

# WILDLIFE CORRIDOR CONSERVATION AUTHORITY

570 WEST AVENUE 26, SUITE 100, LOS ANGELES, CALIFORNIA 90065

TELEPHONE: (310) 589-3230

FAX: (310) 589-2408

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Ms. Connie Chung, Section Head  
General Plan Development Section  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
Los Angeles, California 90012

## **Comments on Los Angeles County Draft 2035 General Plan Response to Pending Notice of Preparation**

Dear Ms. Chung:

The Wildlife Corridor Conservation Authority (WCCA) was created to provide for the proper planning, conservation, environmental protection and maintenance of the habitat and wildlife corridor between the Whittier-Puente Hills, Chino Hills, and the Cleveland National Forest in the Santa Ana Mountains. WCCA has been following the General Plan and Significant Ecological Area (SEA) development closely. WCCA has provided comments on the General Plan in letters dated December 17, 2008; September 27, 2007; July 7, 2004, and December 20, 2002, and on the proposed SEAs in letters dated May 2, 2001 and April 30, 2001. We have attached those letters, and we incorporate those comments into this current letter by reference.

In this current letter, we emphasize several key comments, many of which were addressed in WCCA's previous letters. It is our hope that these changes can be made to the Draft General Plan prior to its circulation with the Notice of Preparation (NOP) such that they can be included in the environmental review. Any changes not incorporated into the Proposed Project must be included in an Environmentally Superior Alternative or the Environmental Impact Report (EIR) may be deficient. Because WCCA may not meet again until after comments are due, we request that this letter be treated as a response to the pending NOP.

### **Puente Hills Significant Ecological Area Boundaries**

In previous comment letters, WCCA expressed support for more inclusive proposed SEA boundaries (compared with existing SEA boundaries) and WCCA commended the County on applying this approach. We continue to compliment the County's efforts to propose more inclusive and biologically sound boundaries to ensure long-term sustainability of the SEAs, including the Puente Hills SEA.

July 20, 2011

***Entire Aera Site Must be Included in SEA***

In our September 27, 2007 letter, WCCA recommended the inclusion of an area east of Harbor Boulevard, in unincorporated Los Angeles County near the Los Angeles County/Orange County border (we identify it as Area 6 in that and previous letters). This area is the southwest part of the Aera project boundary. It serves a distinct and critical purpose in the broader integrity of the SEA by providing both habitat for coastal California gnatcatcher (*Poliioptilla californica californica*) and buffer for adjacent core habitat and movement corridors. Any extensive development in the requested addition would unquestionably harm the ecological integrity of the Puente Hills and potentially sever genetic connections across Harbor Boulevard. If past experience is any guide, any further substantial fragmentation of habitat in the Puente Hills would irreparably damage the biological resources WCCA is charged with protecting. Only inclusion in the SEA can provide the needed level of review and protection given the biological significance of the area.

The requested addition is adjacent to and includes known populations of the federally threatened coastal California gnatcatcher.<sup>1</sup> The mixed native-nonnative grassland interface with coastal sage scrub provides ideal less-dense scrub preferred by the species. While clearly dependent on coastal sage scrub within its U.S. range, the gnatcatcher regularly uses other habitats and shows seasonal and perhaps daily patterns in such use.<sup>2</sup> The subject area is positioned between three known occurrences, making it indisputably part of the gnatcatcher's range. Further, natural recolonization of the non-native grassland by native vegetation is a likely evolution over time, as demonstrated by the restoration of native cover to Arroyo Pescadero Park, which was likewise a former oil field. Ironically, grassland is now locally rare due to expansion of scrub into formerly grazed areas and greater legal protection for oak woodlands.<sup>3</sup> Vegetation patterns are dynamic and SEA boundaries should consider ecosystems in their entirety rather than based on static conditions. Any significant disturbance in the subject area would disrupt daily and seasonal patterns and critically threaten the viability of local gnatcatcher populations. Substantial loss of habitat in key areas in this location could irreversibly genetically isolate populations further west in the Whittier-Puente Hills.

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<sup>1</sup>California Natural Diversity Database. Department of Fish and Game.

<sup>2</sup>Campbell, K.F., R.A. Erikson, W.E. Haas, and M.A. Patten. 1998. California Gnatcatcher use of habitats other than coastal sage scrub: Conservation and management implications. *Western Birds* 29:421-43.

<sup>3</sup>Scott, T.A., and D.S. Cooper. 1999. Summary of Avian Resources of the Puente-Chino Hills Corridor.

Aside from the threatened gnatcatcher, grassland on or adjacent to the subject area is known to support breeding populations of other sensitive and/or declining bird species. For this reason, a 2000 study identified the grassland east of Harbor Boulevard on the Aera project site as one of three areas of highest conservation concern for birds in the Puente-Chino Hills region.<sup>4</sup> The author writes, “While smaller regions of grassland throughout the study area, such as the Whittier Hills, support a few pairs of species like the grasshopper sparrow or lazuli bunting, these and other grassland birds are abundant here.” Breeding pairs of the following sensitive species are known to occur in or adjacent to the subject area: white-tailed kite<sup>5</sup>, golden eagle<sup>6</sup>, greater roadrunner, lesser nighthawk, loggerhead shrike, horned lark, rufous-crowned sparrow, blue grosbeak, grasshopper sparrow, and western meadowlark. The subject grassland is the farthest west habitat block able to support significant populations of most of these sensitive species. Thus, any diminution in habitat quality on the Aera site will cause a chain reaction of instability among sensitive species populations to the west.<sup>7</sup> Without designation of the entire grassland area, these grassland-dependent sensitive species are expected to become locally extirpated.

Furthermore, the County’s proposed SEA to the north of the subject area is approximately 600 feet wide—less in some places—covering only a narrow canyon that crosses Harbor Boulevard to the west. The edge effects of the existing Shea Homes development are already diminishing the value of the corridor through which all east-west Puente Hills wildlife movement must occur. Should the southern edge of this narrow corridor be similarly developed, the entire corridor will be subjected to the direct impacts of urbanization. The only way to protect the biological integrity of the movement corridor is to provide as much open space buffer as physically possible, regardless of that open space’s habitat value in and of itself. That the subject open space area also provides ancillary habitat benefits is a bonus. The currently proposed SEA width is untenable in the long term.

We note that the County has expanded the SEA slightly in this area (since our September 27, 2007 letter) to incorporate more gnatcatcher habitat and we support that approach. The SEA criteria are easily met by this additional area. The same conservation biology principles clearly warrant that additional expansion in this area must include the rest of the

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<sup>4</sup>Cooper, D.S. 2000. Breeding landbirds of a highly threatened open space: The Puente-Chino Hills, California. *Western Birds* 31:213-234.

<sup>5</sup>Ibid. Cooper notes that fewer than ten breeding pairs are known in the Puente-Chino Hills.

<sup>6</sup>Ibid. Cooper notes that only one or two breeding pairs are known in the Puente-Chino Hills.

<sup>7</sup>Scott, T.A., and D.S. Cooper. 1999. Summary of Avian Resources of the Puente-Chino Hills Corridor.

southwest corner of the Aera project property boundary. There is no biological justification for not including this area.

### ***Savage Canyon/Worsham Canyon Should be Included***

WCCA again requests that the SEA be expanded to include Worshom and Savage Canyons in their entirety, identified as Area 2 in our April 30, 2001 letter and again here. There are multiple reasons for this request, foremost among which is that the area has known occurrences of coastal California gnatcatcher and, like the Aera site, contains the species' preferred coastal sage scrub-grassland interface.<sup>8</sup> WCCA's requested addition mostly consists of Arroyo Pescadero Park, owned and operated by the Puente Hills Landfill Native Habitat Preservation Authority. The SEA designation would reiterate the value of this already protected habitat area.

The requested addition also includes all of Worshom Canyon extending west to the urban-wildland interface. This habitat area is nearly identical to that farther up the canyon and serves as a valuable open space buffer for the more insulated habitat upstream. This ecological function deserves recognition by including it in the SEA.

Finally, this requested addition includes the Savage Canyon landfill, which has an estimated closure date in 2048, to provide additional open space buffer for the SEA. With the County's current planning horizon of 2035, it is not too early to signal the County's intention that the landfill be restored to native habitat. Because the existing landfill is already permitted, the only effect of inclusion in the SEA would be to influence the post-closure use of the site.

### ***Puente Hills Landfill Should be Included***

With the imminent closing of Puente Hills Landfill in 2013, the area to be reclaimed should be preemptively designated as part of the SEA to ensure effective biological resource management. With the obvious exception of the area needed for the Puente Hills Materials Recovery Facility or other continuing sanitation uses of the landfill property, the area is to become managed open space. The SEA designation would elevate biological resource values as a priority for the landfill area and, most critically, reconnect currently isolated portions of the SEA north of the cemetery. This connectivity benefit, irrespective of future habitat value, meets the criteria for inclusion in the SEA. WCCA is open to an alternative mechanism for recognizing this area's future biological significance. At a minimum, the General Plan must recognize the wildlife corridor through the landfill property that reconnects discontinuous portions of the SEA and provide for its restoration.

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<sup>8</sup>California Natural Diversity Database. Department of Fish and Game.

### ***Greater Reaches of San Jose Creek and San Gabriel River Should be Included***

The Puente Hills SEA also incorporates nearby portions of Whittier Narrows and the San Gabriel River. These SEA designations should be extended to include all soft-bottom portions of San Jose Creek and a longer downstream reach of the San Gabriel River. These areas provide crucial stops for migratory birds along the Pacific Flyway as well as local habitat for resident species. The requested additions bring disparate portions of the SEA into closer geographic proximity, increasing the likelihood of exchange among bird populations and limited urban-tolerant terrestrial species. Together with the requested Puente Hills Landfill addition, the gap between SEA pieces would be reduced to one quarter of a mile from the current one mile. Furthermore, the Mountains Recreation and Conservation Authority owns a parcel in the requested San Gabriel River addition.

### ***Suggested Expansion in La Habra Heights Included***

WCCA also recommended in our September 27, 2007 letter that the County widen the SEA identified as Area A in WCCA's previous letters, near the La Habra Heights/unincorporated Hacienda Heights border around Hacienda Boulevard (see map in September 27, 2007 letter). (The County had shrunk this area compared with the SEA boundary included in the November 2000 SEA report<sup>9</sup>.) We recommended that the County consider a wider SEA here in recognition of this area's critical importance to regional connectivity.

We note that in the current version, the County has widened this area (compared with the area referenced in our September 27, 2007 letter). We support this approach and believe the County has correctly designed the SEA in this corridor.

### **Inclusion of WCCA SEA Expansions in EIR Alternative**

Should each of the above ecologically justified areas not be incorporated into the Draft General Plan, the EIR must include an alternative reflecting these larger SEA boundaries for the Puente Hills SEA, and that incorporates the comments on the SEA provided by WCCA (several previous letters) and the Puente Hills Landfill Native Habitat Preservation Authority (August 29, 2007 letter, enclosed). The EIR will be deficient if it does not include a discussion of why areas identified by WCCA and/or the Habitat Authority are not included in the final SEAs.

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<sup>9</sup>PCR Services Corporation. 2000. Biological Resources Assessment of the Proposed Puente Hills Significant Ecological Area. Prepared for Los Angeles County Department of Regional Planning. November.

## **Dedications of Land and Conservation Easements**

As stated in previous letters, WCCA concurs with many policies and implementation actions in the General Plan including Policy C/OS 1.3, which states:

Create an established network of open space areas that provide regional connectivity, between the southwestern extent of the Tehachapi Mountains to the Santa Monica Mountains, and from the southwestern extent of the Mojave Desert to the Puente Chino Hills.

However, the Draft General Plan is lacking in addressing key issues with respect to open space dedications. As stated in our December 17, 2008 letter, an implementation action should be added, which states:

Within six months of approval of the General Plan by the County, finalize guidelines with a fully operable framework to encourage or require permanent open space dedications and protection as part of the development process to mitigate adverse environmental impacts. Open space dedications must be offered to open space park agencies or another entity acceptable to the County. Guidelines must clearly and precisely outline a clear pathway of how and when dedications are accomplished and recorded in the development process.

Furthermore, the General Plan should include a policy or implementation action specifying the timing of any open space dedications. The General Plan should specify that if a conservation easement, conservation easement offer to dedicate (OTD), or fee title dedication is offered in conjunction with County-issued permit or approval, then that conservation easement, OTD, or transfer of deed is required to be recorded prior to the issuance of any permits or recordation of the tract map. Too many dedications have lingered and been forgotten.

The General Plan should also specify that appropriate entities to accept land transfers or conservation easements include open space park agencies, conservation agencies, or another entity acceptable to the County. Homeowners associations (HOAs) are not appropriate entities to accept such offers, as HOAs sometimes have missions and goals that conflict with the primary purpose of protecting natural land. (Ownership and/or management by HOAs of landscaped or modified areas is appropriate.) The General Plan should also emphasize fee simple dedications and conservation easements over deed restrictions, as they provide far greater assurances and enforcement for long-term protection of land.

In addition, the General Plan should specify that long-term maintenance funding must accompany any land transfer. It is ill advised to assume that the accepting agency will have available funds to provide continued long-term management, and that it is the accepting agency's responsibility to subsidize the proposed development by providing the management funding. This funding can consist of one of the following options: (1) Community Facilities (Mello-Roos) District, (2) Landscape Maintenance District, or (3) an endowment obligation.

### **Trail Dedications**

The General Plan should include a policy or implementation action outlining the conditions under which a trail dedication could be required as part of the development approval process. As we stated in a previous letter (December 17, 2008), an implementation action should be added, which states:

Within six months of approval of the General Plan by the County, finalize guidelines with a fully operable framework to encourage or require trail easement dedications as part of the development process to mitigate adverse recreational impacts. Trail easement dedications must be offered to open space park agencies or another entity acceptable to the County. Guidelines must clearly and precisely outline a clear pathway of how and when dedications are accomplished and recorded in the development process.

To ensure that the public benefits of trails are realized and recreational impacts avoided, this framework must include multiple steps and assurances regarding easement recordation, construction, and long-term maintenance. Where recreational resources are impacted by development, only the complete provision of a functional trail system is adequate mitigation. The General Plan should specify that if a trail easement or trail easement offer to dedicate (OTD) is offered in conjunction with County-issued permit or approval, then that trail easement or OTD must be required to be recorded prior to the issuance of any permits or recordation of the tract map. Prior to the trail easement being recorded, biological studies must be conducted with scientific data documenting that the trail can be designed to avoid damage to sensitive resources. Likewise, the applicant shall provide funding for construction and long-term maintenance of required trails unless the recipient agency or entity accepts this expense.

### **Transfer of Development Rights Program**

WCCA supports the inclusion of a Transfer of Development Rights (TDR) program in the Draft General Plan. Such a program would relieve development pressure on sensitive rural areas and facilitate smart growth in urban centers, particularly in connection with

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transit-oriented developments. It is our understanding that such a program has been included in the Draft 2035 General Plan. WCCA is in full support of the proposed TDR program and looks forward to collaborating with County staff on its design and implementation. For your reference, we have attached the outlines of the proposed program as described by County staff. We believe that the program provides a unique opportunity to capture the economic benefits of development without the associated habitat loss in the Puente Hills wildlife corridor. WCCA would work with any willing developer to acquire and preserve remaining open space in the Puente Hills through this innovative planning vehicle.

We appreciate your consideration of these comments. If you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3230, ext. 121, or by email at [judi.tamasi@mrca.ca.gov](mailto:judi.tamasi@mrca.ca.gov). Thank you for your consideration.

Sincerely,

Glenn Parker  
Chairperson

Encs.:

Proposed Additions to Puente Hills SEA

Known Occurrences of Threatened Gnatcatcher Populations (CNDDDB)

Correspondence with County staff regarding Transfer of Development Rights Program (June 14, 2011)

WCCA letter on Los Angeles County Draft General Plan: Planning Tomorrow's Great Places 2008 (December 17, 2008)

WCCA letter on Los Angeles County General Plan Update (September 27, 2007)

WCCA letter on County of Los Angeles General Plan Update (July 7, 2004)

WCCA letter on Notice of Preparation for Comprehensive Update and Amendment to the Los Angeles County General Plan (December 20, 2002)



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WCCA letter on Los Angeles County Significant Ecological Areas Update Study  
(May 2, 2001)

WCCA letter on Los Angeles County Significant Ecological Areas Update Study,  
Proposed Puente Hills SEA (April 30, 2001)

Puente Hills Landfill Native Habitat Preservation Authority letter on Draft Los  
Angeles County General Plan (August 29, 2007)