

Communication from Public

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Norman Mundy, Environmental Supervisor II
Los Angeles Bureau of Engineering, Environmental Management Group
1149 S. Broadway, Suite 600, Mail Stop 939
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**Re: State Clearinghouse No. 2019-11053 – Los Angeles Zoo Vision Plan Project
Focused Recirculated Environmental Impact Report**

Dear Mr. Mundy:

Los Angeles Audubon Society has been a voice for birds and conservation in Los Angeles for over 100 years. Our mission is to promote the study and protection of birds, other wildlife, and their habitats throughout the diverse landscapes of the Los Angeles area. We have over 3,500 members and supporters, most of whom live in the City of Los Angeles.

While these comments refer to the Focused Recirculated Environmental Impact Report (FREIR), the analysis of impacts in that document depend on the data and analytical framework established in the underlying FEIR and therefore the FREIR opens the door for further comment on those data and analytical frameworks upon which it relies.

For example, the FEIR determines that the impacts on biological resources of the proposed project is less than significant after mitigation. The FREIR posits that Alternatives 1, 1.5, and 2 have less impact on biological resources than the proposed project, thereby claiming that their impacts are less than significant as well. This is tantamount to a claim that the alternatives have a less than significant impact on the environment, which opens up the methods for evaluating those impacts to comment, especially since the previous FEIR has not been certified. We are particularly concerned about this issue, because the Zoo has not adequately responded to many deficiencies in the EIR and now proposes to move forward by requesting comments be limited to the chapters included in the current focused EIR (FREIR, p. 1-8; “the City need only respond to comments on the portions of the EIR that are being recirculated”).

Our comments address issues that are essential to evaluating the newly circulated chapters and therefore fall within the proper scope of comments in CEQA Guidelines Section 15088.5(f)(2). One cannot comment on the adequacy of an alternatives analysis without addressing the underlying methods by which comparisons are made. That is, by recirculating new alternatives, comments on the methods for evaluating those alternatives are germane, even if those methods were described in other chapters of the original EIR.

Our comments here are therefore explicitly about the adequacy of the alternatives analysis, and make reference to other sections to the extent they are invoked by the alternatives analysis and therefore become within the purview of the alternatives analysis and permissible for comment under Section 15088.5(f) (“The Lead Agency shall evaluate and respond to comments as provided in Section 15088. ... In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.”).

The alternatives analysis depends on proper mapping of the vegetation communities that would be impacted by the proposed project and alternatives. In their comments on the Draft EIR, the California Department of Fish and Wildlife (CDFW) requested that the EIR use the vegetation classifications in the Manual of California Vegetation. This was for a reason. Once vegetation is properly mapped, a Lead Agency can see if any of the vegetation communities are recognized as Sensitive Natural Communities by CDFW. CDFW provides a list of these Sensitive Natural Communities (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153609&inline>). To avoid significant adverse impacts on biological resources, they must be mitigated by area at prescribed ratios. The FREIR contains the phrase “sensitive natural communities” but does not identify that the term is being used as required by CDFW or that the mitigation scheme for impacts involves a proper mitigation ratio by area.

Vegetation mapping under the Manual of California Vegetation uses “Alliances” and “Associations” as the categories for classification. In the FEIR, which is invoked in the discussion of impacts in the FREIR, the listing of Alliances is inadequate and probably inaccurate, because California Walnut (*Juglans californica*) is present in an area of Coast Live Oak Woodland. If the mature cover of the California Walnut makes up 30% of the total tree cover in any part of that area, and the vegetation map suggests that would be possible, then the proper Alliance for that portion of the hillside would be California Walnut Groves (<https://vegetation.cnps.org/alliance/33>), even though the oaks have more cover. The Alliance is defined by a species that is not dominant because of the particular membership rules for California Walnut Groves (Sawyer et al. 2009). The biological report in the Appendix provides no evidence of quantitative surveys to determine vegetation cover by species, or any of the other elements of doing proper protocol-level surveys as recommended by CDFW. The conservative assumption for impact analysis must therefore be that the site includes California Walnut-Coast Live Oak Woodland, which is an Association within the California Walnut Groves Alliance. This Association is also a Sensitive Natural Community and must be mitigated at a 5:1 ratio by area. The FEIR does not properly identify this community, nor provide explicitly for its mitigation. The FREIR does not remedy this deficiency and relies upon it in concluding that impacts from the proposed project and the alternatives will be less than significant.

Los Angeles Audubon Society is unconvinced that it is appropriate to blast a canyon through a ridgeline in the Santa Monica Mountains in the interest of conservation. The focus on California conservation in the new alternative is welcome, and the site planning should be further revised to reflect that priority. It remains befuddling, at a time when the Department of City Planning is pushing forward an ordinance to protect ridgelines for wildlife conservation (see <https://planning.lacity.org/plans-policies/wildlife-pilot-study>), that the Zoo

would simultaneously be arguing to undertake landform alteration that would be patently illegal for an individual landowner.

The FEIR, and by reference, the FREIR, relies on various measures that are not effective for mitigation, such as relocating wildlife. As summarized by Villaseñor et al. (2013), “Wildlife rescues seem to be performed for conservation purposes but are really aimed at solving conflicts between development projects and wildlife.” Simply “moving” the wildlife out of the path of immediate harm is not a mitigation measure because any suitable destination site would very likely already be occupied. Translocation can also move diseases and disrupt genetic structure (Villaseñor et al. 2013). No mitigation credit should be afforded to the relocation proposed.

The FREIR makes repeated reference to differences in lighting between the alternatives (p. 4-108) and relies on the FEIR determination that impacts from lighting will be less than significant. The treatment in both the FREIR and FEIR is woefully deficient in considering the impacts of lighting from the project, both on the Zoo animals and on wildlife in and surrounding the Zoo property. Furthermore, the lighting, as described, is inconsistent with the project goal of providing a home where all animals can thrive (p. 4-3) because it does not consider or provide guidance for the control of lighting as it impacts either captive or wild species. Neither the FREIR nor the FEIR even mention the most basic best management practices, such as reducing the blue output from nighttime lighting to reduce impacts on the circadian rhythms of captive wildlife (Robert et al. 2015, Dimovski and Robert 2018).

On this topic, the preparers of the FREIR appear unaware that different species of bats react differently to light and disturbance, and open the question of the extent of those impact by comparing impacts between alternatives (p. 4-112) and claiming that impacts would be less than significant after mitigation. The FEIR actually claims, “bats currently roost in bat boxes in one of the most frequented areas of the Zoo and therefore, are acclimated to light, noise, and human activity in this area,” and use this as a rationale for why additional disturbance will not affect bats (p. 8-168). Not all bat species are the same, and just because one species is disturbance tolerant it does not mean that all species are. Bats with different foraging strategies have different tolerances for artificial light at night (Rydell 2006, Stone et al. 2009, Rowse et al. 2016, Laforge et al. 2019, Russo et al. 2019, Bhardwaj et al. 2020). The FREIR utterly fails to take this into account or show even the most basic awareness of the scientific literature on the topic. The conclusion that Alternative 1.5 and 2 would have a less than significant impact on bats is not supported by substantial evidence and is in fact contradicted by scientific information.

In general, we concur that the removal of 6 acres of developed area from the Proposed Project in Alternative 1.5 is an improvement. That area, to be managed as an oak-walnut woodland should, however, be identified as an animal conservation area used in furtherance of the mission of the Zoo (Table 4-11). But we disagree that Alternative 1.5 would have less than significant impacts after mitigation, especially given that it would involve major landform alteration, and develop an area that currently supports endangered plants (Nevin’s barberry) and sensitive wildlife species (*Neotoma* spp.; p. 4-30). The proposed mitigation

measures do not provide the detail necessary to conclude impacts will be mitigated, and the EIR as a whole (FREIR and FEIR) lacks a logical quantitative analytical framework to connect the impacts with the mitigation measures that would be necessary to make such a conclusion. The mitigation measure is literally a promise to create a plan to mitigate for loss of habitat, without having done any of the basic calculations and assessments to determine if mitigation to a less than significant level is even possible (see MM BIO-1 and BIO-2 in FEIR). The mitigation measure is full of caveats (“if feasible”) and imagines biological inappropriate mitigation approaches such as relocation. Furthermore, the mitigation measure for loss of native California walnut (impact BIO-3) is asserted to be mitigated through the urban forestry mitigation measures, which inappropriately mitigate by tree number and not by habitat area *plus* tree number (see MM UF-1 in FEIR).

The proposed destruction of 16 acres of habitat supporting rare and sensitive native species to create the proposed California area expansion, including major landform alteration, means that we cannot support Alternative 1.5 in its current form.

Sincerely,



Travis Longcore, Ph.D.
President and Conservation Co-Chair

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