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June 15, 2017

Mr. Jodie Sackett
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Northlake Specific Plan Project (PROJECT)
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (DSEIR)
SCH# 2015031080

Dear Mr. Sackett:

The California Department of Fish and Wildlife (Department) received a Notice of Availability of a DSEIR from Los Angeles County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPARTMENT'S ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines § 15386, subdivision (a)]. The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

The Department is also submitting comments as a **Responsible Agency** under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). The Department expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish &

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Northlake Associates, LLC

Objective: The proposed Project involves implementation of the previously approved Specific Plan; specifically, it would involve development of up to 3,150 residential units, 9.2 acres of commercial uses, 13.9 acres of industrial uses, 297 acres of open space (not 791 as described in the DSEIR), 494 acres of park and manufactured slopes, a 23-acre school site in the Phase 2 area, and a 1.4-acre pad for a future fire station. Additionally, off-site improvements, potentially on State Park/National Forest Land, include fuel modification, connection to existing utilities and relocation of existing utility lines, drainage facilities, and other infrastructure, would occur outside of area specified as the proposed Project site.

Additional Project-related improvements that would extend outside of the Specific Plan boundary include a 4.64-acre connection of Grasshopper Creek Park, a debris basin, 2.39 acres in trail connections, a 5.1-acre pad for a water tank, 29.79 acres of manufactured slopes, and 11.98 acres of natural open space.

The Project site is approximately 1,330 acres of undeveloped land in unincorporated Los Angeles County. The Project area is located between Interstate 5 to the west, Castaic Lake to the east, and the Angeles National Forest to the west, north, and east. The town of Castaic is located to the south of the proposed Project.

Location: Los Angeles County.

Timeframe: Developed in two phases, with completion in 2028.

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist Los Angeles County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Project Description and Related Impact Shortcoming

Comment #1: Range of Alternatives Considered.

Issue: The DSEIR considers 4 alternatives, 1) no project, 2) the proposed Project, 3) no industrial development (loss of 13-acres of industrial development), and 4) development of Phase 1 only. A no creek impact alternative was considered but deemed infeasible and not included in the alternatives analysis.

The Department is concerned that there does not appear to include an alternative that reduce impacts to the sensitive biological resources on the Project in a biologically meaningful way.

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Alternative 4 appears to reduce biological impacts by potentially avoiding 4 of the 9 vernal pools on-site; however, the overwhelming majority of rare plants, sensitive vegetation communities, a perennial seep, burrowing owl (*Athene cinularia*) burrows, known western spadefoot toad (*Spea hammondi*) locations, and the majority of Grasshopper Creek will still be impacted under this alternative. No alternative except the no project (alternative 1) reduces impacts to these biological resources.

The Department requests a range of alternative be looked at that avoid and reduce the impacts to sensitive resources on-site including 1) an unknown number of vernal pools (Appendix D includes maps of surveys in 2006 and 2014 that map vernal pools in different locations and use different numbering systems and terminology, making it difficult to determine which pool is being referred to in various sections of the DSEIR), 2) in-stream seep (documented in Appendix D Red Legged Frog Survey Report, Exhibit 3), 3) documented western spadefoot toad occurrences (vernal pool 2, 3, 4, 6, 7, and 8 have all been documented as having western spadefoot toad), 4) Grasshopper Creek, 5) rare plants, 6) burrowing owl and 7) sensitive vegetation communities.

Of the four alternatives presented, the Department recommends alternative four be considered to help reduce significant impacts to biological resources. However, the Department suggests an alternative that includes developing Phase 2 and conserving Phase 1 as natural open space be considered.

Specific impact: CEQA guidelines states "For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (15126.6[f][2][A])". The Department contends that the Project includes significant effects to biological resources that have 1) not been addressed in the DSEIR, and 2) not been mitigated to below significant with the mitigation measures proposed. The Department recommends the County recirculate the DSEIR with additional alternatives that avoid and minimize impacts to the resources discussed above and are described in further detail below.

Comment #2: Clustered Development, Edge Effect and Value of Proposed OpenSpace

Issue: The Department's comment letter on the Notice of Preparation (NOP) included a recommendation to cluster development to keep the development footprint as small as possible. The DSEIR contains virtually the same project description as the NOP.

The Department is concerned that the Project spans the entire western length of Castaic Lake from north to south. The 297 acres of open space (the DSEIR states 624 acres of open space but this includes manufactured slopes, which the Department considers an impact from the development) proposed is scattered around the development in relatively small patches within and between the development uses. All of the open space areas have trails proposed for construction and most have a park component within them. All of the open space locations appear to be 600 feet wide or less, except the northernmost patch associated with the North Valley Paseo trail.

Specific impact: The Department is concerned the biological value of the proposed open space is relatively low, and does not mitigate for the impacts to resources on-site.

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Why impact would occur: Smaller patch size of land means the land is subject to greater influences of edge effect. These include Argentine ant invasions known to occur when irrigation is introduced, as well as competition from non-native species, heat island effect, shading, noise, lighting, human disturbance, fuel modification, and not having enough land to properly establish territories and/or carry out all parts of a lifecycle.

Evidence impact would be significant: Large concrete slabs, paving, v-ditches, and irrigated areas retain moisture in the soil. Invasive Argentine ants thrive in this perennially moist zone. Invasion and establishment of Argentine ant colonies may occur due to soil disturbance, introduction of hardened surfaces (paving, cement, storm drains and structures), and irrigation.² Sites within 200 meters (656 feet) of urban areas are more likely to have been invaded by Argentine ants³. This is significant because Argentine ants negatively impact and displace native ants, altering the ecosystem. Studies show native honeybees spend 75 percent less time foraging on inflorescences with Argentine ants, reducing seed production and long-term population viability of native plants⁴. Since all but the northernmost open space area is approximately 600 feet from a park, irrigated slope, or development, the value of this open space will be dramatically reduced for native plants and animals.

The Department, using Exhibit 4-1 of the DSEIR, estimates there are 15 patches of Natural Open Space proposed. This averages out to 20 acres per patch. Studies have demonstrated that habitat patches without roads that are inaccessible to humans serve to better conserve many target species than do areas with roads and accessible habitat patches⁵. Additionally, studies show that habitat remnants from 24-247 acres do not retain their complement of native vertebrate species for longer than a few decades, leading to collapse of the ecosystem⁶.

From the DSEIR, it is not clear if fuel modification will occur in areas classified as Natural Open Space (297 acres of undisturbed open space). The DSEIR should clearly define areas that will be subject to fuel modification and remove this acreage from Natural Open Space calculations. The Department considers areas subject to fuel modification (e.g., thinning, trimming, irrigating) impacts to the ecosystem needing to be mitigated.

Recommended Potentially Feasible Mitigation Measure(s): The Department recommends clustering development, reducing the footprint of the development, and/or eliminating parks and development to reduce the disturbance acreage. The Department also recommends combining any open space into fewer, larger areas that will be less affected by edge effect, thereby increasing their biological value.

Comment #3: DSEIR Analysis of Wildlife Crossing and Use of Site

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² S. B. Menke, r. N. Fisher, w. Jetz, and d. A. Holway 2007. Biotic and abiotic controls of Argentine ant invasion success at local and landscape scales. *Ecology* 88:3164–3173

³ *Conservation Biology*, Volume 24, No. 5, 1239–1248 Journal compilation © 2010 Society for Conservation Biology.

⁴ *Journal of Conservation Biogeography*, Volume 14, Issue 2 March 2008 Pages 281–290

⁵ Science and the Endangered Species Act By National Research Council, Commission on Life Sciences, Board on Environmental Studies and Toxicology, Committee on Scientific Issues in the Endangered Species Act

⁶ Soulé, Michael E., et al. "The Effects of Habitat Fragmentation on Chaparral Plants and Vertebrates." *Oikos*, vol. 63, no. 1, 1992, pp. 39–47. JSTOR, www.jstor.org/stable/3545514.

Issue: The DSEIR includes a brief analysis concluding the Project will not affect wildlife crossings under Interstate 5 (I-5), wildlife access to Castaic Lake, nor affect the availability of wildlife to access water.

The DSEIR does not provide any data or maps to support these conclusions. The DSEIR only identifies one undercrossing below I-5, while a Google Earth search shows 2 (34°31'59.08"N 118°38'40.25"W and 34°32'43.11"N 118°39'19.91"W) adjacent crossings under northbound I-5. Additionally, a third crossing under both north and southbound lanes occurs just north of the Project at Templin Highway. This crossing is significant as it is the only crossing of the I-5 from the Castaic Ranges to the Whitaker Peak/U.S. Forest Service land west of I-5, south of Pyramid Lake.

The South Coast Wildlands Missing Linkages Report⁷ (2005) identified the Project area and adjacent crossings in their linkage design (Figure 37 of the South Coast Missing Linkages Project – A linkage design for the Sierra Madre-Castaic Connection) and considers this area highly suitable for regional wildlife movement and connectivity including mountain lion (*Puma concolor*), American badger (*Taxidea taxus*), mule deer (*Odocoileus hemionus*), pacific kangaroo rat (*Dipodomys agilis*), California spotted owl (*Strix occidentalis*), and western pond turtle (*Actinemys marmorata*)— the latter two being species of special concern.

Specific impact: The Project, as proposed, will eliminate several perennial water sources that have historically been available to regional wildlife. The Project will also affect the ability of wildlife to use the I-5 under-crossings and may substantially affect the larger under-crossing at Templin. This Templin under-crossing is currently the only under-crossing from the Castaic Range under the I-5 to the adjacent national forest for large animals in the area.

Evidence impact is significant: Aspects of the Project could create physical barriers to wildlife movement from direct or indirect Project-related activities. Impacts from increased traffic, lighting, noise, dust, and increased human activity may interfere with wildlife movement and use of under-crossings. Additionally, mammals from the region may rely on the perennial water sources found on the Project.

Recommended Potentially Feasible Mitigation Measure(s): The Department recommends the DSEIR include studies that track wildlife dispersal, including that for large mammals, across the Project site and across the three under-crossings discussed above, and discuss how the Project will affect the use and dispersal patterns. The Department also recommends the DSEIR include maps showing local and regional wildlife movement patterns and analyze how the Project will affect these corridors. The DSEIR asserts the Project will not have a significant effect on wildlife movement. The Department requests the DSEIR include data and maps to support these conclusions.

The Department recommends conducting the above-mentioned studies and including this data along with maps in a recirculated DSEIR. The Department is not able to make further recommendations for avoiding impacts to wildlife corridors, without knowing what animals use these areas and how the Project will affect these uses. However, given the current Project

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⁷ South Coast Missing Linkages Project – A linkage design for the Sierra Madre-Castaic Connection, March 2005.

footprint, the Department does recommend, consistent with the South Coast Wildlands report, that a land bridge over the I-5 be constructed to continue to allow safe and protected exchange of wildlife between the Castaic Range and Sierra Madre Range.

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Comment #4: Western Spadefoot Toad Presence and Mitigation

Issue: The DSEIR appears inconsistent with disclosing the extent and location of western spadefoot toad within the Project area. Figure 5.2-2 of the DSEIR indicates western spadefoot in only 2 ponds (Pond 1 and Pond 2). Appendix C and D of the DSEIR contain surveys for fairy shrimp (2006 report) that disclose western spadefoot toad in 8 ponds.

The October 2014 Bonterra Psomas report indicates only 2 pools were surveyed for western spadefoot and arroyo toad and does not mention the other vernal pools with western spadefoot that were documented in earlier surveys. Given the 2014 surveys took place during an extended drought and not all pools were filled, the Department considers the 2014 surveys not adequate for determining the extent of western spadefoot toad:

- 2006 fairy shrimp report in Appendix C of the DSEIR (Appendix A Summary of Field Data) states western spadefoot toad were found in pools 2, 3, 4, 5, 6, 7, 8 and 9.
- Sept. 24, 2014 fairy shrimp report states western spadefoot toad were present in vernal pools 7 and 8.
- Oct. 2, 2014 arroyo toad report states western spadefoot toad present in pools 1 and 2 (presumably same pools as in 2014 fairy shrimp report called 7 and 8?).

Evidence impact would be significant. The DSEIR states “Since the Grasshopper Canyon population is one of few known populations in the region [of western spadefoot toad], impacts on this species would be considered significant according to Section 15380 of the State CEQA Guidelines. Implementation of Mitigation Measure 9 would reduce this impact to a less than significant level.”

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“6.3.2 Mitigation Measure 9: Western Spadefoot

A relocation program for western spadefoot toad will be conducted during the spring prior to construction at the height of the breeding season for this species (February through May, as determined by a qualified Biologist who is monitoring a known location of this species). A detailed method for this effort will be approved by the CDFW and LACDRP prior to implementation of the relocation program. The results of the relocation program will be provided to the CDFW and the LACDRP. The intent of the relocation plan will be to capture and relocate as many western spadefoots as possible. Western spadefoots will be relocated to an area of suitable habitat, as approved by the CDFW and LACDRP. The relocation-site shall be of similar (or better) quality as the habitat within the Project impact area where the western spadefoot are captured. If no suitable habitat is available for the relocation, suitable habitat shall be created.”

Given that the DSEIR states the Project supports one of the few populations of western spadefoot toad in the region, the Department is concerned Mitigation Measure 9 does not demonstrate clearly how impacts would be mitigated below a significant level. The mitigation measure relies on the development of a future plan, possible avoidance (even though it is clear the Project will impact all western spadefoot toad locations), or moving them on or off site.

Given that western spadefoot toad have an average home range of 1,355 feet from their breeding pool (Hunt, 2013), and most stable populations are distributed around a series of ponds connected by dispersal, it is not clear how moving western spadefoot toads within the development is feasible. The Department approximates the average width of open space proposed on the Project is only an average of 600 feet wide. This does not meet the upland home range necessary for a viable population, nor does the fragmented nature of the open space proposed allow for a series of ponds to facilitate dispersal. Based on the proposed impacts and the home range requirements of the species, The Department does not agree with the findings of the DSEIR that impacts to this species would be minimized or mitigated through the adoption and implementation of the mitigation measures. The Department requests the Project be redesigned to further minimize or avoid impacts to western spadefoot toad. Specific details as to where and how toads or habitat would be moved or created, as well as long-term protection and management details are necessary for this analysis.

2.4 cont.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming): The Department recommends reducing or clustering the development footprint to reduce the total area impacted and providing a larger buffer between housing and preserving the vernal pools, seeps, and Grasshopper Creek.

Comment #5: Impacts to Vernal Pools are not adequately described or disclosed

Issue: The earlier reports in the DSEIR Appendix D (California red-legged frog, several fairy shrimp reports) describe 8-9 pools and classify 8 of them as vernal pools and 1-2 as stock ponds that were man made. The reports do not use consistent numbering of the vernal pools, and the report maps seem to have pools in different locations leading to the conclusion that there are more than 8-9 vernal pools.

The DSEIR should include a discussion as to the local significance and distribution of vernal pools regionally. CEQA Guidelines section 15125(c) require the Lead Agency to include information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on analyzing resources that are or unique to the region.

Specific impact: The Department considers vernal pools a rare resource, as it is estimated over 95% of vernal pools in California have been destroyed. There are very few vernal pools left in Los Angeles County and the loss of this complex of pools is deemed regionally biologically significant by the Department.

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Recommended Potentially Feasible Mitigation Measure(s): The DSEIR should be recirculated with detailed information on the vernal pools to allow the Department to assess potential impacts and recommend meaningful mitigation. As a general rule, the Department recommends redesign of the Project to avoid the vernal pool complex(es) on-site. If avoidance is not feasible, the Department recommends the preservation of existing vernal pool complexes at a ratio of no less than 3:1 (including necessary ratio of upland to pool acreage). If this is not feasible, restoration and preservation of damaged pools and associated upland habitat that supports the pool at a ratio of no less than 4:1 (including necessary ratio of upland habitat). The Department generally does not recommend creation of vernal pools as this is experimental in nature and difficult to create the hydrology and ecosystem necessary to be successful. This option, if used, should include long term monitoring (ten years) and at a ratio of no less than 5:1 creation of both pool and supporting upland acreage.

Comment #6: Impacts to Grasshopper Creek and its Tributaries

Issue: The Department is concerned that a majority of the 15.09 acres of Grasshopper Creek and its tributaries are being filled, with little avoidance. It is not clear if vernal pools or perennial seeps have been included in this acreage.

As a Responsible Agency under CEQA Guidelines section 15381, the Department has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. As a Responsible Agency, the Department may consider the Negative Declaration or Environmental Impact Report of the local jurisdiction (Lead Agency) for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.

Specific Impact: The Department is concerned the Project is filling an entire drainage that is directly upstream to habitat supporting the endangered least Bell's vireo (*Vireo bellii pusillus*), the endangered willow flycatcher (*Empidonax traillii*), as well as a main tributary to Castaic Lagoon. The DSEIR did not contain sufficient information for the Department to determine potential impacts, direct and indirect, to these two listed birds as a result of filling Grasshopper Creek. The DSEIR did not make a clear distinction between southwestern willow flycatcher (*Empidonax traillii traillii*) and willow flycatcher, both of whom are considered State endangered. It is not clear if debris basins, off-site slope or utility construction, trails, or fuel modification would have the potential to cause take of these two listed species. If the Project has the potential to directly or indirectly cause take of a state listed species, consultation with the Department is necessary to determine the appropriate coverage under the state's endangered species act.

Castaic Lagoon is proposed to be listed under Section 303(d) of the Clean Water Act as Impaired for polychlorinated biphenyls. Additionally, nutrients and algal blooms continue to be an issue in this area. The DSEIR also states 13 debris basins will be built but does not analyze the impact of changing the available sediment load downstream or how the change in storm hydrograph will affect downstream resources.

Why impact would occur: Direct loss of stream and wetland habitat directly affects water quality downstream. Additionally, piping or undergrounding streams create sediment and erosion issues downstream, as well as change the hydrograph of the stream, altering geomorphic processes and the listed species that depend on them. Urban runoff has been shown to be high in nutrients, as well as other contaminants.

Recommended potentially feasible mitigation measure(s): The Department recommends redesigning the Project to avoid impacts to Grasshopper Creek and any associated vernal pools, springs, or seeps.

If this is not feasible, especially given that this segment of drainage is directly adjacent and tributary to vireo and flycatcher habitat, as well as facilitates regional wildlife movement and provides a perennial source of water to wildlife via seeps and/or springs, the Department recommends creation of similar habitat at a ratio of no less than 4:1. The Department also recommends constructing a wildlife over- crossing over I-5 to allow wildlife to continued access to Castaic Lake as the removal of seeps and springs from the site is an impact to wildlife regionally. The Department also recommends monitoring of vireo and flycatcher populations and habitat quality downstream of the Project and provide measure in case a decline of habitat is detected. The Department recommends implementing a long-term cowbird (*Molothrus ater*) trapping program in the adjacent flycatcher and vireo habitat areas.

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Comment #7: Impacts to rare plants and vegetation communities not adequately mitigated

A) Concerns with Proposed Mitigation. Mitigation measures for all rare plants and vegetation communities in the DSEIR state they "shall be preserved, restored, or enhanced on-site and/or off-site at a ratio to be determined by the County of Los Angeles Department of Regional Planning (LACDRP)". The Department does not consider this statement adequate in allowing the Department to compare the biological value of mitigation directly to the impacts. The Department does not consider the fragmented, small patch size, and highly affected by edge effect on-site preserved habitat as an appropriate place to move or mitigate any plant or vegetation community. These areas mainly serve as buffers to adjacent, higher quality habitat. The Department has concerns when the DSEIR states it will transplant species off-site as this implies other areas will be subject to impact by this action. This additional impact would then need mitigation as this ecosystem is now being altered. Additionally, the Department is concerned with moving individually collected plants and seed to an undisclosed, off-site location. The biological implication of mixing genes and specific alleles into new areas is not supported by the Department and may cause loss of both the transplanted species as well as the population they are being moved to/near.

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B) Mariposa Lily Impacts. Impacts to club-haired mariposa lily (*Calochortus clavatus* var. *clavatus*) and over 3,000 slender mariposa lily (*Calochortus clavatus* var. *gracilis*) are proposed in Mitigation Measure 7 (MM7) that states the mitigation site will be located in dedicated open space in the study area or at an off-site mitigation site, and does not contain critical information including; numbers or densities, specific locations, techniques, or success criteria. The Department considers the loss of over 3,000 rare lilies regionally significant and MM7 does not demonstrate this population will survive long-term. The Department is not aware of any Mariposa lily seeding or translocation projects that have been successful at demonstrating a long-term self-sustaining population. The Department is aware of several large-scale lily seeding/translocation projects required by Los Angeles County in various CEQA documents; however, the Department has not received any evidence to demonstrate these undertakings are successful at securing a secure, self-sustaining population. A number of these projects involved transplanting bulbs into off-site areas already occupied with slender mariposa lily. The methods used in planting the bulbs ended up damaging the receptor site and caused more take of lily that occurred at this location.

The Department recommends avoidance of this significant population of a regionally rare species. If avoidance is not feasible, specific information on how impacts will be mitigated are necessary for the Department to make meaningful comments or recommendations as to the

biological soundness of any proposal. As stated above, MM7 does not appear to contain mitigation that the Department considers adequate in providing long-term success or survival of this species. MM7 does not allow the Department to comment on the appropriateness of the location, technique, success criteria, monitoring methods, density, length of time monitoring is required, or the method proposed for long-term protection and funding.

The Department does not support the use of irrigation, and any monitoring should begin after any irrigation and weed control has been completed as this is considered the installation or preparation phase. Monitoring for rare plants should occur for a minimum of 10 years to allow trends to be analyzed. No negative trend in rare plant individuals (counted separately as flowering, seed set and non-flowering individuals), and no positive trend in non-native plant cover should occur over the 10 years.

MM7(f) states 60 percent of the seeds and bulbs collected shall be planted the first year, in an undetermined location. The Department does not concur with planting 60 percent of the collected seed/plants in the first year. Small scale, in situ plots with a few individuals should be conducted first to establish the baseline that these plants will naturally grow and set seed in these locations. Preferably, these growth plots should occur several years before grading impacts, to allow suitable planting areas be identified based on successful seed set. This could take multiple growing seasons and require germination studies. MM7(j) specifies undisclosed donor sites for seed collection. The Department strongly discourages mixing different population alleles into new areas as it compromises the integrity of the entire regional population.

C) Round-leaved Filaree. 39 round-leaved filaree (*Erodium macrophyllum*) plants detected in 2003 should be assumed still present. Department protocol specifically states a negative survey where there is a known population does not mean the species is no longer present; especially given 2014 was during a prolonged drought. The Department recommends avoidance of this regionally rare species. If avoidance is not feasible, specific information on how impacts will be mitigated are necessary for the Department to make meaningful comments or recommendations as to the biological soundness of any proposal. As stated above for Mitigation Measure 7, Mitigation Measure 6 (MM6) does not appear to contain mitigation that the Department considers adequate in providing long-term success or survival of this species. MM6 does not allow the Department to comment on the appropriateness of the location, technique, success criteria, monitoring methods, density, funding adequacy, protection, or the length of time monitoring is required. The Department does not support the use of irrigation, and any monitoring should begin after any irrigation and all weed control has been completed as this is considered the installation or preparation phase. Monitoring for rare plants should occur for a minimum of 10 years to allow trends to be analyzed. No negative trend in rare plant individuals (counted separately as flowering, seed set and non-flowering individuals), and no positive trend in non-native plant cover should occur over the 10 years. The Department disagrees with the 1:1 mitigation ratio for a regionally rare species and recommends a minimum 3:1 ratio for both the acreage of habitat and number of individual plants.

D) Paniculate tarplant. Paniculate tarplant (*Deinandra paniculata*) impacts do not appear adequately mitigated under MM6. The DSEIR states that there are only 3 populations of this plant known to the region; one on the Project site, one on Newhall Ranch and another population that has not been documented since 1935 in Bouquet Canyon. Given the local and regional significance and rarity of this plant, the Department recommends avoidance of this population. MM6 does not appear to contain mitigation that the Department considers adequate

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in providing long-term success or survival of this population. MM6 does not allow the Department to comment on the appropriateness of the location, technique, success criteria, monitoring methods, density, funding adequacy, protection, or the length of time monitoring is required. The Department does not support the use of irrigation, and any monitoring should begin after any irrigation and all weed control has been completed. Monitoring for rare plants should occur for a minimum of 10 years to allow trends to be analyzed. No negative trend in rare plant individuals (counted separately as flowering, seed set and non-flowering individuals), and no positive trend in non-native plant cover should occur over the 10 years. The Department disagrees with the 1:1 mitigation ratio for a regionally rare species and recommends a minimum 3:1 ratio for both the acreage of habitat and number of individual plants.

E) Southwestern Spiny Rush. This project supports one of only six populations of southwestern spiny rush (*Juncus acutus ssp. leopoldii*) known to Los Angeles County. Given the local and regional significance and rarity of this plant, the Department recommends avoidance of this population. MM6 does not appear to contain mitigation that the Department considers adequate in providing long-term success or survival of this population. MM6 does not allow the Department to comment on the appropriateness of the location, technique, success criteria, monitoring methods, density, funding adequacy, protection, or the length of time monitoring is required. The Department does not support the use of irrigation, and any monitoring should begin after any irrigation and weed control has been completed as this is considered the installation or preparation phase. Monitoring for rare plants should occur for a minimum of 10 years to allow trends to be analyzed. No negative trend in rare plant (counted separately as flowering, seed set and non-flowering individuals), and no positive trend in non-native plant cover should occur over the 10 years. The Department disagrees with the 1:1 mitigation ratio for a regionally rare species and recommends a minimum 3:1 ratio for both the acreage of habitat and number of individual plants.

F) Distance and Composition of Seed Collection. The DSEIR states seed and plant material may be collected up to 30 miles from the Project site. 30 miles extends well into Kern County's Tehachapi ranges as well as in a coastal watershed in Malibu. The Department recommends seed/plant collection occur from the Project site or the immediately adjacent (contiguous) property to preserve genetic integrity and species composition of the plant/community being impacted and any area proposed for restoration/creation also fall into this limited geographic scope. An example of collecting "buckwheat" (*Eriogonum fasciculatum*) from the greater Los Angeles area is that *Eriogonum fasciculatum* var. *fasciculatum* 1) is becoming invasive as it is being planted in areas it never occurred, 2) only occurred as a component with other *Eriogonum* species present 3) is being mistaken for *Eriogonum fasciculatum* var. *foliolosum* (present on the Project), and/or 4) other *Eriogonum* species are not being planted (*E. elongatum elongatum* as well as other *Eriogonum* species are documented on the Project).

G) Timing of Proposed Seed/Plant Collection. The DSEIR states rare plant seed will be collected and used for on-site or off-site restoration. Plants, especially the lily and filaree, do not bloom annually and may go dormant many years before conditions become favorable to germinate. The problem with relying on collection immediately before construction is that the plants may not germinate or germinate in far less numbers than are actually present. For this reason, the Department supports avoidance of on-site populations of lily and filaree populations. If seed collection is still proposed, the Department recommends multiple years of collection, ensuring collection during average rainfall years, to allow maximum genetic diversity to be represented in the seed/plant collections.

2.7 cont.

H) Facilities Certified to Store Rare Plant Parts. The only facility certified and approved to hold rare plant seed or material locally is Rancho Santa Ana Botanical Garden. Nurseries, seed suppliers, or consulting firms are not authorized to store rare plant seed or parts and do not possess the facilities necessary to maintain genetic isolation and pureness of collected material.

2.7 cont.

Comment #8 Burrowing Owl (*Athene cunicularia*)

Issue: In 2006, grading on a small portion of the Project site was authorized for another project. This resulted in the discovery of burrowing owls and a winter breeding survey being conducted in 2007. 5 burrows and 2 owls were discovered. In 2015, surveys were conducted. However only burrows identified in 2007 were visited during this 2015 survey and only during winter. Twenty burrows, most within active drainages, and 9 owls were documented in 2015.

Specific Impact: Burrowing owl surveys do not appear to have been conducted following the Department's guidelines⁸. According to the DSEIR, only burrows discovered 8 years prior were surveyed in 2015, and only during the winter. The entire site should be assessed during breeding and winter periods and all potentially suitable areas surveyed consistent with the burrowing owl survey protocol. Given the methodology used, it is likely additional owls and burrows have been missed and potentially breeding owls will be missed.

The Department does not consider the use of on-site natural open space appropriate as relocation sites for impacted burrowing owls. The 2007 burrowing owl survey report (Appendix D) specifies one owl using burrows 1, 18 and 19. These burrows are approximately 600-700 feet apart. Research has shown, based on telemetry studies and distribution of nests, foraging occurs around 600 meters (1968 feet) of their nests. Given the relative small patch size and fragmented nature of the proposed on-site natural open space areas, the Department does not feel it provides enough quality habitat or acreage to fully mitigate the impacted territories of the owls on-site.

2.8

Recommended Potentially Feasible Mitigation Measure(s): Before the Department can issue a permit under Fish and Game code Section 1600 *et seq* of the Fish and Game Code, surveys following Department protocol will be necessary to allow the Department to determine the extent of impacts to owls associated with drainages/riparian areas. The Department recommends the DSEIR be recirculated after these surveys are completed to fully disclose the potential impacts to owls and the number and kind of burrows. The Department recommends avoidance of on-site burrowing owls. The Department is unable to determine the effectiveness of the proposed mitigation due to lack of specific information on current burrow counts, use, territory size, number of owls and winter, and breeding protocol surveys. Additionally, any proposed mitigation area should include a discussion on the territory size and how the full territory will be mitigated.

Comment #9: Deferred mitigation

2.9

⁸ The California Burrowing Owl Consortium, 1993.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline>

Issue: CEQA Guidelines sections 15070 and 15071 require the DSEIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will avoid the effect or mitigate to a point where clearly no significant effects would occur". Relying on future surveys, the preparation of future management plans, or mitigating by obtaining permits from the Department, are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the Project footprint, need to be disclosed during the public comment period. This information is necessary to allow the Department to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

2.9 cont.

Comment #10: Bats

Issue: Impacts to bats due to the implementation of the Project are not fully disclosed in the DSEIR. The DSEIR relies on future surveys at an undisclosed time and duration to detect bat species present. No bat mitigation is proposed other than 1 day of exclusion, which is not standard methodology when using exclusionary devices.

Impacts to Bats: The DSEIR states several species of bats have the potential to occur on-site; however, surveys were not conducted prior to circulation of the DSEIR. Therefore, the DSEIR does not adequately describe the potential for impacts to bats.

The Project site contains suitable habitat for several bat species that have the potential to occur on the Project site including; mature trees, rock outcrops, riparian habitat and is adjacent to a water source (Castaic Lagoon and Lake). Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code § 4150, CCR § 251.1). Several bat species are also considered Species of Special Concern (SSC), which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065). The Department considers adverse impacts to a SSC, for the purposes of CEQA, to be significant without mitigation. Mitigation is not just avoiding maternity roosts, wintering sites, night roosts, mating roosts and foraging sites, but providing similarly functioning habitat to what is impacted. Additionally Mitigation Measure 13 recommends exclusion for 1 day prior to impacts. The Department does not agree with this methodology as this would likely lead to take of protected bat species.

2.10

Evidence Impact would be significant. Absent the above requested information, the DEIR does not analyze impacts to bats, and the DSEIR does not provide any alternatives discussion or any avoidance strategies to mitigate the loss of occupied bat habitat.

Recommended Potentially Feasible Mitigation Measure(s): Exclusion should be coupled with ensuring bats have suitable habitat available nearby to move and mitigating for the habitat lost, as well as monitoring the effectiveness of the exclusion.

The Department recommends bat surveys be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer, and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). The Department recommends the DSEIR include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The DSEIR

should document the presence of any bats and include species-specific mitigation measures to reduce impacts to below a level of significance.

To avoid the direct loss of bats that could result from removal of trees, rock crevices, structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), the Department recommends the following steps are implemented:

- a) Identify the species of bats present on the site;
- b) Determine how and when these species utilize the site and what specific habitat requirements are necessary [thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (e.g., height, aspect, etc.)];
- c) Avoid the areas being utilized by bats for hibernacula/roosting; if avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with the Department;
- d) The bat specialist should document all demolition monitoring activities, and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. The Department requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);
- e) If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained at a nearby suitable undisturbed area. The bat habitat (not bat houses) mitigation shall be determined by the bat specialist in consultation with the Department;
- f) A monitoring plan should be prepared and submitted to the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and,
- g) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to Lead Agency and the Department for five years following relocation or until performance standards are met, whichever period is longer.

Comment #11: Ringtail (*Bassariscus astutus*)

Issue: The Department recommends the DSEIR address the potential for the Project to impact the fully protected ringtail. Suitable habitat is available on the Project site and ringtail is assumed present at Castaic Lake in an adjacent Federal Energy Regulatory Commission project. The Department recommends utilizing non-invasive survey techniques (e.g., the use of hair samples have been used in the past) to determine if ringtail is present on-site.

Comment #12: Preconstruction Surveys as Mitigation.

2.10 cont.

2.11

2.12

Issue: The DSEIR addressed the potential for sensitive species to occur within the Project footprint (DSEIR Table 5.2-4), and states Mitigation Measure 5.2-10, which requires limited preconstruction surveys and relocation, as mitigation that will bring impacts below the significance threshold. Specific surveys during appropriate seasons/times were not conducted to disclose if these resources would be impacted and if alternative Project design would avoid or lessen these impacts.

CEQA Guidelines Sections 15070 and 15071 require the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. Relying on future surveys, the preparation of future management plans, or mitigating by obtaining permits from CDFW are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

2.12 cont.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

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

CONCLUSION

The Department appreciates the opportunity to comment on the DSEIR to assist Los Angeles County in identifying and mitigating Project impacts on biological resources. The Department recommends addressing the information raised in this letter. The Department also recommends the County and Project Applicant consult with the Department regarding these issues.

Mr. Jodie Sackett
County of Los Angeles Hall of Records
June 15, 2017
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Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker at (949-581-1015), and Kelly.Schmoker@wildlife.ca.gov.

Sincerely,



for

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Response to Comment Letter 2

**Department of Fish and Wildlife Letter
June 15, 2017**

Response 2.1. The comment states that the Draft SEIR does not include an alternative that reduces impacts to sensitive biological resources on the Project site in a biologically meaningful way. The comment requests a range of alternatives be looked at that avoid and reduce the impacts to sensitive biological resources on-site. The comment further states that the Project includes significant effects to biological resources that have not been addressed in the Draft SEIR and not mitigated with the proposed mitigation. In accordance with Section 15126.6(a) of the State CEQA Guidelines, the discussion in Section 6.0, Alternatives to the Proposed Project, of the Draft SEIR focuses on a reasonable range of alternatives. Other than the “No Project” alternative(s), which are required by CEQA, each alternative must be capable of avoiding or substantially lessening potentially significant effects of the Project. As demonstrated in Section 5.2 of the Draft SEIR and further supported through supplemental analyses included as Appendices B through E, G and J to the Final SEIR and discussed throughout this Final SEIR, it has been determined that the proposed Project would not result in any significant and unavoidable impacts to biological resources. Rather, all impacts to biological resources would be reduced to less than significant levels with implementation of the recommended mitigation program. Therefore, because biological impacts are not considered to be significant effects of the Project, the Draft SEIR does not include an alternative primarily intended to reduce biological impacts. However, as noted on pages 6-9, 6-17, and 6-23 of the Draft SEIR, the quantity of impacts to biological resources would be reduced with the No Project/No Development Alternative, the No Industrial Development Alternative and the Phase 1 Development Alternative, respectively, when compared to the proposed Project.

It should be noted that the 1992 Specific Plan is still a valid approval. The purpose of Table 6-2 (included below) was to demonstrate how substantially the Project has been modified and downsized from what was previously approved in 1992. The proposed Project can be viewed as a less dense alternative to the previously approved 1992 NorthLake Specific Plan Project. The proposed Project, although still totaling 1,330 acres, has eliminated approximately 298.8 acres (or 22.5 percent) of development, thus reducing impacts related to development of the 1992 NorthLake Specific Plan such as air quality emissions, noise, and traffic (refer to pages 6-11 through 6-16 of the Draft SEIR, and placed this in open space, parks and trails. There is an increase of 156.5 acres (or 11.8 percent) of land that will be left as undeveloped open space in comparison to the previously approved project.

**TABLE 6-2
LAND USE AREA COMPARISON**

	Existing NorthLake Specific Plan		Proposed Plan		Difference	
	(ac)	(du)	(ac)	(du)	(ac)	(du)
Residential	600.3	3,623	341.9	3,150	(258.4)	(473)
Commercial	13.2		9.2		(4.0)	
Industrial	50.1		13.7		(36.4)	
Open Space	476		632.5		156.5	
Recreation- Golf	167		0		(167)	
Recreation- Trails/Parks	0		167		167	
School/Park Facilities	23.1		43.5 ^a		20.4	
Right of Way ^b			120.5		120.5	
Public Services (Fire Station Pad) ^b			1.4		1.4	
Total	1,330.0		1,330.0^c			

ac: acres; du: dwelling units; (): negative

^a Northlake Hills Elementary School was previously constructed on a 20.4-acre site.

^b The *NorthLake Specific Plan* did not provide a breakdown of acreages for right of way, or public service facilities. Roadways were included in Residential.

^c Totals may not add due to rounding and mapping.

Source: Sikand 2015.

CEQA requires the identification of an environmentally superior alternative. Section 15126.6(e)(2) of the State CEQA Guidelines states that, if the No Project Alternative is the environmentally superior alternative, then the Draft SEIR shall also identify an environmentally superior alternative among the other alternatives. Table 6-5 in Section 6.0 of the Draft SEIR provides in summary format, a comparison of the level of impacts for each alternative to the proposed Project. CEQA does not require that the environmental superior alternative be selected as the proposed Project.

The Project includes a meaningful consideration of alternatives and mitigation measures. The reduction in the size of the Project in comparison to the approved 1992 Specific Plan should be taken into consideration when assessing the Project overall.

Response 2.2. The comment recommends keeping the development footprint as small as possible as an alternative to the proposed Project site plan, questions the value of the proposed open space and raises concerns about indirect impacts on biological resources. Please See Response 2.1 above regarding evaluation of Project alternatives and comparison to the approved Project. In addition, Section 5.2, Table 5.2-5 on page 5.2-60 of the Draft SEIR provides a calculation of 325.5 acres of un-impacted lands within the Project boundaries. This acreage does not include any manufactured slopes, which clearly fall within the “impacted” category. However, the land use designation of open space typically includes manufactured slopes, parks, and other “green spaces” of the post-Project land uses. Regardless, the biological impact assessment in the Draft SEIR considers all disturbed areas as impacted and plant, and wildlife impacts are based on this assessment.

While open space areas, based on the land use designation, contribute to the impact discussion, these areas are not considered as mitigation in and of themselves to reduce impacts to less than significant. Some mitigation measures, such as the second paragraph of MM 5.2-5 on page 5.2-44 of the Draft SEIR, indicate that mitigation activities should occur within open space if feasible. The MM states that if on-site open space is not suitable, off-site preserved lands would be utilized.

Some areas on-site, such as the undeveloped northwestern portion of the site, which is part of the open space land use designation, may potentially be suitable for such activities.

Furthermore, it is acknowledged that small patch size and edge effect also known as “the island effect” may reduce biological value of an area and many of the areas within the open space land use category are subject to such effects and the associated impacts of on plant and wildlife species within them. The discussion of indirect impacts beginning on page 5.2-40 of the Draft SEIR discusses these types of impacts that Project implementation may have on adjacent lands, in particular, natural open space. As described in Response to Comment 1.8 above, the potential indirect impacts of Project implementation on adjacent lands and the potential associated reduced biological value is understood and discussed beginning on page 5.2-40 of the Draft SEIR. The impacts discussion on page 5.2-41 concludes that the impact is significant and mitigation is required.

It is acknowledged that the small size and adjacency to development of the majority of the open space land use designation areas are likely to be subject to the indirect impacts discussed on pages 5.2-40 and 5.2-41 of the Draft SEIR. As mentioned above, the impacts discussion on page 5.2-41 concludes that the impact is significant and mitigation is required.

The Draft SEIR impact boundary includes the fuel modification zone. In an effort to clarify, the following revision is hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following text on page 5.2-34 will have the following text inserted after the first sentence of this section (underline shows the additional text):

This undeveloped natural open space would be undisturbed by the Project and does not include fuel modification areas. The development footprint impact area includes a fuel modification buffer zone.

The Project evaluated in the Draft SEIR represents a modification to the previously approved NorthLake Specific Plan Project. Specifically, the proposed (modified) Project would involve development of a smaller project and less impactful development due to a reduced unit count, reduced development footprint, and reduced impacts associated with less development when compared to the previously approved NorthLake Specific Plan Project. Specific impacts that would be reduced should development occur pursuant to currently proposed Project include reduced traffic and related air pollutant emissions and noise; smaller demand for utility services such as water and electricity; and fewer physical impacts related to biological resources, cultural resources, geology and soils, and hydrology and water quality associated with a smaller development footprint. In addition, as illustrated in Table 4-2 on page 4-6 of the Draft SEIR, the proposed Project includes a total of 632.5 acres of open space, which represents an increase of 156.5 acres over what was approved for development in 1992. As part of the planning process, the NorthLake Specific Plan has been redesigned to fit the needs of the community and in an attempt to provide a more environmentally friendly Project which greater opportunities for preservation and conservation through a reduced development footprint and a reduction in overall development. Although the Project has open space scattered throughout the Project site, there is a substantial amount (over 160 acres) of natural open space concentrated at the north end of the site, with additional acreage along the Project site boundaries. The Project is also leaving much more undeveloped property than allowed by the approved NorthLake Specific Plan. The intent of the design is to cluster the development areas closer together and allow for larger undeveloped open space areas to occur on the outer edge of the development and at the north end of the site to buffer open space of adjacent lands and minimize wildlife incidentally moving into the development areas to avoid conflicts.

Response 2.3. The comment asserts that the Project will eliminate several perennial water sources that have historically been available to regional wildlife and the Project will affect the ability of wildlife to use the I-5 undercrossings. As set forth below, the proposed Project would not have a significant impact with respect to wildlife crossings. Therefore, no additional mitigation measures are warranted. In an effort to provide additional supporting data and discussion, the following revision is hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of the Project or the findings of the Draft SEIR. The following text on page 5.2-14, in the Wildlife Movement section of the Draft SEIR, is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

West of the Project site, a single underpass beneath **the southbound lanes of I-5 is likely feasible** to be utilized by a variety of wildlife as a safe crossing to and from either side of the highway. **However, use of this undercrossing is expected to be minimal for a variety of factors. The location of the crossing is not associated with any notable natural landscape feature, which typically would concentrate movement such as a ridge line, water feature, or drainage. The location is associated with an unimproved road but the road travels across a slope providing vehicular access to transmission towers but offering little to no cover for wildlife. In addition, the location is not associated with any corresponding crossing in the vicinity that allows wildlife to travel under the north bound lanes of the I-5. There are no ridge lines or drainages or similar features that typically convey concentrated movement to or from a crossing of the northbound lanes of I-5. In fact, the nearest under-crossings of the northbound lanes are located approximately one mile north and approximately two miles south of this crossing. As a result, potential undercrossing events of both the northbound lanes and the southbound lanes at this location are expected to be rare at best.**

A second crossing west of the southern tip of the Project includes both northbound and southbound lanes. However, the southbound crossing stretches over 700 feet within a narrow concrete-lined channel rendering it as low potential for use by most wildlife. Furthermore, the northern entrance extends upstream into the un-vegetated concrete lined-channel with adjacent developed land offering no cover for wildlife.

A third under-crossing of the southbound lanes is located immediately west of the northwestern portion of the site. Similar to the undercrossing to the south described above, this location is not associated with any notable natural landscape feature, which typically would concentrate movement such as a ridge line, water feature, or drainage. However, this location does have a corresponding undercrossing directly opposite under the northbound lanes, 1,600 feet to the west, which may render it more likely than others to be utilized on occasion. In addition, the east side of this crossing provides access to the northeast without significantly steep slopes rendering it more compatible to movement events. Due to the constraints of the southern and eastern edges of the site, wildlife using **these** this crossings are expected to move to and from the crossing and areas north of the Project site to allow continued east-west movement. Under existing conditions, the Project site itself does not represent an important component of the regional movement of the area. **Consequently, although the Project may inhibit access for wildlife moving from south of the Project, such movement is only expected to represent infrequent local movement due to existing impediments east and south of the Project site.**

One additional I-5 undercrossing in the area is likely to represent the greatest potential for wildlife movement traversing the I-5 in the area. At this location, the I-5 freeway lanes are combined so that the single underpass, Templin Highway, traverses both the northbound and southbound lanes. In addition, the crossing is aligned and associated with a canyon bottom and drainage leading from the west and the east, which include areas of significant vegetative cover. Furthermore, the open space linkage opportunities are minimally constrained from this crossing. Of all the crossing described, this is the only one that provides for movement to the east/northeast without the formidable barrier of Castaic Lake.

It should be noted that the Project site is partially within the Linkage Design of the South Coast Wildlands Missing Linkages Sierra Madre-Castaic Connection (Penrod et al. 2005). However, only the northern tip of the Project site falls within the southern edge of Linkage Design, which has a width of approximately 17 miles within the area. The Project represents an extremely small percentage of the linkage width. In addition, the Linkage Design provides further evidence that Castaic Lake represent a formidable barrier and excludes movement other than shallow areas at the northern tip of the lake.

Regarding wildlife access to Castaic Lake, most native regional wildlife populations are highly unlikely to be dependent on artificial features such as Castaic Lake to sustain them. The native populations of the region have evolved for millennia without dependency on this large water body or any other similarly large waterbody in the region. In addition, riparian habitat typically associated with natural waterbodies is extremely limited due to the steep cut slopes surrounding the Castaic Lake reservoir. Waterfowl and aquatic species that are dependent entirely on the lake are not expected to be impacted by the Project because they either remain at the lake or immediate buffer area or they are able to fly to and from the lake and over the disturbances of the region and would likely be able to fly over the NorthLake Project site with similar ability.

It is acknowledged that the Project site is partially within the Linkage Design of the South Coast Wildlands Missing Linkages Sierra Madres-Castaic Connection. However, only the northern tip of the Project site falls within the southern edge of Linkage Design which has a width of approximately 17 miles within the area. The Project represents an extremely small percentage of the linkage width. In addition, the Linkage Design provides further evidence that Castaic Lake represents a formidable barrier and excludes movement other than shallow areas at the northern tip of the lake. To provide additional data, this discussion has been added to the Draft SEIR text as shown above.

Perennial water sources impacted by the Project are extremely limited and consists of seeps which are typically unable to pool water for much of the year because the low flow and the constructed cattle pond. Although historically available to wildlife, these features would not be expected to be a significant source of water for regional wildlife populations. A discussion of the Templin undercrossing has been added to the Draft SEIR per the edits described above. This crossing is located greater than 2.5 miles northwest of the Project site and, as such, is not expected to have any effect on wildlife utilization. Wildlife utilizing this crossing will continue to be able to access and travel from all current linkages in the vicinity of the undercrossing.

As noted above, a discussion of the indirect impacts of the Project on adjacent lands is provided in the Indirect Impacts section on pages 5.2-40 and 5.2-41 of the Draft SEIR.

In response to the comment, an additional study of the undercrossings in the area has been conducted. The following revision is hereby made to the Final SEIR. However, it should be noted

that this addition does not materially change the description of the Project or the findings of the Draft SEIR. The following text will be added to the end of the Wildlife Surveys section of the Draft SEIR on page 5.2-4 (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

Wildlife movement within and surrounding the Project site was assessed through a literature review, including South Coast Missing Linkages (Penrod et al. 2005) and site surveys (see Wildlife Crossing Assessment Technical Memo in Appendix D to the Final SEIR). Each of the I-5 under-crossing with potential to support wildlife movement was visited on multiple occasions in the Summer of 2017 by Psomas Senior Biologist Marc Blain and Psomas Biologist Sarah Thomas. Initial visits include photographic documentation of the crossing followed by recording dimensions and assessing the topographic features and vegetative cover within the area. Each visit included a search for evidence of wildlife use such as tracks or scat.

In addition, Exhibit 5.2-2 of the Draft SEIR on page 5.2-15 has been modified to depict the location of the three southbound lane under-crossings described in the new text as well local and regional movement patterns, and is included as Appendix D of the Final SEIR. The fourth crossing is not reflected due to the large distance off-site. Additional tracking studies are not warranted given the lack of any indication that the crossing or the site would or could represent an essential pathway(s) for regional wildlife movement. Based on the analysis, inclusive of the additions to the Draft SEIR, mitigation such as installation of a bridge over the I-5 is not required.

Response 2.4. The comment states that the Draft SEIR is inconsistent with disclosing the extent and location of western spadefoot toad within the Project area. The Draft SEIR reflects the most current findings of focused surveys for the spadefoot which is considered the most applicable. However, it is acknowledged that this species has been observed incidentally at other locations on the Project site during past surveys. As such, the following revision is hereby made in the Final SEIR. However, it should be noted that this addition does not materially change the description of the Project or the findings of the Draft SEIR. The following text in Table 5.2-4, top row, last cell on the right, on page 5.2-22 of the Draft SEIR is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

Species	Status		Potential to Occur on the Project site; Results of Surveys
	USFWS	CDFW	
<i>Spea hammondi</i> western spadefoot	—	SSC	Observed during 2014 focused surveys <u>and incidentally during other surveys in 2005 and 2015</u> ; suitable habitat

In addition, the following revision is hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of the Project or the findings of the Draft SEIR. The fourth sentence under Amphibians on page 5.2-26 of the Draft SEIR is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

However, during all the 2014 surveys and during incidental observations in 2005 and 2015, the western spadefoot was observed both in the cattle pond in the northwestern portion of the site and in both ephemeral ponds located in the central portion of the site

(see Attachment D of Appendix D, the Biological Technical Report, of the Draft SEIR).

In addition, the following revision is hereby made to the Final SEIR. Exhibit 5.2-2 of the Draft SEIR on page 5.2-15 will be modified to note that the spadefoot locations are current only. As mentioned in Response 2.3, the Exhibit is included as Appendix E of the Final EIR. It should be noted that these additions do not materially change the description of Project or the findings of the Draft SEIR or technical report.

Regarding providing more details about Mitigation Measure MM 5.2-9 and the relocation plan, a draft plan has been prepared and is provided in Final SEIR Appendix C. The draft plan provides a qualitative analysis of how the final relocation plan will be prepared and how it will be successfully implemented. It is acknowledged that most open space areas remaining on the Project site after buildout may be too small for establishing ponds and relocating spadefoot. The draft relocation plan indicates that if the on-site locations are deemed to be unsuitable for creating artificial ponds and relocating spadefoot, either due to the small size of the open space patch or other factors, off-site options will be required to be used. The draft plan also discusses the appropriate dimensions for pond and home range to meet spadefoot requirements. In addition, the following revision is hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of the Project or the findings of the Draft SEIR. MM 5.2-9 on page 5.2-52 is hereby revised to insert as the first bullet the following (**bold, underline** shows the additional text and ~~strike through~~ show the deletions):

- **Prior to implementing the Spadefoot Relocation Plan, a focused survey will be conducted within the prior appropriate season. If any additional ephemeral ponds are determined to be occupied besides those identified in recent surveys (i.e. 2015), the Spadefoot Relocation Plan will be modified to include replacement of the additional occupied pond as well as others.**

Regarding the comment's suggestion regarding clustered development, the Project is substantially clustered with its current design. The Project has been designed to minimize impact areas with large open areas between them. The development footprint is largely contiguous with only small areas of undeveloped land within. The intent of the design is to cluster the development into a single area and allow as much undeveloped open space as feasible to occur on the outer edge of the development to buffer open space of adjacent lands and minimize wildlife incidentally moving into the development areas to avoid conflicts. As discussed in Section 5.2 of the Draft SEIR, all significant impacts related to biological resources would be reduced to less than significant levels with implementation of the recommended mitigation program; therefore, there is no need to further cluster development in an effort to reduce significant biological impacts. Furthermore, the Project evaluated in the Draft SEIR represents a modification to the previously approved NorthLake Specific Plan Project. Specifically, the proposed (modified) Project would involve development of a smaller Project and less impactful development due to a reduced unit count, reduced development footprint, and reduced impacts associated with less development when compared to the previously approved NorthLake Specific Plan Project. Specific impacts that would be reduced should development occur pursuant to currently proposed Project include reduced traffic and related air pollutant emissions and noise; smaller demand for utility services such as water and electricity; and fewer physical impacts related to biological resources, cultural resources, geology and soils, and hydrology and water quality associated with a smaller development footprint. No vernal pools have been identified on the Project site. In addition, the seeps impacted by the Project are typically unable to pool water for much of the year because the very low upwelling flow. Although historically available to wildlife, these features would not be expected to be a significant source of water for regional wildlife populations and avoidance is not considered vital to regional populations.

Regarding avoidance of Grasshopper Creek specifically, as discussed in Section 6.5.1 of the Draft SEIR, the lead agency did explore a Creek Avoidance Alternative. The Creek Avoidance Alternative would be designed to avoid building or grading in the blue-line area of Grasshopper Canyon; however, this alternative would (1) require the export of over 10 million cubic yards of soil, (2) eliminate commercial, multi-family, and single-family development, (3) require buttressing of all west-facing slopes along Grasshopper Canyon, and (4) require construction of at least three bridges to allow for access and circulation. The amount of developable land allowed under this alternative would be greatly reduced in comparison to the proposed Project due to avoidance of Grasshopper Canyon; all development would be located east of Grasshopper Canyon, which is a central feature that runs through the approximate center of the Project site. Because of this, the number of residential units and amount of commercial and industrial development would be greatly reduced in comparison to the proposed Project. This alternative would not fully meet the Project objectives to enhance local economic well-being with commercial uses that would create jobs, provide a mix of uses to reduce offsite vehicle trips and VMT, and provide a significant amount of housing onsite with a wide range of home sizes and prices. Additional detail on this topic can be found in Response 12.12.

Response 2.5. The comment states that the Draft SEIR does not use consistent numbering of the vernal pools and the report maps seem to lead to the conclusion that there are more than the reported 8 to 9 vernal pools. As mentioned in Response 2.4 above, no vernal pools have been identified on-site. Although some technical reports have referred to seasonal ponds as vernal pools, this is not the appropriate term. Vernal pools, as defined by the CDFW, support plants and animals that are specifically adapted to living with very wet winter and spring conditions followed by very dry summer and fall conditions (CDFW 2017). Botanical surveys have evaluated the entire Project site in multiple years, including as recently as 2014. Vernal pool plant species have never been detected at any of the seasonal pond locations. In fact, nearly all the vegetation within these depressions consists of non-native European grasses with the same composition as in adjacent non-depressional areas. There is no evidence of botanical uniqueness at any of the seasonal ponds. While animal species known to occupy vernal pools can and do occupy features that retain water in spring but have no other ecological feature related to vernal pools, this is not true for vernal pool plants. Therefore, the presence of species such as the spadefoot toad with a seasonal pond does not automatically indicate a vernal pool. Consequently, the depressions on site are appropriately not referred to as vernal pools in the Draft SEIR. Therefore, the addition of a discussion of vernal pools in the Draft SEIR is unwarranted, and no associated mitigation would be required.

Response Reference: CDFW 2017; <https://www.wildlife.ca.gov/Conservation/Plants/Vernal-Pools>

Response 2.6. This comment concerns potential impacts to Grasshopper Creek and certain avian species. It is acknowledged that a Section 1600 Streambed Alteration Agreement with the CDFW would be required prior to disturbance of any State waters and that the impacts should be fully identified in the CEQA document to facilitate processing of that agreement.

The Project is not expected to have any effect on either the least Bell's vireo or the willow flycatcher (inclusive of the southwestern willow flycatcher subspecies). Focused surveys for these species were conducted in 1997; annually from 2000 through 2006; 2014, and in 2015 (See page 5.2-26 of the Draft SEIR). The Draft SEIR documents that there have been no least Bell's vireo breeding on the Project site. Although a single willow flycatcher was observed in 2006, the protocol survey determined that no willow flycatchers bred on-site. Based on repeated protocol survey results, all willow flycatchers observed on the Project site have been considered migrant and not breeding. Off-site, there have been repeated observations of breeding least Bell's vireo at the lower end of Grasshopper Canyon at Castaic Lagoon. However, the Project is not expected

to have any effect on the off-site lower end of Grasshopper Canyon at Castaic Lagoon. The Project impact assessment on biological resources provided in Section 5.2.7 of the Draft SEIR is inclusive of downstream indirect impacts potentially caused by the Project as mentioned on page 5.2-40 and 5.2-41. In addition, a separate technical memo assessing potential impacts on downstream biological resources was prepared and shall be attached to the Final SEIR as Appendix B, *Biological Resources Downstream Impacts Assessment*. In summary, downstream riparian and other aquatic biological resources are not expected to be negatively impacted by the proposed Project in any measurable degree. Although significant land use changes will occur and many drainages on-site will be substantially altered as a result of Project implementation, the hydrologically modeled differences between pre-Project and post-Project flows and sediment transport downstream of the Project are negligible. As a result, vegetation communities and plant and wildlife species dependent on downstream drainages are not expected to decline or to be modified. Existing community species composition and approximate local population size are expected to remain intact within downstream areas following Project implementation. In summary, land development has the potential to disrupt hydrologic conditions, and the biological resources that depend on those conditions, without incorporation of the appropriate type and location of storm water management features as part of engineering design. The results of the hydrologic analysis prepared for the Project (refer to Appendix B to the Final SEIR) demonstrate that the parcel-based (for Marple Creek discharges) and regional (Grasshopper Canyon Basins) Project features capture the flows that are increased due to the increase in impervious surface area such that there are negligible changes in the downstream hydrologic regime. Accordingly, Project impacts on biological resources in the downstream drainages will be negligible. The negligible impact on downstream vegetation supports the conclusion that there will be no impact on the least Bell's vireo as well. Additionally, potential impacts may be further reduced through implementation of MM 5.2-21, which requires compliance with all provisions of an NPDES permit including development of a Storm Water Pollution Prevention Plan prior to issuance of grading permits as described on page 5.2-57 of the Draft SEIR. For further information on this topic please see Response 1.6.

Similarly, off-site impacts associated with the Project, such as slope or utility construction, trails, and fuel modification are also included and addressed within the Project's drainage plan and will be included within the Storm Water Pollution Prevention Plan as required by the NPDES.

To provide clarification, the following revision is hereby made to the Final SEIR. However, it should be noted that this addition does not materially change the description of Project or the findings of the Draft SEIR. The following text of the last sentence in the second paragraph on page 5.2-37, in the Special Status Wildlife section, is hereby revised to read as follows (**bold, underline** shows the additional text and ~~strikethrough~~ show the deletions):

These measures would ensure **that potentially suitable habitat** for these species would persist in the region through replacing potentially suitable habitat impacted at a 2:1 ratio. **Additionally, due to the migrant and confirmed non-breeding nature of individuals detected over multiple years of focused surveys, occupied breeding habitat is not expected to be impacted.**

As described above, the Project is not expected to have any effect on the off-site lower end of Grasshopper Canyon at Castaic Lagoon due to the requirements of the drainage plan and Los Angeles County and RWQCB MS4 requirements to retain the quantity and quality of water within the drainage that is the same as the pre-Project condition. Additional text has been added to clarify as noted above in Response 1.6. Consequently, no impacts on downstream habitat are expected.

Regarding avoidance of on-site impacts to Grasshopper Canyon, as discussed in Section 6.5.1 of the Draft SEIR, the lead agency did explore a Creek Avoidance Alternative. The Creek Avoidance Alternative would be designed to avoid building or grading in the blueline area of Grasshopper Canyon; however, this alternative would (1) require the export of over 10 million cubic yards of soil, (2) eliminate commercial, multi-family, and single-family development, (3) require buttressing of all west facing slopes along Grasshopper Canyon, and (4) require construction of at least three bridges to allow for access and circulation. This alternative would not meet the Project objectives to enhance local economic well-being with commercial uses that would create jobs, provide a mix of uses to reduce offsite vehicle trips and VMT, and provide a significant amount of housing onsite with a wide range of home sizes and prices. Please see Response 12.12 for additional details on this topic.

Furthermore, in regard to the request for a 4:1 replacement ratio if avoidance of Grasshopper Canyon and seeps is not feasible, the proposed minimum ratio of 2:1 is consistent with replacing lost functions and values of jurisdictional resources to a level that reduces the impact to less than significant. Although it is feasible that State and federal agencies may require additional mitigation through conditions of regulatory permits, the minimum 2:1 ratio included in the SDEIR mitigation measure adequately mitigates the impact per CEQA guidelines. In addition, the requested cowbird trapping mitigation is more appropriate when there are substantial impacts to riparian woodland habitat occupied by listed riparian species as a measure to increase habitat quality and off-set such impacts. The Project's impact on riparian woodland habitat is extremely limited as well as unoccupied by these species for breeding. Consequently, cowbird trapping, as well as recommended monitoring of these species, is unwarranted for the Project. In regard to the recommendation to create a bridge over Interstate 5 to mitigate for lost seeps and springs on the Project, the seeps/springs features are not expected to be a significant source of water or associated resources for regional wildlife populations as most seldom contain sufficient flow for pooling as described in Response 2.3 and 2.4 above. Based on the limited use of these features, regional wildlife populations are not expected to be significantly impacted in this regard and the recommended mitigation is unwarranted. Furthermore, the mitigation measures include replacement of lost vegetation at various ratios. The ratio for riparian vegetation is a minimum of 2:1 to meet CEQA requirements of less than significant. This ratio is expected to result in the feasible replacement of lost functions and values of these vegetation types with an equal or greater value and is also consistent with CEQA lead agency mitigation protocols. The requirement of a ratio greater than 1:1 specifically recognizes and allows for a larger area of habitat to offset the time required for replacement habitat to meet or exceed the habitat values of the impacted areas. It is noted that the mitigation ratio is set at a minimum and that through the 1600 process CDFW, as described in the beginning of this response, may request a greater ratio for impacts to streambeds and vegetation communities associated with streambeds.

Response 2.7. The comment indicates that the impacts to rare plants and vegetation communities are not adequately mitigated. The Draft SEIR states a minimum ratio in all applicable rare plant and vegetation replacement mitigation measures. The selection of the ratios is based on the feasibility of a reasonable expectation that it will achieve success criteria in the replacement of lost functions and values of these vegetation types with an equal or greater value than the impacted areas. Furthermore, the determination is consistent with the typical approach to mitigation for such resources in the region. It is acknowledged that on-site opportunities are limited to implement these mitigation measures; however, there are off-site opportunities. Based on a preliminary review of off-site habitat mitigation opportunities (i.e., prior to detailed negotiations with prospective sellers), there are ecologically suitable parcels available for this purpose, such as a 6,000-acre Temescal Canyon property. The Temescal Canyon property is a large, contiguous, undeveloped land area located less than two miles west of the NorthLake property, along the southern boundary of Angeles National Forest. Other lands demonstrate similar opportunities such as the Petersen Mitigation Bank and Santa Paula Creek Mitigation Bank.

Therefore, off-site mitigation is considered a viable option to satisfy some or all of the habitat mitigation requirements of the Project. Therefore, the Draft SEIR is correct in noting the various options, inclusive of on-site areas. In addition, the final Habitat Mitigation Plan required by mitigation measures MM 5.2-6, 5.2-7, and 5.2-8 would include more detailed parameters defining what types of land will be considered suitable for mitigation. To provide further information, a Draft Conceptual Habitat Mitigation Plan has been prepared and is provided as Appendix C of the Final SEIR. In addition, a Draft Special Status Plant Mitigation Plan has been prepared and is provided as Appendix C of the Final SEIR. Per the plan, plant relocation would only occur within areas where impacts to existing communities are considered beneficial and genetic similarity is expected due to close proximity.

Regarding lilies, it is acknowledged that relocating lilies can be challenging, however, the method may salvage genetics of the impacted populations whereas preservation off-site alone would not. Greater specificity on the methods and potential locations is provided in the Draft Special Status Plant Mitigation Plan which has been prepared and is provided as Appendix C of this document (Final SEIR). The various suggested methods for plant monitoring are noted and taken into account in development of the Draft Special Status Plant Mitigation Plan. In regard to reducing the percentage from 60 percent seed planting in the first year, the following edits are made to the fourth and fifth bullets of MM 5.2-4 on page 5.2-43.

- Approximately ~~60~~**20** percent of the seeds and bulbs collected shall be spread and/or placed in the fall following soil preparation. ~~Forty~~ **Eighty** percent of the seed and bulbs shall be kept in storage for subsequent seeding, if necessary.
- ~~Approximately 60 percent of the seeds and bulbs collected shall be spread and/or placed in the fall following soil preparation. Forty percent of the seed and bulbs shall be kept in storage for subsequent seeding, if necessary.~~

Round-leaved filaree is considered present and impacts potentially significant, with mitigation required to reduce these impacts to less than significant. Greater specificity on the methods and potential locations for round-leaved filaree is provided in the Draft Special Status Plant Mitigation Plan which has been prepared and is provided as Appendix C of the Final SEIR. The various suggested methods for plant monitoring are noted and taken into account in development of the Draft Special Status Plant Mitigation Plan.

Greater specificity on the methods and potential locations for paniculate tarplant is provided in the Draft Special Status Plant Mitigation Plan which has been prepared and is provided as Appendix C of the Final SEIR. The various suggested methods for plant monitoring are noted and taken into account in development of the Draft Special Status Plant Mitigation Plan. Regarding the suggested 10-year monitoring period, the Draft Plan includes a 5-year plan with a contingency at the 3-year annual monitoring check to extend the monitoring an additional 5 years from that point if success criteria are not meeting 3-year expectations. The suggested approach to monitoring will allow for greater flexibility while ensuring monitoring until success criteria are met and is expected to achieve intended goals of the suggested monitoring period.

Greater specificity on the methods and potential locations for southwestern spiny rush is provided in the Draft Special Status Plant Mitigation Plan which has been prepared and is provided as Appendix C of the Final SEIR. The various suggested methods for plant monitoring are noted and taken into account in development of the Draft Special Status Plant Mitigation Plan.

The suggested refinement to seed collection distance is acknowledged and Part 'd' of the second paragraph of the mitigation measure on page 5.2-45 will be modified as follows: All seed mixes shall be of local origin; i.e., collected within ~~30~~ **15** miles, and within the same Watershed (Santa

Clara River Watershed), as the selected restoration/enhancement site(s), to ensure genetic integrity.

Per the first sentence of Part 'd' of the second paragraph of the mitigation measure (MM 5.2-6) on page 5.2-45, a minimum of two years is required. In order to provide greater assurance of collection feasibility, an additional year will be added. The following revision is hereby made to the Final SEIR. However, it should be noted that this revision does not materially change the description of the Project or the findings of the Draft SEIR. In MM 5.2-6, on page 5.2-45, the first sentence under Part "d", the sentence is hereby revised to read as follows (**bold, underline** shows the additional text and strikethrough show the deletions):

At least ~~two~~ **three** years prior to mitigation implementation of the Project Applicant or its consultants/contractors shall initiate collection of the native seed materials specified in the HMMP.

For additional information regarding the components of the Conceptual Habitat Mitigation Plan, please refer to Response to Comment 16.56.

Response 2.8. The comment asserts that the burrowing owl surveys do not appear to have been conducted following the CDFW's guidelines. The comment further states that the use of on-site natural space is not appropriate as relocation sites for impacted owls. During each burrowing owl survey, including the 2015 winter surveys, the entire Project site was surveyed for burrowing owls. The assessment of potential burrows naturally resulted in similar results of previous years, hence the surveys of the potential burrows matched previous surveys.

Although the evidence indicating lack of breeding burrowing owls described in the Draft SEIR is very strong, in order to provide additional assurances, a breeding season survey was conducted in 2017 using the CDFW 2012 protocol. Results of the survey are included in Appendix C of the Final SEIR. Consistent with the Draft SEIR, no breeding burrowing owls were detected.

The limitations of on-site mitigation for burrowing owl are acknowledged and are consistent with the discussions of limited vegetation/habitat mitigation described in the Draft Conceptual Habitat Mitigation Plan provided in Appendix C of the Final SEIR. Please also note that MM 5.2-7 on page 5.2-47 of the Draft SEIR indicates that habitat replacement would occur on-site and/or off-site. Therefore, the mitigation is not restricted to on-site and would only occur on-site if and where suitable. Avoidance of burrowing owl habitat was attempted through Project design to reduce the overall Project footprint and reduction was achieved. As previously mentioned, the Project evaluated in the Draft SEIR represents a modification to the previously approved NorthLake Specific Plan Project. Specifically, the proposed (modified) Project would involve development of a smaller Project and less impactful development due to a reduced unit count, reduced development footprint, and reduced impacts associated with less development when compared to the previously approved NorthLake Specific Plan Project. Specific impacts that would be reduced should development occur pursuant to currently proposed Project include reduced traffic and related air pollutant emissions and noise; smaller demand for utility services such as water and electricity; and fewer physical impacts related to biological resources, cultural resources, geology and soils, and hydrology and water quality associated with a smaller development footprint. Although avoidance of all winter burrowing owl habitat was not possible, habitat impacts were reduced. The Draft Conceptual Habitat Mitigation Plan addresses burrowing owl habitat requirements. For additional information regarding the components of the Conceptual Habitat Mitigation Plan, please refer to Response to Comment 16.56.

Response 2.9. The comment alleges biology mitigation measures are inappropriate deferred mitigation. This is incorrect. All necessary species surveys have been conducted and results

reported within the Draft and Final SEIR. Draft Conceptual Habitat plan and relocation plans are included in Appendix C to this Final SEIR. The plans and the various mitigation measures include objective performance criteria as well and general protocols. The exact date of Project commencement could vary depending on a variety of factors, including availability of financing and market conditions. Therefore, survey updates in the future are appropriate to confirm site conditions and species status on the Project site have not changed and to provide the most current information to allow for implementation of mitigation measures. Finalizing all mitigation plan details is often not feasible because specific mitigation sites have not been identified or acquired preventing a detailed level of planning from occurring. This type of performance-based mitigation is common, especially with biological resources, and is recognized as valid under CEQA. Therefore, the mitigation measures are not inappropriately deferred mitigation.

Response 2.10. The comment suggests the Draft SEIR contained insufficient information on the possible impacts to bats on the Project site. In order to provide additional data on potential impacts to bats, a focused survey for bats using acoustic recognition instruments was conducted in the summer of 2017 and the results are incorporated into Final SEIR. Edits to the Draft SEIR have been made to incorporate the methods and results of this survey. Results of the survey are also included in Appendix C of the Final SEIR. Based on results of the survey, the mitigation described in MM 5.2-20 on page 5.2-57 that is adopted for other species will also lessen the impact on bats by providing replacement foraging habitat. The less than significant determination identified in the Draft SEIR does not change.

Habitat replacement described within various mitigation measures of Section 5.2 of the Draft SEIR, requires a substantial replacement of impacted vegetation and consequently impacted bat habitat. As a result, bat habitat is largely replaced through implementations of these measures. The following revisions to MM 5.2-20 on page 5.2-57 are hereby made to the Final SEIR. However, it should be noted that these additions do not materially change the description of the Project or the findings of the Draft SEIR. MM 5.2-20 on page 5.2-57 is hereby revised to read as follows (**bold, underline** shows the additional text and strikethrough show the deletions):

If the potential for colonial roosting is determined, **CDFW will be consulted** and those rocky outcrops or trees shall not be removed during the bat maternity roost season (March 1 to July 31).

In addition, the following sentence shall be inserted as the last sentence of Mitigation Measure 5.2-20 on page 5.2-57 (**bold, underline** shows the additional text and strikethrough show the deletions):

In addition, the habitat replacement requirements of other Mitigation Measures further reduce the impact to bats through the preservation, enhancement, restoration and/or creation of impacted vegetation, which shall be generally suitable for impacted bat species.

In addition, MM 5.2-20 on page 5.2-57 is hereby revised to insert the following sentence at the end of the mitigation measure (**bold, underline** shows the additional text and strikethrough show the deletions):

Prior to disturbance of any roosting habitat, a Bat Relocation Monitoring Plan (BRMP) shall be submitted and approved by the CDFW and the LADRP. The BRMP shall include, at a minimum, the following discussion items: (1) species of bats present onsite, (2) habitat uses of the site (i.e., roosting, hibernating, etc.) (3) roosting habitat replacement feature guidelines, (4) construction monitoring guidelines, (5) habitat replacement feature monitoring, and (6) reporting

requirements. Reporting shall occur annually to LADRP and CDFW. The BRMPs will be submitted annually for five years.

As described above, a focused survey for bats using acoustic recognition instruments was implemented and results incorporated into Final SEIR. Based on results of the survey, mitigation measure 5.2-20 is considered appropriate to reduce impacts to less than significant.

The Draft SEIR considers the site occupies and/or utilized and considers Project implementation a potentially significant impact on bats. Additional details regarding specific bat ecology on the site is unnecessary in order to refine the proposed mitigation.

As mentioned above, an edit to Mitigation Measure 5.2-20 has been made to indicate a requirement for consultation with CDFW. In addition, the Draft Conceptual Habitat Mitigation Plan includes requirement for a bat specialist to ensure replaced habitat meets bat suitability criteria.

Response 2.11. The comment requests that the Project address the potential for impacts to the fully protected ringtail since suitable habitat is available on the Project site and assumed present at Castaic Lake. The initial Project general field surveys conducted by experienced and qualified biologists included a habitat assessment coupled with a current literature review and subsequent review of all species known to occur or potentially occurring in the region. The results of the assessment concluded that the Project site is not expected to support ringtail. One of the primary factors in that determination is the known range of the ringtail. CDFW records through the California Natural Diversity Database (CNDDDB) indicate that the species has never been detected within the Project region. In addition, a substantial number of experienced biologists have traversed the site spending hundreds of hours making observation about species occurrences or potential occurrences on the site and there have been no detections of ringtail nor evidence of ringtail or potentially suitable habitat. A listing of the various field surveys for common and special status species over the course of 20 years is provided in Section 5.2, Biological Resources, of the Draft SEIR. This level of analysis is appropriate for reaching the conclusions in the DSEIR and represent the industry standard approach for impact assessments for undetected species. Although the adjacent land owner may have made a determination that the ringtail may occur within the Castaic Lake area, there is no reported evidence of occurrence of the ringtail within the CNDDDB. Although this data base does not identify all occupied habitat, it is unlikely to exclude entire regions especially where they contain a high level of active development, which include a high level of biological surveys, which require observations to be reported to the CNDDDB. The ringtail has not been recorded within the applicable mountain range nor within 20 miles of the Project site. Similar to other species with no potential to occur in the Project region, the Draft SEIR correctly assumes no impact to this species.

Response 2.12. The comment asserts that specific surveys during appropriate seasons/times were not conducted to disclose if these resources would be impacted and if alternative Project design would avoid or lessen impacts. The initial Project general field surveys conducted by experienced and qualified biologists included a habitat assessment coupled with a current literature review and subsequent review of all species known to occur or potentially occurring in the region. During these general surveys, biologists explored all areas of the Project site, looking at vegetation and habitat conditions. While performing surveys, the biologists carefully evaluated the site to determine if the minimum habitat requirements for any species occurring in the region are present on or adjacent to the site. It is not uncommon to have no detection of a species, and yet still make a determination that the species may occur on or adjacent to the site. Most species do not have a specific protocol for determining presence or absence. Only a very small percentage of species have an approved protocol survey. The determination of species presence or absence for the NorthLake Project utilized this approach, consistent with industry standards. All species with agency required or accepted survey protocol guidelines for determining presence or absence

were implemented for the Project as described in Section 5.2.3, beginning on page 5.2-2. The results of all surveys were adequate to make all impact determinations for the Draft SEIR, inclusive of those species that were assumed to be present or absent. The Draft SEIR impacts analysis assumes presence for applicable species and that impacts may occur. Where applicable, the determination was that the impact may be potentially significant and mitigation was required. Pre-construction surveys required within mitigation measures are not anticipated to change these results. The surveys are part of the mitigation process to determine current conditions in the future so that mitigation measures are implemented accordingly. In order to relocate a species, years in the future, a survey would need to be done to determine where and how many individuals are present at that time. All impacts assessments included the information necessary to make those determinations as outlined in the Draft SEIR. Similarly, the approach of preparing a plan with very specific details and having that plan approved by the Lead Agency is a widely utilized and accepted practice in CEQA documents. However, in order to provide some additional data where feasible, a Draft Conceptual Habitat Mitigation Plan, a Draft Spadefoot Relocation Plan, and a Draft Special Status Plant Mitigation Plan have been included in Appendix C of the Final SEIR. For additional information regarding the components of the Conceptual Habitat Mitigation Plan, please refer to Response to Comment 16.56.

Furthermore, to provide additional data on potential impacts to bats, a bat survey was conducted in summer 2017. Edits to the Draft SEIR have been made to incorporate the methods and results of this survey. Results of the survey are also included in Appendix C of the Final SEIR. Although the evidence indicating lack of breeding burrowing owls described in the Draft SEIR is very strong, to provide additional confirmation, a protocol breeding season survey was implemented in 2017 using the CDFW 2012 protocol. Edits to the Draft SEIR have been made to incorporate the methods and results of this survey. Results of the survey are also included in Appendix C of the Final SEIR. Lastly, a Conceptual Habitat Mitigation Plan, Special Status Plant Species Mitigation Plan, and a Spadefoot Relocation Plan have been prepared to provide additional data for the public and are included in Appendix C of the Final SEIR. The proposed mitigation measures all include objective performance standards to ensure a mitigation process and minimum thresholds for success. As a result, the Draft SEIR approach does not constitute deferral of mitigation as suggested.