

DEPARTMENT OF FISH AND GAME

South Coast Region
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April 12, 2001

Karen DeGannes, Project Manager
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4 West Fourth Avenue
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**Comments on the Southern California Gas Company Montebello Gas Storage Facility
Decommissioning and Sale Mitigated Negative Declaration, Montebello and Monterey
Park, Los Angeles County, California
(SCH#2001031061)**

Dear Ms. DeGannes:

The Department of Fish and Game (Department) has reviewed the above-referenced Draft Mitigated Negative Declaration (MND). The Department is identified as a Trustee Agency pursuant to California Environmental Quality Act (CEQA) Section 15386 and is responsible for the conservation, protection and management of the state's biological resources.

The project area consists of approximately 43.2 acres consisting of existing facilities, disturbed areas, landscaping, and native vegetation including coastal sage scrub, mule fat scrub, willow woodland, sycamore woodland, and mixed chaparral on four sites. The site supports the federally-listed threatened coastal California gnatcatcher (*Poliopitila californica californica*) as identified during a September 2000 site reconnaissance survey. The proposed project is the decommissioning and sale of the Montebello Gas Storage Facility (MGSF) located in the cities of Montebello and Monterey Park. The proposed project includes the recovery and sale of cushion gas, decommissioning of the facility, including demolition of existing facilities and possible soil remediation, and the sale of all facility assets. Portions of the property may be developed pursuant to existing land use designations of the cities of Montebello and Monterey Park. The future development may include 22 single family homes within the City of Montebello and industrial/manufacturing/commercial use on the two MGSF lots located within the City of Monterey Park.

The Department offers the following comments and recommendations:

The MND is missing pages 4.4-7 through 4.4-8 in the copy supplied to the Department. In order to facilitate the Departments' review of the project, please provide the Department with the

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missing pages. The Department may provide additional comments on the project following its review of the missing pages.

On page 4.4-12 of the MND, the document states that any fully protected species may not be taken or possessed without a permit. Pursuant to Section 3511 of the Fish and Game Code, fully protected species may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird. The white-tailed kite (*Elanus leucurus*), identified on the site, is a fully protected species, and may not be taken.

On page 4.4-15 of the MND, the document states that "allowances have developed for relocation, restoration, and other related compensatory measures" for impacts to special-status species. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.

Stream and Riparian Resources

The project will require a Streambed Alteration Agreement, pursuant to Section 1600 *et seq.* of the Fish and Game Code, between the applicant and the Department prior to the applicant's commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. The Department's issuance of a Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department as a responsible agency under CEQA, may consider the local jurisdiction's (lead agency) Negative Declaration or EIR for the project. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. A Streambed Alteration Agreement form may be obtained by writing to The Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, or by calling (858) 636-3160, or by accessing the Department's web site at www.dfg.ca.gov/1600.

The MND states that no wetlands were identified on the site (page 4.4-16), but goes on to say that future development could impact "small riparian or wetlands habitats (e.g. small springs or seeps with wiregrass of less than 100 sq ft)"(page 4.4-17). The Department has responsibility for wetland and riparian habitats and opposes any alteration of a natural watercourse that would result in a reduction of wetland acreage or wetland habitat values. Alterations include, but are not limited to: conversion to subsurface drains, placement of fill or building of structures within the wetland and channelization or removal of materials from the streambed. All wetlands and

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watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.

Survey Methodology

The Department is concerned that no thorough floristic or wildlife surveys have been conducted beyond the September 2000 reconnaissance visit to the site. Likewise, no focused surveys have been conducted for special-status plants or animals including the coastal California gnatcatcher. To provide adequate public and agency review of the biological impacts of the proposed project, the Department recommends that adequate biological information be made available for public and agency review. This information, along with public and agency comments relating to the new information, should be included in the final MND. The Department recommends that the following information be obtained:

1. A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats.
 - a. A thorough assessment of rare plants and rare natural communities, following the Department's May 1984 Guidelines (revised May 2000) for Assessing Impacts to Rare Plants and Rare Natural Communities (Attachment 1).
 - b. A complete assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.
 - c. Rare, threatened, and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, § 15380).

Because many of the decommissioning activities may be delayed until 2006, the Department recommends updated focused surveys for special-status species with the potential to occur on the site. Surveys should generally be performed no more than one year prior to disturbance of the ground, whether associated with the decommissioning or future development.

Impacts

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The discussion on page 4.4-15 lists several "Checklist Questions" denoted with bullet points. However, the subsequent text refers back to the checklist questions using letters as a form of abbreviation. The impact discussion should refer to the checklist topics by name to avoid this confusion.

The Department is concerned about the lack of specific information and impact analysis in the MND. Because the Biological Resources section of the MND does not provide a discussion of specific impact locations or a map depicting areas of impact, the Department cannot provide a detailed analysis of project impacts at this time. The Department recommends revising the MND to include a discussion of specific areas supporting native vegetation or special-status species that may be impacted by decommissioning with appropriate avoidance and mitigation measures. Detailed maps depicting native vegetation communities, locations of special-status species, and habitat buffers would facilitate review of the project.

Impacts to active nests of raptors and non-raptor migratory birds are considered significant. The destruction of an active nest of any raptor is prohibited pursuant to California Fish and Game Code 3503.5. Construction, grading, or clearing activities within 300 feet of any active nests of raptors should be avoided.

Pursuant to California Fish and Game Code 3503 it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this [Fish and Game] code or any regulation made pursuant thereto. In order to avoid impacts to active nests of migratory and non-migratory birds, the Department recommends that vegetation is not disturbed during the nesting season, typically between March 15 through July 15. However, if sensitive species, such as the coastal California gnatcatcher are present the breeding season should be considered as February 15 through September 15.

Special Status Species and Habitats

The project site and the nearby Montebello Oil Field HCP area support coast prickly-pear (*Opuntia littoralis*). In addition to the species listed in Table 4.4-1, coastal cactus wren (*Campylorhynchus brunneicapillus couesi*) should be the subject of focused surveys.

Both the Main Facility and the East Site support coastal sage scrub. According to the MND, only the East Site supports potential habitat for the San Diego Coast horned lizard (*Phrynosoma coronatum blainvillei*). However, according to the MND, the Main Facility does not support potential habitat for the horned lizard nor the coastal California gnatcatcher. Please identify the reasoning behind this assessment.

Coastal sage scrub is a Rare Natural Community (S.2.1). The Department considers Rare Natural Communities as threatened habitats having both regional and local significance.

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Avoidance, minimization, and mitigation measures should be described in detail for coastal sage scrub.

Mitigation Measures

Mitigation for impacts to coastal California gnatcatcher should not include "relocation" (page 4.4-19). The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.

Mitigation Measure 4.4-1

The Department recommends that general and focused biological surveys are performed prior to the preparation of the final MND for public and agency review. The Department recommends that buffers/avoidance be provided in as much detail as possible in the Final MND. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful. Proposed mitigation measures and conceptual plans should be discussed in the Final MND.

Mitigation Measure 4.4-2

The Department recommends that impacts to streams, wetlands, and riparian habitat are disclosed prior to the preparation of the final MND for public and agency review.

Mitigation Measure 4.4-3

The Department recommends that at least a conceptual wetland mitigation and monitoring plan be included in the Final MND. Mule fat and other riparian vegetation may also be subject to mitigation for losses of riparian resources.

Mitigation Measure 4.4-4

Because both the East Site and the Main Facility support coastal sage scrub, the Department recommends that coastal sage scrub impacts are mitigated at both locations. The Department recommends that specific areas subject to avoidance/disturbance are analyzed and quantified in the FMND. The Department recommends that gnatcatcher surveys are conducted prior to the preparation of the Final MND. The bottom of page 4.4-21 is missing the discussion of steps to be taken if nest sites, eggs, etc. are located on the site. Please revise and clarify this

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section. The Department recommends that specific mitigation measures are developed prior to decommissioning and prior to the preparation of the Final MND.

To assist the lead agency in improving the Biological Resources section of the document, the Department has provided specific comments. For the reasons outlined in this letter, the Department cannot adequately review the environmental effects of the proposed project at this time. We recommend revisions to the MND and would be happy to review any subsequent documents related to this project..

The Department appreciates the opportunity to comment on your project. If you have any questions or comments pertaining to this letter, please contact Brad Henderson at (310) 214-9950.

Sincerely,


FOR
William E. Tippetts
Environmental Program Manager

cc: Department of Fish and Game
File
Kevin Clark, U.S. Fish and Wildlife Service
State Clearinghouse
