

**BALDWIN HILLS CONSERVANCY**

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Agenda Item 9(a)

SMMC

2-24-2014

November 1, 2013

Catalina Hernandez

City of Los Angeles

Bureau of Engineering

1149 South Broadway, Suite 600, Mail Stop 939 Los Angeles, CA 90015.

Re: Initial Study/ Mitigated Negative Declaration - Los Angeles  
Citywide Cat Program

Ms. Catalina Hernandez:

The Baldwin Hills Conservancy was created to manage and acquire land within the Baldwin Hills Area and provide wildlife habitat restoration and protection pursuant to California Public Resources Code 32555 (a). The Conservancy Territory and its amalgamation of public lands rest at the intersection of unincorporated Los Angeles County, Culver City, City of Los Angeles and the State of California. The unenclosed boundaries of nearly 750 acres of parkland overlap jurisdictions in several areas, making the unintended impacts of a neighboring municipality's ordinances a going concern for the agency's planning and habitat conservation goals. As a concerned stakeholder, we offer comments on a few specific amendments as proposed in the City's Initial Study/Mitigated Negative Declaration for the Citywide Cat Program.

Two new provisions discussed in the Initial Study pose significant challenges in future application and enforcement and are not adequately addressed by the Mitigated Negative Declaration. The first is the provision that attempts to geographically define the

term “colony” without addressing open space or vacant areas that are not parkland. The second is the proposed exemption for persons feeding and watering feral cats, a practice currently prohibited by Section 53.06.5 (b) of the Los Angeles Municipal Code.

Under the existing municipal code, “colony” is undefined. The definition provided in the Initial Study attempts to protect two geographic areas by simply restricting the free roaming feral cat hunting and foraging area to spaces that are; a) not inside parks; and b) not within a mile of a Significant Ecological Area (SEA). This definition would allow unfettered feeding and care of feral cats to take place in large open space areas immediately adjacent to the Baldwin Hills Parklands and the SEA’s of the Ballona Creek and Wetlands.

It is important to recognize one of the unique characteristics of the Baldwin Hills Territory is its proximity to a wide range of open spaces that are not considered parks, but are indisputably open natural areas that host a variety of animal life. Large easements held by utility, flood and transportation entities, as well as undeveloped cemetery land in and around the Parklands and Ballona Creek would become fair ground for lawful feeding and care of feral cat populations exclusively. Several of these unenclosed areas host free roaming cat populations currently being fed by volunteer caretakers illegally. As defined under the new ordinance, restrictions for feeding in these geographic areas would be lifted, allowing for a potential increase in feral cat population and permeation of the cat colonies into adjacent parks. This also creates the potential risk that cats in a colony within one mile of an environmentally sensitive area could end up in an SEA as part of their extensive foraging range.

Implementation of a policy that provides for legal feeding of cats without addressing other wildlife living in these large areas also imposes a major enforcement issue for the City, County and State. Moreover, the policy is in conflict with the native habitat

restoration objectives of the Conservancy and could have devastating consequences to the California Threatened or Species of Special Concern listed as a part of the Ballona Creek SEA.

The newly proposed exemption cited in the ordinance would also lift prohibitions for the volunteer caretakers who feed and water sterilized cats, explicitly negating the existing Municipal Code Section 53.06.5 (b), which, as described in the Initial Study, “prohibits any person from feeding or in any manner providing food for a non-domesticated mammalian predator, which may include feral cats”. The exemption would also undermine existing California Fish and Game Policy. The Fish and Game Code is the foundation for the enforcement of wildlife regulations within the County. Case law has upheld that feeding stray cats, feral cats and wildlife animals fall under the California Fish and Game Code 251.1 Harassment of Animals. Per the code, "harassment" is defined as: An intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section applies to the feral cat feeders because wild animals have access to the food stations as well. If the act of the feeding is intentional, it does not matter that the food was intended for feral cats if wildlife animals have access.

If the proposed ordinance is adopted as written, the normal activities of foxes, raccoons, skunks, vermin and other animals that hunt and forage in the area would be disrupted. The ongoing maintenance of cat colonies by caretakers in these unrestricted open areas would create an attraction for mesopredators to join the ritual feeding and vie for the regularly scheduled sustenance. To further complicate the issue, in order to avoid violating the revised municipal code, the caretaker would be responsible for identifying only sterilized cats for feeding while restricting non-sterile cats and at-large wildlife community from partaking. Enforcement of the ordinance as written is highly unlikely, creating

an untenable situation for both caretakers and law enforcement agencies.

While the Citywide Cat Program has the humane goal of reducing cat euthanasia in Los Angeles, the prescribed course of action should not create unintended adverse impacts to publicly owned natural lands, nor should it contradict existing law. Accordingly, the Conservancy recommends removal of the amendment provision that includes a definition of a colony from the municipal code; and removal of the exemption provision proposed for LAMC Section 53.06.5 (b).

Sincerely,

A handwritten signature in dark ink, appearing to read "David McNeill", is positioned above the printed name.

David McNeill

Executive Officer