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January 2, 2015

Mr. Gregg Lodan
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90503
Fax number – 310.781.6902

Subject: Comments on the Draft Initial Study and Mitigated Negative Declaration for the Torrance Regional Transit Center Project, City of Torrance, Los Angeles County (SCH# 2014121003).

Dear Mr. Lodan:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Initial Study, Mitigated Negative Declaration (MND), Biological Assessment (BA), and Southern Tarplant Mitigation Plan for the Torrance Regional Transit Center (Project) prepared by the City of Torrance. The proposed Project site is a 15-acre parcel, owned by the City of Torrance, located on the west side of Crenshaw Boulevard and south of West 208th Street in the City of Torrance. The Project includes a 7-acre transit center for the City of Torrance, a 2-acre southern tarplant habitat preserve, future road expansion of W. 208th Street (0.8-acres), as well as the subdivision and future development of two remaining parcels (5.3 acres total). The site currently contains vernal pool habitat as well as a population of southern tarplant (*Centromadia parryi* ssp. *Australis*), a State Rare designated (California Native Plant Society 1B.1 rank) and supports versatile fairy shrimp (*Branchinecta lindahli*).

This proposed site was developed in the late 1950's and the development was completely removed in 2000. Prior to development of the site, United States Geological Survey maps produced in 1952 and 1954 depict a large, shallow depression at the 70' contour; a similar feature currently exists on the proposed site today. The proposed Project site has restored to a vernal pool complex, as was documented in the area prior to the initial development in the late 1950's.

The following comments and recommendations have been prepared pursuant to the Department's authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.*, and pursuant to our authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) to assist the Lead Agency in avoiding or minimizing potential project impacts on biological resources.

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Biological Analysis

- 1) Impacts to Vernal Pools - The Department considers the “depressions” found on the Project site to meet the definition for vernal pools in California. The features have an underlying claypan found below the upper 5 feet and clays down to around 10 feet below the surface (Cooper 2014; DiazYourman & Assoc. 2013), are capable of ponding water, supports versatile fairy shrimp (vernal pool associated invertebrate), and southern tarplant (associated with vernal pools and vernal mesic areas). Using a January 19, 2005 Google Earth image, the Department estimates over 7-acres of vernal pool habitat was inundated at the time the photo was taken.

To fully analyze the impacts related to the vernal pool and its habitat, the following items should be considered including:

- a) Vernal pool ecosystems rely on both flood years and dryer years, the Department recommends using the January 19, 2005 Google Earth imagery that captures the extent of inundation during a wet, non-drought year, as well as the 2005 inundation maps included in the BA as a guide in determining the acreage of the vernal pools.
 - b) A map depicting the extent fairy shrimp occupy the site will help delineate the pool boundaries.
 - c) To support the vernal pool ecosystem, the upland drainage area to vernal pool ratio should be analyzed and the upland acres necessary to support the ecosystem set aside and preserved in perpetuity. For instance, a vernal pool is contained within 7 acres. The area that drains towards the vernal pool and supports the existence of the vernal pool is 15 acres. The described vernal pool example would have upland to pool ratio of 1.14 acres. That is, it would take an additional 1.14 acres of uplands to support each acre of pool.
 - d) The depth of each pool and the average duration water ponds in each pool.
 - e) An assessment of the habitat requirements of the fairy shrimp species found on-site, including the minimum and maximum number of days and depth of ponded water and necessary to complete their lifecycle successfully.
 - f) Water quality characteristics of the ponded water including: pH, dissolved oxygen, alkalinity, turbidity and salinity.
 - g) A description of the micro-topography and drainage for the current site, including the minimum, maximum and average slope that currently drains the site into the vernal pools.
- 2) Fairy Shrimp – The BA indicates a dry season fairy shrimp survey was completed in August, 2014 by Jason Kurnow (USFWS Permit TE778195). The BA states “No San Diego fairy shrimp, Riverside fairy shrimp, or any other special-status fairy shrimp species were found during the dry season sampling effort. Special-status fairy shrimp species are currently presumed to be absent from the project site”.

- a) According to USFWS and D. Christopher Rogers, the expert crustacean taxonomist, whom Project samples were sent to, "These analysis are insufficient by themselves to determine that special status shrimp are absent from the habitat on this site. The results of this survey must be combined with a protocol wet season survey, and concurrence must be sought from the USFWS before any additional determinations can be made" (Helix, 2014).

The Department recommends wet season protocol level surveys be conducted to determine if any special-status fairy shrimp occur on the project site. These results should be included in the MND so an accurate assessment of impacts to biological resources can be made.

- 3) Southern Tarplant –The MND states between 350 to 400 individuals will be impacted by the Project.
 - a) Impacts to southern tarplant, including occupied acreage, should be quantified and disclosed in the MND, along with proposed mitigation.
- 4) Spadefoot Toad. – The Department recommends surveys be conducted to determine the presence/absence of spadefoot toad (*Spaa hammondii*) on the Project site. The Project site supports appropriate vernal pool habitat, and is located 1-mile south of Madrona Marsh Preserve, which had documented spade-foot toad in 2005.

Proposed Mitigation

- 5) Vernal Pool Habitat - The Department recommends avoiding the on-site vernal pool habitat. If this is not feasible, the Department recommends mitigating the loss of this habitat, at a ratio of no less than 1.5 acres of creation for every 1acre of impact. The Department also recommends ensuring a buffer is left around the vernal pools to ensure the volume of water necessary to sustain the pools, and ensure optimal water quality is maintained. The upland drainage area should be no less than the current site's upland drainage area acreage. The site should be designed to at minimum mimic the current site's hydrology, including the minimum and maximum pool depth and duration of ponding, volume of water, and water quality. This is important because fairy shrimp need to be inundated for a certain number of days to complete their life cycle. Additionally, if spade-foot toad is found on the Project site, they have certain hydrology requirements that should be incorporated into the mitigation planning. Supporting fairy shrimp is a function and value the existing vernal pools provide.
- 6) Mitigation Monitoring –The Department recommends a monitoring plan with quantitative and qualitative success criteria be developed for any vernal pool restoration/creation efforts. A water quality sampling plan should be incorporated into the monitoring plan utilizing the vernal pools at Madrona Marsh as reference sites. The monitoring plan should include elements such as, the depth and duration

water ponds annually compared to the functioning reference pools. The Department recommends monitoring continue until similar functions and values are met comparative to the reference site, generally speaking a minimum of 10 years after installation. The Department also discourages the use of irrigation in sensitive restoration sites as the adverse effects of irrigation, including attracting and supporting Argentine ants, negatively impact the value the mitigation site provides.

- 7) **Southern Tarplant Mitigation** – The Department recommends avoiding impacts to southern tarplant. If impacts cannot be avoided, the Department recommends the acreage of habitat occupied by southern tarplant be mitigated at a 1.5-acre ratio for every 1-acre of impact. Additionally, the Department recommends setting quantitative and qualitative success criteria for the estimated 350-400 southern tarplant individuals the MND states will be impacted. The Department recommends a 1.5 ratio of new plants be documented for every 1 plant impacted. It is recommended the success criteria stipulate that the population should be stable, or increasing in number for at least 5 years before the mitigation can be deemed successful. The Department recommends conducting annual surveys with annual reporting to the Department of the progress of any southern tarplant mitigation. The Department is available to assist in developing a mitigation monitoring plan.

Wetland Protection Policy

- 8) **Wetlands Resources** - Fish and Game Code states that "wetlands" means lands which may be covered periodically or permanently with shallow water and which include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens, and vernal pools. (Fish & Game Code §2785).

The Department, as described in Fish & Game Code § 703(a) is guided by the Fish and Game Commission's policies. The Wetlands Resources policy (<http://www.fgc.ca.gov/policy/>) of the Fish and Game Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion which would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

The Department encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. The Department encourages activities that would avoid or minimize the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the project should include mitigation

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measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations.

- 9) Regional Water Quality Control Board – The MND states "With respect to regulatory agency jurisdiction, the basin features on the site that show evidence of more frequent inundation or a consistent surface water area could qualify as isolated wetland and non-wetland waters of the State subject to the regulatory jurisdiction of the RWQCB pursuant to the State Porter-Cologne Water Quality Control Act. Based on the best available data for this study, the two lowest-lying basins (corresponding with Sampling Point 1 and Sampling Point 4) situated below the 70-foot contour represent the only areas on the site that show evidence of more frequent inundation and a consistent surface water area. Wet season aerial imagery provides evidence that these two basins become inundated most frequently and an estimated five of the six years sampled for this study. Based on evidence of more frequent inundation a consistent surface water area during the wet season, these two basins could be considered jurisdictional by the RWQCB as waters of the State, although it should be acknowledged that the basins are clearly man-made and provide no beneficial use and limited functions, value, and services to the site and region. The remaining portions of the site, although occasionally subject to inundation or saturation, should not be considered waters of the State."
- a) The Department recommends consulting with the RWQCB as it appears the vernal pools on-site may be subject to regulation under the Porter-Cologne Water Quality Control Act.

We appreciate the opportunity to comment on the referenced MND. Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker at Kelly.Schmoker@wildlife.ca.gov or (949) 581-1015.

Sincerely,

Betty J. Courtney

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Environmental Program Manager I