



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
 South Coast Region
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ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director

MRCA
 ATTACHMENT
 4/1/09
 ITEM IX



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 MALIBU**

March 18, 2009

Mr. David Weintraub
 Senior City Planner
 City of Los Angeles Department of Planning
 Community Planning Bureau, City Hall - Room 601
 200 N. Spring Street
 Los Angeles, CA 90011

**Subject: Angeles National Golf Club Case No. CPC 1996-0243-CU-PA2,
 Los Angeles County**

Dear Mr. Weintraub:

This is in response to the request by the City of Los Angeles (City) for public input regarding the Angeles National Golf Club's ("ANGC") compliance with: 1) the Conditional Use/Site Plan Review Conditions of Approval the City adopted for ANGC's golf course in the Big Tujunga Wash ("project"); 2) the mitigation measures for the project included in the Final Environmental Impact Report the City certified as lead agency for the project under the California Environmental Quality Act ("CEQA"); and 3) the Long Term Habitat Management Plan for Red Tail Golf and Equestrian, as the project was then named ("LTHMP"). It is the Department of Fish and Game's ("Department") understanding that the City is seeking this information prior to deciding whether to grant ANGC a Certificate of Occupancy and Use for its new clubhouse.

The Department has identified 72 Conditions of Approval and 233 mitigation measures that apply to the project. As explained below and in the attachments to this letter, ANGC has yet to fulfill many of the Conditions of Approval and mitigation measures since it received project approval by the City in or around 1998. Because of ANGC's chronic failure to comply with those obligations, the Department urges the City to deny the Certificate of Occupancy and Use and any other pending approvals for the project until ANGC fully complies with its obligations. The Department also reminds the City that it has a continuing legal obligation to enforce the Conditions of Approval and under CEQA, the mitigation measures it adopted for the project.

Role of Department of Fish and Game

The Department's response is based on its responsibility as the trustee agency for the state's fish and wildlife resources (Fish & G. Code, § 1802; Cal. Code Regs., tit. 14, § 15386) and also on its previous permitting role for the project, which made it a responsible agency under CEQA. As you might recall, the Department issued a draft streambed alteration agreement under previous Fish and Game Code section 1603 for the project which ultimately went to arbitration in 1999. In its "Award and Judgment"

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dated November 1, 1999 ("Judgment"), the arbitration panel required the project to comply with the same Conditions of Approval, mitigation measures, and LTHMP (collectively, "permit obligations") mentioned above. Specifically, the Judgment requires the project to "comply with all conditions and mitigation measures set forth in the following: '*Long-term Habitat Management Plan for Red Tail Golf and Equestrian*' dated 30 December 1998, revised 8 June 1999 . . . ; *Final [EIR] for Los Angeles Golf Club* . . . February 1996; *Los Angeles Golf Club Addendum* dated 9 May 1997 . . . ; and '*Conditional Use/Site Plan Review Conditions of Approval*' . . . approved 28 April 1998 by the Los Angeles City Council." Because an award and judgment by a panel of arbitrators constitutes the final streambed alteration agreement for a project, any non-compliance by ANGC with its permit obligations constitutes a violation of Fish and Game Code section 1600 et seq., as well as the Judgment. As a result, ANGC's permit obligations extend not just to the City, but also to the Department.

This is the third time the Department has expressed its concerns by letter regarding the project's lack of compliance with its permit obligations. The Department sent its first letter to City Planner Dan O'Donnell on March 7, 2002. In that letter, the Department focused on changes to the project "footprint" that caused additional impacts to wildlife habitat that under the EIR was supposed to have been preserved in order to mitigate for project impacts. The Department never received a response from the City. On April 17, 2007, the Department sent another letter to the City in which it raised general concerns regarding non-compliance with critical biological conditions and measures. Both letters are enclosed for your reference.

General Statement of Concerns by the Department of Fish and Game

As mentioned above, the Department believes that the project continues to be in substantial non-compliance with its permit obligations. Perhaps of greatest consequence is the fact that the lands that were supposed to be preserved to mitigate for the project's impacts remain unprotected and have never been managed pursuant to the LTHMP. In fact, the LTHMP for the most part has never been implemented. The consequence is that those lands and the trustee resources that utilize those lands have been severely adversely affected over the last six years, following grading of the site. In addition, a number of the Conditions of Approval and mitigation measures associated with preserving those lands and avoiding impacts to species listed under the California and/or federal Endangered Species Acts ("ESA"), including spineflower (*Dodecahema leptoceras*) and Santa Ana sucker (*Catostomus santaanae*), and associated sensitive wildlife species that occupy the unique Riversidean alluvial fan sage scrub (RAFSS) habitat on those lands.

In sum, the City has allowed the project to operate under one or more temporary conditional use permits while failing to enforce or otherwise ensure compliance with the project's permit obligations, as CEQA requires of lead agencies. Some of those obligations were supposed to have been met prior to the grading that occurred approximately six years ago. During that time, the City never contacted the Department regarding the project's compliance with several key mitigation measures that were to be

completed to the Department's satisfaction or approval, and as far as the Department can tell, has allowed the project to continue to operate knowing that it has not met all of its permit obligations.

Specific Comments

The Department has prepared two separate documents (enclosed); titled "Attachment 1" and "Attachment 2," that identify various permit obligations and their status in terms of compliance. The first document addresses the Conditions of Approval and mitigation measures in the EIR. The second document addresses compliance with the LTHMP.

Department Recommendations

To address the Department's concerns regarding the project, the Department urges the City to bring ANGC into full compliance with all of its permit obligations in a timely manner by requiring ANGC to undertake a series of immediate, short-term, and long-term actions with specific deadlines, as described below, by exercising its authority, and legal obligations, as lead agency for the project under CEQA.

Immediate Actions

- The 260 acres of mitigation lands must receive permanent protection through fee title transfer to a land management agency or through recordation of a permanent conservation easement combined with an effective and funded management program.
- Generally, the Department supports the concept of these mitigation lands being transferred in fee title to the Santa Monica Mountains Conservancy/Mountains Recreation and Conservation Authority (MRCA) because MRCA in the best position to provide the necessary patrolling and oversight this important site requires. The establishment of a Special District as proposed by the MRCA to provide a source of assured funding from ANGC for management and patrolling of the site is critically important. This type of funding mechanism will provide an appropriate means to secure the necessary funding to meet the management obligations embodied in the approved LTHMP and associated Conditions of Approval and mitigation measures. In any case, the Department must be involved in any final determination regarding the entity that will hold fee title and/or serve as a grantee for a conservation easement for the mitigation lands, and the specific terms and conditions of any such transfer.
- Additional mitigation is necessary to address damage to the mitigation lands that has already occurred. Damage to the eastern portion of the mitigation lands due the absence of any management over the last six years, and failure to implement on-the-ground protection measures, necessitates additional mitigation measures. Specifically, ANGC and/or the City need to prepare a five-year weed management plan subject to Department approval that addresses the spread of

weeds from encroachment, trespass, waterline construction, and other disturbances.

- The eastern portion of the mitigation lands on the alluvial fan must be protected as soon as possible in order to prevent irreparable harm to species protected under the California and federal ESA, including spineflower, and other trust resources. Specifically, the eastern portion of the mitigation lands on the alluvial fan should be immediately fenced and cleaned up at ANGC's expense in accordance with a Department-approved fencing and cleanup plan prepared by ANGC. The fencing plan must address installation of fencing, probably chain link, to surround all areas of the eastern preserve at its eastern and southern boundary. Locked gates and locked pedestrian entrances should be provided at approved locations. Further, no unsupervised public entry onto the mitigation lands or public use trails shall be authorized until an approved management authority has been established. Finally, the plan will need to be implemented within 30 days of its approval by the Department.

Short-Term Actions

- All trash and encampments should be removed from the entire mitigation site in accordance with the fencing and cleanup plan mentioned above. A biological monitor approved by the Department must be present to oversee the site cleanup and provide direct reporting to the Department.

Long-Term Actions

- The remaining Conditions of Approval and mitigation measures that have not been completed require specific deadlines over a longer period of time. In order to implement those measures, as well as the short term actions described above, a specific implementation plan should be prepared that identifies the Conditions of Approval, mitigation measures, and LTHMP requirements, the short and long-term actions that need to be taken to meet those conditions and measures, and the time period within which those conditions and measures must be completed. The implementation plan should be subject to the Department's approval consistent with condition number 10 in the City's Conditions of Approval, which provides additional specifics and detail for implementation of the LTHMP. Such a plan is needed because a number of actions described in the LTHMP are discussed in general terms, and therefore cannot be implemented effectively without more specific information and guidance. Details are discussed in Attachments 1 and 2 that will assist in plan preparation.

In summary, ANGC continues to operate under a temporary Conditional Use Permit granted by the City despite ongoing non-compliance with its permit obligations. The Department urges the City not to grant ANGC any further approvals, including a Certificate of Occupancy and Use until ANGC fully meets its permit obligations. Although the Department expects ANGC to cooperate with the City to meet its permit obligations, in the event it demonstrates any unwillingness or lack of progress, the City should consider taking stricter action, including revoking any current approvals.

The Department requests a written response to the issues raised in this letter, specifically what actions the City intends to take to address the Department's concerns. The Department is more than willing to work with the City and ANGC to resolve any and all compliance issues, but in the Department's opinion, there can be no more delays to squarely resolve these issues. If you have further questions or would like to schedule a meeting to discuss this matter, please contact Ms. Mary Meyer, Staff Environmental Scientist, at (805) 640-8019 or mmeyer@dfg.ca.gov. Thank you for your anticipated cooperation.

Sincerely,



Edmund J. Pert
Regional Manager
South Coast Region

Enclosures

cc: Mr. Thomas Gibson, CDFG Office of General Counsel
Mr. Stephen Puccini, CDFG Office of General Counsel
Mr. Ken Corey, U.S. Fish and Wildlife Service, Carlsbad, CA
Mr. Dana Cole, Los Angeles Regional Water Quality Control Board
✓ Mr. Paul Edelman, Mountains Recreation and Conservation Authority
Mr. G. P. Meyer, Department of Building and Safety, City of Los Angeles
Mr. Andy Nakano, Angeles National Golf Club, Sunland
Helen Birss, CDFG Los Alamitos
Terri Dickerson, CDFG, Laguna Niguel
Jamie Jackson, CDFG, Pasadena
Mary Meyer, CDFG, Ojai
Scott Harris, CDFG, Pasadena
Kelly Schmoker, CDFG Pasadena

ATTACHMENT 1

CONDITIONS OF APPROVAL AND MITIGATION MEASURES RED TAIL GOLF AND EQUESTRIAN (ANGELES NATIONAL GOLF CLUB)

The following represents the Department's current assessment of the status of "key" biological Conditions of Approval and mitigation measures for the project.

CONDITIONS OF APPROVAL (April 28, 1998):

Condition 5: Non-compliance

This condition requires that all project conditions and mitigation measures be strictly complied with.

Conditions 8, 9 and 68: These conditions were intended to address avoidance of impacts to the state and federally endangered spineflower (*Dodecahema leptoceras*) through a combination of on-the-ground survey requirements, monitoring, mapping, and setbacks from golf course features.

Condition 8: Non-compliance

This condition required the documentation of precise spineflower locations prior to issuance of a grading permit, and contained specific language stating that no golf course feature shall be located within 300 feet of every spineflower shown in that survey. As we indicated above, a complete survey was never undertaken. The four known locations were visited and plotted on maps.

Based upon the map prepared by Sapphos Environmental from the 2008 spineflower survey report, golf course features appear to be located about 260 feet from Location 2. This was ascertained by utilizing a ruler and the scale provided on the map. The Department is very concerned that the 300-foot setback was not implemented in this area, and instead, habitat was removed and converted to irrigated golf course features.

Additionally, sometime in 2007, a water line, and possibly a sewer line, was installed which crossed the mitigation lands. The line started at the end of Tujunga Valley Street, crossed the eight-acre mitigation parcel, and eventually met up with a bathroom that was never shown on any project-related maps in our possession. We therefore must assume this feature was not subject to CEQA review and approval. To our knowledge, no slender-horned spineflower surveys were conducted and sensitive reptiles may have been injured or killed. We learned about the water line damage via emails we received from local citizens. When we visited the area on October 18, 2007, it was apparent that high quality intermediate phase Riversidean alluvial fan sage scrub (RAFSS) habitat intended for permanent preservation was damaged by this undertaking and non-native weeds were dominating the area during our field visit.

The water line damage to mitigation lands was raised at a meeting between ourselves, City Building and Safety, and representatives of the golf course in October 2007. The golf course representatives indicated this construction was part of the original project and was a permitted activity. If that is the case, it should have been subject to: Condition 68 (a full spineflower survey); Mitigation Measure 43 (protection of preserve areas during

Annual reports submitted by Sapphos Environmental on behalf of Angeles Golf Club document continued declines in slender-horned spineflower occupied habitat areas due to non-management. Federally threatened Santa Ana sucker were potentially impacted when the golf course entered waters of the US in February 2005 with heavy equipment during high flows.

Section 2.3 Statement of Long Term Habitat Management Plan Goals and Objectives

Page 2-2 “The Long Term Habitat Management Plan defines conservation measures to **achieve** the following objectives that support the plan goals:” including

“-Revegetate Native Habitat

- Acquire, restore, conserve and maintain suitable offsite habitat**
- Establish a Preserve Management Organization**
- Maintain conserved habitats throughout the life of the project**
- Utilize signs for warnings, security, recreation and resource interpretation**
- Encourage scientific involvement and education**
- Utilize integrated pest management”**

Not Implemented

Section 3.6 Biological Resources

“Two sensitive fish species, the Santa Ana sucker and arroyo chub may sometimes be present in association with ephemeral water flows associated with Big Tujunga Creek and Haines Channel outflow. The proposed project **does not affect ephemeral water flows** associated with Big Tujunga Creek and Haines Channel outflow.”

The project includes public use trails which have yet to be formally established, and at least three trail crossings are proposed for areas of perennial/intermittent streamflow. Both affected stream channels are not considered “ephemeral” by CDFG.

Page 3-36 (Sensitive Plants Description Section) Lists 1992, 94, 96, 97, 98 directed spineflower surveys which only involved surveys at the four known populations.

The entire project site i.e. On-site preserve, has never been surveyed per City Conditions 68; 9; and 8.

Section 5. Management Measures

Page 5-2 – Page 5-3 “Though the implementation of the project will result in a loss of potentially suitable habitat for the slender-horned spineflower, several of the [USFW Recovery Program] recovery objectives defined in the program will be **achieved** through **implementation** of the measure outlined in the Plan, including:

“Security, perimeter fencing and regular security patrols to prevent uncontrolled use of the areas designated for habitat conservation will be provided...”

Not Implemented

“Trash Dumping. Implementation of the measures designed in this Plan will reduce threats posed by illegal dumping on the site.”

Not Implemented

“Trespassing. Fencing and security measures described in the Plan are designed to eliminate the threats posed by trespassing on the site. Access to the spineflower preserve would be strictly controlled with implementation of the Plan”

Not Implemented

“Protect Existing Stands. Although occupied habitat for the spineflower is limited to 1.4 acres, the USFWS has made unsupported assumptions that all acres of intermediate phase Riversidean alluvial fan sage scrub (RAFSS) on the project site potentially contain seeds of the slender-horned spineflower. The approved project protects 59 acres assumed by the USFWS to contain potential seed bank material”

A portion, around 9 acre, of the 59 acres of high quality intermediate Phase RAFSS habitat proximate to spineflower populations which was to be permanently preserved and is located beyond the CEQA-approved grading limit line, was converted to golf course and therefore potential seed bank areas were lost. This raises concerns with compliance with Mitigation Measure 38 (see CDFG letter, dated March 7, 2002 attached). A water line (and potentially a sewer line) were installed across mitigation lands in 2007, damaging additional intermediate phase high quality RAFSS.

Section 5.2 Conservation Measures

Page 5.3. Includes: **“(E)stablishment of a Preserve Management Organization; Long-Term Maintenance; Signage; Scientific Involvement and Education; Water Quality Monitoring Program; and Integrated Pest Management.”**

Section 5.2.-1 Page 5-4 Onsite Avoidance and Conservation in the Project Design

Page 5-4 Third Paragraph states: **“A minimum 300 foot buffer will be developed between golf course development and known spineflower populations”**

Changes in golf course footprint resulted in golf features being constructed around 250 feet from spineflower location 2, in violation of Condition of Approval 8.

Section 5.2.2.1 Slender-horned Spineflower

Page 5-6, third paragraph states **“The project avoids the four known locations of the slender-horned spineflower and provides protection for the species through the long term monitoring and maintenance of a Reserve (See Section 5.2.3, 5.2.5, 5.2.6). The preconstruction survey is designed to document the continued presence on the site and conforms with Conditions of Approval dated May 6, 1998. The results of the survey will be incorporated into the data collection in support of the long-term monitoring for this species (See Section 5.2.5.3)”**

No reserve has been established, permanent protection via dedication to an approved land management agency or through recordation of a permanent Conservation Easement has never been completed, despite the requirement that this occur prior to grading

(Condition 10; Amended Condition 71). Site-wide surveys for spineflower were not completed.

Page 5-14 Section 5.2.4.1 RAFSS speaks to **revegetation**.

The Department to our knowledge has never received any revegetation reports as required by Mitigation Measure 92-95. We therefore assume revegetation did not occur.

Page 5-26 Section 5.2.5 Preserve Plan Organization

“Successful management of a habitat conservation area as part of a golf course development project is dependent on continuing oversight, management, and coordination by a responsible individual. Funding or labor support by the applicant will be required in support of post construction maintenance and monitoring of the habitat conservation area and revegetation areas of RAFSS and riparian habitat. The Long Term Habitat Management Plan should provide adequate funding to support , at a minimum, a part time professional to direct routine maintenance activities by qualified technicians and/or volunteer labor and to submit annual reports to the City of Los Angeles Planning Department and the California Department of Fish and Game.”

Implementation of the Long Term Management Plan in accordance with the City of Los Angeles Condition of Approval requires that an experienced manager be hired minimally on a part time basis...”

Not implemented

Page 5-27 to 5-28 “The **manager** would fulfill the tasks outlined below:

Develop annual program for and oversee routine maintenance activities.

Supervise professional and volunteer labor forces to carry out periodic remedial actions (e.g. exotic plant removal, maintenance of small nursery inventory and replacement of plant stock in designated areas).

The preserve manager will be responsible for carrying out all required mitigation monitoring including revegetation, slender-horned spineflower, and cactus wren surveys. In addition, the Reserve Manager should conduct regular monitoring of Reserve conditions.

Maintain data records including all aspects of the biological program.

Ensure compliance with all Conditions of Approval related to Biota stipulation by the City of Los Angeles Planning Commission.

Ensure compliance with all Agreement Conditions in the SAA”.

Page 5-35, Section 5.2.5.3 Monitoring for slender-horned spineflower .

Only describes monitoring of the 4 known populations every spring until construction is complete and then 5, 10, and 15 years following completion of construction.

Not in compliance with Condition 68.

Page 3-35 Section 5.2.6 Long-term Maintenance

“The following measures have been provided to guide the long term management of areas of the project site designated as conservation areas. These measures intend to coordinate and guide efforts aiming to protect and maintain the environmental quality of the Reserve and adjacent areas, which are essential to ensure their long term success. Long term maintenance is vital to the operation of the Reserve from an ecological perspective, by accomplishing the removal and eradication of invasive weeds which pose a threat to the Riversidean alluvial fan sage scrub plant community. Other activities that are incorporated in long term maintenance are associated with trash removal, and security, minimizing negative human influences on the Reserve and its environment. Maintenance will focus on the three activities described below: weed eradication and control, trash removal, and the provisions of security measures.

Fundamentally in non-compliance. Additionally, the LTHMP itself fails to provide for the necessary removal of invasive weeds threatening RAFSS habitat as identified in this paragraph.

Page 5-37 Section 5.2.6.1 Weed Eradication

Excerpts include **“As part of the overall long term maintenance efforts, a program to remove and control giant reed and other exotic plants will be initiated and maintained by the Resource Manager and the landscape maintenance crews. Control of this pest plant and other introduced plants will help prevent them from becoming established in adjacent areas of the golf course and downstream areas that have been disturbed by construction and will undergo revegetation.”**

Revegetation of temporary disturbances per condition 50 and associated conditions has potentially never occurred. The water line and possibly a sewer line, installed on the mitigation lands in 2007, have not been revegetated per these conditions and are we-invaded, with weeds spreading to adjoining mitigation lands.

Page 5-38 Monitoring of Weed Eradication

This section does not address invasive weeds in the alluvial scrub mitigation lands and we have no reports indicating invasive weeds were removed from riparian areas.

Page 5-39 to 5-30 Section 5.2.6.2 Trash Removal

1. **“Provision of covered trash receptacles at trail heads.”**
2. **“Daily trash removal will be part of routine activities to be carried out on regular basis on the project site.”**
3. **“Restriction of Unauthorized Vehicular Access to Site”**
4. **“Apprehension and Prosecution of Trash Dumpers” “Should the landscape maintenance crews identify or witness illegal dumping by individuals, they are responsible for reporting the activity to the Preserve Manager who will be responsible for prosecution of the individuals for their illegal actions.”**

Not implemented.

Section 5.2.6.3 Security Trespassing Avoidance Measures

“Recommends” the following:

“Limited controlled access

Development of docent programs for leading tours

Secure conservation area from unauthorized vehicular access

Provide access to equestrian, bicycle and pedestrian trails access to trails should not allow unauthorized vehicular access

Align equestrian, bicycle and pedestrian trails with existing trail network

Close existing unauthorized trails that cross conservation area

Secure boundary between golf and conservation areas with berms and native vegetation (*status unknown*)

Prohibit pets in conservation area

Implement educational signage regarding high level of sensitivity of conservation area

Security patrols of project sites

Apprehend and prosecute trespassers.”

Largely not implemented

Page 4-41 to 5-42 Section 5.2.6.5 Brown-Headed Cowbird Trapping Program

Provides for “implementation of a brown-headed cowbird trapping program in perpetuity or until it is determined to be no longer necessary by the Department.” Cowbird trapping program “will be submitted to the Department as part of the notification of the streambed alteration. The brown-headed trapping program will be submitted to the City of Los Angeles Planning Department for review and approval at least three months prior to grassing the golf course. The brown-headed cowbird trapping program will be initiated concurrently with the implementation of the grassing program.”

Never submitted, never approved, never accomplished.

“An annual report documenting the results of the trapping program will be submitted to the Department”

The Department has not received any annual reports on this topic.

Page 5-42 Section 5.2.7.1 Signs

Page 5-43

Warning signs, Security signs, Interpretation signs are proposed. “Signs will be maintained monthly by the Golf Course operator during the life of the project.”

Not implemented

Page 5-44 Water Quality Monitoring Program

“Monthly Surface and Groundwater testing will be reported annually to the Department of Water and Power.”

Status unknown.

Page 5-44 Section 5.2.10 Integrated Pest Management

“allows for their use of (pesticides) only after established thresholds of acceptable impact are exceeded and when other measures of control have been considered.”

Status unknown.

Page 6-1: Implementation and Monitoring of the LTHMP

“Prior to the issuance of any permits relative to this project, an agreement concerning all of the information contained in these conditions shall be recorded in the County Recorder’s Office in accordance with the Conditional Use Site Plan Review Conditions of Approval for City of Los Angeles City Plan Case 96-0243 CU and City Plan Case 96-0241 CUB.” “... the agreement shall run with the land and be **binding** on any subsequent property owners...”

Status unknown- many conditions and mitigation measures not completed.

“Foothill Golf Development Group will be solely responsible for all conditions included in the Streambed Alteration Agreement for the project. **The Long term Habitat Management Plan is meant to provide guidance and more detailed information related to the purpose of the stipulated measures, performance criteria for assessing attainment of the measures, monitoring protocols for evaluating the attainment of the performance criteria and long term maintenance of native habitats within the Red Tail Golf and Equestrian project.**”

Status incomplete. Foothill Golf and the Angeles National Golf Club have not taken responsibility for compliance.

ATTACHMENT 2

COMPLIANCE REVIEW: LONG TERM HABITAT MANAGEMENT PLAN RED TAIL GOLF AND EQUESTRIAN (ANGELES NATIONAL GOLF CLUB)

SUMMARY

This attachment is intended to summarize key concepts and actions associated with commitments to undertake long-term management of mitigation lands for the above-referenced project. These actions were to be *implemented and funded* by the Foothill Golf Development Group (now ANGC) pursuant to:

- A) the Award and Judgment in the arbitration over the Department's draft streambed alteration agreement for the project (ADRS Case NO. 99-0600-DW); and
- B) condition 10 in the City's Conditions of Approval (dated April 28, 1998);

The Department believes the Long Term Habitat Management Plan (LTHMP) summarized herein was intended by the applicant to serve as the "Preserve Management Program" which was to be approved by the Department pursuant to condition 10 in the City's Conditions of Approval prior to project grading. The Judgment required compliance with the LTHMP. This LTHMP was never reviewed or approved by the Department as required by condition 10.

The LTHMP currently serves to identify management goals and objectives and describes actions which were to have been implemented prior to grading (Condition 10) and continued, at a minimum, over the life of the project. They were to be funded by the golf course.

For the last six years, this LTHMP has largely never been implemented. Onsite mitigation resources have continued to decline, absent management. The site continues to experience severe damage to habitats and wildlife species intended to be permanently preserved and managed by Foothill Golf and Development Group (now ANGC) pursuant to condition 10.

Mitigation measure 42 (EIR 1996) states, "A mitigation monitoring plan shall be developed to ensure the continued health, high quality and high biotic diversity of alluvial scrub within the preserve." This plan was to have been implemented by the applicant; monitored for compliance during preconstruction; and monitored and enforced by both the City Department of Building and Safety and the Department. The Department has never seen the plan as required by mitigation measure 42.

The following section includes excerpts relating to specific concepts and actions required by the LTHMP. Bold type is used to identify those actions for which we have sufficient information to believe measures were not implemented or are otherwise not in compliance with the LTHMP. Department comments are shown in italics. Underlined text is used for emphasis.

Section 1.1 Overview of Design Conservation Efforts

Page 1-3 Project was designed in a manner which will result in "**avoiding impacts on extant populations on a state and federally listed endangered species.**"

Annual reports submitted by Sapphos Environmental on behalf of Angeles Golf Club document continued declines in slender-horned spineflower occupied habitat areas due to non-management. Federally threatened Santa Ana sucker were potentially impacted when the golf course entered waters of the US in February 2005 with heavy equipment during high flows.

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“Security, perimeter fencing and regular security patrols to prevent uncontrolled use of the areas designated for habitat conservation will be provided...”

Not Implemented

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(Condition 10; Amended Condition 71). Site-wide surveys for spineflower were not completed.

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The Department to our knowledge has never received any revegetation reports as required by Mitigation Measure 92-95. We therefore assume revegetation did not occur.

Page 5-26 Section 5.2.5 Preserve Plan Organization

“Successful management of a habitat conservation area as part of a golf course development project is dependent on continuing oversight, management, and coordination by a responsible individual. Funding or labor support by the applicant will be required in support of post construction maintenance and monitoring of the habitat conservation area and revegetation areas of RAFSS and riparian habitat. The Long Term Habitat Management Plan should provide adequate funding to support , at a minimum, a part time professional to direct routine maintenance activities by qualified technicians and/or volunteer labor and to submit annual reports to the City of Los Angeles Planning Department and the California Department of Fish and Game.”

Implementation of the Long Term Management Plan in accordance with the City of Los Angeles Condition of Approval requires that an experienced manager be hired minimally on a part time basis...”

Not implemented

Page 5-27 to 5-28 “The **manager** would fulfill the tasks outlined below:

Develop annual program for and oversee routine maintenance activities.

Supervise professional and volunteer labor forces to carry out periodic remedial actions (e.g. exotic plant removal, maintenance of small nursery inventory and replacement of plant stock in designated areas).

The preserve manager will be responsible for carrying out all required mitigation monitoring including revegetation, slender-horned spineflower, and cactus wren surveys. In addition, the Reserve Manager should conduct regular monitoring of Reserve conditions.

Maintain data records including all aspects of the biological program.

Ensure compliance with all Conditions of Approval related to Biota stipulation by the City of Los Angeles Planning Commission.

Ensure compliance with all Agreement Conditions in the SAA”.

Page 5-35, Section 5.2.5.3 Monitoring for slender-horned spineflower .

Only describes monitoring of the 4 known populations every spring until construction is complete and then 5, 10, and 15 years following completion of construction.

Not in compliance with Condition 68.

Page 3-35 Section 5.2.6 Long-term Maintenance

“The following measures have been provided to guide the long term management of areas of the project site designated as conservation areas. These measures intend to coordinate and guide efforts aiming to protect and maintain the environmental quality of the Reserve and adjacent areas, which are essential to ensure their long term success. Long term maintenance is vital to the operation of the Reserve from an ecological perspective, by accomplishing the removal and eradication of invasive weeds which pose a threat to the Riversidean alluvial fan sage scrub plant community. Other activities that are incorporated in long term maintenance are associated with trash removal, and security, minimizing negative human influences on the Reserve and its environment. Maintenance will focus on the three activities described below: weed eradication and control, trash removal, and the provisions of security measures.

Fundamentally in non-compliance. Additionally, the LTHMP itself fails to provide for the necessary removal of invasive weeds threatening RAFSS habitat as identified in this paragraph.

Page 5-37 Section 5.2.6.1 Weed Eradication

Excerpts include **“As part of the overall long term maintenance efforts, a program to remove and control giant reed and other exotic plants will be initiated and maintained by the Resource Manager and the landscape maintenance crews. Control of this pest plant and other introduced plants will help prevent them from becoming established in adjacent areas of the golf course and downstream areas that have been disturbed by construction and will undergo revegetation.”**

Revegetation of temporary disturbances per condition 50 and associated conditions has potentially never occurred. The water line and possibly a sewer line, installed on the mitigation lands in 2007, have not been revegetated per these conditions and are we-invaded, with weeds spreading to adjoining mitigation lands.

Page 5-38 Monitoring of Weed Eradication

This section does not address invasive weeds in the alluvial scrub mitigation lands and we have no reports indicating invasive weeds were removed from riparian areas.

Page 5-39 to 5-30 Section 5.2.6.2 Trash Removal

1. **“Provision of covered trash receptacles at trail heads.”**
2. **“Daily trash removal will be part of routine activities to be carried out on regular basis on the project site.”**
3. **“Restriction of Unauthorized Vehicular Access to Site”**
4. **“Apprehension and Prosecution of Trash Dumpers” “Should the landscape maintenance crews identify or witness illegal dumping by individuals, they are responsible for reporting the activity to the Preserve Manager who will be responsible for prosecution of the individuals for their illegal actions.”**

Not implemented.

Section 5.2.6.3 Security Trespassing Avoidance Measures

“Recommends” the following:

“Limited controlled access

Development of docent programs for leading tours

Secure conservation area from unauthorized vehicular access

Provide access to equestrian, bicycle and pedestrian trails access to trails should not allow unauthorized vehicular access

Align equestrian, bicycle and pedestrian trails with existing trail network

Close existing unauthorized trails that cross conservation area

Secure boundary between golf and conservation areas with berms and native vegetation (*status unknown*)

Prohibit pets in conservation area

Implement educational signage regarding high level of sensitivity of conservation area

Security patrols of project sites

Apprehend and prosecute trespassers.”

Largely not implemented

Page 4-41 to 5-42 Section 5.2.6.5 Brown-Headed Cowbird Trapping Program

Provides for “implementation of a brown-headed cowbird trapping program in perpetuity or until it is determined to be no longer necessary by the Department.” Cowbird trapping program “will be submitted to the Department as part of the notification of the streambed alteration. The brown-headed trapping program will be submitted to the City of Los Angeles Planning Department for review and approval at least three months prior to grassing the golf course. The brown-headed cowbird trapping program will be initiated concurrently with the implementation of the grassing program.”

Never submitted, never approved, never accomplished.

“An annual report documenting the results of the trapping program will be submitted to the Department”

The Department has not received any annual reports on this topic.

Page 5-42 Section 5.2.7.1 Signs

Page 5-43

Warning signs, Security signs, Interpretation signs are proposed. “Signs will be maintained monthly by the Golf Course operator during the life of the project.”

Not implemented

Page 5-44 Water Quality Monitoring Program

“Monthly Surface and Groundwater testing will be reported annually to the Department of Water and Power.”

Status unknown.

Page 5-44 Section 5.2.10 Integrated Pest Management

“allows for their use of (pesticides) only after established thresholds of acceptable impact are exceeded and when other measures of control have been considered.”

Status unknown.

Page 6-1: Implementation and Monitoring of the LTHMP

“Prior to the issuance of any permits relative to this project, an agreement concerning all of the information contained in these conditions shall be recorded in the County Recorder’s Office in accordance with the Conditional Use Site Plan Review Conditions of Approval for City of Los Angeles City Plan Case 96-0243 CU and City Plan Case 96-0241 CUB.” “... the agreement shall run with the land and **be binding** on any subsequent property owners...”

Status unknown- many conditions and mitigation measures not completed.

“Foothill Golf Development Group will be solely responsible for all conditions included in the Streambed Alteration Agreement for the project. **The Long term Habitat Management Plan is meant to provide guidance and more detailed information related to the purpose of the stipulated measures, performance criteria for assessing attainment of the measures, monitoring protocols for evaluating the attainment of the performance criteria and long term maintenance of native habitats within the Red Tail Golf and Equestrian project.**”

Status incomplete. Foothill Golf and the Angeles National Golf Club have not taken responsibility for compliance.

faxed to O'Donnell 3-7-02 A.M.
@ 818 756-9194

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STATE OF CALIFORNIA-THE RESOURCES AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF FISH AND GAME

South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(619) 467-4201
FAX (619) 467-4239



March 7, 2002



Mr. Dan O'Donnell
City Planner
City of Los Angeles
6255 Van Nuys Boulevard
Van Nuys, California 91401

Dear Mr. O'Donnell:

Canyon Trails (Red Tail) Golf and Equestrian Project Big Tujunga Wash

The Department of Fish and Game (Department) is writing to express our concerns regarding the changed project footprint shown on grading plans for the Canyon Trails Golf Course in Big Tujunga Wash. The project has pulled out of a 9.3 acre "island" on the north channel of Big Tujunga Wash and now extends into the area that was identified in the EIR as a preserve and mitigation for the State and federally-listed endangered slender-horned spineflower (*Dodecahema leptoceras*) and associated sensitive wildlife species which occur in intermediate-aged stands of Riversidean alluvial fan sage scrub. These species generally do not occur on the "island" which was mapped by the project's consultants as "barren wash".

This change in project footprint appears to be the result of the developer's revised golf course plan stemming from an arbitration panel decision relative to the Department's issuance of a Streambed Alteration Agreement. However, the Department does not support changes in the footprint that would reduce the size and alter the configuration of the approved spineflower preserve. This changed configuration is not consistent with the project as approved through an exhaustive CEQA process. We contend that the arbitration panel does not have the authority to override the CEQA process by placing a portion of the project on lands that were required for preservation pursuant to the CEQA process and associated City of Los Angeles conditions of approval.

Canyon Trail's revised project footprint as described on the grading plans increases impacts to the most diverse habitat in the wash, intermediate-aged alluvial scrub, which supports, inter-alia, endangered spineflower, potential spineflower seedbank, and sensitive wildlife species such as cactus wren, coastal whiptail, and San Diego horned lizard. The revised plans would increase adverse edge effects by reducing the size of the spineflower preserve by about nine acres and increasing the irregular edges of golf course that would extend like fingers into the preserve. The golf course will also be considerably closer to two of the four spineflower populations.

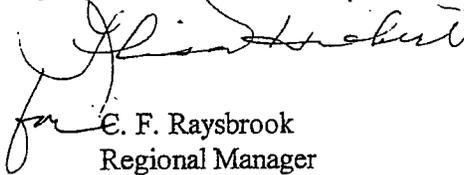
Mr. Dan O'Donnell
City of Los Angeles
March 7, 2002
Page 2

As noted, the Department finds that this proposed increase in golf course impacts to the spineflower preserve is inconsistent with the city-approved Mitigation Measure 38 which describes the required preserve as consisting, in part, of 57 acres of intermediate phase alluvial scrub. By reducing the size, shape and configuration of the previously-approved preserve, impacts to slender-horned spineflower and associated habitats and sensitive species are substantially more severe than evaluated in the previous CEQA review process. CEQA Section 15162 (2B) requires additional CEQA review when significant effects, previously examined, will be substantially more severe than shown in the approved EIR.

The Department therefore requests that the City of Los Angeles ensure that the Canyon Trails project not be allowed to encroach into the spineflower preserve/intermediate aged alluvial scrub area as described in Mitigation Measure 38, and that all grading and subsequent golf course features stay within the grading limit line evaluated throughout the CEQA process.

Thank you for consideration of our comments. Should you have any questions, please feel free to contact me at the letterhead address above.

Sincerely,



E. F. Raysbrook
Regional Manager
South Coast Region

cc: Department of Fish and Game:

Ron Rempel, Habitat Conservation-Sacramento
Morgan Wehtje, Environmental Services Supervisor-Camarillo
Mary Meyer, Plant Ecologist-Ojai
Ann Malcolm, Legal Affairs-Sacramento

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State of California - The Resources Agency

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ARNOLD SCHWARZENEGGER, Governor



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



April 17, 2007

Building and Safety Commission
City of Los Angeles
201 North Figueroa Street, Suite 1050
Los Angeles, California 90012

**Los Angeles International Golf Club
Big Tujunga Wash**

Dear President Brown and Commissioners:

The Department of Fish and Game (Department) encourages the City of Los Angeles to exercise its continued authority as lead agency under the Environmental Quality Act for the approval of the construction and operation of the Los Angeles International Golf Course facility (golf course). As lead agency the City is responsible to ensure that Foothill Golf and Development LLC (Foothill) is in compliance with the City's project approval conditions adopted by the City Council regarding conditional use permits issued for this facility.

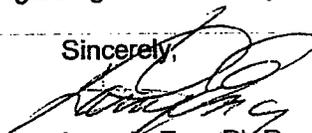
The Department is concerned that protection of public trust resources is not being served as was intended by the City following the City's approval of construction and operation of the golf course. To date, the golf course has appeared to have profited from the continued operation of the facility at the expense of uncompensated losses to public trust resources. As a result, degradation of the remaining biological diversity of natural resources remaining on the site is allowed to continue unchecked. The Department recommends that the City employ whatever discretionary means are available to pursue full compliance by Foothill with the City's conditions of approval for the continued operation of the golf course.

The Department recommends a meeting with all parties involved to discuss compliance with and implementation of the City's project approval conditions including implementation of the Long Term Habitat Management Plan and associated dedication and preservation of identified preserve areas. The meeting should discuss a binding, enforceable compliance schedule which will facilitate the intended goals required by the City to compensate for the loss of habitat value on the site and vicinity.

Building and Safety Commission
April 17, 2007
Page 2

The Department requests a timely response to this letter regarding the Department's concerns and the resolution of this matter. Questions regarding this letter may be directed to Ms. Mary Meyer at (805) 640-8019.

Sincerely,



Larry L. Eng, Ph.D.
Regional Manager

cc: Ms. Terri Dickerson, Laguna Niguel, Camarillo
Mr. Steve Puccini, Sacramento
Department of Fish and Game

Bcc: Ms. Mary Meyer, Ojai
Mr. Scott Harris, Pasadena
Ms. Jamie Jackson, Pasadena

SPH:sph

Angeles National Golf Course 2007