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March 28, 2011

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**Forest Lawn Memorial Park - Hollywood Hills Master Plan
Draft Environmental Impact Report (SCH No. 2008111048)**

Dear Mr. Villani:

The Santa Monica Mountains Conservancy (Conservancy) is concerned about the proposed elimination of natural resources in conjunction with build-out of the Forest Lawn Memorial Park - Hollywood Hills Master Plan. The cemetery's location adjacent to Griffith Park provides a serene natural setting apt for such a use, however the proposed expansion of almost 200,000 interment sites sacrifices key features of cemetery's bucolic environment for only marginal increases in the number of interment spaces. A modest reduction in the size of the expansion would preserve the site's most valuable natural resources while still permitting Forest Lawn to greatly expand its operations over the next half century. The Conservancy urges a greater focus on avoidance—rather than mitigation—of impacts to the site's unique riparian habitats and stronger protection of native habitat areas.

With impact avoidance as an overarching objective, the Conservancy offers the following specific comments on the proposed project and Draft Environmental Impact Report (DEIR):

On-site Riparian Habitat is a Unique Resource in Eastern Santa Monica Mountains

The on-site resources at Forest Lawn Memorial Park constitute some of the best riparian woodland habitat anywhere in the eastern Santa Monica Mountains. The Griffith Park-adjacent habitat is ecologically intact, high-functioning riparian habitat with nearly year-round surface flow. The subject property is situated on the cooler, wetter north-facing slopes of the Santa Monica Mountains, making it ecologically distinct from most of the remainder of the Griffith Park habitat block. Furthermore, Sennett Creek is not channelized for its entire length, all the way to its confluence with the Los Angeles River. No other Santa Monica Mountains creek is so directly ecologically connected to the Los Angeles River, making Sennett Creek and its tributaries high priorities for preservation.

Mr. Adam Villani

Forest Lawn Memorial Park - Hollywood Hills Master Plan DEIR; SCH No. 2008111048

March 28, 2011

Page 2

As noted in the DEIR, riparian areas on the subject property serve dual functions. Their preservation is critical for both resident amphibian populations and mobile terrestrial mammals and reptiles that require access to lower reaches during the dry season. Sennett Creek is unique in the Griffith Park core habitat block in being able to consistently provide these ecosystem resources even in drought years. Therefore the quality of habitat connections between lower Sennett Creek and core upland habitat is one of the two most important considerations in assessing biological resource impacts of the proposed project.

Rarity of On-site Resources Necessitates Greater Impact Avoidance

As noted above, the Sennett Creek drainage, and to a lesser extent Drainage L, are rare resources within the Griffith Park core habitat block and critical to the capacity of the overall ecosystem. Given these considerations, impact avoidance must be the primary strategy in addressing impacts to biological resources. As proposed, the project does not adequately utilize avoidance of impacts to riparian resources as an alternative to mitigation.

Furthermore, just a slight reduction in project scale would yield tremendous riparian benefits. The last five percent of the interment spaces is responsible for almost fifty percent of the riparian impacts. A small reduction in the context of the total expansion would produce substantial habitat preservation gains.

Lower Royce Canyon is the most important high-functioning riparian forest habitat in proximity to Griffith Park, with superior resource value than most similar habitats in the park. The Western Sycamore-Coast Live Oak woodland provides a lush, full canopy over Sennett Creek tributaries that would be impossible to replicate elsewhere. High-value habitats are more than the sum of their parts and can't be accounted for in terms of acres and number of trees. Mitigation is inappropriate when resource loss can be avoided so easily.

Habitat Connection to Los Angeles River Important to Revitalization

The interface between Sennett Creek and the Los Angeles River is the only direct riparian connection between the river and upland natural habitat areas. In the context of river revitalization, its importance cannot be overstated. While the proposed project does not directly impact the interface itself, it would make the upland habitat connections more tenuous by reducing the number of surface-running tributaries to Sennett Creek. The long term function of this habitat connection is directly dependent on the number of tributaries

Mr. Adam Villani

Forest Lawn Memorial Park - Hollywood Hills Master Plan DEIR; SCH No. 2008111048

March 28, 2011

Page 3

left intact. As noted in the DEIR, riparian corridors serve as primary wildlife movement corridors. Therefore Sennett Creek would function as the principal connection to future and existing habitat along a naturalized Los Angeles River.

While some degree of riparian impact is unavoidable given the nature of the project, a key objective must be to retain a connected, functional riparian ecosystem on-site. This is not just a function of the number of acres of jurisdictional impacts, but instead requires a coordinated approach to habitat preservation, creation, restoration, and enhancement that is integrated with the design of the proposed project. Ensuring the functionality of the on-site riparian ecosystem will avert cumulative impacts to Griffith Park resources dependent on habitat connectivity outside the park, particularly mobile animals.

DEIR Inaccurately Describes Habitat Connectivity in Cahuenga Pass

The DEIR asserts that Griffith Park is a biologically isolated island of remnant natural habitat:

A review of current aerial photography and knowledge of this area generally suggests that this "island" of relatively natural habitat is, in itself, largely isolated. It has no connective habitat to natural areas west of the Hollywood Freeway. No discernable corridors or critical pathways for terrestrial wildlife have been identified.

The Conservancy strongly disputes the notion that Griffith Park is disconnected from natural areas to the west. To the contrary, the Conservancy and Mountains Recreation and Conservation Authority (MRCA) own both large habitat blocks and smaller connective parcels to facilitate wildlife movement throughout the eastern Santa Monica Mountains generally and across the Cahuenga Pass specifically. Where else could the occasional mountain lion sighted in Griffith Park come from?

Most assuredly, Cahuenga Pass is a partial barrier to some terrestrial wildlife movement—one that must be remedied—but this does not justify the DEIR's conclusion that no wildlife movement takes place. Studies of movement patterns through this corridor are ongoing to fill this information void; however in the interim it must be assumed that biological exchange occurs regularly, even under existing constrained conditions. If anything, the tenuousness of the connection would warrant greater levels of mitigation rather than less. The remaining wildlife passages through Cahuenga Pass are the target of

Mr. Adam Villani

Forest Lawn Memorial Park - Hollywood Hills Master Plan DEIR; SCH No. 2008111048

March 28, 2011

Page 4

multiple public and private conservation efforts. The recent acquisition of Cahuenga Peak furthers these aims.

Figure IV.C-3 is a deceptive portrayal of the biological setting by not including all public protected open space in the project vicinity. Terrestrial wildlife movement does not require literally contiguous parcels of habitat, but instead habitat blocks of all sizes with some degree of permeability in between. The FEIR must revise this figure to reflect all public protected open space in the map view. Currently the figure does not even include contiguous habitat in the vicinity of Lake Hollywood. Conservancy staff will provide parkland GIS layers if requested.

DEIR Understates Resource Value of Habitat Area to be Lost

The DEIR calculates the habitat loss to occur under the proposed project as a percentage of the greater Griffith Park core habitat area to conclude that a 1.9 percent loss is less than significant. To the contrary, any single project that results in a 1.9 percent habitat loss is absolutely significant, particularly in the context of an already stressed ecosystem. This constitutes a far greater rate of resource loss than occurs in almost any other biological unit in Los Angeles County—and this from only one project. In the Hollywood Hills and Griffith Park ecosystems, the Conservancy asserts that any loss of more than five acres of any habitat type is a significant impact.

Furthermore, the habitat loss would occur in vegetation communities that comprise the most ecologically significant north slope habitat in the Griffith Park core habitat block. As a large fraction of this north slope riparian woodland and other communities, the proposed resource loss is significant. The FEIR must identify what percentage of riparian woodland and other sensitive communities in the Griffith Park core habitat area would be impacted under the proposed project and each alternative. The Conservancy believes these fractions would exceed five percent for multiple communities.

Second only to connectivity, the size of the core habitat area is the greatest issue facing the Griffith Park habitat block. As the 2007 fire demonstrated, a single stochastic disturbance can affect the entire area. Habitat size is the primary determinant of an ecosystem's resiliency against this kind of event. Unaffected areas provide critical source flora and fauna for recolonization after natural or manmade disturbances.

Most of the riparian mitigation will occur outside the Santa Monica Mountains in the upper

Mr. Adam Villani

Forest Lawn Memorial Park - Hollywood Hills Master Plan DEIR; SCH No. 2008111048

March 28, 2011

Page 5

Los Angeles River watershed. Thus this off-site mitigation does not address the reduction in habitat area within the Griffith Park core habitat area, which must be mitigated as a separate and distinct impact. To compensate for significant diminution of the Griffith Park core habitat area, additional mitigation must occur within or in close proximity to the habitat block. This mitigation can only consist of the permanent preservation of private land within the Griffith Park core habitat area or Cahuenga Pass wildlife corridor. The FEIR should offer a voluntary mitigation measure to provide a fund for the MRCA to acquire approximately 20 acres in either the movement corridor or unprotected riparian woodland habitat within the block. A rough estimate for the value of such a fund can be computed using the cost of the recent Cahuenga Peak acquisition, which was \$87,000 per acre.

On-Site Resources Must be Better Protected

The proposed habitat loss is not directly mitigated to reduce these impacts. The Conservancy asserts that minimizing on-site impacts to sensitive communities is the best course of action to reduce these impacts to be less than significant. Remaining resources on-site must be afforded the highest possible form of protection. Recordation of conservation easements in favor of the MRCA over remaining habitat, revegetated slopes, and all riparian corridors on the subject property must be a condition of approval to ensure enforceable protection in perpetuity. The Conservancy understands that the DWP easement is preexisting and would be superior to any conservation easement. The Conservancy would support any subsequent fee simple transfer of land to the City of Los Angeles Department of Recreation and Parks with an overlying conservation easement.

Fencing Must be Permeable to Mammals

The DEIR notes that existing fencing on the property's perimeter is somewhat permeable to wildlife. However, the fencing's permeability is currently left to chance and the project contains no assurances that future extensions or repairs will also be permeable to wildlife. To achieve a less than significant impact to wildlife movement, a voluntary mitigation measure should explicitly state that all new or renovated fencing greater than 1,500 feet from Forest Lawn Drive will be passable to wildlife such that mammals can access the lower reaches of Sennett Creek during the dry months.

Lighting Impacts are Adequately Addressed

The potential impact from both direct and ambient lighting is an important consideration

Mr. Adam Villani

Forest Lawn Memorial Park - Hollywood Hills Master Plan DEIR; SCH No. 2008111048

March 28, 2011

Page 6

for biological resources. The Conservancy believes that the standard of preventing artificial illumination of natural areas, as identified in the DEIR, is sufficient. Sennett Creek and its tributaries must be included in the definition of natural areas for this purpose.

Impact of Brush Clearance Not Disclosed

The DEIR references the fact that some natural areas will be brushed and asserts that this impact will be less than significant. However, the location and extent of brush clearance is not disclosed, therefore the impact cannot be effectively evaluated. The FEIR must define what brush clearing for aesthetic purposes means and show the extent of its reach into natural areas. Additionally, the FEIR must disclose whether any of the brush clearance will occur on neighboring parcels or in Griffith Park. Brush clearance areas must be evaluated by quantifying the impact by affected habitat type.

Cumulative Impacts are Not Assessed Correctly

The DEIR uses a peculiar standard for assessing cumulative impacts to biological resources. It asserts that because the project's impacts are mitigated to a level of insignificance and any other potential project would likewise be mitigated to a level of insignificance, there would be no potential for cumulative impacts. However, the distinction between a cumulative impact and a direct impact is that a cumulative impact occurs when multiple direct impacts that would otherwise be less than significant are in fact significant when considered together. A project with less than significant impacts due to off-site mitigation, as is the case with the proposed project, could very well contribute to cumulative impacts in the vicinity of the project despite that mitigation.

The FEIR must reevaluate the cumulative impacts of the proposed project in the context of an ever-shrinking core habitat area and ever-diminishing connectivity to the rest of the Santa Monica Mountains. Only then can a finding about significance be reached. It is very possible that additional mitigation may be required to address specific potential cumulative impacts to wildlife movement, habitat area, and ecosystem resilience. The habitat acquisition fund proposed above would address this potential for cumulative impacts.

Alternative 4 Represents Best Balance of Resource Protection and Cemetery Use

The Conservancy supports the identified environmentally superior alternative: Alternative

Mr. Adam Villani

Forest Lawn Memorial Park - Hollywood Hills Master Plan DEIR; SCH No. 2008111048

March 28, 2011

Page 7

4. This alternative strikes the best balance between expanding the cemetery and preserving the highest-value riparian resources. As outlined above, the on-site riparian resources are critical to the overall health of the Griffith Park core habitat area, warranting a sharp focus on impact avoidance. Alternative 4 successfully preserves multiple Sennett Creek tributaries and their associated riparian woodland habitat without unduly reducing the number of interment sites possible on the subject property. The alternative provides for 188,487 interment sites, instead of the proposed 199,614, while impacting 3.79 fewer acres of jurisdictional streambed than the proposed project. Only Alternative 5 would avoid further riparian impacts, but at the cost of a substantial reduction in interment sites.

Although Alternative 4 still results in some riparian resource loss, the extent of this loss is much reduced in comparison to the proposed project and would spare the most sensitive on-site resources. The MRCA has entered into an In-Lieu Fee Agreement in accordance with mitigation measure C-8 providing for the replacement of lost riparian resources through creation, restoration, and enhancement activities off-site, pending approval from the U.S. Army Corps of Engineers and California Department of Fish and Game. Mitigation will be determined based on a required mitigation ratio and what jurisdictional acreage is ultimately impacted by the proposed project.

The Conservancy was not notified of the release of this DEIR. Please send all future notices and other project documents to the letterhead address. If you have any questions, please contact Paul Edelman of our staff at (310) 589-3200 ext. 128.

Sincerely,

ANTONIO GONZALEZ
Chairperson