December 22, 2020

Sent via email

Los Angeles County Board of Supervisors

December 2, 2020

Sent via email

Los Angeles County Board of Supervisors

c/o Ms. Celia Zavala
Executive Officer
500 West Temple Street
Los Angeles, CA 90012
executiveoffice@bos.lacounty.gov

Re: Supplemental EIR for the Northlake Specific Plan

Dear Supervisors Mitchell, Kuehl, Solis, Hahn, and Barger:

We are writing to urge you to direct staff at the Los Angeles County Department of Regional Planning to prepare a supplemental environmental impact report (“EIR”) for the Northlake Specific Plan (“Northlake Development”). The Northlake Development is a 1,300-acre housing development proposed on fire-prone wildlands adjacent to Castaic Lake State Recreation Area approved by the Board in April 2019. Even though the Northlake Development sits within a wildlife connectivity linkage known as the Sierra Madre-Castaic Connection, County staff did not require enforceable or adequate measures to address wildlife connectivity because the project proponent claimed mountain lions do not use the crossings in the area. We are submitting evidence showing these claims are incorrect: the Mountains Recreation and Conservation Authority recently captured photographic evidence of a mountain lion using the crossing immediately adjacent to the development site.

Background on the Conservation Groups

The Center for Biological Diversity (“Center”) is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center and its members have
worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Los Angeles.

Endangered Habitats League (EHL) is a non-profit, public interest conservation group for Southern California. It is dedicated to ecosystem protection and sustainable land use for all the region’s inhabitants. EHL is and has been a stakeholder in several County of Los Angeles planning and environmental initiatives.

Photographic Evidence from the Mountains Recreation and Conservation Authority Confirms that Mountain Lions Use the Crossing Adjacent to the Northlake Development Site

We are submitting photos to you which were taken by staff at the Mountains Recreation and Conservation Authority (“MRCA”) which demonstrate that mountain lions use the culverts under the I-5 freeway immediately next to the Project site. In particular, the attached photos (which we received from MRCA and are authenticated by the attached declaration from Chad Christensen) depict a mountain lion crossing from the east side of the southbound direction of the separated I-5 freeway from Grasshopper Canyon and westerly into the Marple Canyon on November 5, 2020 approximately between 2:49 a.m. and 2:59 a.m. (the “Mountain Lion Photos”). The single-lane box culvert for the Marple Canyon access road that crosses under this southbound section of I-5 is identified as “Tunnel 2” and “Underpass 2” in Santa Monica Mountains Conservancy’s April 17, 2018 letter on the Northlake Development. Underpass 2 is one of two freeway crossing structures along a ten-mile section of I-5 between Templin Highway and Castaic Creek. The MRCA owns 245 acres of Marple Canyon west of Underpass 2 between the separated north-/southbound sections of I-5 and six acres east of Underpass 2 that connect with Grasshopper Canyon. The Mountain Lion Photos were taken by a camera placed on MRCA conservation lands by Mr. Christensen for the MRCA’s Marple Canyon I-5 Wildlife Crossing Enhancement Project.

While the EIR for the Northlake Project does generally acknowledge that mountain lions may use the Project area (Final EIR at 2-136), County counsel joined the project proponents (which include Northlake Associates, LLC, which is controlled by NLDN Associates, LLC, Castaic Development Partners, LLC, and Michael Rosenfeld of Woodridge Capital Partners, LLC) in representing in court proceedings that “mountain lions will not be impacted by the Project” and “mountain lions are not using Project site crossings as confirmed by expert studies, including a wildlife camera study . . . .” (Respondents’ and Real Parties in Interest’s Joint Opposition Trial Brief at pp. 8 & 16-17.) The Mountain Lion Photos demonstrate that these claims (which were based on a developer-commissioned study) are incorrect.1

We further note that the County’s own staff biologist, Joseph Decruyenaere, urged the developer’s EIR drafters not to minimize the connectivity value of the existing culverts under the

---

1 On December 17, 2020, the Conservation Groups requested judicial notice of these photos in Los Angeles County Superior Court case Center for Biological Diversity et al. v. County of Los Angeles et al., Case No. 19STCP01610, and the County and developer submitted a brief opposing the request for judicial notice.
I-5, which are far from perfect but are the only available means for mountain lions to cross the I-5 in the area. Mr. Decruyenaere wrote that the EIR language prepared by the developer’s consultant:

unduly minimizes the value of compromised movement opportunities. Nowhere else in biological conservation would you want to argue that because a resource is rare it’s less than valuable. The fact that the use of a highly constrained opportunity for movement between natural areas might be made more difficult should always be considered a potentially significant impact unless there simply aren't any wildlife around to use the crossing. If a movement opportunity lacks a vegetated approach or some other feature that would seem to make it work better, that doesn’t mean it doesn’t pose an opportunity for movement. It just suggests that an animal might be less inclined to use it in the imaginary scenario that they have a better alternative. However, in the real world, and in the highly fragmented, difficult to navigate landscapes that wildlife are consigned to, compromised movement opportunities may be the only opportunities available. Revise the discussion to acknowledge the value of the crossings and instead of devaluing them, talk about how the project might change the potential for their use.2

Mr. Decruyenaere also wrote that the developer’s consultant relies “chiefly on the idea that existing crossing features are not ideal but [they] neglect[] to provide conclusions as to how overall wildlife movement on the site and through the crossing features may actually change with buildout of the project.”3

The Mountain Lion Photos confirm that mountain lions are using the culverts adjacent to the Project site even if they could be enhanced to be more friendly for wildlife. If built as proposed, the Northlake Development would permanently block these crossings and further constrain the already-limited movement opportunities for mountain lions.

We are submitting this evidence to the Board so the County can prepare an EIR for the Project that accurately discloses the impacts of this Project on the Central Coast South mountain lions. With an accurate EIR the Board can determine whether to reconsider the Project or require mitigation measures or project modifications to ensure the Northlake Development does not harm these mountain lions.

The County Must Prepare A Supplemental EIR for the Northlake Development

Relevant authorities require preparation of a subsequent or supplemental EIR in these circumstances. The California Environmental Quality Act (“CEQA”) states that a subsequent or supplemental EIR may be required when either (1) substantial changes occur with respect to the

2 Mr. Decruyenaere’s comments were attached to an email sent by County Planner Jodie Sackett on February 18, 2018 and are accessible in the administrative record (“AR”) of the Los Angeles County Superior Court case Center for Biological Diversity et al. v. County of Los Angeles et al., Case No. 19STCP01610 at AR025874 (and Mr. Sackett’s email is located at AR025825-26).
3 Mr. Decruyenaere’s comments are included in an email sent on February 12, 2018, and is available at AR025822-23.
circumstances under which the project is being undertaken which will require major revisions in the environmental impact report or (2) new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available. (Pub. Res. Code § 21166.)

The Mountain Lion Photos qualify as either (or both) of these two categories. Mountain lions in the Project area are part of the Central Coast South population, which were granted “candidacy status” under the California Endangered Species Act (“CESA”) in April 2020, such that they are afforded the same protections as other CESA-listed species. CEQA requires a “mandatory finding of significance” when a project has the potential to impact a CESA-listed species. (CEQA Guidelines § 15065(a)(1); Endangered Habitats League, Inc. v. County of Orange (2005) 131 Cal.App.4th 777, 792 fn. 12.) And such a finding triggers a duty to consider and adopt all feasible alternatives or mitigation measures to reduce such impacts. (Pub. Res. Code § 21002.)

**We Urge The Board Not To Drive Struggling Mountain Lions Closer to Local Extinction**

Prior to the Board’s approval of the Northlake Development last year, we submitted a letter to the Board on April 1, 2019 which included multiple peer-reviewed studies showing that Southern California’s mountain lions are facing an extinction vortex due primarily to a loss of habitat connectivity. The Central Coast South population is particularly at risk with studies noting that a subset of the Central Coast South population in the Santa Monica mountains has “extremely low genetic diversity” while diversity of broader Central Coast South population is only “slightly higher.”

As currently proposed, the Northlake Development would permanently block connectivity over a significant portion of the Sierra Madre-Castaic Connection, which is a linkage critical to the survival of the Central Coast South mountain lions. Numerous expert agencies including the Santa Monica Mountains Conservancy (“SMMC”) and California Department of Fish and Wildlife have raised serious concerns about the Northlake Development’s permanent impacts on wildlife connectivity, with SMMC even filing an administrative appeal asking the Board to reconsider the Planning Commission’s approval of the Project.

---

Ensuring regional wildlife connectivity and protecting local mountain lions will require cooperation from conservation groups and state and local officials. We ask the Board to be part of the solution – and not part of the problem – by re-assessing the impacts of this development proposal.

Sincerely,

J.P. Rose
Staff Attorney
Center for Biological Diversity
660 S. Figueroa Street, Suite 1000
Los Angeles, California 90017
jrose@biologicaldiversity.org

Tiffany Yap, D.Env/PhD
Wildlife Corridor Advocate
Center for Biological Diversity
1212 Broadway, Suite #800
Oakland, California 94612
tyap@biologicaldiversity.org

Dan Silver
Chief Executive Officer
Endangered Habitats League
dsilverla@me.com
Cc:

Ms. Hilda Solis
LA County Supervisor, First District
856 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
firstdistrict@bos.lacounty.gov

Ms. Holly J. Mitchell
LA County Supervisor, Second District
500 W. Temple Street, Room 866
Los Angeles, CA 90012
SecondDistrict@bos.lacounty.gov

Ms. Sheila Kuehl
LA County Supervisor, Third District
500 W. Temple Street
Los Angeles, CA 90012
Sheila@bos.lacounty.gov

Ms. Janice Hahn
LA County Supervisor, Fourth District
500 W. Temple Street, Room 822
Los Angeles, CA 90012
FourthDistrict@bos.lacounty.gov

Ms. Kathryn Barger
LA County Supervisor, Fifth District
500 W. Temple Street, Room 869
Los Angeles, CA 90012
Kathryn@bos.lacounty.gov

Amy Bodek, Director
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
ABodek@planning.lacounty.gov

Bianca Siegl, Deputy Director
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
bsiegl@planning.lacounty.gov
Mr. Jodie Sackett  
Department of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012  
jsackett@planning.lacounty.gov

Ms. Lisa Jacobs  
Deputy Counsel Counsel  
Office of County Counsel  
500 West Temple Street  
Los Angeles, CA 90012  
ljacobs@counsel.lacounty.gov
Declaration of Chad Christensen

I, Chad Christensen, hereby declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently to these facts. As to those matters which reflect an opinion, they reflect my personal opinion and judgment on the matter.

2. I am the Deputy Chief of Natural Resources and Planning for the Mountains Recreation and Conservation Authority (MRCA) and have been in this position since April 2020. Previously I was a Project Analyst hired in February 2017.

3. Attached are true and correct copies of photos taken on November 5, 2020 approximately between 2:49 a.m. and 2:59 a.m. of a mountain lion crossing from the east side of the southbound direction of the separated I-5 freeway from Grasshopper Canyon and westerly into the Marple Canyon. The single-lane box culvert for the Marple Canyon access road that crosses under this southbound section of I-5 is identified as “Tunnel 2” and “Underpass 2” in Santa Monica Mountains Conservancy’s April 17, 2018 letter on the Northlake Project (AR010051-59). Underpass 2 is one of two freeway crossing structures along a ten-mile section of I-5 between Templin Highway and Castaic Creek. The MRCA owns 245 acres of Marple Canyon west of Underpass 2 between the separated north-/southbound sections of I-5 and six acres east of Underpass 2 that connect with Grasshopper Canyon.

4. These photos were taken by a wildlife camera that I placed on MRCA conservation lands on June 9, 2020 in my official capacity as Deputy Chief of Natural Resources and Planning and as Project Manager for the MRCA’s Marple Canyon I-5 Wildlife Crossing Enhancement Project (Project).

5. The Project was awarded Wildlife Conservation Board (WCB) funding in 2020 to enhance 2.75 acres of habitat on the west and east approaches to Underpass 2 in order to promote wildlife movement between Marple and Grasshopper Canyons. On March 27, 2020, I received a Caltrans Encroachment Permit No. 07-20-N-SV-0894 to install the wildlife cameras within the freeway right-of-way as an MRCA in-kind contribution towards the Project. The
Project Area and Underpass 2 are part of the South Coast Wildland's Castaic – Sierra Madre Connection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 15th of December 2020,

Chad Christensen
Ventura, California