

Both of these avian species are California Department of Fish and Game Species of Special Concern (CDFGSSC) and consequently sightings and distribution need to be researched and reported accurately.

Although Vaux's Swift (*Chaetura vauxi*) which is another CDFGSSC is not endemic to the area, the species is migratory and the observed individuals (page IV.D-44) foraging in mixed flocks with other species use the area as it presents a feeding opportunity along their migratory route. The proposed development would result in habitat alteration upstream along the La Tuna Wash would in turn adversely impact insect populations. In turn, this would either alter or eliminate this feeding zone and possibly compromise these individuals ability to reach their breeding areas in northern California and further north from there.

The Coastal California Gnatcatcher (*Polioptila californica californica*) is a federally listed species, which was not observed by surveyors (page IV.D-45). This is somewhat surprising, as I have observed these occasionally over the entire proposed development area and adjacent areas except for the northern edge of area B. Additionally this species has been documented in the western/central Verdugo Mountains.

The Section also reports that no Least Bell's Vireo (*Vireo belli pusillus*) (page IV.D-45), which is a both a federal and state listed species, was observed during the surveys. The survey reports that "is not likely to occur in the Study Area as the habitat appears marginal, lacking dense understory thickets needed for nesting by this species". On the contrary, the habitat does present patches of sufficiently dense understory that this species requires.

On page IV.D-45 the Coopers Hawk (*Accipiter cooperii*), another CDFGSSC is discussed. The report cites observations of Cooper's Hawks during flyovers, but notes that there were "nesting and other breeding activities were not observed during the numerous avian surveys". This statement in itself reveals that the biologists are not familiar with avian behavior in general and especially not experienced with raptor and accipiters biology.

This species is not only present but also breeds in the area. The habitat and prey base in both area A and B and the adjacent "Duke Property" are ideally suited to Cooper's Hawks. Like the other North American accipiters, Cooper's Hawks are stealth hunters and extremely opportunistic. The birds spend most of the time perched or "still hunting" which is typical of an ambush predator and as such will not be detected by inexperienced observers. Sometimes their distinctive calls are indicative of their presence to experienced observers. The reported "flyovers" are most often a component of ringing flight, which during the nesting season almost always involve courtship and display, or some other form of breeding and courtship, or territorial display.

This is not a species that breeds within or close to developed areas, and nesting pairs will readily abandon a nest when disturbed. These factors that have undoubtedly contributed to the species decline in numbers of Coopers Hawks and its consequent listing as a

CDFGSSC species. The proposed development would have a highly significant negative impact on the prey base, which in turn would lead to nesting failure and an eventual abandonment of the area by these birds. Additionally, development and human activity would attract the attendant corvids (Common Raven (*Corvus corax*) and American Crow (*Corvus brachyrhynchos*)), which compete negatively with resident raptors and ultimately drive them out of the area.

It is troubling that none of these issues has been addressed in the DEIR, where the surveyors observed a few flyovers and declare this sensitive species is simply not present, and therefore would not be impacted by the proposed development. In fact, quite the opposite will be true, the proposed development would adversely affect this species resulting in its eventual disappearance from the area. The DEIR meanwhile simply dismisses the species presence in the area, its biological requirements, and the significant impact of the proposed development in a total of six lines.

Another CDFGSSC, the Sharp-shinned Hawk (*Accipiter striatus*) is not mentioned in the DEIR. Because of the extreme reversed sexual size dimorphism among accipiters, the larger females of this species are often confused with male Coopers Hawks. Sharp-shinned Hawks occurs in the Study Area in winter because the habitat supports flocks of migrating passerines, which these small accipiters use as a prey base. The proposed development would result in the loss of habitat and consequent absence of these migrating flocks along with the Sharp-shinned Hawks.

Neither has the DEIR made any mention of the Merlin (*Falco columbarius*), which is another CDFGSSC. This small falcon is also winter visitor to the area. The proposed development would have a significant negative effect on wintering individuals of this species.

The Red-shouldered Hawk (*Buteo lineatus*) is another year round resident that breeds in the area but was never mentioned during the survey. These small buteos have declined in recent decades due to habitat loss among. Red-shouldered Hawks are relatively small and are shy and inconspicuous during most of the year except for short periods during the courtship and breeding season where they are highly territorial and vocal. It is also easily mistaken for the larger and more common Red-tailed Hawks (*Buteo jamaicensis*) by inexperienced observers.

No mention was made in the DEIR of the Golden Eagle (*Aquila chrysaetos*) which is another CDFGSSC and a California Fully Protected species. These birds are occasionally observed along the higher ridgelines and especially perched on the Southern California Edison transmission line that approximately bisects the proposed development area A. As it sometimes difficult to differentiate between these raptors and Red-tailed Hawks, especially when viewed from a distance or from below, these eagles are often misidentified as buteos.

The San Diego Coast Horned Lizard (*Phrynosoma coronatum blainvilli*) another CDFGSSC is occurs in areas of loose soil and sand within the Study Area. Horned

lizards are only seasonally active and a survey conducted during periods of inactivity would therefore not reveal the presence of individuals. The absence of scat (page IV.D-46) is not a reliable indicator of the species presence as scat is often consumed by other animals and easily destroyed/fragmented by wind, rain, soil movement and photo-degradation among other factors.

On the same page the report claims that another CDFGSSC, the Silvery Legless Lizard (*Aniella pulchra*) is expected to "occur in low numbers". "Low numbers" is an arbitrary term and as such is meaningless. If the purpose of the report is to insinuate that the numbers of these lizards in the proposed development area is insignificant, it is not true. In fact this species does occur all over the Study Area and proposed development area. As this is a fossorial species, a representative survey would have involved some light digging. The habitat in the area is ideal and grading and terrain alteration would serve to destroy many individuals and eliminate these animals from the developed areas.

The proposed development would significantly impact the plants and trees that are found in the area. The loss of the 232 Oaks and 27 sycamores naturally occurring can not be mitigated by post development landscaping and instead will adversely affect the habitat and devastate all the dependant autotrophic animal species. It is neither realistic, nor is it biologically accurate to indicate that replacement planting in manicured artificial clusters along "entryways", road right-of-ways", "parks and common areas", "detention basins", "flood control", "fuel modification areas", "private lots" and "equestrian trails" will somehow replace the mature trees and their associated understory that has been destroyed. This kind of change will be permanent and irreversible, and the entire ecosystem of the area will be severely damaged. To suggest that that planted trees will provide "seed production" and "compensate fully for the loss of mature trees" is irresponsible as oak seedlings will not generate under artificially planted and disturbed sites.

Large mammal surveys were done using literature, track stations and tick presence. These are all indirect means and are only a component of a through survey and can be accomplished by laypersons. Very little effort was made to spend time in the field in an attempt to observe wildlife activity. No nocturnal predator surveys using night vision equipment was conducted neither were radio telemetric studies done to accurately determine wildlife movement. Consequently the conclusions that most of the large mammals exist in low, very low, and not present categories on the study site are inaccurate and biologically irresponsible.

The survey reports that the Gray Fox (*Urocyon cinereoargenteus*) is "not as common either on the project site or within the Study Area as coyotes" (page IV.D-141). This again is an irresponsible conclusion – one that is based on the biologist's failure to observe and document foxes present in the Study Area and the project site. Evidence for the insinuated low numbers of foxes is based simply on the lack of scat.

Bobcats (*Lynx rufus*) populations in the area are also dispensed with through second-hand and subjective methodology. Although the surveyors remark that "bobcats are likely

present in the area” (page IV.D-141), they conclude that “bobcats are present.... in very low numbers”. A number of observation periods spent in the field, especially by observers that are experienced and can interpret secondary real-time signs of bobcat presence such as alarm calls of other avifauna will undoubtedly observe more than a “low number” of bobcats.

The Mountain Lion (*Felis concolor*) are also present occasionally in the Verdugo Mountains and surrounding area. There are a substantial number of Mule Deer (*Odocoileus hemionus*) and other smaller species to form a substantive prey base to support a few individuals. The DEIR argues that this species does not occur in this area as it is unable to negotiate the “Missing Link” or wildlife corridor between the Tujunga Wash and the Verdugo Mountains /Study Area/ development area, while at the same time conceding that the corridor is used by coyotes and foxes. This is another disturbing aspect of the DEIR as it indicates that personnel performing the survey are not familiar with Mountain Lion behavior. These animals are extremely dexterous and move much more rapidly than foxes and coyotes and any corridor capable of supporting coyote and fox movement will also support mountain lion movement. Residents have reported sightings in the area and although not common this species is present and has a definitive place in the local ecosystem.

Similarly the American Badger (*Taxidea taxus*) is also reported as being “uncommon” in the area. Besides relying on the same indirect evidence as used to report other large mammal occurrence in the area, the survey reports that suitable habitat especially soil does not occur in the area (page IV.D-141). This is incorrect. Habitat requirements for these animals is entirely adequate and there are many areas where the soil has been disturbed by water flow that results in loose or mildly compacted soils that the animals need.

The project site, Study Area and the Verdugo Mountains in general form an island that is surrounded by development. However, given the present size of this island, the area supports a relatively large number of animals and plants. The present biodiversity is maintained because of the size of the area and its proximity to the Verdugo Mountains and the San Gabriel Mountains. A reduction in the open space by the proposed development would permanently impact not only the developed area, but all of the surrounding open space as well. Not only will all of the avifauna in the developed area be destroyed, but also the presence of the development and associated human activity will alter the ecosystem of the surrounding area.

An artifact of the development will be the introduction of nuisance species of birds such as House Sparrows (*Passer domesticus*), corvids and the European Starling (*Sturnus vulgaris*) and mammals such as Roof Rats (*Rattus rattus*) and House Mouse (*Mus musculus*). Domestic and potentially feral dogs and cats, which will arrive along with human inhabitants, will have a devastating effect on endemic wildlife. These human-associated species compete and drive out their more fragile resident competitors, which will have a ripple effect on the ecosystem of the entire area.

Additionally, the development in area B will severely limit and eventually choke off wildlife movement from the San Gabriel Mountains via the only existing corridor (Missing Link in DEIR) from the Tujunga Wash to the Verdugo Mountains and surrounding area. Besides not allowing replacement of individuals in the Verdugo Mountains, isolation would eventually result in a decline and loss of both species and individuals due to a reduction in specific gene pools. A good example of such a model can be seen in the case of the Mountain Yellow-legged frog (*Rana muscosa*). This species was unable to utilize the increasingly constricted corridors and isolation imposed by development in recent decades and now occurs in the San Gabriel Mountains only, even though the habitat in the Verdugo Mountains is suitable. As a result of its continued isolation due to habitat loss through development, satellite population of this species have disappeared resulting in a very small core population which was listed as Federally Endangered in 2002.

The entire Biological section of the DEIR has been inadequately prepared and contains some serious overall flaws. The mitigation requirements suggested are hopelessly inadequate at best. I am hopeful that the department of City Planning will require a more complete and accurate biological impact report be completed before any consideration is given to allow development in this biologically fragile area.

I appreciate the opportunity to comment. Please do not hesitate to call me at (310) 794-5608 or (818) 768-6241 should you have any questions or require more information.

Sincerely,

Michael J. Cornish, Ph.D.

26 December 2003

Maya Zaitzevsky
Project Coordinator
Department of Planning
200 North Spring Street, Room 763
Los Angeles, CA 90012

Re: ENV-2002-2481-EIR
SCH No. 2002091018

Dear Ms. Zaitzevsky,

As a concerned citizen, I am writing in response to the Draft Environmental Impact Report for the Canyon Hills Project. I have read the Land Use Analysis and the Biological Resources/ Flora and Fauna Report and have some concerns.

-The Oak Tree ordinance -Section 46.00 et seq of the LAMC states that oak trees must be protected. The Canyon Hills project will be removing over 100 trees. These trees are too old to be moved and are irreplaceable. The project states that there will be replacement of some of the trees with 15 gallon trees as well as with seedlings and saplings but this is hardly a replacement for trees that could be 250 years old. The DEIR does state that the southern coast live oak would be significantly impacted in this project. This is in conflict with the conservation plan and should be carefully considered at this time.

-The density of this project is deceiving because of the terrain. The lot sizes may be up to 39,000sqft but that lot may have a hillside that is inappropriate in which to build. This project is buliding homes of 4,000sqft on a small percentage of the project land. Too much of this area would be graded and filled and would be unable to maintain the integrity of the landscape. Large, two story homes would not be compatible with the low-profile homes in the area west of the project. The homes east of the project may be of a higher density, but it does not mean that this is the model that the community wants to see followed.

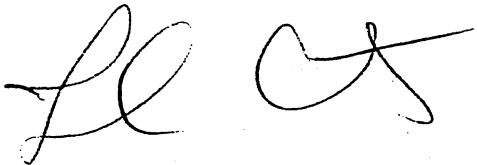
-The Biological Resources Analysis of the flora and fauna states that in Section 404 of the Clean Water Act, "discharge and/ or fill materials" cannot adversely impact endangered or threatened species. The proposed project would be filling the reparian area on the eastern section and destroy the flora and fauna that supports many of the species listed in the report.

-Much of the documentation of the Biological Resources Analysis was made through research and not direct long term observation. There was no documentation of the nesting areas of the raptors and there is the potential to destroy their habitat which would be a direct violation of the California Fish and Game Code Section 3505.5. The areas of oak woodland and oak riparian foest will be directly affected by the Canyon Hills Project and directly affect many of the species that were observed in the DEIR report.

These are just some of the concerns that I have with this project. There are major ramifications with this project that are in direct violation of the Sunland-Tujunga Community Plan and the Scenic Preservation Specific Plan. Please be very cautious when you look at this project and think of the future rather than the immediate and limited financial gains for the community with this project.

Thank you for your consideration of this important subject.

John Crother
2539 Rockdell Street
La Crescenta, CA 91214



CANYON AREA PRESERVATION

Information about preserving our canyons, hillsides, and the foothills.

December 22, 2003

Maya Zaitzevsky, Project Coordinator
City of Los Angeles Department of City Planning
200 N. Spring Street #763
Los Angeles, CA 90012

RE: Whitebird Canyon Hills Draft Environmental Impact Report
ENV-2002-2481-EIR

The LA City Planning Department has issued a Draft Environmental Impact Report (DEIR) for a proposed development of 280 homes within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan (the Community Plan) area known as Canyon Hills.

In the DEIR Summary under "Land Use - Consistency with Land Use Plans, Policies and Regulations" on Page I-33, it declares "The proposed project would be consistent with the applicable policies in the Sunland-Tujunga Community Plan" and "the proposed project's land use impacts would be less than significant and therefore no mitigation measures are recommended".

These declarations are FALSE and NOT CONSISTENT, and the proposed project should be rejected on Land Use issues alone, though there are numerous other reasons to reject this proposal or at the least to require the DEIR to be rejected, modified, and resubmitted.

As part of their application, the developer is required to secure the following entitlements from the City Council before receiving the necessary permits to build the project. By definition, the fact that they are requesting these amendments and variances is proof that their initial assertions about consistency are false:

- o Major Plan Review
- o General Plan Amendment to change the land use designation in the Sunland-Tujunga Community Plan on a portion of the project site from Minimum Residential, Very Low I Residential, Very Low II Residential and Open Space to Minimum residential and Low Residential.
- o Zone changes to change the zoning designations for portions of the project site from A1 (agricultural) and RE11 (Residential Estate) to RE9-H (Residential Estate Hillside) and RE11-H (Residential Estate Hillside).

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- o Oak Tree Removal/Relocation Permit
- o And many other requests such as variances from the Hillside Housing Density Ordinance and the 15% Slope Plan Amendment.

Transfer of Density

One of the key elements proposed by Whitebird is to transfer the density of development proposed for the entire 887 acre project area to a 194 acre section of the property. To enable this, they are requesting that the zoning for a 194 acre area be changed to RE-9H (9,000 square foot lots) and RE-11H (11,000 square foot lots) to allow them to build their 280 homes in an area that is currently zoned primarily as A1-1 Minimum – two structures per five acres with a minimum lot width of 300 feet. As a point of fact, the total number of homes allowed under current zoning and land use regulations for the entire 887 acres is (allegedly) 87 houses – approximately 1 house every ten acres.

I decided to review the Community Plan to check the actual wording when it comes to the concept of clustering or “transfer of density”. The results of my study are presented here with references to the specific sections of the Plan. The Community Plan along with maps and footnotes is available on-line for anyone to check these facts (for the Community Plan <http://www.ci.la.ca.us/pln/complan/pdf/sldcptxt.pdf> , for the map and footnotes <http://www.ci.la.ca.us/pln/complan/valley/sldplan.htm>).

The San Gabriel/Verdugo Mountains Scenic Preservation Specific Plan (the Scenic Plan) will have additional information regarding this issue. Since the Scenic Plan was only approved on December 19 2003, Canyon Area Preservation will write a separate letter commenting on the Canyon Hills DEIR’s conformance with the Scenic Plan. The Applicant has included many references to the Scenic Plan in the DEIR and these references are entirely inappropriate considering that the Scenic Plan continued to undergo major revisions past the time of submission to the City Council of the DEIR, though we appreciate their awareness of how this will ultimately have a major effect on this project and how it may require the Applicant to revise the DEIR. Still, the provisions of the Community Plan will prevail in all areas outside of the Prominent Ridgeline Protection Areas outlined in the Scenic Plan, as per the City Council’s endorsement of the Scenic Plan in September 2002 where Councilmember Wendy Greuel of CD 2 read aloud the sentence declaring this fact.

Here are the statements in the Community Plan I was able to find that mention the concept of clustering, although the term “transfer of density” is not specifically used: