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DEPARTMENT OF FISH AND WILDLIFE
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August 8, 2016

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**Subject: Mt. San Antonio College Master Plan Update (PROJECT)
DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (DSEIR)
SCH# 2002041161**

Dear Ms. Klein:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Supplemental Environmental Impact Report (SEIR) from Mt. San Antonio Community (Mt. SAC) College District for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the SEIR.

CDFW ROLE

CDFW is California's **Trustee Agency** for state 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. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. 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.*), related authorization as provided by the Fish and Game Code will be required.

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

PROJECT DESCRIPTION

Mt. SAC has proposed a 2015 Facilities Master Plan Update (FMPU). Three proposed elements of the Mt. SAC 2012 Master Plan Update occur in areas that have not been previously developed. These elements, covering approximately 13-acres of the 420-acre campus, include an irrigation well site, a detention basin upgrade, and fire academy relocation.

Mt. SAC is located in the San Gabriel Valley in southeast Los Angeles County, California. The college is situated near the intersection of North Grand and Temple Avenues in the City of Walnut. It is within un-sectioned land of the Puente Land Grant, Township 2 South, Range 9 East on the U.S. Geological Survey (USGS) 7.5-minute San Dimas quadrangle map.

IMPACT ANALYSES: BIOLOGICAL RESOURCES

Wildlife (W)

Comment W-1:

The SEIR addresses the potential impacts on the state species of special concern Burrowing Owl (*Athene cunicularia*) but does not address the federally-listed (threatened) coastal California gnatcatcher (*Polioptila californica californica*)² or the state species of special concern coastal cactus wren (*Campylorhynchus Brunneicapillus sandiegensis*), both of which are known to occur onsite and rely on coastal sage scrub and cactus scrub habitat that are present onsite. As indicated in the Biological Technical Report (Helix, 2016), the coastal California gnatcatcher was observed on coastal sage scrub on Mt. SAC Hill in May 2012 and 2015. Similarly, coastal cactus wrens have been heard vocalizing in the coastal sage scrub in May and June 2012. These observations are acknowledged by the study to “indicate that all of the Venturan coastal sage scrub in the study area is occupied by the species.” Based on the information contained in the Biological Technical Report, CDFW recommends the final SEIR include a full analysis of the direct and indirect impacts to these species, and any mitigation required to offset potentially significant impacts.

Comment W-2:

The MMP, section BIO-03, currently provided as follows: “[p]rior to grading within areas of Venturan Coastal Sage Scrub, the college shall identify replacement 2:1 acreage.” Based on documented use of the site by California gnatcatcher and coastal cactus wren, CDFW does not concur that a habitat mitigation ratio of 2:1 is sufficient offset Project and cumulative impacts to coastal sage scrub. Coastal sage scrub habitat, including “lower quality”, supports dispersal, feeding, and refuge for both the California gnatcatcher and cactus wren during various life

² Coastal California Gnatcatcher (*Polioptila californica californica*). Coastal California gnatcatcher is an ESA-listed species and a California Species of Special Concern (SSC) that has been documented in the Project area and may occur on the Project site. Patches of coastal sage scrub in the Project area provide dispersal habitat and potential nesting habitat for coastal California gnatcatcher. Patches of coastal sage scrub also provide refugia from habitat loss resulting from wildfire, brush clearing fuel modification activities, and other disturbances resulting in habitat degradation.

stages (e.g., breeding, foraging, and dispersal) and refugia during wildfire events. The direct and indirect impacts to onsite and adjacent coastal sage scrub should be further evaluated in the final SEIR. The analysis should include use by California gnatcatcher and cactus wren based on appropriate surveys conducted during the appropriate time of year. For coastal sage scrub occupied by sensitive species, CDFW recommends a minimum mitigation ratio of 3:1. Additional mitigation may be required for impacts to occupied California gnatcatcher by the United State Fish and Wildlife Service (USFWS) pursuant to the federal Endangered Species Act. CDFW recommends that Mt. SAC contact the USFWS to discuss potential impacts to the California gnatcatcher from the proposed Project.

Comment W-3:

Mitigation Measure BIO-05 on Page 6 of the MMP states that “[t]he College shall adopt a Land Management Plan to minimize impacts on California Black Walnut trees on campus. Any walnut trees with a diameter of six inches four-feet above ground damaged or removed by construction activities shall be replaced according to the standards in Table 4 of the Mt. SAC California Black Walnut Management Plan (Helix Environmental Planning, September 2012). Replacement habitat shall be completed prior to project completion. The required mitigation acreage for replacement walnut trees is 2.02-acres. The replacement specimens shall be preserved, maintained and monitored for a period of five years to ensure viability.”

Southern California black walnut (*Juglans californica*) trees found on the Project site should be considered as a locally and regional rare, unique and/or uncommon (and/or) regionally rare plant species; that is, species that are rare or uncommon in a local or regional context, as such, would meet the CEQA definition of a rare species (CEQA §Sec 15380). CEQA directs that a special emphasis be placed on “environmental resources” that are rare or unique to the region and would be affected by a proposed project [CEQA §15125 (c)] or is so designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Public agencies have a duty under the CEQA to avoid or minimize environmental damage and to give major consideration to preventing environmental damage (CEQA §Section 15021). Southern California black walnuts are California Native Plant Society (CNPS) Rank 4.2 and are considered locally sensitive species. In addition, the southern California black walnut is designated S3, which is considered vulnerable in the state due to a restricted range with relative few populations. CDFW would consider loss of on-site populations of southern California black walnut to be potentially significant from a project and cumulative perspective under the CEQA. Accordingly, impacts to these locally rare resources and adequate mitigation measures that reduce the impacts to less than significant should be described and incorporated into the final SEIR.

CDFW acknowledges that the SEIR quantifies the impact acreage associated with southern California black walnut; however, the final EIR should quantify the actual number of tree impacted and size of each tree. For example, larger southern California black walnut trees may be over 100 years old and can be used by wildlife species (e.g., raptors) and are not readily replaced, which would be difficult to mitigate to a level of less than significant using only a habitat-based approach. CDFW recommends the final SEIR clarify total individual trees by size, anticipated to be permanently impacted; analyze the significance of impacts; and provide adequate mitigation, if necessary, to reduce Project and cumulative impacts to less than significant. Feasible mitigation could include long-term protection in place; on-site nuts/seed

collection for an on- or off-site mitigation enhancement/restoration area suitable to the species; and/or off-site land acquisition of similar or better habitat with corresponding number of trees (size and ages), all to be preserved with the necessary permanent land use protection (e.g., conservation easement), management and secured endowment funds.

CDFW also has concerns about the length of the proposed monitoring period for the planted southern California black walnut trees. The SEIR in BIO-03 of the MMP states that “these trees should be planted in the approved California Black Walnut Management Plan area and preserved, maintained and monitored for 2 years.” In BIO-05 it states that “[t]he replacement specimens shall be preserved, maintained and monitored for a period of five years to ensure viability.” The final SEIR should be revised to achieve consistency between BIO-03 and BIO-05. Moreover, for larger/older southern California black walnut trees that would be impacted, CDFW recommends that a minimum of 10 years of monitoring be provided for tree plantings and site restoration to ensure that impacts would be reduced to a level of less than significant under CEQA.

Wetland Habitat and Buffers (WHB)

Comment WHB-1

The SEIR includes a discussion of impacts to state and federal wetland resources (provide reference to discussion in the SEIR). However, the SEIR does not appear to adequately analyze the wetland buffer proposed at the edge of the wetland along Snow Creek and future construction areas. Wetland buffers are crucial for the current and long-term protection and function of riparian habitat, especially in urban areas. They provide numerous functions, including: (a) expansion of the habitat’s biological values (e.g., buffers are an integral part of the complex riparian ecosystems that provide food and habitat for the fish and wildlife); (b) protection from direct disturbance by humans and domestic animals; and, (c) reduction of edge effects³ from urbanized uses including artificial noise and light, line-of-sight disturbances, invasive species, and anthropogenic nutrients and sediments.

Mitigation Measure BIO-08 on Page 7 of the MMP states “[p]ermanent development adjacent to any future wetland mitigation areas shall incorporate a 25-foot buffer during final project design. If un-vegetated, the buffer shall be planted with non-invasive species that are compatible with the adjacent wetland mitigation area habitat. A qualified biologist shall review the final landscape plans for the buffer area to conform that no species on the California Invasive Council (Cal-IPC) list are present in the plan.”

³ Edge effects are defined as undesirable anthropogenic disturbances beyond urban boundaries into potential reserve habitat (Kelly and Rotenberry 1993). Edge effects, such as disturbance by humans and non-native predators (pets), exotic ants, trampling, noise, and lighting, and decreases in avian productivity (Andren and Angelstam 1988), are all documented effects that have negative impacts on sensitive biological resources in southern California. Surrounding natural habitat could be permanently destroyed by human or domestic animal encroachment, trampling, bushwhacking, and frequent fires; therefore, development and open space configurations should minimize adverse edge effects (Soule 1991).

The Fish and Game Commission Policy on the *Retention of Wetland Acreage and Habitat Values* states, “[b]uffers should be of sufficient width and should be designed to eliminate potential disturbance of fish and wildlife resources from noise, human activity, feral animal intrusion, and any other potential sources of disturbance.” The U.S. Corps of Engineers suggest that narrow strips of 100 feet may be adequate to provide many of the functions cited above (USACE 1991). Wetland buffers should be measured starting at the outside edge of the wetland habitat (rather than the watercourse/streambed centerline). Moreover, previous studies of upland buffers used to protect and maintain functions of wetlands have concluded that, “[b]uffers of less than 50-feet were [found to be] more susceptible to degradation by human disturbance. In fact, no buffers of 25-feet or less were functioning to reduce disturbance to the adjacent wetlands” (McElfish et al 2008). CDFW recommends that a minimum 100-foot buffer be provided for all on-site wetlands (including proposed mitigation areas) and that the buffer be measured from the outside edge of the wetland habitat to reduce direct and indirect wetland impacts to a level of less than significant. Appropriate passive uses (e.g., trails, fuel clearing) may be acceptable on the outer limits of the buffer (e.g., last 15-feet) if appropriately located/managed and no sensitive species are known to utilize the wetland areas.

Mitigation Measure BIO-11 on Page 8 of the MMP states “[a] 25-foot buffer shall be incorporated into the project design for the Fire Training Academy to protect future wetland mitigation areas along Snow Creek.” As indicated above, the proposed 25-foot buffer would not be adequate to protect the current and long-term functions of the adjacent wetland habitat. Furthermore, it is unclear exactly what type of activities will take place at this academy, such as the use of water and fire retardant chemicals for related activities. For these reasons, CDFW recommends that a minimum 100-foot buffer be provided for the buffer adjacent to the Fire Training Academy and that the buffer be measured from the outside edge of the wetland habitat to reduce direct and indirect wetland impacts to a level of less than significant.

Comment WHB-2

The SEIR concludes that “the scrub does not qualify as jurisdictional wetland because it occurs within a constructed basin fed by pipes and a riprap drainage channel. It is a stormwater facility, not a lake or stream.”

CDFW has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) or a river or stream or use material from a streambed, the Project applicant (or “entity”) must provide written notification to CDFW pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, CDFW then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. CDFW’s issuance of an LSA Agreement is a project subject to CEQA. To facilitate issuance of a LSA Agreement, the final SEIR should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement. Early consultation is recommended, since modification of the Project may be required to avoid or reduce impacts to state fish and wildlife resources. Lack of such analysis in the final SEIR could preclude CDFW from relying on the Lead Agency’s analysis to issue a LSA Agreement without CDFW first conducting its own, separate Lead Agency subsequent or supplemental analysis for the Project.

Mikaela Klein
Mt. San Antonio Community College District
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CDFW staff conducted a site visit with Mt. SAC and Helix Environmental Planning on August 5, 2016. Based on the inspection of the constructed basin, CDFW recommends the applicant notify CDFW prior to the final SEIR to ensure all Project impacts and mitigation measures are incorporated into the Mitigation Monitoring and Reporting Plan for the Project.

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 [Public Resources Code, § 21003, subdivision (e)]. Accordingly, CDFW recommends that any special status species and natural communities detected during Project surveys be reported 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

Based on the information contained in the SEIR, the Project, as currently proposed, would have an impact on state 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 (California Code Regulations, Title 14, § 753.5; Fish & Game Code, § 711.4; Public Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the SEIR to assist the Mt. SAC Community College District in identifying, reducing and mitigating Project-related impacts on biological resources. For any questions regarding this letter or further coordination, please contact Andrew Valand, Environmental Scientist, at (562) 342-2142 or Andrew.Valand@wildlife.ca.gov.

Sincerely,



Betty J. Courtney
Environmental Program Manager I

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Mt. San Antonio Community College District
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ec: Ms. Betty Courtney, CDFW, Santa Clarita
Ms. Erinn Wilson, CDFW, Los Alamitos
Ms. Victoria Chau, CDFW, Los Alamitos
Ms. Chris Medak, U.S. Fish and Wildlife, Ventura

cc: Office of Planning and Research, State Clearinghouse, Sacramento