

Comment Letter No. 6

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SMMC 2/27/12 Agenda Item 12(b)

Comment No. 6-1

The Santa Monica Mountains Conservancy (Conservancy) has reviewed the Draft Environmental Impact Report (DEIR) for the proposed Forest Lawn Memorial Park - Hollywood Hills Master Plan. The cemetery's location adjacent to Griffith Park provides a serene natural setting apt for such a use. As discussed further below, the Conservancy believes the alternatives analysis provides a useful framework for evaluating the project and its effect on natural resources. A modest reduction in the size of the expansion, such as provided by Alternative 4, would preserve much of the site's most valuable natural resources while still permitting Forest Lawn to continue its operations over the next half century. With impact avoidance as an overarching objective, the Conservancy offers the following specific comments on the proposed project and DEIR:

Response to Comment No. 6-1

The introductory comments are noted and have been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project. Specific comments regarding the environmental analysis in the Draft EIR are responded to below.

The alternatives analysis referenced in the comment is presented in Section VI of the Draft EIR. The Project would not result in any significant environmental impacts after implementation of mitigation measures. Thus, the alternatives analysis evaluates alternatives that would reduce overall development to examine whether the less-than-significant impacts associated with the Project could be further reduced. In accordance with the *CEQA Guidelines* requirement to identify an Environmentally Superior Alternative other than the No Project Alternative, the comparative evaluation of the alternatives indicates that Alternative 4: Reduced Project with Preservation of Drainages D, D1, F, F1, and H would reduce more of the Project impacts than any of the other remaining alternatives and would be the Environmentally Superior Alternative. (See page VI-62 of the Draft EIR.)

Comment No. 6-2**On-site Riparian Habitat is a Unique Resource in Eastern Santa Monica Mountains**

The on-site resources at Forest Lawn Memorial Park constitute some of the best riparian woodland habitat anywhere in the eastern Santa Monica Mountains. The Griffith Park-adjacent habitat is ecologically intact, high-functioning riparian habitat with nearly year-round surface flow. The subject property is situated on the cooler, wetter north-facing slopes of the Santa Monica Mountains, making it ecologically distinct from most of the remainder of the Griffith Park habitat block. Furthermore, Sennett Creek is not channelized for its entire length, all the way to its confluence with the Los Angeles River. No other Santa Monica Mountains creek is so directly ecologically connected to the Los Angeles River, making Sennett Creek and its tributaries high priorities for preservation.

As noted in the DEIR, riparian areas on the subject property serve dual functions. Their preservation is critical for both resident amphibian populations and mobile terrestrial mammals and reptiles that require access to lower reaches during the dry season. Sennett Creek is unique in the Griffith Park core habitat block in being able to consistently provide these ecosystem resources even in drought years. Therefore the quality of habitat connections between lower Sennett Creek and core upland habitat is one of the two most important considerations in assessing biological resource impacts of the proposed project.

Response to Comment No. 6-2

The comment discusses the importance of riparian habitat and Sennett Creek. As explained in detail in the General Biological Assessment, attached as Appendix C-1 to the Draft EIR, woodland communities in cismontane Southern California occur where increased soil moisture allows trees and tree canopies to develop. On south-facing exposures, this phenomenon occurs most frequently in close proximity to streams and in canyons shaded from solar penetration. On north-facing slopes and exposures, such as those found on the Project Site, woodlands tend to exhibit their highest diversity in association with streams. Due primarily to aspect (solar angle) and sometimes other various edaphic (soil) conditions, north-slope woodlands are generally dominated by coast live oak trees not dependent directly on stream-associated moisture. When mature, these woodlands establish a sustainable and complex microclimate. Numerous moisture-dependent shrubs, annual plant species and woodland-dependent wildlife thrive within the relatively moderate temperature regime as compared to adjacent scrub, grassland and chaparral communities. Deep forest soil and forest litter profiles can develop, fostered by microclimatic conditions and enhanced over time by the tree canopy and associated protective elements. The combination of the tree canopy, high amount of overall biomass, deep heterogeneous organic soil layers, prevalence of shade, soil moisture and downed wood, provides a unique and stable habitat for larger mammal, amphibian, avian and

invertebrate species. (See page 25 of the *General Biological Assessment for Forest Lawn Memorial-Park, Hollywood Hills*.)

As the Draft EIR explains on page IV.C-20, Sennett Creek originally was comprised of oak/sycamore dominated riparian woodland that stretched from the Los Angeles River upward into what is now called Royce's Canyon in Griffith Park. Prior to 1940, Sennett Creek was one of many ecologically functional tributaries to the Los Angeles River. With the channelization of the Los Angeles River, Sennett Creek has been truncated. Portions of the creek have been affected by historic development of the Project Site as well; however, those previously affected sections have been largely restored and are now comprised of mixed willow riparian scrub intermixed with newly established sycamores, cottonwoods, and coast live oaks. (See Section IV.C, Biological Resources, of the Draft EIR, page IV.C-20.) Currently, Sennett Creek provides habitat and cover for riparian-dwelling and stream-dependent organisms, but it has no direct ecological connection with the Los Angeles River, as it once did. As such, it provides a water source and a movement area for animals like mule deer, long-tailed weasel (*Mustela frenata*), bobcat (*Lynx rufus*) and northern raccoon; however, its functions with regard to connectivity into greater Los Angeles River-associated habitats have been largely eliminated due to the current condition of the River and the extensive conversion of habitats throughout the San Fernando Valley. Moreover, regulatory status organisms that once might have used the river to access other tributary stream systems (such as anadromous fish species, California red-legged frog [*Rana draytonii*], and regulatory status small mammals like Los Angeles pocket mouse [*Perognathus longimembris brevinasus*] and perhaps kangaroo rats [*Dipodomys* spp.]) now are in decline or absent. Therefore, while terrestrial organisms now present in the area most likely do venture into Sennett Creek for water and for cover, they do not do so in a manner consistent with the actual role of wildlife corridors (i.e., Sennett Creek does not function as a wildlife corridor for terrestrial organisms because it is truncated at the concretized Los Angeles River Flood Control Channel and does not connect to high quality habitat areas). (See page IV.C-22 of the Draft EIR.) The comment is noted and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment No. 6-3

Unique On-site Resources Necessitate Greater Impact Avoidance

As noted above, the Sennett Creek drainage, and to a lesser extent Drainage L (which is not a tributary of Sennett Creek), are unique resources within the Griffith Park core habitat block and critical to the capacity of the overall ecosystem. Given these considerations, impact avoidance must be the primary strategy in addressing impacts to biological resources. The Alternatives analysis provides a useful approach to evaluating reducing impacts through the avoidance of various drainages that are tributaries of Sennett Creek.

A slight reduction in project scale, such as represented by Alternative 4, would yield tremendous riparian benefits. The last five percent of the interment spaces is responsible for almost fifty percent of the riparian impacts. A small reduction in the context of the total expansion would produce substantial habitat preservation gains.

Lower Royce Canyon is the most important high-functioning riparian forest habitat in proximity to Griffith Park, with superior resource value than most similar habitats in the park. The Western Sycamore-Coast Live Oak woodland provides a lush, full canopy over Sennett Creek tributaries that would be impossible to replicate elsewhere. High-value habitats are more than the sum of their parts and can't be accounted for in terms of acres and number of trees. Mitigation is inappropriate when resource loss can be avoided.

Response to Comment No. 6-3

Forest Lawn has successfully restored a large portion of Sennett Creek within the Project Site over the past approximately 12 years, and additional restoration is proposed in connection with the Project, including the restoration of an acre of riparian habitat adjacent to Sennett Creek. (See Mitigation Measure C-5 on page IV.C-47 of the Draft EIR.) Sennett Creek would be avoided by the proposed Project, with the exception of a small area of riparian habitat that would be affected by a proposed culvert crossing similar in design to existing road crossings, though the new crossing would be soft-bottomed to further reduce impacts.

The only other drainage on the Project Site that is directly tributary to the River is "Drainage L." Drainage L is ephemeral in nature and only receives flows during storm events. All of "Drainage L" is heavily disturbed, and much of it flows on an old asphalt road. Drainage L conveys flows to the Los Angeles River through an existing 48-inch reinforced concrete pipe under Forest Lawn Drive. Drainage L is jurisdictionally disjunct and not continuous due to historic disturbance. Under the proposed Project, Drainage L would be enhanced, and Project mitigation includes the creation of an acre of riparian habitat along Drainage L. (See Mitigation Measure C-4 on pages IV.C-46 and IV.C-47 of the Draft EIR.)

As explained in the Draft EIR, the Project would not result any significant environmental impacts after implementation of mitigation measures. Thus, the alternatives analysis set forth in Section VI, Alternatives, of the Draft EIR, evaluates alternatives that would reduce overall development to examine whether the less-than-significant impacts associated with the Project could be further reduced. Specifically, given that most of the proposed Project development would occur within the undeveloped portions of the existing cemetery property in the Hollywood Hills, each of the alternatives evaluated in the Draft EIR include reductions in the amount of cemetery development proposed in the undeveloped portions of the Project Site based on the preservation of several of the on-site

potentially jurisdictional drainages, particularly those with the highest biological and functional values. (See page VI-5 of the Draft EIR.)

As explained on page VI-40 in Section VI, Alternatives, of the Draft EIR, and as updated in Section II, Corrections and Additions to the Draft EIR, in this Final EIR, Alternative 4 would result in approximately 106 acres of usable acreage and approximately 93 acres of developable acreage, as compared to approximately 110 acres of usable acreage and approximately 94 acres of developable acreage under the proposed Project. Although impacts to biological resources under Alternative 4 would be reduced when compared to the proposed Project, Alternative 4 would provide a lesser amount of new cemetery development and approximately 5,100 fewer interment spaces as compared with the proposed Project. Accordingly, as explained on page VI-50 of the Draft EIR, under Alternative 4, the Project's objectives, including to help meet the demands for interments for the region through 2050 and beyond, to provide various types of interment spaces and mortuary facilities to meet the needs of a broad array of ethnic and socio-economic groups, to provide space to accommodate multiple funeral services simultaneously, to provide sufficient ground property, and to provide areas for additional historical and inspirational works of art, would be met to a lesser degree than under the proposed Project. The comment is noted and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment No. 6-4

Habitat Connection to Los Angeles River Important to Revitalization

The interface between Sennett Creek and the Los Angeles River is the only direct riparian connection between the river and upland natural habitat areas. Forest Lawn has undertaken an extensive restoration of areas of Sennett Creek within the Forest Lawn property. This restoration is exemplary and has helped to re-establish and enhance the natural connection from upland areas to the Los Angeles River. In the context of river revitalization, its importance cannot be overstated. While the proposed project does not directly impact the Los Angeles River interface itself, it would make the upland habitat connections more tenuous by reducing the number of surface-running tributaries to Sennett Creek. The long term function of this habitat connection is directly dependent on the number of tributaries left intact. As noted in the DEIR, riparian corridors serve as primary wildlife movement corridors. Therefore Sennett Creek would function as the principal connection to future and existing habitat along a naturalized Los Angeles River.

While some degree of riparian impact is unavoidable given the nature of the project, a key objective must be to retain a connected, functional riparian ecosystem on-site. This is not just a function of the number of acres of jurisdictional impacts, but instead requires a coordinated approach to habitat preservation, creation, restoration, and enhancement that is integrated with the design of the proposed project. Ensuring the functionality of the onsite

riparian ecosystem will avert cumulative impacts to Griffith Park resources dependent on habitat connectivity outside the park, particularly for more mobile animal species.

Response to Comment No. 6-4

As the comment notes, Forest Lawn has successfully restored a large portion of Sennett Creek within the Project Site over the past approximately 12 years. As the Draft EIR explains on page IV.C-20, Sennett Creek originally was comprised of oak/sycamore dominated riparian woodland that stretched from the Los Angeles River upward into what is now called Royce's Canyon in Griffith Park. Prior to 1940, Sennett Creek was one of many ecologically functional tributaries to the Los Angeles River. With the channelization of the Los Angeles River, Sennett Creek has been truncated. Portions of the creek have been affected by historic development of the Project Site as well; however, those previously affected sections have been largely restored and are now comprised of mixed willow riparian scrub intermixed with newly established sycamores, cottonwoods, and coast live oaks. (See Section IV.C, Biological Resources, of the Draft EIR, page IV.C-20.) Currently, Sennett Creek provides habitat and cover for riparian-dwelling and stream-dependent organisms, but it has no direct ecological connection with the Los Angeles River, as it once did. As such, it provides a water source and a movement area for animals like mule deer, long-tailed weasel (*Mustela frenata*), bobcat (*Lynx rufus*) and northern raccoon; however, its functions with regard to connectivity into greater Los Angeles River-associated habitats have been largely eliminated due to the current condition of the River and the extensive conversion of habitats throughout the San Fernando Valley. Moreover, regulatory status organisms that once might have used the river to access other tributary stream systems (such as anadromous fish species, California red-legged frog [*Rana draytonii*], and regulatory status small mammals like Los Angeles pocket mouse [*Perognathus longimembris brevinasus*] and perhaps kangaroo rats [*Dipodomys* spp.]) now are in decline or absent. Therefore, while terrestrial organisms now present in the area most likely do venture into Sennett Creek for water and for cover, they do not do so in a manner consistent with the actual role of wildlife corridors (i.e., Sennett Creek does not function as a wildlife corridor for terrestrial organisms because it is truncated at the concretized Los Angeles River Flood Control Channel and does not connect to high quality habitat areas). (See page IV.C-22 of the Draft EIR.)

With respect to hydrological connectivity, as the Draft EIR explains in Section IV.G, Hydrology/Water Quality on page IV.G-3, Sennett Creek enters the Forest Lawn Memorial-Park property in the southern portion of the Project Site where stormwater flows from the north-facing slopes of the Santa Monica Mountains converge into a more distinct channel and flow onto the Project Site. Sennett Creek flows through the Project Site to an adjacent property, owned by Junior Achievement of Southern California, Inc., where waters from Sennett Creek then enter three corrugated metal pipes, each approximately 60 inches in diameter, located underneath Forest Lawn Drive. On the north side of the public right-of-way, the waters pass through a concrete outfall structure located on what appears to be

Los Angeles Department of Water and Power property, to an outlet into the concrete channel of the Los Angeles River.

The current condition of the River at its confluence with Sennett Creek is degraded and human-modified. The Los Angeles River is entirely concrete-lined at the confluence, and has been deepened substantially below the grade at which it once naturally joined with Sennett Creek. The Los Angeles River Flood Control Channel has no vegetation or canopy at its confluence with Sennett Creek. As noted above, Sennett Creek flows are now conveyed under Forest Lawn Drive through three large, circular pipes and into an outfall structure, which appears to be entirely concrete, but the bottom of the structure has sand and cobbles in it. Sediment has accumulated and appears to provide a substrate supporting vegetation. A mix of invasive, non-native trees and native riparian vegetation is now present in the outfall structure, including Peruvian pepper trees (*Schinus molle*), black cottonwood (*Populus trichocarpa*), willow (*Salix* sp.), mulefat (*Baccharis salicifolia*), California grape (*Vitis californica*), and poison oak (*Toxicodendron diversilobum*). Flows drop down into the Los Angeles River Flood Control Channel from the inclined outfall at an approximate height of 25 feet above the floor of the channel. Mammals, most reptiles and amphibians cannot presently move into or out of the outfall structure or out of the channel, although some animals may be washed into the channel from time to time during higher intensity storms. Additionally, when the River is in flood stage its flows are likely high enough to reach to the outfall. Birds can fly freely from the channel bottom, through or over the outfall, across Forest Lawn Drive, and into Sennett Creek, but no habitat is present in the channel at this location to support most native animal species. Wading birds, waterfowl, and birds associated with open areas (red-tailed hawks, turkey vultures, various ducks, etc.) can be found foraging in the channel.

As explained in the Draft EIR, the proposed Project would impact approximately 12 acres of riparian-associated habitats (e.g., western sycamore/coast live oak, western sycamore/willow riparian forest, southern willow scrub, mulefat scrub, southern willow scrub/mulefat scrub, and disturbed mulefat scrub) on the Project Site. The Project would avoid approximately 13.89 acres out of the 25.89 acres of riparian habitat on the Project Site. Sennett Creek would be avoided by the proposed Project, with the exception of a small area of riparian habitat that would be affected by a proposed culvert crossing similar in design to existing road crossings, though the new crossing would be soft-bottomed to further reduce impacts. Most of the Sennett Creek tributaries which would be affected by Project development do not contain surface water during summer months, although the lower reaches of Sennett Creek appear to support surface water each year. During summer months when water is scarce and found mostly in lower elevation areas, the preservation of Sennett Creek should provide adequate water resources. Though approximately 12 acres of riparian-associated habitat would be removed and animal movement through several drainages on the Project Site would be impeded with implementation of the proposed Project, the proposed Project would not create a substantial barrier to animal movement given the small area of the larger habitat complex

that would be affected. Furthermore, the existing impaired connectivity to the Los Angeles River via Sennett Creek and its tributaries, which provide habitat and cover but no longer have direct ecological connection with the Los Angeles River, would remain in place. Implementation of the proposed mitigation measures described in Section IV.C of the Draft EIR, including Mitigation Measures C-1 through C-6, which provide for the conservation, restoration, and creation of natural habitat areas on the Project Site, and a five-year habitat improvement and monitoring program for the conserved areas on the Project Site, and Mitigation Measures C-10 through C-16, and C-18 through C-19, would be expected to further reduce impacts, resulting in an overall impact with respect to animal movement that would not be significant. (See page IV.C-40 of the Draft EIR.) The comment is noted and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment No. 6-5

Habitat Connectivity Through Cahuenga Pass is a Critical Issue for Griffith Park Ecology

The DEIR asserts that Griffith Park is a biologically isolated island of remnant natural habitat:

A review of current aerial photography and knowledge of this area generally suggests that this "island" of relatively natural habitat is, in itself, largely isolated. It has no connective habitat to natural areas west of the Hollywood Freeway. No discernable corridors or critical pathways for terrestrial wildlife have been identified.

The Conservancy disagrees with the notion that Griffith Park is disconnected from natural areas to the west. The Conservancy and Mountains Recreation and Conservation Authority (MRCA) own both large habitat blocks and smaller connective parcels designed to facilitate wildlife movement throughout the eastern Santa Monica Mountains generally and across the Cahuenga Pass specifically. Where else could the occasional mountain lion sighted in Griffith Park come from?

Most assuredly, Cahuenga Pass is a partial barrier to some terrestrial wildlife movement—one that must be remedied. That issue is beyond the scope of this project but the project can provide mitigation opportunities as addressed in this letter. Studies of movement patterns through this corridor are ongoing to fill this information void; however in the interim it must be assumed that biological exchange occurs regularly, even under existing constrained conditions. If anything, the tenuousness of the connection would warrant greater levels of mitigation rather than less. The remaining wildlife passages through Cahuenga Pass are the target of multiple public and private conservation efforts. The recent acquisition of Cahuenga Peak furthers these aims.

We request that Figure IV.C-3 be revised to more fully reflect all public protected open space in the project vicinity. Terrestrial wildlife movement does not require literally contiguous parcels of habitat, but instead habitat blocks of all sizes with some degree of permeability in between. The FEIR should revise this figure to reflect all public protected open space in the map view. Currently the figure does not even include contiguous habitat in the vicinity of Lake Hollywood. Conservancy staff will provide parkland GIS layers if requested.

Response to Comment No. 6-5

The comment suggests that the Draft EIR incorrectly refers to Griffith Park as an “island” that is disconnected from natural areas to the west. To clarify, the Draft EIR describes an “island” of natural open space consisting of approximately 3,700 acres south of State Highway 134, east of Barham Boulevard, west of Interstate 5, and north of the southern boundary of Griffith Park. As the Draft EIR explains, in addition to Griffith Park natural areas, this area includes undeveloped areas of the Project Site, and other privately owned properties in the Cahuenga Peak/Mt. Lee area and is surrounded by the developed urban area. (See Section IV.C, Biological Resources, of the Draft EIR, page IV.C-20.) The Draft EIR notes that this area of natural habitat is largely isolated, with no connective habitat to natural areas west of the Hollywood Freeway, and that no discernable corridors or critical pathways for terrestrial wildlife have been identified. (See page IV.C-39 of the Draft EIR.) The Draft EIR does not state that wildlife does not pass out of this area. The Draft EIR describes the south and north slopes of the Hollywood Hills and notes that habitat generalists such as mule deer and coyote move freely between the various community types. (See Draft EIR page IV.C-20.) Over the course of years of investigation in Southern California, it is generally recognized that mountain lions, like coyotes and other meso-predators, have become habituated to urban environments and fringe areas and can in some instances be considered habitat generalists (species common to multiple habitat types and/or urban environments). In addition, the Draft EIR notes that a number of common, urban-adapted species, such as Virginia opossum, northern raccoon, mule deer, and coyote, can be found outside of the natural habitat block within the developed/cemetery portion of the Project Site, which contains low levels of evening light, closes at night, and provides urban-tolerant species with foraging area. (See page IV.C-19 of the Draft EIR.)

The issue of connectivity between the Griffith Park habitat block and the Santa Monica Mountains to the west was summarized in the Draft EIR (See, Section IV.C.2.b(6), Wildlife Movement, page IV.C-20) and discussed in detail in the General Biological Assessment, attached as Appendix C-1 to the Draft EIR. The analysis acknowledges that the Griffith Park habitat block is relatively porous for a number of organisms, including most resident bird species and mobile terrestrial organisms. The assertion by the commentor that animals move across the Cahuenga Pass between Griffith Park and the eastern Santa Monica Mountains is largely correct for habitat generalists and mobile organisms, as noted

in the Draft EIR and the General Biological Assessment. The proposed Project would not affect the movement of such organisms across parcels, open land, or connecting bridges in and around the Cahuenga Pass. The comment is noted and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Figure IV.C-3 has been updated in response to the comment and based on additional information provided by the Commentor. Please refer to Section II, Corrections and Additions of this Final EIR.

Comment No. 6-6

Habitat Area to be Lost is Valuable and Should be Minimized

The DEIR calculates the habitat loss to occur under the proposed project as a percentage of the greater Griffith Park core habitat area to conclude that a 1.9 percent loss is less than significant. Setting aside the issue of significance, the Conservancy believes that habitat loss in the context of an already stressed ecosystem should be minimized. In the Hollywood Hills and Griffith Park ecosystems, the Conservancy's view is that the loss of more than five acres of any habitat type should be avoided.

Furthermore, the habitat loss associated with the proposed project would occur in vegetation communities that comprise the ecologically important north slope habitat in the Griffith Park core habitat block. The FEIR should identify what percentage of riparian woodland and other sensitive communities in the Griffith Park core habitat area would be impacted under the proposed project and each alternative.

Second only to connectivity, the size of the core habitat area is an important issue facing the Griffith Park habitat block. As the 2007 fire demonstrated, a single stochastic disturbance can affect the entire area. Habitat size is the primary determinant of an ecosystem's resiliency against this kind of event. Unaffected areas provide critical source flora and fauna for recolonization after natural or manmade disturbances.

As proposed, riparian mitigation may occur outside the Santa Monica Mountains in the upper Los Angeles River watershed. Thus, this off-site mitigation may not address the reduction in habitat area within the Griffith Park core habitat area. We believe that the mitigation should be focused on this core habitat area. To compensate for the diminution of the Griffith Park core habitat area, additional mitigation should occur within or in close proximity to the habitat block. For example, this mitigation could include permanent preservation of private land within the Griffith Park core habitat area or Cahuenga Pass wildlife corridor. The FEIR must include a voluntary mitigation measure to provide a fund for the MRCA to acquire approximately 20 acres in either the movement corridor or

unprotected riparian woodland habitat within the block. A rough estimate for the value of such a fund can be computed using the cost of the recent Cahuenga Peak acquisition, which was \$87,000 per acre.

To offset the aforementioned habitat loss, the voluntary mitigation measure must contribute \$2 million to the Mountains Recreation and Conservation Authority (MRCA) for acquisition of parcels within the Griffith Park core habitat area and/or Cahuenga Pass wildlife movement corridor and related expenses. Expenditures from this fund would be geographically limited to within the Santa Monica Mountains east of a north-south axis formed by Runyon Canyon Park, Mulholland Drive, and Multiview Drive. This amount is commensurate to the impact from Alternative 4, the Conservancy's preferred alternative. Any increase in project size beyond the 133 acres of Alternative 4 shall be further offset by additional habitat acquisition funding at a rate of \$80,000 per acre. Should the project be reduced in size below that contemplated by Alternative 4, a proportional reduction in off-site acquisition funding may be appropriate. The voluntary mitigation measure must require that an initial \$600,000 be paid to the MRCA prior to issuance of the grading permit, with the balance of the fund transferred within 18 months of that date.

Key parcels in the corridor are owned by the Department of Water and Power (DWP). Causing for the permanent preservation of these parcels by the applicant would contribute toward offsetting the habitat loss associated with the proposed project and therefore constitutes an adequate alternative to transferring the balance of the fund. However, the initial \$600,000 payment is intended for acquisitions on the west side of the Cahuenga Pass and must be transferred regardless of the status of the DWP property. If desired by the applicant, the MRCA would allow the applicant to secure MRCA-approved properties on the Authority's behalf in lieu of the full monetary contribution. If the majority of the DWP property between Lake Hollywood and Cahuenga Pass is not adequately protected to MRCA standards within 18 months of the issuance of the grading permit associated with the subject project, the remaining \$1.4 million shall be transferred to the MRCA.

Response to Comment No. 6-6

As the comment notes, and as explained in the Draft EIR, the functional natural habitat within the Project Site is at the edge of the Hollywood Hills/Griffith Park habitat complex, and the 70.42 acres of natural areas on the Project Site that would be impacted by the proposed Project comprise just 1.9 percent of the approximate 3,700-acre area of remnant natural habitat in the easternmost Santa Monica Mountains. Potential Project impacts to sensitive habitat were also evaluated with respect to individual vegetation communities in Section IV.C, Biological Resources, of the Draft EIR and in the General Biological Assessment, attached as Appendix C-1 to the Draft EIR. The vegetation and plant communities existing on the Project Site are described in detail on pages IV.C-13 to IV.C-18 of the Draft EIR, and potential impacts to each vegetation community associated with the proposed Project are described on pages IV.C-27 and IV.C-29 of the Draft EIR. In

addition, Table IV.C-1, Vegetation Communities on the Project Site, on page IV.C-28 of the Draft EIR, lists each natural vegetation community on the Project Site, its acreage, the acreage impacted by the Project, and regulatory status designation, if any. Figure IV.C-4 on page IV.C-30 of the Draft EIR depicts the vegetation communities that would be affected by the proposed Project. As the Draft EIR explains, of the approximately 120 acres of native vegetation communities present on the Project Site, approximately 18.02 acres of vegetation communities locally designated as a Highest Inventory Community by the *City of Los Angeles CEQA Thresholds Guide* and/or identified as a CDFG Special Community (or the functional equivalent thereof) would be permanently impacted by the implementation of the proposed Project, including approximately 9.27 acres of western sycamore/coast live oak, approximately 7.64 acres of coast live oak woodland, approximately 0.62 acre of California walnut woodland, approximately 0.39 acre of southern willow scrub/mulefat scrub, approximately 0.05 acre of southern willow scrub, and approximately 0.05 acre of western sycamore/willow riparian forest. Implementation of the proposed mitigation program described in the Draft EIR, including Mitigation Measures C-1 through C-6, Mitigation Measure C-8, and Mitigation Measures C-15 through C-17, would reduce the impacts to these regulatory status vegetation communities to a less-than-significant level. (See page IV.C-29 of the Draft EIR.) The Draft EIR also describes the Project impacts to vegetation communities that are not considered regulatory status, which would be less than significant. (See page IV.C-29 of the Draft EIR.)

Off-site analysis and vegetation mapping was not conducted throughout the approximate 3,700-acre habitat block and is not available for reference. The Project Site was mapped digitally and plant communities quantified as discussed above. Performing off-site analyses on lands not owned by the Applicant is not within the scope of the analysis for the Project under CEQA.

As explained in the Draft EIR and above, the proposed Project would impact approximately 70.42 acres of natural area, or approximately 1.9 percent of the greater habitat block. A substantial amount (approximately half) of that impacted acreage would be replaced on-site pursuant to the mitigation program described in the Draft EIR. Additional land, primarily riparian drainages, would be restored within the Los Angeles River watershed pursuant to Mitigation Measure C-8 and the Applicant's agreement with the Mountains Recreation and Conservation Authority. As the Draft EIR concludes, with implementation of the mitigation measures described in the Draft EIR, potential impacts to biological resources would be less than significant. Accordingly, the voluntary mitigation measure suggested by the commentor is not necessary to reduce Project impacts to a less-than-significant level. The comment is noted and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment No. 6-7**On-Site Resources Must be Better Protected**

The Conservancy asserts that minimizing on-site impacts to sensitive communities is the correct approach. Remaining resources on-site must be afforded the highest possible form of protection. Preservation of remaining habitat, revegetated slopes, and riparian corridors on the subject property must be a condition of approval to ensure enforceable protection in perpetuity. In addition, the adjacent undeveloped property owned by Forest Lawn to the west of the project area must be permanently protected as part of the subject approval. The Conservancy understands that the DWP easement is preexisting and would be superior to any preservation program. The Conservancy would support any fee simple transfer of conserved land to the City of Los Angeles Department of Recreation and Parks with an overlying conservation easement in favor of the MRCA.

Response to Comment No. 6-7

As required pursuant to Mitigation Measures C-1 through C-5, set forth on pages IV.C-44 through IV.C-47 of Section IV.C, Biological Resources, of the Draft EIR, Forest Lawn shall record a covenant and agreement not to develop or bury within the on-site mitigation areas in accordance with the final design plan for the Project approved by the applicable agencies. The timing of submittal and recordation of the covenant and agreement shall be in accordance with Project implementation and subject to the approval of the Department of City Planning. The comment is noted and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment No. 6-8**Fencing Must be Permeable to Mammals**

The DEIR notes that existing fencing on the property's perimeter is somewhat permeable to wildlife. However, the fencing's permeability is currently left to chance and the project contains no assurances that future extensions or repairs will also be permeable to wildlife. To achieve a less-than-significant impact to wildlife movement, a voluntary mitigation measure should explicitly state that all new or renovated fencing greater than 1,500 feet from Forest Lawn Drive will be passable to wildlife such that mammals can access the lower reaches of Sennett Creek during the dry months.

Response to Comment No. 6-8

As the Draft EIR explains on page IV.C-22 of Section IV.C, Biological Resources, the Project Site is currently fenced along Forest Lawn Drive (i.e., the north property boundary), along the eastern boundary with Griffith Park, and along a portion of the

southern boundary with Griffith Park. The fence along the southern boundary of the Project Site extends from the southeast corner of the Project Site to the area near Drainages E and F in the central portion of the Project Site. Other areas of the Project Site adjacent to undeveloped areas are otherwise maintained in their natural state. Where fencing is placed along the property line, it tends to be porous in terms of wildlife movement, and birds, small mammals, snakes, lizards, and invertebrates generally would not experience any barriers as a result of the existing fencing. The impact analysis on pages IV.C-40 and IV.C-41 of the Draft EIR explains that the Project Site's existing fencing is expected to remain, and additional fencing or replacement fencing may be installed over time as needed for safety purposes. New fencing, if added, would be placed within the designated disturbance footprint of the Project. Consistent with the existing fencing, any additional fencing along the property line would have little to no effect on birds, small mammals, snakes, lizards, amphibians, and invertebrates, as they generally do not experience any barriers as a result of the existing fencing. Larger mammals likely use avenues of opportunity to circumvent fencing by jumping or climbing, searching for gaps in drainages or low spots, or using tree limbs or tree canopies that extend over the fence. Thus, the existing fencing and any additional fencing is unlikely to substantially inhibit animal movement, and the Draft EIR concludes that potential impacts associated with fencing would not be significant.

As noted in Section IV.H, Land Use Planning, of the Draft EIR, one of the performance standards set forth for cemeteries as a public benefit use under Section 14.00 of the Los Angeles Municipal Code is that there is a solid, decorative, masonry or wrought iron wall or fence at least 8 feet in height, or the maximum height permitted by the zone, whichever is less, that encircles the periphery of the property and does not extend into the required front yard setback. (See pages IV.H.9 and IV.H-10 of the Draft EIR and Section 14.00 A.1(b) of the Los Angeles Municipal Code.) In analyzing the Project's conformance with this standard, the Draft EIR explains on page IV.H-27 that a wrought iron fence is provided along the northerly edge of the property adjacent to Forest Lawn Drive. Additional areas of the Project Site adjacent to undeveloped areas include a chain link fence along the property line, and other areas adjacent to undeveloped open space areas such as Griffith Park are otherwise maintained in their natural state. As the Draft EIR notes, the 444-acre Project Site includes areas of varying topography and extensive vegetation, which serve to further buffer the Project Site. The Draft EIR concludes that the Project is consistent with the purposes of the performance standard because the Project is located within the periphery of the existing Memorial-Park property and will thus be protected by the existing fences and natural barriers which also protect adjacent uses. The comment is noted and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment No. 6-9**Lighting Impacts are Adequately Addressed**

The potential impact from both direct and ambient lighting is an important consideration for biological resources. The Conservancy believes that the standard of preventing artificial illumination of natural areas, as identified in the DEIR, is sufficient. Sennett Creek and its tributaries must be included in the definition of natural areas for this purpose.

Response to Comment No. 6-9

Pursuant to Mitigation Measure C-19, set forth on page IV.C-53 of the Draft EIR, all lighting adjacent to natural areas shall be of low luminescence, directed downward or toward structures, and shielded to the extent necessary to prevent artificial illumination of natural areas and protect nocturnal biological resources, as determined appropriate by a qualified biologist. Sennett Creek and tributaries preserved under the proposed Project would be considered natural areas addressed by the mitigation measure. The comment is noted and has been forwarded to the decision-makers for review and consideration by the decision-makers prior to any action on the Project.

Comment No. 6-10**Impact of Brush Clearance Should be Identified**

The DEIR references the fact that some natural areas will be brushed and asserts that this impact will be less than significant. However, the location and extent of brush clearance is not clearly identified therefore the impact cannot be effectively evaluated. The FEIR should define what brush clearing for aesthetic purposes means and show the extent of its reach into natural areas. Additionally, the FEIR should disclose whether any of the brush clearance will occur on neighboring parcels or in Griffith Park. Brush clearance areas must be evaluated by quantifying the impact by affected habitat type.

Response to Comment No. 6-10

As provided in Mitigation Measure C-2, set forth on page IV.C-46 of the Draft EIR, Forest Lawn shall create 23 acres of graded slopes on the Project Site in substantial conformance with Figure IV.C-5 on page IV.C-45, On-Site Mitigation Areas, and plant this area with native plant communities such as woodland, chaparral, and scrub in accordance with an upland habitat plan prepared by a qualified biologist/restoration ecologist. This area may include appropriate buffers of native vegetation adjacent to developed cemetery property that may be maintained for fire safety and aesthetic purposes. Natural areas that are adjacent to developed areas would be clearly identified through open fencing and/or signage and these areas would not be subject to vegetation management or clearing by Forest Lawn. The only areas of Griffith Park that would be affected would be the three

off-site basin areas, and those habitat types and acreages are identified in the Draft EIR (Section IV.C, page 42). The perimeters of those three basins would be managed for weed control and fire suppression only within the approved development footprint and not in areas that were not anticipated for construction of each basin.

Comment No. 6-11

Cumulative Impacts Should be Further Examined

The DEIR asserts that because the project's impacts are mitigated to a level of insignificance and any other potential project would likewise be mitigated to a level of insignificance, there would be no potential for cumulative impacts. However, the distinction between a cumulative impact and a direct impact is that a cumulative impact occurs when multiple direct impacts that would otherwise be less than significant are in fact significant when considered together. A project with reduced impacts due to off-site mitigation, as is the case with the proposed project, could very well contribute to cumulative impacts in the vicinity of the project despite that mitigation.

The FEIR should further evaluate the cumulative impacts of the proposed project in the context of an ever-shrinking core habitat area and ever-diminishing connectivity to the rest of the Santa Monica Mountains. It is very possible that additional mitigation may be required to address specific potential cumulative impacts to wildlife movement, habitat area, and ecosystem resilience. The habitat acquisition fund proposed above would address this potential for cumulative impacts.

Response to Comment No. 6-11

Pursuant to the *CEQA Guidelines*, "cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (*CEQA Guidelines*, Section 15355.) An EIR must discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable (i.e., significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). (*CEQA Guidelines* Sections 15130 and 15065(a)(3).) "An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR." (*CEQA Guidelines* Section 15130(a)(1).) Pursuant to the *CEQA Guidelines*, an EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. (*CEQA Guidelines* Section 15130(3).) The discussion of cumulative impacts "need not provide as great detail as is provided for the effects attributable to the project alone...[and] should be guided by the standards of practicality and reasonableness." (*CEQA Guidelines*, Section 15130.)

As explained in the cumulative impacts discussion in the Biological Resources Section of the Draft EIR, although Griffith Park and other undeveloped lands are directly south, east and west of the Project Site, the other surrounding areas are highly urbanized and would be rarely used by wildlife other than those adapted to urban environments. The functional natural habitat within the Project Site is at the edge of the Hollywood Hills/Griffith Park habitat complex, and the 70.42 acres of natural areas on the Project Site that would be impacted by the proposed Project comprise just 1.9 percent of the approximate 3,700-acre area of remnant natural habitat in the easternmost Santa Monica Mountains. This relatively small area that would be affected by the proposed Project (in comparison to the approximately 3,700-acre habitat block) would support a proportionally small amount of wildlife movement. Thus, barriers or impediments to movement in this small area would not preclude or eliminate animal movement on the north slope of the Santa Monica Mountains/Hollywood Hills, and impacts associated with wildlife movement would be less than significant. (See pages IV.C-39 and IV.C-40 of the Draft EIR.) As discussed in the Draft EIR, the proposed Project would not have a significant impact on biological resources (including vegetation communities, regulatory status animal or plant species, protected trees, or jurisdictional features) with implementation of the proposed mitigation program. Thus, the Project's incremental effects are not cumulatively considerable, and therefore, the Project's potential cumulative impacts with respect to biological resources would be less than significant. The comment is noted and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment No. 6-12

Alternative 4 Represents Best Balance of Resource Protection and Cemetery Use

The Conservancy supports the identified environmentally superior alternative: Alternative 4. This alternative strikes the best balance between expanding the cemetery and preserving the highest-value riparian resources. As outlined above, the on-site riparian resources are critical to the overall health of the Griffith Park core habitat area, warranting a sharp focus on impact avoidance. Alternative 4 successfully preserves multiple Sennett Creek tributaries and their associated riparian woodland habitat without unduly reducing the number of interment sites possible on the subject property. The alternative provides for 188,487 interment sites, instead of the proposed 199,614, while impacting 3.79 fewer acres of jurisdictional streambed than the proposed project. Only Alternative 5 would avoid further riparian impacts, but at the cost of a substantial reduction in interment sites.

Although Alternative 4 still results in some riparian resource loss, the extent of this loss is much reduced in comparison to the proposed project and would spare the most sensitive on-site resources. The MRCA has entered into an In-Lieu Fee Agreement with Forest Lawn in accordance with mitigation measure C-8 providing for the replacement of lost riparian resources through creation, restoration, and enhancement activities off-site, pending approval from the U.S. Army Corps of Engineers and California Department of Fish and

Game. Mitigation will be determined based on a required mitigation ratio and what jurisdictional acreage is ultimately impacted by the proposed project.

Response to Comment No. 6-12

The Commentor's support for Alternative 4 is noted and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project. As explained in the Draft EIR, Section 15126.6(e)(2) of the *CEQA Guidelines* indicates that an analysis of alternatives to a project must identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. As set forth on page VI-62 of the Draft EIR, Alternative 4 (Reduced Project with Preservation of Drainages D, D1, F, F1, and H) would be the Environmentally Superior Alternative. Although Alternative 4 would reduce impacts as compared with the proposed Project, Alternative 4 would meet several of the Project objectives to a lesser degree than the proposed Project. The commenter is referred to Section II, Corrections and Additions to the Draft EIR, in this Final EIR, for an updated description of Alternative 4.

As the comment notes, Mitigation Measure C-8, set forth on pages IV.C-48 and IV.C-49 of the Draft EIR, requires Forest Lawn to retain a qualified biologist/restoration ecologist to identify degraded on-site and off-site streambeds and/or "waters of the U.S" (i.e., CDFG, Regional Water Quality Control Board and/or Corps jurisdictional areas) and identify opportunities for creation, restoration and/or enhancement. Areas for consideration may include areas on the Project Site or other properties located within the Los Angeles River watershed, including headwaters of the Los Angeles River. The acreage to be created, restored or enhanced shall be determined on a mitigation-to-impact ratio (e.g., 1:1 or 2:1) and based on functional assessments (CRAM or similar methodology) of both impacted areas and proposed mitigation areas. Implementation of the mitigation measure may also be satisfied by payment of a mitigation fee to a third party responsible for mitigation implementation and long-term maintenance for off-site mitigation, subject to the approval of CDFG, the Corps, and the Regional Water Quality Control Board, as applicable. Accordingly, as the comment notes, Forest Lawn and the Mountains Recreation and Conservation Authority, a joint powers agency of the Santa Monica Mountains Conservancy, have entered into an agreement for the provision of off-site mitigation (creation/restoration of areas subject to CDFG and Army Corps jurisdiction) in the Los Angeles River watershed in connection with the Project by the Mountains Recreation and Conservation Authority.

Comment No. 6-13

The State Clearinghouse failed to notify the Conservancy of the release of this DEIR, though we understand that the City and Forest Lawn did in fact correctly request that the State Clearinghouse notify the Conservancy. In order to avoid lack of notice in the future with regard to this project, please send all future notices and other project documents to the

letterhead address. If you have any questions, please contact Paul Edelman of our staff at (310) 589-3200 ext. 128.

Response to Comment No. 6-13

As noted by the comment, the Notice of Completion sent to the State Clearinghouse by the City of Los Angeles recommended that the Draft EIR be distributed to the Santa Monica Mountains Conservancy as a reviewing agency. All future public notices to the Santa Monica Mountains Conservancy regarding the Project will be sent as directed by the comment.