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JAN 14 2020

STATE CLEARINGHOUSE

January 14, 2020

Tim Fargo
City of Los Angeles
6262 Van Nuys Boulevard, Room 430
Los Angeles, CA 91401
tim.fargo@lacity.org

Subject: De Soto/Burbank Master Plan Project, SCH # 2019129069, Los Angeles County

Dear Mr. Fargo:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced De Soto/Burbank Master Plan Project (Project). The Project's supporting documentation includes an Initial Study. 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, we appreciate 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's Role

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 & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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 (Id., § 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 state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

Project Description and Summary

Objective: The Project would be developed on an approximately 24.4-acre site located in the northwest quadrant of the intersection of De Soto Avenue and Burbank Boulevard, in the

Woodland Hills community of the City of Los Angeles. The Project site is currently improved with a contemporary corporate office park (known as Warner Center Corporate Park), consisting of 12 low-rise commercial structures. Each commercial structure is on a distinct parcel, ranging in height from one to three stories, supported by surrounding surface parking lots.

Location: The northwest quadrant of the intersection of De Soto Avenue and Burbank Boulevard, in the Woodland Hills community of the City of Los Angeles.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City of Los Angeles (City) in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Bats

Issue: The Project includes activities that will result in the removal of trees, buildings, or other habitat for bats. After review of the Initial Study, there appears to be no mention of bat species that may occur on the Project site.

Specific impacts: Project activities include the removal of trees and/or structures that may provide maternity roost habitat (e.g., in cavities or under loose bark) and therefore has the potential for the direct loss of bats.

Why impacts would occur: The removal of trees, buildings or other adequate structures will potentially result in the loss of habitat for bats.

Evidence impacts would be significant: Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & Game Code, § 4150; California Code of Regulations, § 251.1). Bat species, such as the western yellow bat, can be found year-round in urban areas throughout the south coast region (Miner & Stokes, 2005). Several bat species are considered California Species of Special Concern and meet the CEQA definition of rare, threatened or endangered species (CEQA Guidelines, § 15065). Take of California Species of Special Concern could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: To the extent feasible, tree removal or relocation should be scheduled between October 1 and February 28, outside of the maternity roosting season. Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season.

If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.

If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and should remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

The bat specialist should document all demolition monitoring activities and prepare a summary report to the City upon completion of tree disturbance and/or building demolition activities.

Comment #2: Tree Mitigation and Planting List

Issue: The Conceptual Ground Landscape Plan (Figure A-29) in the Initial Study states in Note 1 that "non-native trees greater than 10 centimeters (4 inches) in diameter at breast height (4.5 feet above surrounding grade) will be replaced with native or non-native (non-invasive) trees". Trees that are non-native (such as the *Ulmus parvifolia*) and invasive (such as the *Schinus terebinthifolius*) are currently part of the landscape on site, according to the Tree Survey (Appendix B).

Specific Impact: Using plants not native to California in a landscape plan, reduces the value of habitat for native wildlife and risk overtaking the existing native plants, thereby, type converting the habitat.

Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. Invasive plants reduce native plant species diversity. The list of invasive plants is available at https://www.cal-ipc.org/wp-content/uploads/2018/05/InvasivePlantChecklistforCaliforniaLandscaping.pdf.

Why impact would occur: CDFW is concerned that planting known non-native or potentially invasive plant species as part of this Project, would contribute to the degradation of native plant populations. CDFW is concerned that by not requiring all native trees and plants be replaced by similar native tree and plant species, the replacement trees would not be fully mitigating the function and value of the impacted tree species.

Evidence Impact would be significant: Invasive species have contributed to the decline of forty-two percent of U.S. threatened and endangered species (USDA, 2019). Increased competition of water from invasive tree species stresses native tree species, increasing the probability of being attacked by invasive insects (USDA PNRS, 2019).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that the Project prohibit the planting of any species contained in the Cal-IPC Invasive Plant Checklist (https://www.cal-ipc.org/wp-content/uploads/2018/05/InvasivePlantChecklistforCaliforniaLandscaping.pdf) listed for any region.

Mitigation Measure #2: CDFW recommends the use of native trees be used to replace the trees removed by the Project. Only native trees should be planted within any open space areas.

Filing Fees

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

Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding this letter and further coordination on these issues should be directed to Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 430-0098.

Sincerely,

Erinn Wilson
Environmental Program Manager I

ec: CDFW
Victoria Tang – Los Alamitos
Felicia Silva – Los Alamitos
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Scott Morgan (State Clearinghouse)

References:

Miner, Karen L. & Stokes, Drew C. 2005. Bats in the South Coast Ecoregion: Status, Conservation Issues, and Research Needs. USDA Forest Service General Technical Report PSW-GTR-195. https://www.fs.fed.us/psw/publications/documents/psw_gtr195/psw_gtr195_2_13_Miner.pdf

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