



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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April 20, 2017

Mr. David Koontz  
City of Santa Clarita  
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Santa Clarita, CA 91355  
[Dkoontz@santa-clarita.com](mailto:Dkoontz@santa-clarita.com)

Dear Mr. Koontz:

Sand Canyon Plaza Mixed Use Project (PROJECT)  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH# 2015051005

The California CDFW of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Santa Clarita for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> The City of Santa Clarity provided the CDFW an extension to April 20, 2017 to provide comments.

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.

## **CDFW ROLE**

CDFW 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)]. CDFW, 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, CDFW 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.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW 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 & 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:** Sand Canyon Plaza, LLC

**Objective:** The objective of the Project is to develop the approximately 87-acre Sand Canyon Plaza Mixed-Use Project site with up to 580 residential units, 55,600 square

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<sup>1</sup> 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.

feet of retail commercial (including restaurants), and a 75,000-square-foot (up to 120-bed) assisted living facility. The Project includes three private recreation areas, commercial plaza areas, various private streets, driveways and landscaped areas, and adjacent roadway improvements to Sand Canyon Road (including the construction of two roundabouts) and Soledad Canyon Road. The Project would result in 2.2 million cubic yards of cut and fill balanced on-site, filling approximately 3-acres of CDFW regulated streams/waterways.

Project site is located immediately north of Soledad Canyon Road, east of Sand Canyon Road, north of State Route 14 (SR-14), and west of the Pinetree residential community in the City of Santa Clarita.

The site consists of native coast live oak, California sagebrush scrub, holly leaf cherry and riparian vegetation communities.

**Location:** City of Santa Clarita, Los Angeles County,

**Timeframe:** Developed in one phase, timeframe not specified.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City of Santa Clarita 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**

#### **Issue #1: Use of CBDDDB and BIOS 5 tool to determine impacts.**

**Issue:** The DEIR states the lack of California Natural Diversity Database/BIOS data for the Project site as evidence these species don't appear on-site. The DEIR states "... the Project site is designated as Agriculture, with the areas surrounding the site designated as Urban. Neither of these habitats is considered a sensitive habitat. The California Natural Diversity Database, indicates no special status species (sensitive plants and wildlife) from the California Natural Diversity Database (December 2004) were documented for the Project site. A review of the California CDFW of Fish and Wildlife Biogeographic Information and Observation System (BIOS) 5 tool, accessed August 17, 2015, confirmed that no sensitive habitats or sensitive species occur on the Project site."

The DEIR then continues to disclose the site contains state ranked rare holly leaf cherry vegetation communities as well as numerous other native vegetation communities, as well as bats (protected mammals by CDFW), a special status reptile with the potential for numerous other special status species to be present.

**Specific impact:** Impacts to sensitive, rare, threatened and/or endangered fish and wildlife resources potentially on-site would be missed using this methodology.

**Why impact would occur:** The statement that the CNDDDB/BIOS were consulted and due to lack of documentation on the Project site, it is concluded (confirmed) that special status plants and animals do not occur. CNDDDB/BIOS are a positive sighting database. This means that if the site was not surveyed, or if results were not reported, there would be no record of resources on the property. CNDDDB/BIOS disclaimer states that the results obtained from searches cannot and should not be used to determine presence/absence of species for a Project.

The DEIR also states "transects of opportunity" were used for a baseline biological assessment. The DEIR should define "transects of opportunity" and how this

methodology meet CDFW and USFWS protocol standards. Opportunistic broad scale 'surveys' often are not adequate for CEQA disclosure purposes as they are limited to a "snap shot" in time. Biological field surveys should be methodical and repeatable during the appropriate times of year to determine the diversity of the biological resources on-site.

**Evidence impact would be significant:** CDFW is unable to determine the extent of impacts based on the biological analysis conducted for the DEIR. CDFW can only speculate on the impacts to biological resources and proposed mitigation measures. Absent survey data, CDFW is unable to provide meaningful avoidance, minimization, or mitigation measures related to biological resources. CDFW recommends the lead agency request the project applicant to conduct appropriate biological surveys and to consult with CDFW for avoidance, minimization and mitigation measures prior to finalizing the DEIR.

### **Issue #2: Botanical Surveys during drought conditions**

**Issue:** The DEIR describes botanical survey efforts conducted on the Project site during April, May, and June of 2014 and 2015 and concludes that surveys were conducted during a drought and not ideal for detecting rare plants.

CDFW is concerned that focused botanical surveys were conducted 2 years ago during an ongoing drought, during conditions that do not maximize detection of flowering plant species. The DEIR also contends the habitat on-site is of "poor quality for rare plants" but gives provides no substantial evidence in the record to support these determinations. CDFW protocols state, especially with periods of extended drought, surveys may need supplemental work to be considered accurate or make a determination of negative finding. Moreover, botanical surveys within one year are typically considered representative of site conditions for determining impact analysis provided they are conducted at the appropriate time of year and proper weather conditions. Because the most recent surveys were conducted over two years ago during a prolonged drought, CDFW recommends that additional botanical surveys be conducted at the appropriate time of year with proper weather conditions and the results incorporated into the environmental document for review and comment.

**Specific impact:** Project induced native plant population declines or local extirpation of special status plant species may result from immediate death or injury, habitat fragmentation, alteration of soil chemical and physical makeup, increased competition with exotic invasive weeds, and reduce photosynthesis and reproductive capacity. The effects of these impacts would be permanent or occur over several years.

**Why impact would occur:** Impacts to botanical resources could occur from Project construction, maintenance, mitigation, irrigation, and fuel modification activities that result in vegetation crushing, trimming or removal, human intrusion, and the erosion, crushing and compaction or excavation of soil. The Project may introduce exotic invasive species such as Argentine ant (*Linepithema humile*) onto habitats supporting botanical resources and their arthropod pollinators and dispersal agents. It has been documented that wildlife habitat located within 200 meters of areas infested with Argentine ants were more likely to have been invaded. Within invaded sites, native ants were largely displaced, and their median species richness declined by more than 60% compared with uninvaded sites. (Fisher, Mitrovich, Matsuda and Pease., 2010).

**Evidence impact would be significant:** Botanical surveys that are outdated (i.e., greater than 1.5 years as determined by CDFW) or conducted during conditions that do not maximize detection may overlook the presence or actual density of some special status plant species. Botanical surveys should be conducted on the

Project site after optimal precipitation and timing stimulate emergence within the seed bank. Based on the current record, Take of special status plant species including state- and federal- listed species may occur on site without adequate detection, avoidance and mitigation measures. Therefore, the Project may result in a substantial adverse effect, either directly or through habitat modifications, on special status species.

**Recommended Potentially Feasible Mitigation Measure(s)**

**Mitigation Measure:** To reduce impacts to less than significant CDFW recommends that protocol-botanical surveys be repeated using methods to maximize detection of special status plants on the Project site during 2017, a non-drought year, and that these results be disclosed in the DEIR. All botanical surveys should be floristic in nature and follow CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (Survey Protocols) see: ([http://www.dfg.ca.gov/biogeodata/vegcamp/natural\\_communities.asp](http://www.dfg.ca.gov/biogeodata/vegcamp/natural_communities.asp)). Special status plants should be assumed to occur in areas of suitable habitat regardless of survey results during drought conditions.

As indicated above, reliance on delineations performed during periods of extended drought and surveys over 1 year old should be updated to fully disclose the current condition and botanical resources on-site. CDFW recommends that additional botanical surveys be conducted at the appropriate time of year with proper weather conditions and the results incorporated into the environmental document for review and comment.

CDFW recommends avoidance of any special status plant species. CDFW does not consider translocation, or planting of rare/sensitive plant resource into a developments' landscaping appropriate mitigation to offset biological values.

**Issue #3: Inadequate mitigation proposed for impacts to CDFW rare holly leaf cherry vegetation community**

**Issue:** The DEIR MM Bio-6 proposes a 1:1 ratio (one holly leaf shrub to be planted for each holly leaf shrub impacted) to mitigate the loss of 1.66-acres of state rare holly leaf cherry alliance vegetation, and that the planting may be located within the landscaped areas of the property. The measure also specifies a 3 year monitoring period and allows for unspecified temporary irrigation.

CDFW does not consider planting 1 plant of a diverse vegetation community, within a development, adequate mitigation for impacts to holly leave cherry communities.

**Specific impact:** Holly leaf cherry communities that occur on-site are made up of many different plants with different percent cover, diversity and abundance of species that comprise these two communities on-site. Simply planting one species, the holly leaf cherry, does not mitigate the two holly leaf cherry vegetation communities found on the Project site. CDFW considers MM Bio-6 inadequate mitigation that would result in the loss of 1.66 acres of rare these vegetation communities.

Additionally, the DEIR should contain a discussion as to the local significance and distribution of these rare holly leaf cherry vegetation communities. CEQA (Guidelines §§ 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 rare or unique to the region must to be incorporated into the DEIR.

**Evidence impact is significant:** CDFW has ranked the holly leaf cherry vegetation communities as S3, rare to uncommon and rare for the purposes of CEQA analysis.

The continued loss of this vegetation community, without appropriate mitigation, concerns CDFW and could result in local extirpation.

**Recommended Potentially Feasible Mitigation Measure(s):** 1) CDFW recommends avoiding impacts to the 1.66-acres of holly leaf cherry vegetation communities, if avoidance is not feasible, minimizing impacts to the maximum extent possible. 2) Any impacts to the holly leaf cherry vegetation communities should be mitigated at a minimum 5 acres of preservation/restoration for every 1 acre of impact. All mitigation should be held to quantifiable success criteria including species diversity, species richness, abundance, percent cover, and non-native cover below 3%. Success criteria should be based on the composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover) for at least 5 years.

#### **Issue #4: Deferred mitigation**

**Issue:** CEQA Guidelines §15070 and §15071 require the DEIR 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 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)

#### **Issue #5: MM Bio-4 (requiring pre-construction surveys and implementation of bat boxes)**

**Issue:** MM Bio-4 "If any special-status bat species are determined to be roosting on-site, bat boxes of a size and design suitable for the estimated number of bats on-site shall be installed".

Bat boxes have a very low success rate, and many bat species, including those with the potential to occur on-site do not utilize bat box type of habitat.

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

The Project site contains mature oak trees, structures, rock outcrops, riparian habitat and is adjacent to a water source (Santa Clara River). The Project site has the potential to support several species of bats. 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 (SOC), which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065). CDFW considers adverse impacts to a SOC, for the purposes of CEQA, to be significant without mitigation.

CDFW 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). CDFW recommends the DEIR include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The DEIR 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), CDFW recommends the following steps are implemented:

1. Identify the species of bats present on the site;
2. 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.)];
3. 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 CDFW.
4. 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. CDFW requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);
5. 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 mitigation shall be determined by the bat specialist in consultation with CDFW;
6. 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,
7. Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to Lead Agency and the CDFW for five years following relocation or until performance standards are met, whichever period is longer.

**Evidence Impact would be significant.** Absent the above requested information, the DEIR does not analyze impacts to bats, and the DEIR does not provide any alternatives discussion or any avoidance strategies and proposes bat boxes that have a very poor success record and are not appropriate habitat for most bats residing in the Project area.

**Issue #6: Wildlife Corridor.**

Issue: The DEIR does not fully analyze the site for purposes of local and regional wildlife movement potential from the foothills, under SR-14 to the Santa Clara River.

**Wildlife Movement and Connectivity.** The Project area supports significant biological resources, and is located in the Mint Canyon/Soledad Canyon region. The Project is currently available to facilitate wildlife movement from the foothills to the north, under SR-14 to Santa Clara River. The foothills surrounding the project contain low density development, with pockets of open space. The project area contains habitat connections and supports movement across the broader landscape, sustaining both transitory and permanent wildlife populations.

The DEIR did not address how the project may be used as a wildlife corridor. The DEIR dismisses any value while providing no rationale or substantial evidence to support this conclusion. The DEIR should include a discussion of current wildlife movement routes available through the foothills to the Santa Clara River. The DEIR should also evaluate if the loss of this passage is the significance. The DEIR should identify other local corridors that exist and will continue to allow wildlife movement to the Santa Clara River from the foothills.

**Evidence impact would be significant.** Aspects of the project could create physical barriers to wildlife movement from direct or indirect project-related activities. Indirect impacts from lighting, noise, dust, and increased human activity may displace wildlife in the general area. CDFW recommends the DEIR include studies that track wildlife movement and dispersal across the Project site, including large mammals, and discuss how the Project will affect the use and dispersal patterns. CDFW also recommends the DEIR include maps showing local and regional wildlife movement patterns and analyze how the Project will affect these corridors. The DEIR asserts the Project will not have a significant effect on wildlife movement. CDFW requests the DEIR include data and maps to support these conclusions.

**Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming):** CDFW recommends reducing or clustering the development footprint to reduce the total area impacted and providing a larger buffer between housing and preserving the tributary to the Santa Clara River on-site.

#### **Issue #7: Preconstruction Surveys as Mitigation.**

**Issue:** The DEIR addressed the potential for a few sensitive species to be found within the Project footprint, and requires limited preconstruction surveys and relocation as mitigation measures to bring impacts below the significance threshold. Specific surveys were not conducted to disclose if these resources would be impacted and if alternative Project design would avoid or lessen these impacts.

CEQA Guidelines §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).

## **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](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](mailto: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](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

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## **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 CDFW. 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**

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Santa Clarita in identifying and mitigating Project impacts on biological resources. CDFW recommends addressing the information raised in this letter. CDFW also recommends the City and Project Applicant consult with CDFW regarding these issues.

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](mailto:Kelly.Schmoker@wildlife.ca.gov).

Sincerely,

Betty J. Courtney  
Environmental Program Manager I

cc: CDFW  
Victoria Chau – Los Alamitos  
Scott Harris – Ventura  
Erinn Wilson – Los Alamitos

Office of Planning and Research, State Clearinghouse, Sacramento