Maya E. Zaitzevsky
Los Angeles City Planning Department
200 North Spring Street, Room 763
Los Angeles, CA 90012



29 December 2003

Regarding: CANYON HILLS PROJECT, EIR Case no: ENV-2002-2481-EIR
Reference #: SCH # 2002091018

Dear Ms Zaitzevsky:

I have had the opportunity to review section the DEIR for the above-mentioned project and have some serious concerns with regard to the biological section. The survey has neglected to consider several highly sensitive species and there are numerous errors that indicate that there is a lack of knowledge and/or careless use of existing literature and range maps resulting in some inadequately based and biologically irresponsible conclusions.

Several species and subspecies are confused and are cited as occurring in the Study Area when in fact the area is out of their range such as Gilbert's Skink (*Eumeces gilberti*); Speckled Rattlesnake, (*Crotalus mitchellii);* Red Diamond Rattlesnake (*Crotalus ruber*); Orange-throated Whiptail (*Cnemidophorus hyperythrus beldingi*). Common names are either misspelled or out of date: "Logger-Head Shrike" is correctly indicated as Loggerhead Shrike, Plain Titmouse (Parus inornatus) has been changed to Oak Titmouse (Baeolophus inornatus). This is troubling as it indicates that the surveys appear to have been conducted in a rushed manner with inexperienced personnel working under constraining time budgets. 145-1

The survey reports only one sighting of the Yellow-breasted Chat (*Icteria Virens*) north east of area B (proposed development south of the 210 freeway on La Tuna road) (page IV.D44). Such a single reported sighting is surprising, as I have observed this species to be fairly evenly distributed over both area A and B (proposed development north of the 210 freeway) and in the surrounding area of the Verdugo mountains south of La Tuna Canyon Road. 145-2

Similarly, the Yellow Warbler (*Dendroica petechia*) is mentioned as having been observed only once (page IV.D44)(not shown on Fig IVD2). However, this species is also fairly uniformly distributed over the Study Area and proposed development area. Both of these avian species are California Department of Fish and Game Species of 145-3

Special Concern (CDFGSSC) and consequently sightings and distribution need to be researched and reported accurately. 145-3

Although Vaux's Swift (*Chaetura vauxi*) which is another CDFGSSC is not endemic to the area, the species is migratory and the observed individuals (page IV.D-44) foraging in mixed flocks with other species use the area as it presents a feeding opportunity along their migratory route. The proposed development would result in habitat alteration upstream along the La Tuna Wash would in turn adversely impact insect populations. In turn, this would either alter or eliminate this feeding zone and possibly compromise these individuals ability to reach their breeding areas in northern California and further north from there. 145-4

The Coastal California Gnatcatcher (*Polioptila californica californica*) is a federally listed species, which was not observed by surveyors (page IV.D-45). This is somewhat surprising, as I have observed these occasionally over the entire proposed development area and adjacent areas except for the northern edge of area B. Additionally this species has been documented in the western/central Verdugo Mountains. 145-5

The Section also reports that no Least Bell's Vireo (*Vireo belli pusillus*) (page IV.D-45), which is a both a federal and state listed species, was observed during the surveys. The survey reports that "is not likely to occur in the Study Area as the habitat appears marginal, lacking dense understory thickets needed for nesting by this species". On the contrary, the habitat does present patches of sufficiently dense understory that this species requires. 145-6

On page IV.D-45 the Coopers Hawk (*Accipiter cooperii*), another CDFGSSC is discussed. The report cites observations of Cooper's Hawks during flyovers, but notes that there were "nesting and other breeding activities were not observed during the numerous avian surveys". This statement in itself reveals that the biologists are not familiar with avian behavior in general and especially not experienced with raptor and accipiters biology. 145-7

This species is not only present but also breeds in the area. The habitat and prey base in both area A and B and the adjacent "Duke Property" are ideally suited to Cooper's Hawks. Like the other North American accipiters, Cooper's Hawks are stealth hunters and extremely opportunistic. The birds spend most of the time perched or "still hunting" which is typical of an ambush predator and as such will not be detected by inexperienced observers. Sometimes their distinctive calls are indicative of their presence to experienced observers. The reported "flyovers" are most often a component of ringing flight, which during the nesting season almost always involve courtship and display, or some other form of breeding and courtship, or territorial display. 145-8

This is not a species that breeds within or close to developed areas, and nesting pairs will readily abandon a nest when disturbed. These factors that have undoubtedly contributed to the species decline in numbers of Coopers Hawks and its consequent listing as a CDFGSSC species. The proposed development would have a highly significant negative

impact on the prey base, which in turn would lead to nesting failure and an eventual abandonment of the area by these birds. Additionally, development and human activity would attract the attendant corvids (Common Raven (*Corvus corax*) and American Crow ( *Corvus brachyrhynchos*)), which compete negatively with resident raptors and ultimately drive them out of the area.

145-8

It is troubling that none of these issues has been addressed in the DEIR, where the surveyors observed a few flyovers and declare this sensitive species is simply not present, and therefore would not be impacted by the proposed development. In fact, quite the opposite will be true, the proposed development would adversely affect this species resulting in its eventual disappearance from the area. The DEIR meanwhile simply dismisses the species presence in the area, its biological requirements, and the significant impact of the proposed development in a total of six lines.

Another CDFGSSC, the Sharp-shinned Hawk (*Accipiter striatus*) is not mentioned in the DEIR. Because of the extreme reversed sexual size dimorphism among accipiters, the larger females of this species are often confused with male Coopers Hawks. Sharp-shinned Hawks occurs in the Study Area in winter because the habitat supports flocks of migrating passerines, which these small accipiters use as a prey base. The proposed development would result in the loss of habitat and consequent absence of these migrating flocks along with the Sharp-shinned Hawks.

145-9

Neither has the DEIR made any mention of the Merlin (*Falco columbarius*), which is another CDFGSSC. This small falcon is also winter visitor to the area. The proposed development would have a significant negative effect on wintering individuals of this species.

145-10

The Red-shouldered Hawk (*Buteo lineatus*) is another year round resident that breeds in the area but was never mentioned during the survey. These small buteos have declined in recent decades due to habitat loss among. Red-shouldered Hawks are relatively small and are shy and inconspicuous during most of the year except for short periods during the courtship and breeding season where they are highly territorial and vocal. It is also easily mistaken for the larger and more common Red-tailed Hawks (*Buteo jamaicensis*) by inexperienced observers.

145-11

No mention was made in the DEIR of the Golden Eagle (*Aquila chrysaetos*) which is another CDFGSSC and a California Fully Protected species. These birds are occasionally observed along the higher ridgelines and especially perched on the Southern California Edison transmission line that approximately bisects the proposed development area A. As it sometimes difficult to differentiate between these raptors and Red-tailed Hawks, especially when viewed from a distance or from below, these eagles are often misidentified as buteos.

145-12

The San Diego Coast Horned Lizard (*Phrynosoma coronatum blainvilli*) another CDFGSSC is occurs in areas of loose soil and sand within the Study Area. Horned lizards are only seasonally active and a survey conducted during periods of inactivity

145-13

would therefore not reveal the presence of individuals. The absence of scat (page IV.D-46) is not a reliable indicator of the species presence as scat is often consumed by other animals and easily destroyed/fragmented by wind, rain, soil movement and photo-degradation among other factors. 145-13

On the same page the report claims that another CDFGSSC, the Silvery Legless Lizard (*Aniella pulchra*) is expected to "occur in low numbers". "Low numbers" is an arbitrary term and as such is meaningless. If the purpose of the report is to insinuate that the numbers of these lizards in the proposed development area is insignificant, it is not true. In fact this species does occur all over the Study Area and proposed development area . As this is a fossorial species, a representative survey would have involved some light digging. The habitat in the area is ideal and grading and terrain alteration would serve to destroy many individuals and eliminate these animals from the developed areas. 145-14

The proposed development would significantly impact the plants and trees that are found in the area. The loss of the 232 Oaks and 27 sycamores naturally occurring can not be mitigated by post development landscaping and instead will adversely affect the habitat and devastate all the dependant autotrophic animal species. It is neither realistic, nor is it biologically accurate to indicate that replacement planting in manicured artificial clusters along "entryways", road right-of-ways", "parks and common areas"," detention basins", "flood control", "fuel modification areas", "private lots" and "equestrian trails" will somehow replace the mature trees and their associated understory that has been destroyed. This kind of change will be permanent and irreversible, and the entire ecosystem of the area will be severely damaged. To suggest that that planted trees will provide "seed production" and "compensate fully for the loss of mature trees" is irresponsible as oak seedlings will not generate under artificially planted and disturbed sites. 145-15

Large mammal surveys were done using literature, track stations and tick presence. These are all indirect means and are only a component of a through survey and can be accomplished by laypersons. Very little effort was made to spend time in the field in an attempt to observe wildlife activity. No nocturnal predator surveys using night vision equipment was conducted neither were radio telemetric studies done to accurately determine wildlife movement. Consequently the conclusions that most of the large mammals exist in low, very low, and not present categories on the study site are inaccurate and biologically irresponsible. 145-16

The survey reports that the Gray Fox (*Urocyon cinereoargenteus*) is "not as common either on the project site or within the Study Area as coyotes" (page IV.D-141). This again is an irresponsible conclusion – one that is based on the biologist's failure to observe and document foxes present in the Study Area and the project site. Evidence for the insinuated low numbers of foxes is based simply on the lack of scat. 145-17

Bobcats (*Lynx rufus*) populations in the area are also dispensed with through second-hand and subjective methodology. Although the surveyors remark that "bobcats are likely present in the area" (page IV.D-141), they conclude that "bobcats are present.... in very 145-18

low numbers". A number of observation periods spent in the field, especially by observers that are experienced and can interpret secondary real-time signs of bobcat presence such as alarm calls of other avifauna will undoubtedly observe more that a "low number" of bobcats. 145-18

The Mountain Lion (*Felis concolor*) are also present occasionally in the Verdugo Mountains and surrounding area. There are a substantial number of Mule Deer (*Odocoileus hemionus*) and other smaller species to form a substantive prey base to support a few individuals. The DEIR argues that this species does not occur in this area as it is unable to negotiate the "Missing Link" or wildlife corridor between the Tujunga Wash and the Verdugo Mountains /Study Area/ development area, while at the same time conceding that the corridor is used by coyotes and foxes. This is another disturbing aspect of the DEIR as it indicates that personnel performing the survey are not familiar with Mountain Lion behavior. These animals are extremely dexterous and move much more rapidly than foxes and coyotes and any corridor capable of supporting coyote and fox movement will also support mountain lion movement. Residents have reported sightings in the area and although not common this species is present and has a definitive place in the local ecosystem. 145-19

Similarly the American Badger (*Taxidea taxus*) is also reported as being "uncommon" in the area. Besides relying on the same indirect evidence as used to report other large mammal occurrence in the area, the survey reports that suitable habitat especially soil does not occur in the area (page IV.D-141). This is incorrect. Habitat requirements for these animals is entirely adequate and there are many areas where the soil has been disturbed by water flow that results in loose of mildly compacted soils that the animals need. 145-20

The project site, Study Area and the Verdugo Mountains in general form an island that is surrounded by development. However, given the present size of this island, the area supports a relatively large number of animals and plants. The present biodiversity is maintained because of the size of the area and its proximity to the Verdugo Mountains and the San Gabriel Mountains. A reduction in the open space by the proposed development would permanently impact not only the developed area, but all of the surrounding open space as well. Not only will all of the avifauna in the developed area be destroyed, but also the presence of the development and associated human activity will alter the ecosystem of the surrounding area. 145-21

An artifact of the development will be the introduction of nuisance species of birds such as House Sparrows (*Passer domesticus*), corvids and the European Starling (*Sturnus vulgaris*) and mammals such as Roof Rats (*Rattus rattus*) and House Mouse (*Mus musculus*). Domestic and potentially feral dogs and cats, which will arrive along with human inhabitants, will have a devastating effect on endemic wildlife. These human-associated species compete and drive out their more fragile resident competitors, which will have a ripple effect on the ecosystem of the entire area. 145-22

Additionally, the development in area B will severely limit and eventually choke off wildlife movement from the San Gabriel Mountains via the only existing corridor 145-23

(Missing Link in DEIR) from the Tujunga Wash to the Verdugo Mountains and surrounding area. Besides not allowing replacement of individuals in the Verdugo Mountains, isolation would eventually result in a decline and loss of both species and individuals due to a reduction in specific gene pools. A good example of such a model can be seen in the case of the Mountain Yellow-legged frog (*Rana muscosa*). This species was unable to utilize the increasingly constricted corridors and isolation imposed by development in recent decades and now occurs in the San Gabriel Mountains only, even though the habitat in the Verdugo Mountains is suitable. As a result of its continued isolation due to habitat loss through development, satellite population of this species have disappeared resulting in a very small core population which was listed as Federally Endangered in 2002. 145-23

The entire Biological section of the DEIR has been inadequately prepared and contains some serious overall flaws. The mitigation requirements suggested are hopelessly inadequate at best. I am hopeful that the department of City Planning will require a more complete and accurate biological impact report be completed before any consideration is given to allow development in this biologically fragile area. 145-24

I appreciate the opportunity to comment. Please do not hesitate to call me at (310) 794-5608 or (818) 768-6241 should you have any questions or require more information.

Sincerely,

Michael J. Cornish, Ph.D.

# CURRICULUM VITAE

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## EDUCATION:

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| 1995 | Ph.D. | Biology | University of California at Los Angeles |
| 1984 | MS | Biology | California State University at Northridge |
| 1977 | BA | Biology | California State University at Northridge |

## RESEARCH AND FIELD EXPERIENCE:

**1999-present:** **The Relationship Between Aqueous Humor Protein Levels and Outflow Facility in Patients with Uveitis,** University of California, Los Angeles, CA
*Co-Investigator*
An investigation of the correlation between suspended anterior chamber proteins, glaucoma and uveitis.

**1997-present:** **Studies of Ocular Complications of AIDS,** University of California, Los Angeles, CA
*Research Scientist, Editor: Research proposal design and manuscript preparation*
Write research proposals and patient consents for approval by Human Research Subject Protection Committee. Supervise data collection and communicate with national Coordinating Center. Maintain database and interpret laboratory results. Maintain, modify and adapt blue field entoptoscope for rheological testing. Administer Clinical Research Center.

**1997-present:** **Fundus Photograph Reading Unit,** University of California, Los Angeles, CA
*Research Scintist, Jules Stein Eye Institute Fundus Photograph Reading Unit*
Organize and categorize ophthalmological photographic data collection. Develop protocols and certify photographers working for various pharmaceutical company sponsored clinical trials for ocular complications of AIDS. Photographic consultant for pharmaceutical companies involved with clinical trials. Consult with ophthalmological photographers regarding methodology and problems. Responsible for photographic quality control.

**1996-1997:** **Study of Osteoporotic Fractures (Eye Component),** University of California, Los Angeles, CA
*Principal Fundus Photographer*
Researched, designed and implemented photography techniques and wrote photography protocol for the National Institute of Health sponsored Eye component of the Study of Osteoporotic Fractures coordinated by the Jules Stein Eye Institute, University of California at Los Angeles. Instructed and trained photographers at UCLA and at research sites in Portland, Oregon; Minneapolis, Minnesota; Philadelphia, Pennsylvania; and Baltimore Maryland with the use of Topcon slit-lamp, Canon 45 degree non-madriatic and Marcher retro-illumination cameras. Responsible for all ophthalmic photography on the project. Supervised remote and local photographers. Responsible for quality control of photographic data collection.

**1994-present:** **White Shark Project.** Santa Cruz, CA
*Telemetric System Developer*
Designing constructing and testing a compact hybrid global positioning and radio telemetry system to monitor location and various physiological and external conditions in free ranging benthypelagic and pelagic Mackerel Sharks. Supervise the capture and attachment of the units on sharks. Responsible for tracking and data transmission and for unit performance viability.

**1990-1993:** **American Honda Desert Tortoise Project,** Kern County, CA
*Chief Field Biologist and Telemetric Systems Development*
Designed, constructed and implemented a miniaturized radio telemetry system for over 100 Desert Tortoises either relocated to or resident in study site at the Desert Tortoise Natural Area in the Western Mojave Desert in California. Supervised a staff of 40 field biologists collecting data for behavioral and ecological and pathogenic studies. Instructed field biologists in the use of radio telemetry and laboratory equipment, and in BLM Desert Tortoise handling protocol relating to the project. Supervised the required radio tracking of the subject animals and their transport to and from field station laboratory. Supervised all photo documentation on the project. Supervised the collection and processing of tissue samples from Desert Tortoises. Supervised the operation and maintenance the laboratory and its equipment. Supervised diurnal and nocturnal night vision assisted predator surveys, which included avian and mammalian species. Supervised daily input of field data into project database and the eventual transmission and downloading of all field data. Supervised both scientific and practical supplemental artificial precipitation delivery program during hibernation periods. Performed field data analysis and presented papers presented at Desert Tortoise Council annual symposium. Acted as a liaison between scientific efforts and the corporate sponsor of the project, and with various county, state, and federal government agencies. Sat on project scientific advisory committee.

**1985-1992:** **Field Study: Raptor Prey selection and Hunting Success.** Los Angeles, Kern, and Riverside Counties, CA
*Field Research: Doctoral dissertation, UCLA*
Investigated Prairie Falcons, Red-tailed Hawks Red-shouldered Hawks, Cooper's Hawks and Sharp-shinned Hawks for reversed sexual size dimorphism and the correlation with prey selection. Trapped and telemetered free ranging and rehabilitated individuals for identification, location and observation. Designed and developed new telemetry techniques and equipment specifically applicable to raptors. Developed artificial metered feeding stations for supplemental feeding and testing of prey preferences.

**1973-1990:** **Telemetry Assisted Rehabilitation and Post-Release Monitoring of Raptors.** Los Angeles, Kern, and Riverside Counties, CA
*Raptor Biologist*
Rehabilitated and released endemic and migratory diurnal and nocturnal raptors for CDFG. Telemetered and followed individuals. Developed and established both species specific and individual release criteria. Acted in an advisory capacity and instructor to state and local wildlife agencies.

**1978-1990:** **Telemetry Assisted Post-release Monitoring of Golden Eagles,** Los Angeles, Kern, and Riverside Counties, CA
*Raptor Biologist*
Rehabilitated and released endemic and migratory diurnal and nocturnal raptors for CDFG. Telemetered and followed individuals. Developed and established both species specific and individual release criteria. Acted in an advisory capacity and instructor to state and local wildlife agencies.

**1977-1978:** **Field Study: Prey Selection in Prairie Falcons,** Los Angeles, Kern, and Riverside Counties, CA
*Field Research: Masters Thesis, CSUN*

Located, observed and documented prey base and hunting success in both telemetered and non-telemetered raptors. Collected behavioral and physiological data. Performed statistical tests to be used as component of MS thesis.

**1976-1978:** **San Fernando Valley Audubon Society Raptor Rehabilitation Program.**
*Raptor Biologist and Program Director*
Rehabilitated and released various species of endemic and migratory raptors using established falconry techniques for National Audubon Society sponsored research.

CONSULTING EXPERIENCE:

**1980-present:** **Consultant: Wildlife Way Station, California.**

**1979-1992:** **Consultant: US Fish & Wildlife Service regarding identification and release criteria regarding birds of prey.**

**1978-1980:** **Member- Steering Committee California Dept. of Fish & Game Association for Wildlife Rehabilitation.**

**1976-1978:** **Member-Board of Directors, San Fernando Valley Audubon Society.**

TEACHING EXPERIENCE:

**1994-1996:** **Instructor, Citrus College:** General Biology, Vertebrate Anatomy and Physiology.

**1994-present:** **Instructor, Glendale College, Moorpark College:** General Biology, Vertebrate Anatomy and Physiology,

**1985-1990:** **Teaching Associate: UCLA Dept. of Biology, Dept. of Chemistry:** Vertebrate Physiology , Regulatory Physiology, Environmental Physiology, Animal Physiology, General Biology, Vertebrate Biology, Biochemistry.

**1980-1982:** **Graduate Assistant/Instructor: CSUN, Northridge, Ca.** Upper division biology, Flora and Fauna, Mammalogy, Ornithology and Vertebrate Biology.

PROFESSIONAL ASSOCIATIONS AND LICENSES:

American Ornithological Union
Raptor Research Foundation
State of California, GDF&G Master Falconry License
U.S. Department of the Interior, USFWS Golden Eagle Rehabilitation Permit
Wildlife Rehabilitation Council

PUBLICATIONS AND PAPERS PRESENTED:

*In Print*: Michele C. Lim, M.D., Sonia L. Minassian, B.S., William G. Cumberland, Ph.D., Susan S. Ransome, M.D., Michael J. Cornish, Ph.D., Catherine A. Strong, M.T., A.S.C.P., Brian G. Terry, M.D., Gary N. Holland, M.D. (1999) The Use of Blue Field Entoptoscopy to Determine Changes in Retinal Blood Flow in HIV Positive Individuals.

Cornish, M.J., (1992) Desert Tortoise Relocation: the Second Year. Desert Tortoise Council

Annual Symposium. Las Vegas, Nevada
Cornish, M.J., (1991) New Techniques with Radio Telemetry and Desert Tortoises. Desert Tortoise Council Annual Symposium. Las Vegas, Nev.
Cornish, M.J., (1983) Prey Selection in Falco mexicanus San Francisco Zoological Society and Calif. Academy of Sciences 7th Annual Wildlife Conference, San Francisco, Ca.
Cornish, M.J., (1978) Telemetry and Raptors. California Hawking. 8(1):