

State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF FISH AND GAME**

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April 4, 1007

Mr. David Somers
City of Los Angeles
Los Angeles Department of City Planning
200 North Spring Street, Room 750
Los Angeles, CA 90012

**Draft Environmental Impact Report for
Vesting Tentative Tract Number 61553
SCH # 2005111054, Los Angeles County**

Dear Mr. Somers:

The Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Report (DEIR) for Vesting Tentative Tract Number 61553 for development of 37 detached single-family homes on 6.19 acres of land. The project is located at 22255 Mulholland Drive, Woodland Hills, Los Angeles County. The site was formally used as an equestrian center and is surrounded by residential uses except for larger areas of natural habitat across the adjacent Mulholland Boulevard to the south of the project. The site supports primarily coast live oak woodland and non native annual grassland. Smaller patches of mixed coastal sage scrub with annual native grassland and willow scrub also occur on the site. Approximately 2.37 acres of the project site would remain as undisturbed open space and would be used as a mitigation planting area for unavoidable losses to sensitive native vegetation on the site including losses to California black walnut trees.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Guidelines (CEQA), Section 15386) and pursuant to our authority as a Responsible Agency under CEQA, Section 15381 over those aspects of the proposed project that come under the purview Fish and Game Code Section 1600 et seq.:

Mitigation Measures for Impacts to Biological Resources

1. **Habitat Preserve Area** - The DEIR proposes to set aside 2.37 acres of undisturbed habitat (preserve area) of the project site to mitigate for losses to special status native vegetation on the project site including coastal sage scrub, purple needle grass and California black walnut trees.
 - a. Prior to project commencement, the preserve area proposed for mitigation for unavoidable losses to native trees and vegetative communities should be protected in perpetuity under a conservation easement dedicated to a local conservancy. An appropriate endowment fund should be established for the maintenance and management of the preserve area in perpetuity.
 - b. The planting of native vegetation including oak trees and California black walnuts to mitigate for project impacts should be accomplished without incurring additional impacts to native vegetative communities on the project site. All mitigation plantings should be planted in areas that lend themselves to enhancement or restoration so that there is a net benefit to biological

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diversity on the project site. The Department recommends a mitigation ratio of at least 2:1 for all native trees to be removed from the site and a 1:1 ratio for any encroached upon oak trees that will likely suffer decline and/or death as determined by a oak tree specialist. Any impacted native trees within any Department jurisdiction may require higher mitigation ratios depending on the level of disturbance and diameter at breast height (dbh) or impacted limbs of the impacted oak.

c. The Department recommends that efforts are implemented to minimize adverse impacts to wildlife habitat from project related edge effects. Edge effect minimization measures include but are not limited to: Keeping any proposed fuel modification activities outside of the preserve area; avoiding spillover of night lighting onto protected habitat areas; restricting human and pet access into protected habitat areas; and prohibiting the use of pesticides, specifically anti coagulant rodenticides that may result in secondary poisoning to wildlife which may prey upon or scavenge upon target pest species.

2. Native Birds - The DEIR describes that efforts to protect native nesting birds will be implemented to avoid adverse impacts to native birds.

a. The Department concurs with the DEIR regarding consideration for the protection of native birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

b. The Department recommends that proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to assist in the avoidance of take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

c. If project activities cannot feasibly avoid the breeding bird season, the Department recommends that beginning thirty days prior to the disturbance of suitable nesting habitat the project proponent should arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent property allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/ construction disturbance activities in suitable nesting habitat or within 300 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a biological monitor shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting.

Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

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3. San Diego Desert Woodrat – The DEIR states that “there is a moderate potential for San Diego desert woodrat to occur on the site”. Mitigation proposed in the DEIR includes avoidance of woodrat nests during the breeding season. Unoccupied woodrat stick nests would be removed from the site prior to site disturbances.

a. The Department recommends efforts to trap San Diego desert woodrat and relocate onto protected adjacent habitat to assist in the avoidance of take of this subspecies. All salvaged woodrat nesting material should be moved onto the adjacent release area prior to release of captured woodrat to facilitate woodrat use and acclimation to the relocation site.

b. All grading and vegetation disturbances should be done in a manner that allows escape of woodrat and other mobile wildlife species onto adjacent habitat that will not be disturbed by the project. Disturbance activities should avoid fragmenting habitat and creating islands of habitat that might be removed by further disturbance activities.

Impacts to Riparian Resources

1. Impacts to Department Jurisdictional Drainages - The DEIR describes drainage features and a relict blue line stream on the project site and concludes that these features are either outside the limit of project impacts or are no longer considered jurisdictional under the Department.

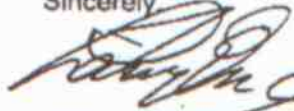
a. The Department has broad jurisdiction over drainage features including ephemeral drainages and drainages receiving flows from urban runoff. The Department requires a Streambed Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant prior to any direct or indirect impact to a lake or stream bed, bank or channel or associated riparian resources. The Department recommends that the applicant apply for a streambed alteration agreement with the Department to facilitate the determination of avoidance and mitigation measures for impacts to any Department jurisdictional drainages identified on the site or as determined by the Department. An application may be downloaded at <http://www.dfg.ca.gov/1600/notificationpkg.html> or may be acquired by calling 562/594-4450. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce

The Department recommends that the above concerns are addressed prior to lead agency approval of the proposed project.

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Thank you for this opportunity to provide comment. Questions regarding this letter and further coordination on these issues should be directed to Mr. Scott Harris, Associate Wildlife Biologist, at (626) 797-3170.

Sincerely



Larry L. Eng, Ph.D.
Regional Manager

cc: Ms. Terri Dickerson
Mr. Scott Harris, Pasadena
Ms. Jamie Jackson, Pasadena

Mr. Scott Morgan
State Clearinghouse

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sph/sh

Los Angeles City VTI No. 61553 /DEIR 2006