California, Special-Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (Appendix B-2 to the RPDSEIR).

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
	Contingency Plan In the event the mitigation program fails to achieve the performance standards discussed above during the ten-year monitoring period, the Project Applicant will implement the following remedial measures to attempt to achieve the performance standards: • If the receptor site is observed to be failing significantly to achieve the performance standards during the ten-year monitoring period (e.g., flowering of 100-percent is not achieved after three years with normal or above-normal rainfall), the Biological Monitor will identify an alternate site(s) in which to install the contingency plant materials that will be propagated from the contingency seed supply held at the nursery for contingency purposes (and maintained for at least ten years). Should the performance standards be achieved, contingency plant materials will be broadcast or installed in the translocation sites, with no additional performance standards for the contingency materials. The alternate site(s) will be prepared as outlined for the initial site and modifications incorporated as determined by the Project Biologist in coordination with LACDRP and CDFW. Once an approach has been determined in coordination with LACDRP and CDFW, the container stock would be propagated from the contingency seed and the plants would be installed at the alternate site(s) and a ten-year program, that included monitoring and maintenance, would be initiated as set forth above.				
MM 5.2-5b	Mitigation for the paniculate tarplant shall consist of transplantation of paniculate tarplant by means of seed broadcasting to a mitigation site with establishment of a self-sustaining population as set forth in the *NorthLake Castaic, Los Angeles County, California, Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (*Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan*).[8] The *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* has been subject to review and approval by LACDRP and CDFW. A designated Project Biologist approved by the LACDRP and CDFW shall oversee its implementation. Seeds will be collected from paniculate tarplant that are located within the impact boundaries and stored for introduction to the receptor site depicted on Exhibit 4A of the *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan*. The Mitigation Program in the *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* sets forth the following activities necessary to fully mitigate the significant impacts to the paniculate tarplant: • A pre-grading survey shall be conducted for two seasons during the peak flowering period (approximately June through August) by the Project Biologist. The Project Biologist shall clearly identify the extent of the paniculate tarplant location within the impact area with perimeter pin flags and sub-meter GPS for later use during seed collection. The pre-grading survey shall also document the approximate coverage of native and non-native plants at the location of the population to be impacted. • Prior to seed collection, the existing paniculate tarplant locations marked during pre-construction surveys shall be monitored every two weeks by the Project Biologist or a qualified Seed Collector under the direction of the Project Biologist to determine when the seeds are ready for collection. The Seed Collector shall collect seeds from the plants within the collection area when the seeds are ripe. The seeds shall be cleaned and stored by a qualified nursery or an institution with appropriate storage facilities. • One third of the collected seeds will be used to broadcast on the receptor site during an initial year and one third would be retained for the second year at the receptor site. The remaining one-third of the seed would be held for contingency purposes until performance standards are achieved. Once they are achieved, the contingency seed would be distributed into the mitigation site. • The receptor site identified by GLA during 2021 (see Exhibit 4A in *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan*[9]) shall be located in dedicated open space or the site will be subject to dedication with a Conservation Easement. The receptor site or sites have	Prior to vegetation clearing and/or grading activities; monitoring shall be conducted for ten years or until the mitigation site reaches its performance standards	Project Applicant, Future Developers, Construction Contractor and Qualified Biologist	County of Los Angeles Department of Regional Planning	

[8] Glenn Lukos Associates. July 2022 [Revised October and December 2022, February and April 2024]. *NorthLake Castaic, Los Angeles County, California, Special-Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (Appendix B-2 to the RPDSEIR).

[9] Glenn Lukos Associates. July 2022 [Revised October and December 2022, February and April 2024]. *NorthLake Castaic, Los Angeles County, California, Special-Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (Appendix B-2 to the RPDSEIR).

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
been shown to exhibit similar soils, associated native species, and topographical features to the impact areas. Performance criteria have been developed in the *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* and pre-approved by the LACDRP (and CDFW). In developing the performance standards for the paniculate tarplant, it is important to consider the primary goal of the plan as set forth above, which is to establish a self-sustaining population of this plant consisting of the number of individuals/population size determined during the largest population number of the two years of pre-construction surveys. With replacement of the existing population, the impacts would be fully mitigated. This requires consideration of the following factors: • The number of flowering individuals in any given year can vary substantially, based on environmental conditions, such that it is necessary to observe the translocated populations over a period of years to accurately determine survival and overall stability of the population. To this end, this plan proposes a ten-year monitoring term to track flowering individuals to confirm that the translocation is succeeding. • Various threats to the plants must be minimized during the ten-year monitoring and maintenance period to ensure survival, germination, and ultimate flowering of recruited individuals, with seed set, leading to future germination/successful reproduction. • Habitat characteristics including non-native grasses and herbaceous weeds are important and require monitoring to determine that specific translocation/receptor sites are exhibiting a positive trajectory. Given these considerations, the performance standards set forth below are to be achieved for the program to be considered successful. Because of the variability in the number of flowering individuals from year-to-year, the performance standards will have been achieved during at least three years during the ten-year monitoring program. Thus, the annual standards provide specific criteria showing that the program is on a positive trajectory. Should the performance standards be achieved early in the program, monitoring will continue for the full ten years to ensure that there is no degradation of the habitat values during the ten-year period. Thus, if the following standards are met in at least three years of the ten-year monitoring period then the program is considered successful. Program funding shall be suitably established to the County's satisfaction. **Year One Through Year Ten** • Flowering of a minimum of 100-percent of the total number of flowering plants counted during the larger of the two years during which pre-construction monitoring was conducted. This would be achieved during at least three years of the ten-year monitoring period); and • Habitat subject to translocation must exhibit same or less cover by non-native grasses; and forbs than during the initial planting (30-percent). **Contingency Plan** In the event the mitigation program fails to achieve the performance standards discussed above during the ten-year monitoring period, the Project Applicant will implement the following remedial measures to attempt to achieve the performance standards: • If the receptor site is observed to be failing significantly to achieve the performance standards during the ten-year monitoring period (e.g., flowering of 100-percent is not achieved after three years with normal or above-normal rainfall), the Biological Monitor will identify an alternate site(s) in which to install the contingency seed held at the nursery for contingencies purposes (and maintained for at least ten years). Should the performance standards be achieved, contingency plant materials will be broadcast or installed in the translocation sites, with no additional performance standards for the contingency materials. • The alternate site(s) will be prepared as outlined for the initial site and modifications incorporated as determined by the Project Biologist in coordination with LACDRP and CDFW. Once an approach has been determined in coordination with LACDRP and CDFW, contingency seed would be installed at the alternate site(s) and a ten-year program, that included monitoring and maintenance would be initiated as set forth above.				

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.2-5c	Mitigation for the southwestern spiny rush includes two components to ensure long-term persistence of southwestern spiny rush in northern Los Angeles County. Mitigation includes 1) preservation of streambed habitat within Marple Canyon that contains 523 individuals of the spiny rush, and 2) planting of southwestern spiny rush at a mitigation site with establishment of a self-sustaining population as set forth in the *NorthLake Castaic, Los Angeles County, California, Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (*Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan)*.[10] The *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* has been subject to review and approval by LACDRP and CDFW. A designated Project Biologist approved by the LACDRP and CDFW shall oversee its implementation. Seed will be collected from southwestern spiny rush plants located within the impact boundaries. The collected seed will be stored for propagation of container plants. Once propagated, the container plants would be introduced to the translocation site depicted on Exhibit 4B of the *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan.* The Mitigation Program in the *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* sets forth the following activities necessary to fully mitigate the significant impacts to the southwestern spiny rush: • A pre-grading survey shall be conducted during a single season during the peak flowering period (approximately March through May) by the Biological Monitor. The Biological Monitor shall identify the extent of the southwestern spiny rush location within the impact area using sub-meter GPS for later seed collection. • Prior to seed collection, the existing southwestern spiny rush locations marked during pre-construction surveys shall be monitored every two weeks by the Biological Monitor or a qualified Seed Collector to determine when the seeds are ready for collection. The Seed Collector shall collect seeds from the plants within the collection area when the seeds are ripe. The seeds shall be cleaned and stored by a qualified nursery or an institution with appropriate storage facilities. • Collected seeds will be used to grow a minimum of 600 plants to allow for contingency purposes all of which would be planted at the receptor site. Half of the seed collected will be retained by the nursery for additional propagation as a contingency measure. • Receptor site or sites identified by GLA during site assessments in 2021 (see Exhibit 4B in *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan*[11]) shall be located in dedicated open space or the site will be subject to dedication with a Conservation Easement. The receptor site or sites have been shown to exhibit similar soils, associated native species, and topographical features to the impact areas. Performance criteria have been developed in the *Special Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* and pre-approved by the LACDRP and CDFW. In developing the performance standards for the southwestern spiny rush, it is important to consider the primary goal of the plan as set forth above, which is to provide for a combination of preservation and establishment of a self-sustaining population of this plant consisting of the 300 individuals, which in combination of the preservation in Marple Canyon would mitigate impacts to this species. In order to achieve survival of 200 plants within Grasshopper Creek, 300 individuals will be planted initially to allow for natural attrition. With the combined preservation and replacement of the existing population, the impacts would be fully mitigated. This requires consideration of the following factors: • Southwestern spiny rush is a perennial plant and the number of flowering individuals in any given year does not vary substantially. However, based on environmental conditions, it is not expected that populations change significantly over the period of years needed to accurately determine survival and overall stability of the population. To this end, this plan proposes a ten-year monitoring term to track the existing population within Marple Canyon along with established individuals in Grasshopper Creek to determine progress.	Prior to vegetation clearing and/or grading activities; monitoring shall be conducted for ten years or until the mitigation site reaches its performance standards	Project Applicant, Future Developers, Construction Contractor and Qualified Biologist	County of Los Angeles Department of Regional Planning	

[10] Glenn Lukos Associates. July 2022 [Revised October and December 2022, February and April 2024]. *NorthLake Castaic, Los Angeles County, California, Special-Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (Appendix B-2 to the RPDSEIR).

[11] Glenn Lukos Associates. July 2022 [Revised October and December 2022, February and April 2024]. *NorthLake Castaic, Los Angeles County, California, Special-Status Plant Impact Assessment and Habitat Mitigation and Monitoring Plan* (Appendix B-2 to the RPDSEIR).

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
• Various threats to the plants established within Grasshopper Creek must be minimized during the ten-year monitoring and maintenance period to ensure survival, germination, and ultimate flowering of planted and recruited individuals, with seed set, leading to future germination/successful reproduction. • Habitat characteristics including non-native grasses and herbaceous weeds are important and require monitoring to determine that specific translocation/receptor sites are exhibiting a positive trajectory. Given these considerations, the performance standards set forth below are to be achieved for the program to be considered successful. Because of the expected stability in the number of flowering individuals from year-to-year, the performance standards will have been achieved at the end of the ten-year monitoring program. Thus, the annual standards provide a guide showing that the program is on a positive trajectory. Should the performance standards be achieved early in the program, monitoring will continue for the full ten years to ensure that there is no degradation of the habitat values during the ten-year period. Thus, if the following standards are met in at least three years of the ten-year monitoring period then the program is considered successful. Program funding shall be suitably established to the County's satisfaction. **Marple Canyon Year One Through Year Ten** • Persistence of Marple Canyon population totaling 523 individuals with no more than ten-percent reduction due to such factors such as drought. Thus, there would be a minimum of 471 individuals at the end of the ten-year monitoring period. **Grasshopper Creek Year One** • Survival of 80-percent of the 200 established individuals. • Following quantitative monitoring that will occur between March and June, the number of additional container stock needed to provide for establishment of 200 plants will be determined with planting to following during fall of the same year. **Grasshopper Creek Year Two** • Survival of 90-percent of the 200 established individuals. • Following quantitative monitoring that will occur between March and June, the number of additional container stock needed to provide for establishment of 200 plants will be determined with planting to following during fall of the same year. **Grasshopper Creek Year Three through Ten** • Survival of 100-percent of the 200 established individuals. • Following quantitative monitoring that will occur between March and June, the number of additional container stock needed to provide for establishment of 200 plants will be determined with planting to following during fall of the same year. **Contingency Plan** In the event the mitigation program fails to achieve the performance standards discussed above during the ten-year monitoring period, the Project Applicant will implement the following remedial measures to attempt to achieve the performance standards: • If the Grasshopper Creek receptor site is observed to be failing significantly to achieve the performance standard during the ten-year monitoring period (e.g., survival of 100-percent of 200 established individuals is not achieved by the end of ten years), the Biological Monitor will identify an alternate site(s) in which to install the contingency plant materials that will be propagated from the contingency seed supply held at the nursery for the (and maintained for at least ten years). Should the performance standards be achieved, contingency plant materials will be broadcast or installed in the translocation sites, with no additional performance standards for the contingency materials. The alternate site(s) will be prepared as outlined for the initial site and modifications incorporated as determined by the Project Biologist in coordination with LACDRP and CDFW. Once an approach has been determined in coordination with LACDRP and CDFW, the container stock would be propagated from the				

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
	contingency seed and the plants would be installed at the alternate site(s) and a ten-year program, that included monitoring and maintenance, would be initiated as set forth above.				
MM 5.2-6	The loss of sage scrub habitat within the impact area is considered a significant impact. Sage scrub habitat shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP), but shall be no less than 2:1 for habitat restoration, enhancement or preservation, or combination thereof. A total of 634.70 acres of sage scrub would be impacted by Project implementation, which includes Purple sage scrub, California sagebrush–California buckwheat scrub, Black sage scrub, California sagebrush–California buckwheat scrub/Foothill needlegrass grassland, California sagebrush–California buckwheat scrub/California annual grassland, and the burned sage scrub areas: burned Purple sage scrub, burned California sagebrush–California buckwheat scrub, burned Black sage scrub, and burned California sagebrush–California buckwheat scrub/California annual grassland. Habitat restoration is the creation of native target habitat that does not currently exist; enhancement is the improvement of existing, disturbed native habitat areas through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. Preservation is conservation of existing habitat that exhibits the functions needed to support target species such as the CBB. The mitigation ratio for habitat restoration, enhancement, and preservation shall depend on the initial quality of the habitat area to be restored, enhanced or preserved and would be determined by the Project Applicant and the LACDRP. Sage scrub habitat restoration/enhancement implementation shall begin not more than one year following project impacts to this habitat type. Where restoration or enhancement is the proposed mitigation, the Project Applicant shall develop a Habitat Mitigation and Monitoring Program (HMMP) and shall submit it to the LACDRP and the California Department of Fish and Wildlife (CDFW) for review and approval. The HMMP shall be developed by a qualified restoration ecologist, submitted for review and approval to the LACDRP prior to the issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). Habitat restoration/enhancement will consist of seeding and/or installing container plants of suitable sage scrub species. If it is ecologically appropriate for the selected mitigation site (e.g., soil types), Peirson's morning-glory will be incorporated into the restoration/enhancement planting and/or seeding palettes. The Project Applicant shall implement the HMMP as approved by the LACDRP and CDFW and according to its specified materials, methods, and performance criteria, which shall include the following items: **Responsibilities and Qualifications**. The responsibilities and qualifications of the Project Applicant, ecological specialists, and restoration (landscape) contracting personnel who will implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of southern California native habitat mitigation/restoration programs, implemented under LACDRP mitigation measures and/or State or federal natural resource agency permit conditions. A successful program shall be defined as one that has been signed off on by the LACDRP and/or a State or federal natural resource agency. b. **Performance Criteria**. Mitigation performance criteria to be specified in the HMMP shall include native vegetation percent coverage and diversity (minimum), non-native vegetation percent coverage (maximum), and the cessation of irrigation a minimum of two years prior to eligibility for sign-off. The HMMP shall state that the use of the mitigation site by special status wildlife species (e.g., coastal California gnatcatcher), though not a requirement for site success, would be regarded by the LACDRP as a significant factor in considering eligibility for program sign-off. c. **Site Selection.** The mitigation sites shall be determined in coordination with the Project Applicant and the LACDRP. The site(s) shall be located in dedicated open space areas (or areas available for dedication), and shall be contiguous with other natural open space areas. Mitigation sites include onsite, NorthLake-owned offsite property, and obtaining acres from a CDFW-approved mitigation bank or through purchase and long-term conservation of suitable habitat, including areas where restoration or enhancement is needed, or a combination of the two options to account for the remainder. The Project Applicant shall demonstrate acquisition of suitable lands for restoration, enhancement, or preservation prior to issuance of the Project grading permit.	Prior to issuance of grading permits, and HMMP implementation shall begin no more than one year following project impacts to this habitat type	Project Applicant, Future Developers, Construction Contractor, and Qualified Restoration Ecologist	County of Los Angeles Department of Regional Planning/California Department of Fish and Wildlife	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
d. **Native Plant and Seed Materials Procurement**. For restoration or enhancement, at least three years prior to mitigation implementation, the Project Applicant or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin: i.e., collected within 30 miles, and within the same Watershed (Santa Clara River Watershed), as the selected restoration/enhancement site(s), to ensure genetic integrity. All container plants shall be propagated from seed of local origin as defined above. No plant or seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized according to habitat area, in the' following order: (a) project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations.				
e. **Wildlife Surveys and Protection.** The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., coastal California gnatcatcher]) and biological monitoring that are required to avoid adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these management tasks due to sensitive wildlife conditions on the mitigation site (e.g., suspension of these tasks during the nesting bird season, as defined in project permits).				
f. **Site Preparation and Plant Materials Installation.** For restoration or enhancement, mitigation site preparation shall include, as necessary (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, decompacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not 'photodegradable'] fiber roll); (f) application of salvaged native plant materials (i.e., duff) as available, and supervised by a biological monitor, (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials including specification of approved herbicides); (i) planting of container species; and (j) seed mix application.				
g. **Schedule.** An implementation schedule shall be developed for restoration or enhancement, that includes planting and seeding to occur in late fall and early winter (i.e., between November 1 and December 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below).				
h. **Maintenance Program**. The Maintenance Program for restoration or enhancement shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal-including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plants (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) upon project completion. The mitigation site shall be maintained for a period of five years to ensure the successful sage scrub habitat establishment within the restored/enhanced sites; however, the Project Applicant may request to be released from maintenance requirements by the LACDRP prior to five years if the mitigation program has achieved all performance criteria.				
i. **Monitoring Program**. The Monitoring Program for restoration or enhancement shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring (e.g., randomly placed point-intercept transects); (c) annual monitoring reports, which shall be submitted to the LACDRP for five years or until project completion; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species' use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address non-compliance with any performance criteria. The site shall be monitored for five years or until the Project Applicant has been released from maintenance requirements by the LACDRP.				
j. **Long-term preservation**. Long-term preservation of the sites shall be outlined in the HMMP to ensure that the mitigation sites are not impacted by future development. A conservation easement and a performance bond shall be secured prior to implementation of the mitigation program.				

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.2-7	The loss of California annual grassland/wildflower fields within the impact area is considered to be a significant impact. California annual grassland/wildflower fields shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP), but the ratio shall be no less than 2:1 for habitat restoration, enhancement, or preservation or combination thereof. A total of 24.23 acres of Foothill needlegrass grassland and burned Foothill needle grass grassland would be impacted by Project implementation. Habitat restoration is the creation of native target habitat that does not currently exist; enhancement is the improvement of existing, disturbed native habitat areas through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. Preservation is conservation of existing habitat that exhibits the functions needed to support target species such as the CBB. The mitigation ratio for habitat restoration, enhancement, or preservation shall depend on the initial quality of the habitat area to be restored, enhanced, or preserved and would be determined by the project applicant and the LACDRP. The mitigation ratio shall also be no less than 6.5 acres of habitat preserved/restored per burrowing owl location impacted (individual or pair using the same burrows) or greater than 6.5 acres of habitat enhancement per burrowing owl location impacted, depending on the ratio applied to the enhancement site(s). California annual grassland/wildflower fields habitat restoration/enhancement implementation shall begin not more than one year following project impacts to this habitat type. The project applicant shall develop a HMMP and shall submit it to the LACDRP and the California Department of Fish and Wildlife (CDFW) for review and approval. The HMMP shall be developed by a qualified restoration ecologist submitted for review and approval to the LACDRP prior to issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). The HMMP shall also provide mitigation for the loss of burrowing owl habitat; therefore, mitigation site selection criteria shall include the suitability of the potential site(s) for burrowing owls. Habitat restoration/enhancement shall consist of seeding of suitable California annual grassland/wildflower fields plant species. If it is ecologically appropriate for the selected mitigation site (e.g., soil type), Peirson's morning-glory will be incorporated into the restoration/enhancement palette. The Project Applicant shall implement the HMMP as approved by the LACDRP and CDFW and according to its specified materials, methods, and performance criteria, which shall include the following items: • The responsibilities and qualifications of the project applicant, ecological specialists, and restoration (landscape) contracting personnel who will implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of southern California native habitat mitigation/restoration enhancement programs, implemented under LACDRP mitigation measures or State and/or federal natural resource agency permit conditions. A successful program shall be defined as one that has been signed off on by the LACDRP and/or a State or federal natural resource agency. • Mitigation performance criteria to be specified in the HMMP shall include native vegetation percent coverage and diversity (minimum), non-native vegetation percent coverage (maximum), and the cessation of irrigation a minimum of two years prior to eligibility for sign-off. The performance criteria shall reflect the habitat requirements for burrowing owls; i.e., grassland habitat with vegetation gaps or areas of lower vegetation coverage. The HMMP shall state that the establishment of burrowing owls, and/or special status plant species (e.g., Peirson's morning-glory), though not a requirement for site success, would be regarded by the LACDRP as a significant factor in considering eligibility for program. • The mitigation sites shall be determined in coordination with the project applicant and the LACDRP. The site(s) shall be (1) located in dedicated open space areas or areas available for dedication as open space, and shall be contiguous with other natural open space areas; (2) configured to provide maximum habitat values for burrowing owls and other wildlife species; e.g., opportunities for escape and refuge from stochastic events such as fire, flood, etc.; (3) consist of level or gently sloping terrain, soil types, and microhabitat conditions suitable for occupation by the burrowing owl as determined by a qualified Biologist; and (4) include, to the extent feasible. soil types and microhabitat conditions suitable for the special status plant species listed above. • At least two years prior to mitigation plant and seed installation associated with restoration of enhancement, the Project Applicant or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin; i.e., collected within 30 miles, and within the same Watershed (Santa Clara River Watershed), as the selected restoration/enhancement site(s), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized according to habitat area, in	Prior to issuance of grading permits, HMMP implementation shall begin no more than one year following project impacts to this habitat type	Project Applicant, Future Developers, Construction Contractor, and Qualified Restoration Ecologist	County of Los Angeles Department of Regional Planning/California Department of Fish and Wildlife	

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MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
	the following order: (a) project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations. • The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., burrowing owl]) and biological monitoring that are required to avoid adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. Specifically, the HMMP shall specify the performance of wintering and breeding season surveys for burrowing owls, to determine the species' occupation of the mitigation site(s). The HMMP shall also describe potential restrictions on these tasks due to sensitive wildlife conditions on the mitigation site (e.g., suspension of these tasks during the nesting bird season, as defined in project permits). • For restoration or enhancement, mitigation site preparation shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not 'photo-degradable'] fiber roll); (f) temporary irrigation installation; (g) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)--including specification of approved herbicides; and (g) seed mix application. Mitigation site preparation and installation shall reflect the habitat requirements for burrowing owls; i.e., grassland habitat with vegetation gaps or areas of lower vegetation coverage. • An implementation schedule shall be developed that includes seeding to occur in late fall and early winter (i.e., between November 1 and December 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below). • The Maintenance Program for restoration or enhancement shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal-including specification of approved herbicides; (d) maintenance of erosion control measures; (e) inspection/repairs of irrigation components; (f) application of remedial seed mixes (as needed); (g) herbivory control; and (h) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) upon project completion. Mitigation site preparation and installation shall reflect the habitat requirements for burrowing owls; i.e., grassland habitat with vegetation gaps or areas of lower vegetation coverage. The mitigation site shall be maintained for a period of five years to ensure successful foothill needlegrass grassland habitat establishment within the restored/enhanced sites; however, the Project Applicant may request to be released from maintenance requirements by the LACDRP prior to five years if the mitigation program has achieved all performance criteria for restoration or enhancement. • The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the LACDRP for five years or until project completion; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species' use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address non-compliance with any performance criteria. The site shall be monitored for five years or until the project applicant has been released from maintenance requirements by the LACDRP. Long-term preservation of the sites shall be outlined in the HMMP to ensure that the mitigation sites are not impacted by future development. A conservation easement and a performance bond shall be secured prior to implementation of the mitigation program.				
MM 5.2-8	The loss of foothill needlegrass grassland within the impact area is considered to be a significant impact. Foothill needlegrass grassland shall be preserved, restored, or enhanced on site and/or off site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP), but the ratio shall be no less than 2:1 for habitat restoration, enhancement, or preservation or combination thereof. A total of 342.85 acres of California annual grassland/Wildflower fields would be impacted by Project implementation. Habitat restoration is the creation of native target habitat that does not currently exist; enhancement is the	Prior to issuance of grading permits, HMMP implementation shall begin no more than one year following project impacts to this habitat type	Project Applicant, Future Developers, Construction Contractor, and Qualified Restoration Ecologist	County of Los Angeles Department of Regional Planning/California Department of Fish and Wildlife	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
improvement of existing, disturbed native habitat areas through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. Preservation is conservation of existing habitat that exhibits the functions needed to support target species such as the CBB. The mitigation ratio for habitat restoration, enhancement, or preservation shall depend on the initial quality of the habitat area to be restored, enhanced, or preserved and would be determined by the project applicant and the LACDRP. The mitigation ratio shall also be no less than 6.5 acres of habitat preserved/restored per burrowing owl location impacted (individual or pair using the same burrows) or greater than 6.5 acres of habitat enhancement per burrowing owl location impacted, depending on the ratio applied to the enhancement site(s). Foothill needlegrass grassland habitat restoration/enhancement implementation shall begin not more than one year following project impacts to this habitat type. The project applicant shall develop a HMMP and shall submit it to the LACDRP and the California Department of Fish and Wildlife (CDFW) for review and approval. The HMMP shall be developed by a qualified restoration ecologist, submitted for review and approval to the LACDRP prior to issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). The HMMP shall also provide mitigation for the loss of burrowing owl habitat; therefore, mitigation site selection criteria shall include the suitability of the potential site(s) for the burrowing owl. Habitat restoration/enhancement shall consist of seeding of suitable foothill needlegrass grassland plant species. If it is ecologically appropriate for the selected mitigation site (e.g., soil type), Peirson's morning-glory will be incorporated into the restoration/enhancement palette. The Project Applicant shall implement the HMMP as approved by the LACDRP and CDFW and according to its specified materials, methods, and performance criteria, which shall include the following items: a. **Responsibilities and Qualifications**. The responsibilities and qualifications of the project applicant, ecological specialists, and restoration (landscape) contracting personnel who will implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of southern California native habitat mitigation/restoration programs, implemented under LACDRP mitigation measures or State and/or federal natural resource agency permit conditions. A successful program shall be defined as one that has been signed off on by the LACDRP and/or a State or federal natural resource agency. b. **Performance Criteria**. Mitigation performance criteria to be specified in the HMMP shall include native vegetation percent coverage and diversity (minimum), non-native vegetation percent coverage (maximum), and the cessation of irrigation a minimum of two years prior to eligibility for sign-off. The performance criteria shall reflect the habitat requirements for the burrowing owl; i.e., grassland habitat with vegetation gaps or areas of lower vegetation coverage. The HMMP shall state that the establishment of burrowing owls, and/or special status plant species (e.g., Peirson's morning-glory), though not a requirement for site success, would be regarded by the LACDRP as a significant factor in considering eligibility for program sign-off. c. **Site Selection**. The mitigation sites shall be determined in coordination with the project applicant and the LACDRP. The site(s) shall be (1) located in dedicated open space areas or areas available for dedication, and shall be contiguous with other natural open space areas; (2) configured to provide maximum habitat values for burrowing owls and other wildlife species; e.g., opportunities for escape and refuge from stochastic events such as fire, flood, etc.; (3) consist of level or gently sloping terrain, soil types, and microhabitat conditions suitable for occupation by the burrowing owl as determined by a qualified Biologist; and (4) include, to the extent feasible, soil types and microhabitat conditions suitable for the special status plant species listed above. d. **Seed Materials Procurement.** At least two years prior to mitigation plant and seed installation, the Project Applicant or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin; i.e., collected within 30 miles, and within the same Watershed (Santa Clara River Watershed), as the selected restoration/enhancement site(s), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized according to habitat area. in the following order: (a) project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations. e. **Wildlife Surveys and Protection**. The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., burrowing owl]) and biological monitoring that are required to avoid adverse impacts to wildlife species during the performance of mitigation site preparation,				

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
installation, or maintenance tasks. Specifically, the HMMP shall specify the performance of wintering and breeding season surveys for burrowing owls, to determine the species' occupation of the mitigation site(s). The HMMP shall also describe potential restrictions on these tasks due to sensitive wildlife conditions on the mitigation site (e.g., suspension of these tasks during the nesting bird season, as defined in project permits). f. **Site Preparation and Plant Materials Installation**. For restoration or enhancement, mitigation site preparation shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, decompacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not 'photodegradable'] fiber roll); (f) temporary irrigation installation; (g) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)--including specification of approved herbicides; and (h) seed mix application. Mitigation site preparation and installation shall reflect the habitat requirements for burrowing owls; i.e., grassland habitat with vegetation gaps or areas of lower vegetation coverage. g. **Schedule**. An implementation schedule shall be developed that includes seeding to occur in late fall and early winter (i.e., between November 1 and December 31) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below). h. **Maintenance Program**. The Maintenance Program for restoration or enhancement shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal- including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) application of remedial seed mixes (as needed); (g) herbivory control; and (h) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) upon project completion. Mitigation site preparation and installation shalt reflect the habitat requirements for burrowing owls; i.e., grassland habitat with vegetation gaps or areas of lower vegetation coverage. The mitigation site shall be maintained for a period of five years to ensure successful foothill needlegrass grassland habitat establishment within the restored/enhanced sites; however, the Project Applicant may request to be released from maintenance requirements by the LACDRP prior to five years if the mitigation program has achieved all performance criteria. i. **Monitoring Program.** The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring; (c) annual monitoring reports, which shall be submitted to the LACDRP for five years or until project completion; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and compliance with required performance criteria, a discussion of wildlife species' use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address non-compliance with any performance criteria. The site shall be monitored for five years or until the project applicant has been released from maintenance requirements by the LACDRP. j. **Long-term preservation**. Long-term preservation of the sites shall be outlined in the HMMP to ensure that the mitigation sites are not impacted by future development. A conservation easement and a performance bond shall be secured prior to implementation of the mitigation program.				
MM 5.2-9 A mitigation program for western spadefoot toad (WST) shall be implemented prior to construction, ground disturbance, or vegetation removal that would impact the WST breeding habitat, or areas within 1,000 feet of WST-occupied ponds within the Project Site. The mitigation program would include the components set forth below. A detailed methodology for this effort shall be reviewed by the CDFW and the LACDRP prior to implementation of the mitigation program. Results of the mitigation program shall be provided to the CDFW and the LACDRP. • Prior to implementing the Spadefoot Relocation Plan, two focused surveys during average or above-average rainfall years will be conducted within the prior appropriate seasons. If any additional ephemeral ponds are determined to be occupied besides those identified in recent surveys (i.e.,	Prior to construction activities in the spring during the breeding season	Project Applicant, Future Developers, Construction Contractor, and Qualified Biologist	California Department of Fish and Wildlife and County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
2015), the Spadefoot Relocation Plan will be modified to include replacement of the additional occupied pond as well as those identified in recent surveys. • Suitable sites for seasonal pond creation, within the Project open space, specifically within other NorthLake-owned properties, have been identified and 1.07 acres of seasonal pond habitat will be created. The specific location of the 1.07-acre pool complex is depicted on Exhibit 5 of the *NorthLake Castaic, Los Angeles County, California, Western Spadefoot Toad Impact Assessment and Habitat Mitigation and Monitoring Plan July 2022 (Revised March and June 2023)* (HMMP). As described in the WST Mitigation Implementation Plan, three pools would be created based on current grading plans. The combined size of the three pools (1.07 acres) exceeds the maximum combined size of potential WST habitat currently at the Project Site (0.95 acres, as shown in Table 2-4, above). The WST Mitigation Implementation Plan would address the following issues specific to the site or sites: o Soil Characteristics and whether clay liners will be necessary o Pool locations and site access routes for construction o Types of habitat potentially affected by construction and measures to restore damaged habitat subject to temporary impacts o Watershed size and characteristics o Grading plan with cross section for each pool to be created o Specifications for clay liner (if needed) including source of clay and installation methods o Upland habitat characteristics, including soil suitability for burrowing and vegetative buffer, will also be addressed in the plan • Following creation of the 1.07-acre pool complex or complexes and prior to grading of the impacted pools, each pool within each complex will be monitored during the rainy season to ensure that the created pools exhibit at least 60 days of ponding during an average or above-average rainfall year. • Following documentation of adequate ponding for each created pool during an average or above-average rainfall year, and prior to grading of the impacted pools, soil inoculum from the impacted pools will be translocated to the created pools to provide a food source for WST. • Following documentation of adequate ponding for each created pool during an average or above-average rainfall year, and prior to grading of the impacted pools, WST egg masses, larvae and metamorphs will be translocated to the created pools for at least two wet seasons where WST egg masses, larvae and metamorphs are present in the impact pools and suitable conditions to receive the WST egg masses, larvae and metamorphs are present in the created pools. In addition, data regarding successful breeding will be submitted to CDFW for concurrence that sufficient reproduction has occurred to allow impacts to the pools in the development area. • During grading of the pools to be impacted, the Project Biologist will be present to rescue any adult WST that would be relocated to the created pool complex. • Following the two seasons of translocation of WST egg masses, larvae and metamorphs, and successful breeding, the created pools will be monitored for ten years as set forth in HMMP Table 6 (Conceptual Schedule for Pond Creation Milestones) to document the progression of the WST toward the performance standards provided in the WST HMMP prepared for the project: o **Hydrological Monitoring Performance Standard.** Ponding duration of at least 60 days must be documented to occur during average or above average rainfall years prior to translocation of egg masses, larvae, metamorphs, or adults. Ponding duration of at least 60 days must also be documented during the 10-year monitoring period. At the end of the ten-year monitoring period, this performance standard will have been achieved if ponding duration equals or exceeds ponding duration of 60 days during average or above-average rainfall years. It is important to note that during below-average rainfall years, depending on the severity of drought conditions that the created ponds will not pond for sufficient duration to allow WST to reach maturity. Thus, during the ten-year monitoring period, it is to be expected that some years will not pond for 60 days. Nevertheless, the performance standard				

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
	for hydrology will be considered achieved as long a ponding for 60 days occurs during average rainfall years. Finally, hydrology may be augmented at the direction of the Project Biologist, especially once breeding is observed and is threatened by declining water levels in the pools due to lower-than average rainfall. In the event that the Project Biologist determines that additional water should be added to any pond occupied by egg masses or larvae, it will be necessary to ensure protection of the egg masses and larvae by discharging water to the pool(s) in a manner that does not disturb the egg masses or larvae and does not result in the erosion of soil into the pool(s). This could be accomplished through temporary placement of large gravel at the discharge site (at the edge of the pool(s)) underlain by plastic that would allow the water to enter the pool(s) slowly and with no sediment. o **Performance Standard Prior to Grading**. Prior to Project grading that removes the impacted doner pools, during an average or above-average rainfall year, at least two of the three created ponds within the pond complex exhibits emergence of metamorphs in each pond to ensure breeding in subsequent years. Successful breeding would be determined by the presence of egg masses that are not present due to translocation but which occur due to reproduction. Should this occur during a below-average rainfall year, the condition would be satisfied as it would show that the pools are performing as intended. In any case, data regarding successful breeding will be submitted to CDFW for concurrence that sufficient reproduction has occurred to allow impacts to the pools in the development area. o **Performance Standard Post-Grading**. Following Project grading that removes the impacted donor pools, during an average or above-average rainfall year, at least two of the three created ponds within the pond complex will exhibit breeding as indicated by the presence of WST egg masses, tadpoles/larvae/ or metamorphs, to confirm establishment of breeding WST for each pond complex created. Should this occur during a below-average rainfall year, the condition would be satisfied as it would show that the pools are performing as intended.				
MM 5.2-10	A Biological Monitor shall be on site during all vegetation clearing activities and thereafter on an as-needed basis. The Biological Monitor will conduct a clearance sweep prior to clearing activities to minimize potential for special status reptile mortality. If feasible, special status reptiles will be removed from the disturbance area and relocated to suitable habitat in adjacent areas.	Prior to and during all vegetation clearing activities	Project Applicant, Future Developers, Construction Contractor, and Qualified Biologist	County of Los Angeles Department of Regional Planning	
MM 5.2-11	Riparian vegetation shall be preserved, restored, or enhanced on site or off site at a ratio identified in the USACE and CDFW permits/agreements for the project. The ratio shall be no less than 2:1 for habitat restoration or preservation. Habitat enhancement is the improvement of existing, disturbed native habitat areas through the removal of exotic plant species, the addition of native plants and/or seeds, or other measures. The mitigation ratio for habitat enhancement shall depend on the initial quality of the habitat area to be enhanced, and would be determined by the Project Applicant, the USACE, the CDFW, and the LACDRP. Riparian habitat restoration/enhancement implementation shall begin not more than one year following project impacts to this habitat type. The Project Applicant shall develop a HMMP and shall submit it to the USACE, the CDFW, and the LACDRP for review and approval. The HMMP shall be developed by a qualified restoration ecologist and approved by the USACE, the CDFW, and the LACDRP prior to issuance of grading permits, and shall be implemented by a qualified restoration ecologist and a qualified restoration contractor (as defined below). Habitat restoration/enhancement will consist of seeding and/or installing container plants and cuttings of suitable riparian plant species. If it is ecologically appropriate for the selected mitigation site (e.g., soil types), spiny rush will be incorporated into the restoration/enhancement planting and/or seeding palettes. The Project Applicant shall implement the HMMP as approved by the LACDRP and according to its specified materials, methods, and performance criteria, which shall include the following items: a. **Responsibilities and Qualifications.** The responsibilities and qualifications of the Project Applicant, ecological specialists, and restoration (landscape) contracting personnel who will implement the plan shall be specified. At a minimum, the HMMP shall specify that the ecological specialists and contractors have performed successful installation and long-term monitoring and maintenance of southern California native habitat mitigation/restoration programs, implemented under USACE and CDFW permit conditions. A successful program shall be defined as one that has been signed off on by the USACE and the CDFW.	Prior to issuance of grading permits, HMMP implementation shall begin no more than one year following project impacts to this habitat type	Project Applicant, Future Developers, Construction Contractor, and Qualified Restoration Ecologist	U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
b. **Performance Criteria.** Mitigation performance criteria to be specified in the HMMP shall conform to USACE and CDFW permit conditions. The HMMP shall state that the use of the mitigation site by special status wildlife species (e.g., least Bell's vireo), though not a requirement for site success, would be regarded by the USACE, the CDFW, and the LACDRP, as a significant factor in considering eligibility for program sign-off. c. **Site Selection.** The mitigation sites shall be determined in coordination with the Project Applicant, the USACE, the CDFW, and the LACDRP. The site(s) shall be located in dedicated open space areas, and shall be contiguous with other natural open space areas. d. **Seed Materials Procurement.** At least two years prior to mitigation implementation, the Project Applicant or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP. All seed mixes shall be of local origin; i.e., collected within 30 miles, and within the same Watershed (Santa Clara River Watershed), as the selected restoration/enhancement site(s), to ensure genetic integrity. No seed materials of unknown or non-local geographic origin shall be used. Seed collection shall be prioritized according to habitat area, in the following order: (a) project impact areas (highest priority); (b) other on-site habitat areas; and (c) off-site habitat areas (lowest priority), assuming availability of seed species in multiple locations. e. **Wildlife Surveys and Protection.** The HMMP shall specify any wildlife surveys (i.e., nesting bird surveys, focused/protocol surveys for special status species [e.g., least Bell's vireo]) and biological monitoring that are required to avoid adverse impacts to wildlife species during the performance of mitigation site preparation, installation, or maintenance tasks. The HMMP shall also describe potential restrictions on these tasks due to sensitive wildlife conditions on the mitigation site (e.g., suspension of these tasks during the nesting bird season, as defined in project permits). f. **Site Preparation and Plant Materials Installation.** Mitigation site preparation shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) installation of protective fencing and/or signage (as needed); (c) initial trash and weed removal (outside the nesting bird season) and methods; (d) soil treatments, as needed (i.e., imprinting, de-compacting); (e) installation of erosion-control measures (i.e., fully natural/bio-degradable [not 'photo-degradable'] fiber roll); (f) application of salvaged native plant materials (i.e., coarse woody debris), as available and supervised by a biological monitor; (g) temporary irrigation installation; (h) a minimum one-year preliminary weed abatement program (prior to the installation of native plant and seed materials)—including specification of approved herbicides; (i) planting of container plant and cutting species; and (j) seed mix application. g. **Schedule.** An implementation schedule shall be developed that includes planting and seeding to occur in late fall and early winter (i.e., between November 1 and February 15) and the frequency of long-term maintenance and monitoring activities (including the dates of annual quantitative surveys, as described below). h. **Maintenance Program.** The Maintenance Program shall include (a) protection of existing native species and habitats (including compliance with seasonal restrictions, if any); (b) maintenance of protective fencing and/or signage; (c) trash and weed removal—including specification of approved herbicides; (d) maintenance of erosion-control measures; (e) inspection/repairs of irrigation components; (f) replacement of dead container plant and cuttings (as needed); (g) application of remedial seed mixes (as needed); (h) herbivory control; and (i) removal of all non-vegetative materials (i.e., fencing, signage, irrigation components) upon project completion. The mitigation site shall be maintained for a period of five years to ensure the successful sage scrub habitat establishment within the restored/enhanced sites; however, the Project Applicant may request to be released from maintenance requirements by the USACE, the CDFW, and the LACDRP prior to five years if the mitigation program has achieved all performance criteria. i. **Monitoring Program.** The Monitoring Program shall include (a) qualitative monitoring (i.e., general habitat conditions, photo-documentation from established photo stations); (b) quantitative monitoring (in conformance with the USACE 2015 Guidelines); and (c) annual monitoring reports, which shall be submitted to the USFWS, the CDFW, and the LACDRP for five years or until project completion; and (d) wildlife surveys and monitoring as described above. The annual monitoring reports shall include a detailed discussion of mitigation site performance (e.g., measured vegetation coverage and diversity) and				

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
	compliance with required performance criteria, a discussion of wildlife species' use of the restored and/or enhanced habitat area(s), and a list of proposed remedial measures to address non-compliance with any performance criteria. The site shall be monitored for five years or until the Project Applicant has been released from maintenance requirements by the USACE, the CDFW, and the LACDRP. j. **Long-term preservation.** Long-term preservation of the sites shall be outlined in the HMMP to ensure that the mitigation sites are not impacted by future development. A conservation easement and a performance bond shall be secured prior to implementation of the mitigation program.				
MM 5.2-12	Prior to the initiation of any grading and/or construction-related activity involving the disturbance and/or removal of vegetation associated with project implementation, the limits of disturbance shall be clearly defined and marked in the field using lath and flagging or orange snow fencing. The Biological Monitor shall review the limits of disturbance prior to initiation of construction activities. The Biological Monitor shall be on site during the initial vegetation clearing and thereafter on an as-needed basis to assist the Project Applicant with mitigation measure compliance and to provide guidance in avoiding and/or minimizing impacts to biological resources.	Prior to the initiation of any grading and/or construction-related activity involving the disturbance and/or removal of vegetation associated with project implementation	Project Applicant, Future Developers, Construction Contractor, and Qualified Biologist	County of Los Angeles Department of Regional Planning	
MM 5.2-13	The Project shall be conducted in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code with methods approved by USFWS and CDFW to protect active bird//raptor nests. The nature of the Project requires that work would be initiated during the breeding season for nesting birds (March 15-September 15) and nesting raptors (February 1-June 30). LACFCO, in consultation with a qualified biologist, may employ bird exclusionary measures (e.g., mylar flagging) prior to the start of bird breeding season to minimize opportunities for birds to nest within established boundaries of the Project. In order to avoid direct impacts on active nests, a pre-construction survey shall be conducted by a qualified Biologist for nesting birds and/or raptors within 3 days prior to clearing of any vegetation or any work near existing structures (i.e., within 50 feet for nesting birds and within 500 feet for nesting raptors). If the Biologist does not find any active nests within or immediately adjacent to the impact area, the vegetation clearing/construction work shall be allowed to proceed. Results of the surveys will be provided to the CDFW and the LACDRP. CDFW will be consulted for their determination of the need for an Incidental Take Permit, in the event that any listed or candidate species are encountered during pre-construction surveys. If the Biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the Biologist shall delineate an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activity. Typical nest buffers may be approximately 200 feet for song birds and 500 feet for raptors. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to construction activities shall be required until nests are no longer active, as determined by a qualified Biologist: (1) clearing limits shall be established within a buffer around any occupied nest, unless otherwise determined by a qualified Biologist and (2) access and surveying shall be restricted within the buffer of any occupied nest, unless otherwise determined by a qualified Biologist. Encroachment into the buffer area around a known nest shall only be allowed if the Biologist determined that the proposed activity would not disturb the nest occupants. Construction can proceed when the qualified Biologist has determined that fledglings have left the nest or the nest has failed.	Within 3 days prior to vegetation clearing activities or work near existing structures	Project Applicant, Future Developers, Construction Contractor, and Qualified Biologist	California Department of Fish and Wildlife and County of Los Angeles Department of Regional Planning	
MM 5.2-14	Prior to the initiation of any grading and/or construction-related activity involving the disturbance and/or removal of potentially suitable wintering burrowing owl habitat, the area shall be assessed during the appropriate time of year (October 15 to March 31). In the event that wintering owls or burrows are detected, CDFW will be consulted. If the habitat assessment concludes that the area lacks potentially suitable burrowing owl burrows, no additional action is required. However, if potentially suitable burrows are located in the assessment area, any burrows that may be impacted by the project will be replaced with artificial burrows within on-site or off-site (if applicable) preserved areas with potentially suitable burrowing owl habitat, following consultation with CDFW. If a wintering owl is observed during the non-nesting season, the burrow will be monitored by a qualified Biologist and, when the burrowing owl is away from the burrow, the burrow will be removed (or the burrow closed) so the burrowing owl cannot return to the burrow, following consultation with CDFW. The qualified Biologist will supervise the removal of the burrow.	Prior to grading and/or construction related activities involving the disturbance and/or removal of potentially suitable wintering burrowing owl habitat	Project Applicant, Construction Contractor, and Qualified Biologist	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.2-15	Due to the close proximity of occupied habitat of a federally listed coastal California gnatcatcher, the Project shall not commence without consultation with the USFWS due to the potential for take per the FESA. The consultation will occur within the framework of Section 7 through the USACE regulatory permitting process. If required by the USFWS, a Biological Assessment will be provided to support the Service's Biological Opinion.	Prior to the initiation of any grading and/or construction-related activity	Project Applicant and Future Developers	U.S. Fish and Wildlife Service and County of Los Angeles Department of Regional Planning	
MM 5.2-16	To limit the amount of operational noise (i.e., from residents) to surrounding natural open space areas, a 100-foot buffer within the fuel-modification zone shall be planted along the boundary of developed land uses with plant species to be reviewed and approved by the Los Angeles County Fire Department and the LACDRP Biologist. The vegetation within the transition zone buffer will block sound waves and screen noise from the adjacent development so that the amount of indirect noise reaching the wildlife habitat would be reduced. Landscaping in areas adjacent to natural open space shall use species native to the project region that are considered fire-retardant (e.g., toyon [*Heteromeles arbutifolia*]). The Planting Plan shall be submitted to the Los Angeles County Fire Department and LACDRP Biologist for review and approval prior to issuance of a building permit.	Prior to the initiation of any grading and/or construction-related activity	Project Applicant, Future Developers, and Construction Contractor	Los Angeles County Fire Department and County of Los Angeles Department of Regional Planning	
MM 5.2-17	Prior to the issuance of building permits, a Lighting Plan for the subject tract shall be submitted to the LACDRP for review and approval to demonstrate that lighting from the proposed project shall be directed away from natural open space areas and any proposed biological resources mitigation sites. Land uses with high-intensity lighting shall be relocated within the development to areas away from natural open space.	Prior to the issuance of building permits	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.2-18	To limit the amount of human disturbance to surrounding natural open space areas, a Fencing Plan to deter project occupants from entering the natural areas shall be prepared by the project developer and implemented. The Fencing Plan shall include provisions for signs and wildlife-friendly split-rail fencing to direct residents to keep out of sensitive natural open space and revegetation and/or mitigation areas. In areas bordering natural open space and fuel-modification zones, the Landscape Plan shall reflect a transition zone designed to buffer natural habitats from developed areas and proposed fencing. This transition zone should reduce impacts associated with invasion by introduced species and should help buffer human activity adjacent to the wildlife habitat. Landscaping in areas adjacent to natural open space shall use species native to the project region (e.g., toyon) and be consistent with guidelines from the Los Angeles County Fire Department.	Prior to the initiation of any grading and/or construction-related activity and throughout Project operation	Project Applicant, Future Developers and Construction Contractor	Los Angeles County Fire Department and County of Los Angeles Department of Regional Planning	
MM 5.2-19	Landscaping designs shall be submitted to LACDRP for review and approval by a qualified Biologist. The review shall ensure that no invasive, exotic plant species are used in any proposed landscaping and that suitable substitutes are proposed. Excluded plant species shall be consistent with the California Invasive Plant Council current list at the time of installation. Only native species from the Santa Clarita Valley region shall be used in landscaping along the project boundaries adjacent to open space.	Prior to approval of landscape plans	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.2-20	Prior to the initiation of any grading and/or construction-related activity involving the disturbance and/or removal of potentially suitable bat roosting habitat, namely rocky outcrops or trees, a qualified Biologist shall conduct a pre-construction bat habitat assessment of the potential habitat marked for removal. Potential for roosting will be categorized by (1) potential for solitary roost sites and (2) potential for colonial roost sites (i.e., ten bats or more). If the potential for colonial roosting is determined, CDFW will be consulted and those rocky outcrops or trees shall not be removed during the bat maternity roost season (March 1 to July 31). Trees potentially supporting colonial roosts outside the maternity roost season and trees potentially supporting solitary roosts may be removed via a two-step removal process whereby, at the direction of the Biologist, some level of disturbance (such as trimming of lower branches of trees) is applied to the habitat on the day prior to removal to allow bats to escape during the darker hours. In the case of a tree, it shall be removed the following day (i.e., there shall be no less or more than one night between initial disturbance and the grading or tree removal). Rock outcrops potentially supporting colonial roosts outside the maternity roost season and rock outcrops potentially supporting solitary roosts may be fitted with a bat exclusionary device, at the entry location, whereby bats are allowed to leave the structure but unable to return. The structure can be demolished the following day. In addition, the habitat replacement requirements of other Mitigation Measures further reduce the impact to bats through the preservation, enhancement, restoration and/or creation of impacted vegetation, which shall be generally suitable for impacted bat species. Prior to disturbance of any roosting habitat, a Bat Relocation Monitoring Plan (BRMP) shall be submitted and approved by the CDFW and the LACDRP. The BRMP shall include, at a minimum, the following items: (1) species of bats present onsite, (2) habitat uses of the site (i.e., roosting, hibernating, etc.) (3) roosting habitat replacement feature guidelines, (4) construction	Prior to the initiation of any grading and/or construction-related activity involving the disturbance and/or removal of potentially suitable bat roosting habitat	Project Applicant, Future Developers and Qualified Biologist	California Department of Fish and Wildlife and County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
	monitoring guidelines, (5) habitat replacement feature monitoring, and (6) reporting requirements. Reporting shall occur annually to LACDRP and CDFW. The BRMP will be submitted annually for five years.				
MM 5.2-21	Prior to the issuance of a grading permit, the project applicant will apply for coverage under the State Water Resources Control Board's General Permit for Storm Water Discharge Associated with Construction Activity (Construction Activities General NPDES Permit) and will comply with all the provisions of the permit, including the development of a Storm Water Pollution Prevention Plan, which includes provisions for the implementation of Best Management Practices and erosion control measures. Best Management Practices will include both structural and non-structural measures. The purpose of this mitigation measure is to ensure that site runoff does not adversely affect downstream biological resources including Castaic Lake, Castaic Creek, and the Santa Clara River.	Prior to the issuance of a grading permit	Project Applicant	State Water Resources Control Board	
MM 5.2-22	The project applicant shall retain a qualified biologist with the appropriate handling permits to conduct focused surveys for Crotch's bumble bee within the proposed habitat restoration/enhancement sites prior to implementation of the HMMP as set forth in MM 5.2-6 through MM 5.2-8. Focused surveys shall follow California Department of Fish and Wildlife's (CDFW) Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall also be conducted throughout the entire proposed mitigation areas and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and LACDRP prior to the start of a monitoring program.	Prior to the implementation of the HMMP and during the appropriate flying season	Project Applicant	County of Los Angeles Department of Regional Planning	
Cultural Resources (Section 5.3 of the 2019 Draft SEIR)					
MM 5.3-1	If human remains are encountered during a public or private construction activity, other than at a cemetery, State Health and Safety Code 7050.5 states that no further disturbance shall occur until the Los Angeles County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Los Angeles County Coroner must be notified within 24 hours. If the coroner determines that the burial is not historic, but prehistoric, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent (MLD) for this area. The MLD may become involved with the disposition of the burial following scientific analysis. (**SCVAP 2012 EIR MM 3.8.7)**	During grading and earth disturbance activities	Project Applicant and Construction Contractor	Los Angeles County Coroner and Native American Heritage Commission	
MM 5.3-2	In the unlikely event that artifacts are found during grading within the County's Planning Area or future roadway extensions, an archaeologist will be notified to stabilize, recover, and evaluate such finds. (**SCVAP 2012 EIR MM 3.8.3)**	During grading and earth disturbance activities	Project Applicant, Construction Contractor, and Qualified Archaeologist	County of Los Angeles Department of Regional Planning	
MM 5.3-3	For archeological sites accidentally discovered during future construction, there shall be an immediate evaluation of the find by a qualified archeologist. If the find is determined to be a historical or unique archeological resource, as defined under CEQA, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation shall be provided. Construction work may continue on other parts of the construction site while historical/archeological mitigation takes place, pursuant to Public Resources Code Section 21083.2(i). (**SCVAP 2012 EIR MM 3.8.5)**	During grading and earth disturbance activities	Project Applicant, Construction Contractor, and Qualified Archaeologist	County of Los Angeles Department of Regional Planning	
MM 5.3-4	During grading activities. In the unlikely event that artifacts are found during grading within the Project site, a paleontologist will be notified to stabilize, recover, and evaluate such finds. (**SCVAP 2012 EIR MM 3.8.6, modified)**	During grading and earth disturbance activities	Project Applicant, Construction Contractor, and Qualified Paleontologist	County of Los Angeles Department of Regional Planning	
MM 5.3-5	Avoidance is the preferred treatment for cultural resources. Where feasible, project plans shall be developed to allow avoidance of cultural resources. Where avoidance of construction impacts is possible, covering of the cultural resource site with a layer of chemically stable soil and avoidance planting (e.g., planting of prickly pear cactus) shall be employed to ensure that indirect impacts from increased public availability to the site are avoided. Where avoidance is selected, cultural resource sites shall be deeded into permanent conservation easements or dedicated open space. **(SCVAP 2012 EIR MM 3.8.1)**	During grading and earth disturbance activities	Project Applicant	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.3-6	If avoidance and/or preservation of in place cultural resources is not possible, the following mitigation measures shall be initiated for each impacted site: a. A participant-observer, as determined by the Native American Heritage Commission (NAHC), shall be used during archaeological testing or excavation in the project site. Prior to the issuance of a grading permit for the project, the project proponent shall develop a test level research design detailing how the cultural resource investigation shall be executed and providing specific research questions that shall be addressed through the excavation program. In particular, the testing program shall characterize the site constituents, horizontal and vertical extent, and, if possible, period of use. The testing program shall also address the California Register and National Register eligibility of the cultural resource and make recommendations as to the suitability of the resource for listing on either Register. The research design shall be submitted to the County of Los Angeles Regional Park and Open-Space District for review and comment. For sites determined, through the Testing Program, to be ineligible for listing on either the California or National Register, execution of the Testing Program will suffice as mitigation of project impacts to this resource. (**SCVAP 2012 EIR MM 3.8.2)**	Prior to the issuance of a grading permit and during grading and earth disturbance activities	Project Applicant and Construction Contractors	County of Los Angeles Regional Park and Open Space District and Native American Heritage Commission	
MM 5.3-7	All Project-related ground-disturbing activities in archaeologically sensitive sediments shall be monitored by a qualified Archaeologist to reduce any archaeological resources impacts to a level considered less than significant. The construction monitoring program shall be preceded by a pre-grade meeting in the field in which the Project Archaeologist shall explain the procedures necessary to protect and safely remove potentially significant archaeological resources, and shall establish procedures for monitoring based on the sensitivity of the sediments being graded, schedule, and other information received from the applicant. If potential cultural sites are identified during construction-related ground disturbances, all work in that location shall cease or be immediately diverted until the qualified archaeologist has evaluated the nature and significance of the find. The Project Applicant shall then be notified if the materials are believed to be potentially significant, and the archaeologist may recommend further study and mitigation to the satisfaction of LACDRP.	Prior to the issuance of a grading permit and during grading and earth disturbance activities	Project Applicant, Construction Contractors, and Qualified Archaeologist	County of Los Angeles Department of Regional Planning	
MM 5.3-8	At such time when the Project Archaeologist is on-site for monitoring activities, a qualified Native American Tribal Monitor shall be notified and invited to observe ground-disturbing activities. The Native American Tribal Monitor shall coordinate with the Project Archaeologist and provide input regarding potential resources or cultural sites. Should any resources be discovered, the procedures set forth in MM 5.3-2 shall be followed.	Prior to the issuance of a grading permit and during grading and earth disturbance activities	Project Applicant, Construction Contractors	County of Los Angeles Department of Regional Planning and Native American Heritage Commission	
MM 5.3-9	All Project-related ground-disturbing activities in paleontologically sensitive sediments shall be monitored by a qualified Paleontologist to reduce any impacts to non-renewable fossil resources to a level considered less than significant. The construction monitoring program shall be preceded by a pre-grade meeting in the field in which the Project Paleontologist shall explain the procedures necessary to protect and safely remove potentially significant fossil materials for study and curation at the Natural History Museum of Los Angeles County, and shall establish procedures for monitoring based on the sensitivity of the sediments being graded, schedule, and other information received from the applicant. If potential paleontological sites are identified during construction-related ground disturbances, all work in that location shall cease or be immediately diverted until the qualified paleontologist has evaluated the nature and significance of the find. The Project Proponent will then be notified if the materials are believed to be potentially significant, and the paleontologist may recommend further study and mitigation to the satisfaction of LACDRP.	Prior to the issuance of a grading permit and during grading and earth disturbance activities	Project Applicant, Construction Contractors, and Qualified Paleontologist	County of Los Angeles Department of Regional Planning	
Energy (Section 5.4 of the 2019 Draft SEIR)					
MM 5.4-1	The County shall review all development plans to guarantee that energy conservation and efficiency standards of Title 24 are met and are incorporated into the design of the proposed project prior to approval. (**SCVAP 2012 EIR MM 3.17-7**)	Prior to approval of development plans	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.4-2	The County shall review all development proposals to guarantee that sufficient energy resources and facilities are available to supply adequate energy to the proposed project and associated uses prior to approval. (**SCVAP 2012 EIR MM 3.17-6)**	Prior to approval of development plans	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
Greenhouse Gas Emissions (Section 5.7 of the 2019 Draft SEIR)					
MM 5.7-1	Prior to the issuance of building permits, the applicant shall provide evidence of green building practices and design elements that reduce GHG emissions, in accordance with the requirements of the ordinances adopted pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-1**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-2	Prior to the issuance of building permits, the applicant shall provide evidence of energy- efficient designs, in accordance with the requirements of the ordinances adopted pursuant to the County's Green Building Program and other applicable State and County standards, such as those found in the Leadership in Energy and Environmental Design ("LEED") Green Building Ratings and/or comply with Title 24, Part 11, the California Green Building Standards Code. (**SCVAP MM 3.4-2**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-3	Prior to the issuance of building permits, the applicant shall provide evidence of energy efficient lighting, heating and cooling systems, appliances, equipment, and control systems, in accordance with the requirements of the ordinances adopted pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-3**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-4	Prior to the issuance of building permits, the applicant shall provide evidence of light colored "cool" roofs and cool pavements, in accordance with the requirements of the ordinances adopted pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-4**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-5	Prior to the issuance of building permits, the applicant shall provide evidence of efficient lighting (including LEDs) for traffic, street, and other outdoor lighting purposes, in accordance with the requirements of the ordinances adopted pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-5**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-6	Prior to the issuance of building permits, the applicant shall provide evidence of efficient pumps and motors for pools and spas, in accordance with the requirements of the ordinances adopted pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-6**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-7	Prior to the issuance of building permits, the applicant shall provide evidence of the ability to install solar, and solar hot water heaters, in accordance with the requirements of the ordinances adopted pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-7**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-8	Prior to the issuance of building permits for, the applicant shall provide evidence of water-efficient landscapes, in accordance with the requirements of the ordinances adopted pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-8**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-9	Prior to the issuance of building permits, the applicant shall provide evidence of water efficient irrigation systems and devices, such as soil-based irrigation controls and use water-efficient irrigation methods, in accordance with the requirements of the ordinances adopted pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-9**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-10	Prior to the issuance of building permits, the applicant or their contractor shall submit a site construction management plan for the reuse and recycle construction and demolition (including soil, vegetation, concrete, lumber, metal, and cardboard) to the Department of Public Works for review and approval in accordance with the requirements of the ordinances developed pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-10**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-11	Prior to the issuance of building permits, the applicant shall provide evidence of reuse and recycling receptacles in residential, industrial, and commercial projects, in accordance with the requirements of the ordinances developed pursuant to the County's Green Building Program and other applicable State and County standards. (**SCVAP MM 3.4-11**)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-12	Prior to the issuance of building permits, the applicant shall provide evidence of consistency with "smart growth" principles to reduce GHG emissions (i.e., ensure mixed- use, infill and higher density projects provide alternatives to individual vehicle travel and promote efficient delivery of goods and services). (SCVAP MM 3.4-12)	Prior to the issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.7-13	Prior to implementing project approval, the applicant shall preserve existing trees, to the extent feasible and consistent with mitigation measures, encourage the planting of new trees consistent with the final landscape palettes, and create open space where feasible. (**SCVAP MM 3.4-13**)	Prior to implementing project approval	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-14	Prior to the issuance of each residential occupancy permit, the Applicant or successor developer shall submit for approval to the County the plan for the applicable future homeowners association(s) to provide educational information to each homeowner on (1) water conservation; (2) energy conservation, including the use of energy-efficient lighting and the limiting of outdoor lighting; (3) the capabilities of buildings to support solar electricity generation and/or solar water heating; (4) mobile source emission reduction techniques, such as use of alternative modes of transportation and zero- or low-emission vehicles; (5) the use of solar heating, automatic covers, and efficient pumps and motors for pools and spas; and (6) recycling to all homeowners prior to individual purchase of property and again annually.	Prior to the issuance of each residential occupancy permit	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-15	Prior to the issuance of each nonresidential occupancy permit, the Applicant or successor developer shall submit for approval to the County the plan to provide educational information to each owner or tenant on (1) water conservation; (2) energy conservation, including the use of energy-efficient lighting and the limiting of outdoor lighting; (3) the capabilities of buildings to support solar electricity generation and/or solar water heating; (4) mobile source emission reduction techniques, such as use of alternative modes of transportation and zero- or low-emission vehicles; and (5) recycling to all homeowners prior to individual purchase of property and again annually.	Prior to the issuance of each nonresidential occupancy permit	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-16	Prior to the issuance of each grading and building permit, the applicant/developer shall require in contract specifications, that contractors set goals to limit unnecessary construction equipment idling to 3 minutes and include methods to encourage equipment operators to achieve the 3-minute goal.	Prior to the issuance of each grading and building permit	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.7-17	Prior to the issue of the occupancy permit for the 1,000th residential unit, the master developer shall provide the County with plans for a weekly farmers' market to be sponsored by the homeowners' association or similar entity.	Prior to the issue of the occupancy permit for the 1,000th residential unit,	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
Hydrology and Water Quality (Section 5.8 of the 2019 Draft SEIR)					
MM 5.8-1	The Project will develop and implement an Integrated Pest Management Plan as a mitigation measure in accordance with the integrated pest management and pesticide and fertilizer application guidelines established by the University of California Division of Agriculture and Natural Resources Statewide Integrated Pest Management Program (http://www.ipm.ucdavis.edu/). The IPM Plan, which will serve to control nutrients and reduce pesticide use, will include the following components: 1. Roles and responsibilities. The IPM Plan will identify the key decision makers in the program, other key roles (such as the person responsible for recordkeeping), and the program funding mechanisms. 2. Pest identification. The IPM Plan will identify plant species and potential pests for these plant species. The Plan shall provide references to resources (e.g., existing field manuals) and identify tools (e.g., hand lens) that can be used to facilitate identification. 3. Practices to prevent pest incidence and reduce pest buildup. The IPM Plan will include a list of acceptable management strategies for each potential pest. For example, effective practices include modifying landscaping to be less conducive to pest survival, using pest-resistant plant varieties, using mulch to suppress weeds, encouraging naturally occurring biological controls, educating the public to be more tolerant of pests, removing pests mechanically or with barriers and traps, developing a list of pesticides that are less toxic to the environment, and developing formulations that will control the pest if other methods are not successful. 4. Monitoring to examine vegetation and surrounding areas for pests to evaluate trends and to identify when controls are needed. The IPM Plan will establish monitoring guidelines for the potential pests and beneficial insects. Monitoring procedures shall include regular visual inspections or checking with traps and methods to quantify observations. The monitoring program shall be used to evaluate when pests may become intolerable and to evaluate the level of effectiveness of controls. 5. Establishment of action thresholds that trigger control actions. The IPM Plan will establish injury levels and action thresholds for each potential pest that is listed in the plan. The injury level is the number of pests	Prior to issuance of occupancy permits and throughout Project operation	Construction Contractor, Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures		Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
	associated with intolerable damage. Action thresholds are the set of conditions required to trigger a control action, usually pesticide application. 6. Pest control methods. The IPM Plan will describe cultural, mechanical, environmental, and biological pest control methods and shall list pesticides authorized for use and the Safety Data Sheets for each pesticide. The Plan will include specific criteria for selecting pest management methods, for example, those that are least disruptive to natural controls and least damaging to water quality, and procedures for evaluating the effectiveness of the control method. 7. Fertilizer management. The IPM Plan will describe soil assessment techniques, fertilizer types, application methods, and proper storage and handling of fertilizers. 8. Pesticide management. The IPM Plan will discuss pesticide safety (e.g., Material Safety Data Sheets, precautionary statements, and protective equipment); regulatory requirements; spill mitigation; groundwater and surface water protection measures associated with pesticide use; and pesticide applicator certifications, licenses, and training (i.e., all pesticide applicators must be certified by the California Department of Pesticide Regulation). The IPM Plan will include a pesticide application guidelines/checklist. For example, the application equipment must be calibrated correctly and written records must be kept of any pesticide application. 9. Irrigation management. The IPM Plan will describe the low volume water approaches to landscape irrigation, such as drip type and sprinkler systems with SMART controllers, and shall also describe the training to be provided to landscape crews that will focus on applying water only when needed to enhance plant root growth, managing irrigation to avoid conditions conducive to disease development, and minimizing runoff containing pollutants. 10. Record keeping. The IPM Plan will describe the records that will be maintained for program implementation, including pest identification and monitoring results, when and where various pest suppression techniques were implemented, pesticide application records, observed side effects of the treatment on non-target species, and public complaints and positive feedback received. 11. Training. The IPM Plan will describe continuing education of pest management personnel. 12. Effectiveness evaluation. The IPM Plan will describe the methods to be used to evaluate the overall effectiveness of the program and the schedule for reviewing the Plan to incorporate new IPM technology.				
Noise (Section 5.10 of the 2019 Draft SEIR)					
MM 5.10-A	With concurrence from the Castaic Union School District, the Applicant will construction a minimum 3-foot-high sound wall along the eastern edge of the outdoor fields, a 6-foot high wall along the eastern edge of the school parking lot, and a 3-foot high wall along the western edge of Ridge Route Road north of the school parking lot to block noise from project-related traffic to the school playground and school buildings. The location of the proposed sound wall is shown in Figure 1.	Prior to issuance of grading permits and building permits and during construction	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-B	During construction, the Applicant will place a flagman at the campus during school hours to ensure school and construction traffic flow safely in the school vicinity.	Prior to issuance of grading permits and building permits and during construction	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-C	The Applicant will ensure that access to the campus is always preserved during construction.	Prior to issuance of grading permits and building permits and during construction	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-1	Maintain adequate buffer distances from nearby residences to freeways, high traffic volume roads, railroads, airports, manufacturing facilities, industrial facilities, mining centers and other existing processing plants where the public may be affected by noise. **(SCVAP MM 3.18-2)**	Prior to issuance of grading permits and building permits	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-2	Sound barriers should be required of the owners of the proposed sensitive land uses adjacent to high noise sources, to protect the public from significant noise impacts. **(SCVAP MM 3.18-4)**	Prior to issuance of grading permits and building permits	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.10-3	The placement of telecommunication towers and antennas power boxes should comply with noise ordinances. All related equipment should be rated not to exceed 45 dB(A) at any residential property line. **(SCVAP MM 3.18-6)**	Prior to approval of utility plans	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-4	Prior to the issuance of each permit for clearing, grading, or building within 500 feet of existing residences or the Northlake Elementary School, the Developer shall demonstrate that the construction plans or specifications include the following noise-abatement and control measures. This measure applies to all phases of construction. • All construction equipment, including internal combustion engines and stationary equipment (used for construction purposes) shall be equipped with noise-reducing features such as, but not limited to, improved mufflers, intake silencers, ducts, engine enclosures, and acoustical shields or shrouds. • Stationary sources located within 450 feet of the Northlake elementary School or off-site residences shall have noise abatement, such as engine enclosures or placed behind barriers, to limit the noise level at the sensitive receptor to 60 dBA L_{eq} or less. • Stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. • On-site and off-site construction haul routes shall be designed to avoid noise-sensitive uses, as feasible. • Equipment and material staging areas and equipment maintenance areas shall be located at least 500 feet from sensitive noise receivers, if feasible.	Prior to the issuance of each permit for clearing, grading, or building within 500 feet of existing residences or the Northlake Elementary School	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-5	To the extent feasible, intensive noise activity (e.g., operation of earth moving equipment) within 750 feet of the Northlake Elementary School shall be scheduled to occur when classroom instruction is not scheduled. If grading or similar construction activity within 150 feet of the school is to occur for longer than one day while school is in session, the Developer shall install a temporary noise barrier between the construction area and the school. The barrier shall be 12 feet high and solid from the ground to the top. The barrier shall be constructed with plywood that is at least ½ inch thick or with another material that creates a noise transmission loss of at least 20 dBA. The barrier shall be located to break the line of sight between the school and the construction area. Where feasible, the barrier shall remain in place until the completion of construction near the school. This measure applies to all phases of construction.	Prior to initiation of any construction activity within 750 feet of Northlake Elementary School	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-6	If grading or similar construction activity within 150 feet of off-site residences is to occur for longer than one day, the Developer shall install a temporary noise barrier between the construction area and the residences. The barrier shall be 12 feet high and solid from the ground to the top. The barrier shall be constructed with plywood that is at least ½ inch thick or with another material that creates a noise transmission loss of at least 20 dBA. The barrier shall be located to break the line of sight between the residences and the construction area. Where feasible, the barrier shall remain in place until the completion of construction near the residences. This measure applies to all phases of construction.	Prior to issuance of a building permit for each industrial and commercial land use	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-7	Prior to issuing of a building permit for each industrial and commercial land use, the Developer shall submit a noise analysis to the County demonstrating that projected noise levels from stationary sources, vehicle activity, loading docks, and similar sources will not exceed the exterior noise standards of Section 12.08.390 of the County Code. For purposes of this MM, school use shall be considered as a residential use (Zone II) in the County Code. The noise analysis shall, to the extent feasible, be cumulative, considering not only the noise generated by the proposed development but also noise generated by adjacent and nearby stationary sources. Where the adjacent properties have not been developed, the analysis should show that the noise level from the proposed development would be far enough below the standard to allow a reasonable increment for future noise sources without exceeding the standard.	Prior to issuance of a building permit for each industrial and commercial land use	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-8	Prior to issuing of a building permit for each multi-family residential use, the Developer shall submit a noise analysis to the County demonstrating that projected air conditioning and refrigeration equipment noise levels would be exceed the standards of Section 12.08.530 of the County Code.	Prior to issuance of a building permit for each multi-family residential use	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.10-9	Prior to issuing of building permits for single family and duplex residences adjacent to Ridge Route Road, Northlake Boulevard, A Street, B Street, or E Street, and for multi-family residences adjacent to Ridge Route Road and Northlake Boulevard, the Developer shall submit a noise analysis to the County demonstrating that projected exterior noise levels at areas where residents would reasonably be expected to spend more than one hour, such as back yards, would not exceed 60 dBA CNEL for single family and duplex residences and 65 dBA CNEL for multi-family residences. This standard is based on the California Land Use Compatibility Guidelines. Noise abatement may be achieved by setbacks, berms, and walls. The noise analysis shall also demonstrate that interior noise levels in all habitable rooms would of duplexes and multi-family residences would not exceed 45 dBA CNEL, as required by the California Building Code.	Prior to issuance of building permits for single family and duplex residences adjacent to Ridge Route Road, Northlake Boulevard, A Street, B Street, or E Street, and for multi-family residences adjacent to Ridge Route Road and Northlake Boulevard	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-10	Prior to issuing of building permits for commercial land uses adjacent to Ridge Route Road, the Developer shall submit a noise analysis to the County demonstrating that projected exterior noise levels at areas where patrons would reasonably be expected to spend more than one hour, such as outdoor restaurant seating, would not exceed 70 dBA CNEL.	Prior to issuance of building permits for commercial land uses adjacent to Ridge Route Road	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-11	Prior to the issuance of each grading permit, the Developer shall submit plans and/or specifications to the County demonstrating that site preparation and grading within 265 feet of a residence or the NorthLake Elementary School shall be performed with equipment that will not cause a vibration exceeding 0.01 peak particle velocity (ppv) inch per second (in/sec).	Prior to the issuance of each grading permit	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.10-12	If blasting is required, the Applicant or its contractor shall hire a certified blasting expert to develop a blasting program to be approved by the County Department of Public Works. The program shall include but not be limited to the following elements: • Design the blast to limit noise and vibration at any residence or the NorthLake Elementary School to the limits recommended by the Office of Surface Mining Reclamation and Enforcement or similarly recognized authority. • Based on the blasting locations, define an impact area where noise and vibration impacts are anticipated to be distinctly perceptible. • Inform all homeowners and tenants in the impact area of the Project, the planned blasting program, and the anticipated noise and vibration impacts. In addition to printed literature, have a public meeting. Provide a contact for homeowners for pre- and post-blast questions. • Use blast signals to notify residents prior to each blast. • Monitor blasts to verify noise and vibration levels at the nearest receptor(s).	Prior to commencement of any blasting activities	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
Public Services (Section 5.11 of the 2019 Draft SEIR)					
SCVAP MM 3.15-2	Concurrent with the issuance of building permits, the project applicant shall participate in the Developer Fee Program to the satisfaction of the County of Los Angeles Fire Department.	Concurrent with the issuance of building permits	Applicant	County of Los Angeles Fire Department	
SCVAP MM 3.15-3	Adequate water availability shall be provided to service construction activities of any project to the satisfaction of the County of Los Angeles Fire Department.	Prior to approval of development plans	Applicant	County of Los Angeles Fire Department	
SCVAP MM 3.15-4	Development applicant(s) shall be required to pay the Los Angeles County Sheriff's established law enforcement facility fees for North Los Angeles County prior to issuance of a certificate of occupancy on any structure. The fees are for the acquisition and construction of public facilities to provide adequate service to the residents of the County's Planning Area.	Prior to approval of development application	Applicant	County of Los Angeles Fire Department	
SCVAP MM 3.15-1	Project developers shall pay the current library fee at the time of building permit issuance ($885.00 per residential unit for FY 2016-17) to the County of Los Angeles to offset the demand for library items and building square footage generated by the proposed project. The library mitigation payment shall be made on a building permit by building permit basis by the developer for residential projects.	Prior to issuance of building permits	Applicant and Future Developers	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
Traffic, Access, and Circulation (Section 5.11 of the 2019 Draft SEIR)					
MM 5.11-3	Prior to construction activities, the Project Applicant shall prepare and submit a detailed Construction Traffic Control Plan to the County of Los Angeles Department of Public Works for review and approval. The Construction Traffic Control Plan shall describe in detail safe detours and provide temporary traffic control during construction activities for the project. To reduce traffic congestion, the Plan shall include, as necessary, appropriate, and practicable, the following: temporary traffic controls (e.g., a flag person) during all phases of construction to maintain smooth traffic flow; dedicated turn lanes for movement of construction trucks and equipment on and off site; scheduling of construction activities that affect traffic flow on the arterial system to off-peak hours; consolidation of truck deliveries; rerouting of construction trucks away from congested streets or sensitive receptors; and/or signal synchronization to improve traffic flow.	Prior to the issuance of building permit	Project Applicant and Future Developers	County of Los Angeles Department of Public Works	
Utilities (Section 5.12 of the 2019 Draft SEIR)					
MM 5.12-1	The project applicant shall provide all onsite water system improvements and shall contribute to required new or upgraded existing offsite improvements to meet all water supply needs for the proposed development. (**1992 SP EIR MM 4.12.1)**	Prior to the issuance of building permits	Project Applicant and Future Developers	County of Los Angeles Department of Public Works and Newhall County Water District	
MM 5.12-2	All water system improvements shall be sized at the water improvement plan check stage of development. **(1992 SP EIR MM 4.12.2)**	Prior to approval of water improvement plan(s)	Project Applicant, Future Developers and Construction Contractor	County of Los Angeles Department of Public Works	
MM 5.12-3	Project connection fees would be deposited into a capital improvement fund to help pay for new facilities and expansion required by the Districts; **(1992 SP EIR MM 4.9.3)**	Prior to connection to Los Angeles Sanitation Districts facilities	Project Applicant	County of Los Angeles Department of Regional Planning and Los Angeles Sanitation Districts	
MM 5.12-4	Payment of the connection fees is required for issuance of a permit to connect the project to surrounding Los Angeles County Sanitation District facilities, if necessary**. (1992 SP EIR MM 4.9.4)**	Prior to issuance of permit to connect the project to surrounding Los Angeles County Sanitation District facilities	Project Applicant	County of Los Angeles Department of Regional Planning and Los Angeles County Sanitation District	
MM 5.12-5	Routine testing of pre-discharge treated effluent should be conducted to monitor compliance with established water quality control limits. (**1992 SP EIR MM 4.9.7)**	During construction activities and Project operation	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-6	Prior to issuance of occupancy permits, the Project Applicant shall provide evidence to the County of payment of connection fees in compliance with the requirements of the Newhall County Water District.	Prior to issuance of occupancy permits	Project Applicant	County of Los Angeles Department of Regional Planning and Newhall County Water District	
MM 5.12-7	Prior to connection to the Los Angeles County Sanitation District's wastewater system, the Project Applicant shall provide evidence of payment of the Santa Clarita Valley Sanitation District's Connection Fee Program.	Prior to connection to the Los Angeles County Sanitation District's wastewater system	Project Applicant	Los Angeles County Sanitation District and Santa Clarita Valley Sanitation District	
MM 5.12-8	Prior to issuance of occupancy permits, the Project Applicant shall coordinate with the Los Angeles County Sanitation Districts to upsize the existing 12-inch VCP Castaic Trunk Sewer in Ridge Route Road (south of the intersection with Lake Hughes Road), as determined necessary by the LA County Sanitation Districts to accommodate future flow volumes.	Prior to the issuance of occupancy permits	Project Applicant	County of Los Angeles Department of Regional Planning and Los Angeles County Sanitation District	
MM 5.12-9	Monitor growth, and coordinate with water districts as needed to ensure that long-range needs for potable and reclaimed water will be met. (**SCVAP 2012 EIR MM 3.13.3)**	Prior to approval of development plans	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-10	If water supplies are reduced from projected levels due to drought, emergency, or other unanticipated events, take appropriate steps to limit, reduce, or otherwise modify growth permitted by the Area Plan in consultation with water districts to ensure adequate long-term supply for existing businesses and residents. **(SCVAP 2012 EIR MM 3.13.4)**	Prior to approval of development plans	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-11	Require that all new development proposals demonstrate a sufficient and sustainable water supply prior to approval. (**SCVAP 2012 EIR MM 3.13.5)**	Prior to approval of development plans	Project Applicant	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.12-12	Require the use of drought tolerant landscaping, native California plant materials, and evapotranspiration (smart) irrigation systems. (**SCVAP 2012 EIR MM 3.13.6)**	Prior to approval of landscape plans	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-13	In making land use decisions, consider the complex, dynamic, and interrelated ways that natural and human systems interact, such as the interactions between energy demand, water demand, air and water quality, and waste management. (**SCVAP 2012 EIR MM 3.13.8)**	Prior to approval of development plans	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-14	In coordination with applicable water suppliers, adopt and implement a water conservation strategy for public and private development. (**SCVAP 2012 EIR MM 3.13.9)**	Prior to approval of development plans	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-15	Provide examples of water conservation in landscaping through use of low water use landscaping in public spaces such as parks, landscaped medians and parkways, plazas, and around public buildings. (**SCVAP 2012 EIR MM 3.13.10)**	Prior to approval of landscape plans	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-16	Require low water use landscaping in new residential subdivisions and other private development projects, including a reduction in the amount of turf-grass. (**SCVAP 2012 EIR MM 3.13.11)**	Prior to approval of landscape plans	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-17	Provide informational materials to applicants and contractors on the Castaic Lake Water Agency's Landscape Education Program, and/or other information on xeriscape, native California plants, and water conserving irrigation techniques as materials become available. (**SCVAP 2012 EIR MM 3.13.12)**	Prior to commencement of grading or construction activities	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-18	Promote the use of low-flow and/or waterless plumbing fixtures and appliances in all new non-residential development and residential development of five or more dwelling units. (**SCVAP 2012 EIR MM 3.13.13)**	Prior to issuance of occupancy permits	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-19	Support amendments to the County Building Code that would promote upgrades to water and energy efficiency when issuing permits for renovations or additions to existing buildings. (**SCVAP 2012 EIR MM 3.13.14)**	Prior to the issuance of permits for renovations or additions to existing buildings	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-20	Apply water conservation policies to all pending development projects, including approved tentative subdivision maps to the extent permitted by law. Where precluded from adding requirements by vested entitlements, encourage water conservation in construction and landscape design. (**SCVAP 2012 EIR MM 3.13.15)**	Prior to approval of development plans	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-21	Upon the availability of non-potable water services, discourage and consider restrictions on the use of potable water for washing outdoor surfaces. (**SCVAP 2012 EIR MM 3.13.16)**	At the time when non-potable water services are available	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-22	In cooperation with the Sanitation District and other affected agencies, expand opportunities for use of recycled water for the purposes of landscape maintenance, construction, water recharge, and other uses as appropriate. (**SCVAP 2012 EIR MM 3.13.17)**	Prior to construction and during Project operation	Project Applicant and County of Los Angeles Department of Regional Planning	County of Los Angeles Department of Regional Planning and Los Angeles County Sanitation District	
MM 5.12-23	Require new development to provide the infrastructure needed for delivery of recycled water to the property for use in irrigation, even if the recycled water main delivery lines have not yet reached the site. (**SCVAP 2012 EIR MM 3.13.18)**	Prior to approval of development plan	Project Applicant and Construction Contractor	County of Los Angeles Department of Regional Planning	
MM 5.12-24	Participate and cooperate with other agencies to complete, adopt, and implement an Integrated Regional Water Management Plan to build a diversified portfolio of water supply, water quality, and resource stewardship priorities for the Santa Clarita Valley. (**SCVAP 2012 EIR MM 3.13.20)**	Prior to and during Project operation	Project Applicant and County of Los Angeles Department of Regional Planning	County of Los Angeles Department of Regional Planning	
MM 5.12-25	Require that all new development proposals demonstrate a sufficient and sustainable water supply prior to approval. (**SCVAP 2012 EIR MM 3.13.21)**	Prior to project approval	Project Applicant	County of Los Angeles Department of Regional Planning	
MM 5.12-26	Promote energy efficiency and water conservation upgrades to existing non-residential buildings at the time of major remodel or additions. (**SCVAP 2012 EIR MM 3.13.22)**	Prior to approval of applicable permits for remodel or additions	County of Los Angeles Department of Regional Planning	County of Los Angeles Department of Regional Planning	
MM 5.12-27	Landscaping shall emphasize drought-tolerant vegetation (xeriscaping) where not watered with reclaimed water. Plants of similar water use shall be grouped to reduce over-irrigation of low-water-using plants. Those areas not designed in xeriscape shall be gauged to receive irrigation using the minimal requirements. (**1992 SP EIR MM 4.12.6)**	Prior to approval of landscape plans	Project Applicant, Future Developers and Construction Contractor	County of Los Angeles Department of Regional Planning	

TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation Measures	Mitigation Timing	Responsible Agency/Party	Monitoring Agency/Party	Completion Date (Signature Required)
MM 5.12-28	Residential occupants shall be informed as to the benefits of low-water-using landscaping and sources of additional assistance in xeriscaping. (**1992 SP EIR MM 4.12.7)**	During operation	Project Applicant and Future Developers	County of Los Angeles Department of Regional Planning	
MM 5.12-29	The County of Los Angeles shall follow state regulations in implementing the goals, policies, and programs identified in the Los Angeles County Integrated Waste Management Plan in order to achieve and maintain a minimum of 50 percent reduction in solid waste disposal through source reduction, reuse, recycling, and composting. In response to California's 75 Percent Initiative, at least 75 percent of all solid waste will be recycled or reused by 2020. Additionally, the Project Applicant or Construction Manager shall ensure that a minimum of 65 percent of the non-hazardous construction and demolition debris will be recycled and/or salvaged or meet a local construction and demolition waste management ordinance. (**SCVAP 2012 EIR MM 3.17.1)**	During construction activities and Project operation	Project Applicant, Future Developers, and/or Construction Manager	County of Los Angeles Department of Regional Planning	
MM 5.12-30	The County shall require all future commercial, industrial and multifamily residential development to provide adequate areas for the collection and loading of recyclable materials (i.e., paper products, glass, and other recyclables) in compliance with the State Model Ordinance, implemented on September 1, 1994, in accordance with AB 1327, Chapter 18, California Solid Waste Reuse and Recycling Access Act of 1991. (**SCVAP 2012 EIR MM 3.17.2)**	During construction activities and Project operation	Project Applicant and Construction Contractor	County of Los Angeles Department of Regional Planning	
MM 5.12-31	The County shall require all development projects to coordinate with appropriate County agencies to ensure that there is adequate waste disposal capacity to meet the waste disposal requirements of the County's Planning Area, and the County shall recommend that all development projects incorporate measures to promote waste reduction, reuse, recycling, and composting. (**SCVAP 2012 EIR MM 3.17.3)**	Prior to development plan approval	Project Applicant	County of Los Angeles Department of Regional Planning and Sanitation Districts of Los Angeles County	
MM 5.12-32	All new development in the County's Planning Area will be required to implement existing and future waste reduction programs in conformance with the County's Planning Area SRRE program. (**SCVAP 2012 EIR MM 3.17.4)**	During construction activities and Project operation	Project Applicant, Future Developers and Construction Contractor	County of Los Angeles Department of Regional Planning	
MM 5.12-33	Any hazardous waste that is generated on site, or is found on site during demolition, rehabilitation, or new construction activities shall be remediated, stored, handled, and transported in compliance per appropriate local, state, and federal laws, as well as with the County's SRRE. (**SCVAP 2012 EIR MM 3.17.5)**	During demolition, rehabilitation, or construction activities	Project Applicant, Future Developers and Construction Contractor	County of Los Angeles Department of Regional Planning	
MM 5.12-34	Collection/storage facilities for recyclables shall be incorporated into all building designs and/or a conveniently located recycling area shall be developed on the project site for use by all occupants/users of the commercial/industrial uses. (**1992 SP EIR MM 4.13.1)**	During construction activities and Project operation	Project Applicant, Future Developers and Construction Contractor	County of Los Angeles Department of Regional Planning	
MM 5.12-35	The owner and/or tenants of all onsite commercial and industrial uses shall comply with all applicable federal, state and local requirements for handling hazardous materials. Onsite businesses handling hazardous materials shall submit a Business Plan which will include information or inventories, employee training and emergency response plans and procedures. (**1992 SP EIR MM 4.13.2)**	During Project operation	Applicant, Future Developers, and Onsite commercial and industrial owners and/or tenants	County of Los Angeles Department of Regional Planning	
MM 5.12-36	Removal of hazardous materials, waste from the project site shall be conducted by registered waste hauler in accordance with all applicable rules and regulations. (**1992 SP EIR MM 4.13.3)**	During construction activities and Project operation	Project Applicant, Future Developers and Construction Contractor	County of Los Angeles Department of Regional Planning	
MM 5.12-37	All hazardous materials used in association with future onsite businesses shall be stored in specific locations and clearly marked as to contents. (**1992 SP EIR MM 4.13.4)**	During Project operation	Applicant, Future Developers, and Onsite commercial and industrial owners and/or tenants	County of Los Angeles Department of Regional Planning	

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