State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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Agenda Item 9(a)
SMMC
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Ms. Catalina Hernandez
City of Los Angeles, Department of Public Works
Bureau of Engineering
1149 S. Broadway, Suite 600
Los Angeles, CA 90015
Email: Catalina.Hernandez@lacity.org

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for the Citywide Cat Program, City of Los Angeles.

Dear Ms. Catalina:

The Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) for the proposed Citywide Cat Program in the City of Los Angeles ("City"). The purpose of the proposed project is the establishment of a "Cat Program" involving the citywide coordination of actions and activities that will accomplish increased spay/neuter of cats, accommodate the maintenance and improve management of cats in outdoor locations in a manner that minimizes their impacts on environmentally sensitive habitats, support members of the public with an interest in addressing nuisance issues relating to cats, facilitate public and community education on cat-related issues, and reduce cat euthanasia in the City of Los Angeles animal shelters. In addition, the proposed program includes: a minor amendment to Section 5.199 of the Los Angeles Administrative Code regarding the scope of use of the Animal Spay and Neuter Trust Fund; increasing the number of cats that may be kept without a kennel permit to five cats; allowing the feeding of free-roaming cats in colonies; and exempting cat colony operators from cat kennel permit requirements. Cat Colonies would not be allowed in Environmentally Sensitive Areas or parks. Mitigation Measures have been included to further reduce potential impacts to a less than significant level. The proposed project would be implemented throughout the City of Los Angeles by the City's Department of Animal Services, principally through the City's six animal shelters.

The Department is concerned about the impacts feral and free-roaming cats have on California's wildlife, especially given the public investment in acquisition and restoration of natural open spaces in urban and suburban areas. The City of Los Angeles has significant biological resources distributed over a wide range of habitat types. Feral and free-roaming cats are a threat to these significant biological resources. The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures. Please let Department staff know if you would like a copy of the California Wildlife Action Plan to review.

The Department is California's Trustee Agency for fish and wildlife resources, holding these resources in trust for the People of the State pursuant to various provisions of the California Fish and Game Code. (Fish & G. Code, §§ 711.7, subd. (a), 1802.) The Department submits these comments in that capacity under the California Environmental Quality Act (CEQA). (See

generally Pub. Resources Code, §§ 21070; 21080.4.) Given its related permitting authority under the California Endangered Species Act (CESA) and Fish and Game Code section 1600 et seq., the Department also submits these comments likely as a Responsible Agency for the project under CEQA. (Id., § 21069.)

The Department has the following general comments and recommendations when finalizing the proposed Cat Program.

1) The Department considers feral cats a non-native species and their impacts to wildlife to be significant. Better management is needed to protect California's unique wildlife biodiversity.

2) The Department does not support the legalization of maintaining "managed" trap, neuter, and release (TNR) free-ranging cat colonies. The cumulative impact of domestic cats on wildlife is impossible to quantify, however the growing body of literature strongly indicates that domestic cats are a significant factor in the mortality of native small mammals, birds, reptiles, and amphibians. Feral cats often receive food from humans enabling them to reach population levels that create areas of abnormally high wildlife predation. It has also been documented that well fed domestic cats prey on wildlife regularly. When the prey is a threatened or endangered species, the result could lead to extirpation or extinction. Effects of predation by domestic and feral cats are most significant in island settings (actual or isolated habitats), where prey populations are already low or stressed by other factors, such as the Los Angeles River, stormwater ponds, small channels in urban neighborhoods, etc. Cat colonies can alter the dynamics of competition with native predators, create the potential for transmission of diseases and contribute to the decline of wildlife species.

3) The Department strongly supports and encourages the humane elimination of feral cat colonies on lands with native wildlife populations and the passage and enforcement of local and state ordinances prohibiting public feeding of feral cats and release of unwanted pet or feral cats into the wild, especially on or near public or conserved lands.

4) The Department is concerned with the project's potential to increase negative effects on downstream marine species, such as otters, due to bacterial contaminants that are known to be found in cat feces. This potential disease implication on wildlife populations should be taken into consideration and evaluated prior to implementing any project that could exacerbate or magnify problems related to accumulated cat feces.

The Department has the following comments on the Mitigated Negative Declaration. The cited section of the Mitigated Negative Declaration is followed by the Department's comments for each section.

1) Section C, page 11 of 51 describes Environmentally Sensitive Areas (ESA) to include Significant Natural Areas (SNAs) as defined by the CDFW as "...areas designated as Significant Natural Areas by the California Department of Fish and Wildlife's Significant Natural Areas Program and field verified by the Department of Fish and Wildlife". The CEQA document further states on page 12 of 51:"No area of the City has been designated as a Significant Natural Area by the California Department of Fish and Wildlife's Significant Natural Areas Program and field verified by the Department of Fish and Wildlife."

The Department ceased use of the Significant Natural Area classification as a planning tool. Areas providing potential habitat for special status species should be evaluated on a case by case basis to determine current presence or absence of special status species. SNAs were previously derived from the California Natural Diversity Data Base (CNDDB) and were determined by buffering occurrence of extremely rare species or habitats or locations of multiple rare species or habitats. For this reason, appropriate use of the CNDDB can serve as a substitute for SNAs currently (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID =43527&inline=1).

2) Mitigation Measures, Section V, Page 28 of 51 states:
BIO-01 states: "Feeding at colonies will not be allowed within 1 mile of an Environmentally Sensitive Area except that feeding may be allowed nearer to (but not in) the following areas:"

   This description is not consistent with definition of "colony" as defined in Section C (h) of the CEQA document (see below) which excludes Parks as possible colony locations. BIO-01 does not but should include an adequate buffer around all parks providing habitat which supports wildlife that cats prey upon.

3) Section C (h) Amend Municipal Code to add definition of a cat colony. For these purposes, "Colony" shall mean a geographic location not in a public park or Environmentally Sensitive Area (ESA) where stray or feral cats typically live and/or where they forage or hunt for food, or are fed and generally cared for by individuals volunteering as "Caregivers," also referred to as "Caretakers." There is currently no definition of "colony."

   The MND should incorporate the requirements of state and federal law relative to natural resource protection, such as: Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section10.13).

   The Department believes that TNR and establishment of colonies may result in bird and other wildlife mortality and should be discouraged. Feral cats should be captured; those that cannot be adopted should be humanly euthanized.

   The Department concludes that if colonies are not forbidden they should be located away from all habitats that can support native bird species and other wildlife that cats prey upon.

4) BIO-02 states: "The City of Los Angeles Animal Services shall be empowered to disallow a cat colony if its presence in a given geographic area is determined to pose a danger to endangered or threatened species listed by the California Department of Fish and Wildlife."

   This provision within the MND should be for all native birds protected under the Federal Migratory Bird Treaty Act and other wildlife which cats prey upon, not just endangered or threatened species.

   BIO-02 should include endangered or threatened species listed by the United States Fish and Wildlife Service.

The Department questions whether the City will have the resources and expertise to effectively implement this measure and monitor impacts to wildlife from feral cat colony establishments. The Department recommends that the monitoring plan be developed and implemented by qualified biologists and be evaluated on an annual basis to ensure it is adequate and meets the intention of this measure.

If colonies are found to have detrimental effects on wildlife, the Department is concerned that it will be very difficult for the City to restrict or eliminate colonies once they have become established and have given support by various groups supporting TNR and colony management for feral cats. The MND should clearly state that the City is able to take action and should identify the parameters for when such an action is necessary.

5) BIO-03 states: "Every person who provides food or water to any stray or feral cat living in a colony shall take reasonable measures to prevent access to that food by any animal other than a sterilized cat."

   It is unclear exactly how this measure would be realistically monitored and carried out, the MND should state how this measure will be implemented and enforced.

   The City should consider the information presented in the "Keep It Wild" located at http://www.dfg.ca.gov/keepmewild/. The placement of food and water for stray or feral cats may create a human safety issue.

In conclusion, the Department strongly supports and encourages the humane elimination of feral cat colonies and considers the impact of feral cats on wildlife to be significant. The Department considers feral cats a non-native species that must be better managed to protect California's unique wildlife biodiversity.

Thank you for this opportunity to provide comments. Please contact Ms. Kelly Schmoker, Senior Environmental Scientist (Specialist) at (626) 278-8541 if you should have any questions and for further coordination on the proposed project.

Sincerely,

Edmund Pert
Regional Manager
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