



CEQA EXEMPTION AND ENVIRONMENTAL ASSESSMENT

COYOTE ABATEMENT PROGRAM COMMERCE, CALIFORNIA



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1. INTRODUCTION

This Notice of Exemption (NOE) is concerned with the approval and subsequent implementation of a Coyote Abatement effort. The City of Commerce City Council is considering the approval of a contract with Animal Pest Management Services, Inc. Both the City Council's resolution approving the Professional Services Agreement and the implementation of the work program to proceed with the extermination of the coyotes is the subject of this Notice of Exemption (NOE) and the Environmental Assessment (EA). For this "project," the City of Commerce in its capacity as Lead Agency, determined that the Coyote Abatement effort would qualify for a General Rule Exemption (CEQA Guidelines, § 15061 [Review for Exemption], subd. (B)(3)). In addition, the services that will be performed by the underlying agreement qualify for a Statutory Exemption (Emergency Project).¹ According to the CEQA Guidelines, a NOE must contain the following information:

- A description of the proposed action or project;
- A finding that the proposed action or project is exempt, including a citation of the State CEQA Guidelines section or statute under which the project is found to be exempt; and,
- A brief statement in support of the finding.²

In addition, this NOE indicates the applicable sections of CEQA that support the findings for the CEQA exemption, and discusses the Lead Agency's findings that are applicable to the proposed project. This NOE also includes a discussion of the environmental effects that support the NOE's findings for no impacts. This NOE represents the City's independent judgment and position of the City of Commerce, acting as the Lead Agency.

2. PROJECT DESCRIPTION

2.1 PROJECT BACKGROUND

This Notice of Exemption (NOE) is concerned with the approval and subsequent implementation of a Coyote Abatement effort. The City of Commerce City Council is considering the approval of a contract with Animal Pest Management Services, Inc. During the past several months, there have been a number of wild coyotes observed in the City of Commerce, including two incidents where the coyotes attacked domesticated pets.

¹ Such emergency fall within statutory exemptions and constitute "[s]pecific actions necessary to prevent or mitigate an emergency." (Guidelines, § 15269, subd. (c).) "Emergency" means "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health...." (Guidelines, § 15359; see also Guidelines, § 15269, subd. (c) [not included are long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term].)

² CEQA Guidelines California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions. (Section 15300).



The incidents reported in Commerce over the past several months include the following:

- During the week of March 23, 2017, the local newspaper reported a small dog was attacked and killed in the “Village” residential neighborhood.³
- During the week of March 20, a dog was attacked in the Rosewood neighborhood.⁴
- A review of the University of California “Coyote Cashier,” there were three reported sightings of coyotes in the City during the past month. Two sightings were in the Rosewood residential neighborhood (Bartmus Street and Fidelia Avenue) and the third sighting was near Telegraph Road near the Commerce Casino.

Commerce residents have expressed extreme concern regarding the presence of coyotes in the City. The City has seen an increase in the number of coyote sightings and complaints relating to aggressive coyotes. It appears as though the coyotes are becoming bolder and have less fear of human interaction. This revelation is very troubling to staff. While coyote attacks on humans are uncommon and rarely cause serious injuries, such attacks have become more frequent in recent years especially in California. In the 30 years leading up to March 2006, at least 160 attacks occurred in the United States were recorded most of which occurred in the Los Angeles County. Urban coyotes are losing their fear of humans, which is further worsened by people intentionally or unintentionally feeding coyotes. In such situations, some coyotes have begun to act aggressively toward humans, chasing joggers and bicyclists, confronting people walking their dogs, and stalking small children.⁵

The coyote (*Canis latrans*) is a canine species that is native to North America. The coyote is smaller than its closest canine relative, the gray wolf, and is slightly smaller than its other close relatives, the eastern wolf and the red wolf. It is listed as “least concern” by the *International Union for Conservation of Nature* due to its widespread distribution and abundance throughout the North American continent. This species is versatile and able to adapt to environments modified by humans. The average male coyote weighs between 18 to 44 pounds and the average female weighs between 15 to 40 pounds.

2.2 PROJECT LOCATION AND ENVIRONMENTAL

The geographic area where the coyote abatement activities will potentially occur includes the entire City. The City of Commerce is located approximately six miles southeast of downtown Los Angeles and is bounded by Montebello on the east; unincorporated East Los Angeles on the north; the cities of Vernon, Bell, and Maywood on the west; and the City of Bell Gardens on the south. The project area’s location in the City is shown in Exhibit 1. The City is completely urban as are the surrounding communities.

³ Eastern Group Publications, Inc. March 23, 2017.

⁴ City of Commerce. City Website, *Coyote Attacks Dog in Commerce*. March 20, 2017.

⁵ University of California, Statewide Integrated Pest Management Program. *Coyote*. March 2007.

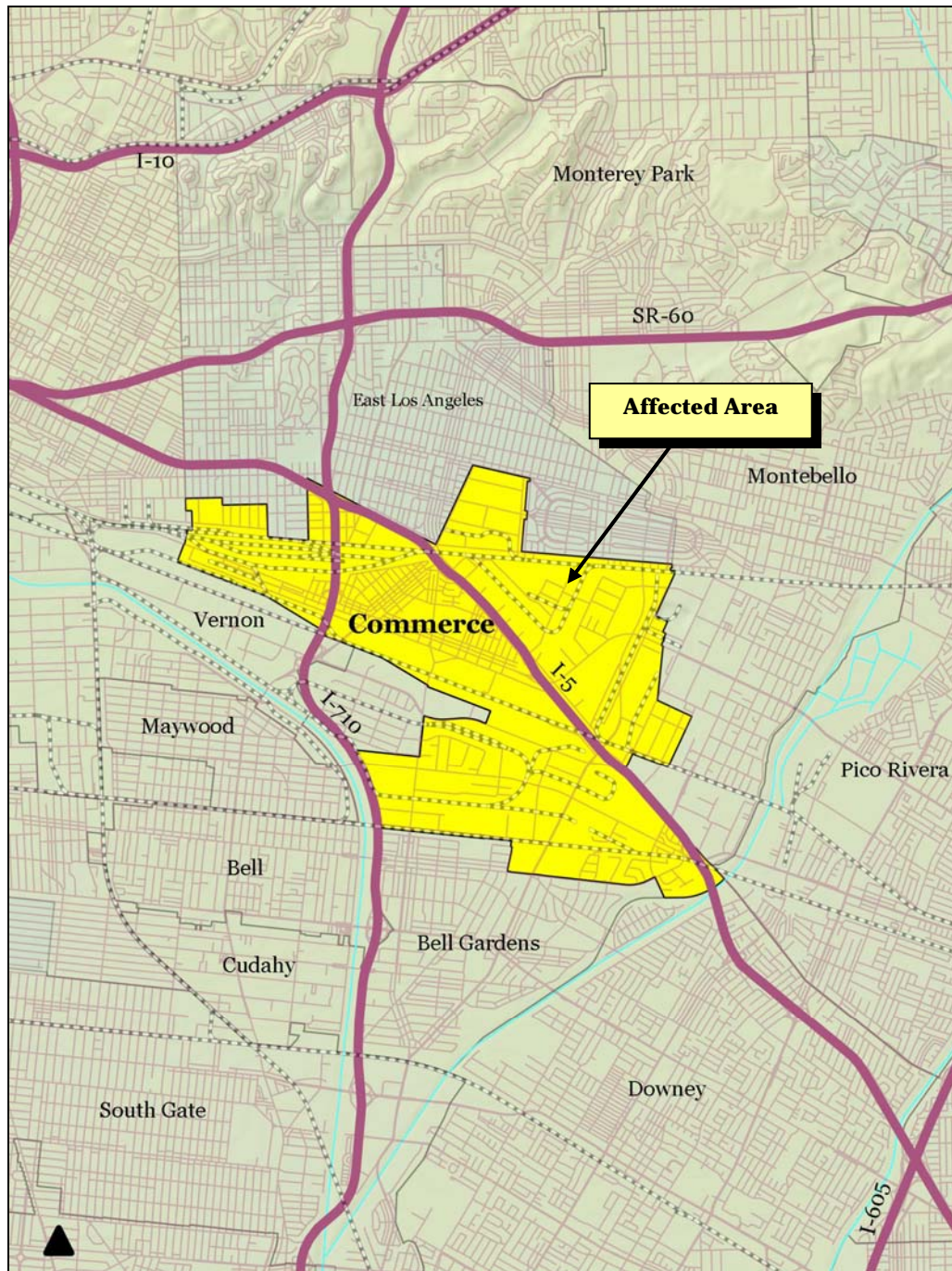


EXHIBIT 1
CITY OF COMMERCE
Source: Quantum GIS



2.4 PROJECT DESCRIPTION

This Notice of Exemption (NOE) is concerned with the approval and subsequent implementation of a Coyote Abatement Program. Aggressive coyotes cannot typically be managed by precautionary actions alone, such as trapping. Shooting, rather than trapping, will be required to better manage the population and to remove animals that have lost their fear of humans.⁷ This method allows for aggressive coyotes to be removed as the remaining coyotes sense the change and have a natural fear instilled back into them. The use of cage traps is not recommended for a successful abatement program. The use of gages for trapping the animals are ineffective in the removal of problem coyotes and can even inhibit future trapping efforts by creating trap shyness in the coyote population.⁸ An important part of a Coyote Abatement Program that would contribute significantly to its success is encouraging residents to be aware of coyotes and take certain precautions around their homes.

- Residents should keep their pets indoors at night and early morning.
- Residents must always monitor small pets while they are outdoors and keep them on a leash.
- Residents should feed their pets indoors or promptly remove pet food/water after pets are finished eating.
- Residents should never leave small children unattended in areas where coyotes may be frequenting.

Animal Pest Management Services, Inc. also recommends that the Coyote Abatement Program be performed each year during the first four (4) months before the young are born to keep the coyote population at a controlled level.

3. APPLICABLE CEQA EXEMPTIONS

The City of Commerce has determined that the proposed project qualifies for a Statutory Exemption and a Categorical Exemption.

3.1 STATUTORY EXEMPTION (EMERGENCY PROJECT)

Emergency projects fall within statutory exemptions and constitute “[s]pecific actions necessary to prevent or mitigate an emergency” (CEQA Guidelines, § 15269, subd. (c)). Within this context, “Emergency” means “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health” (Guidelines, § 15359; also refer to the CEQA Guidelines, § 15269, subd. (c)). In the City of Commerce, coyote sightings and attacks have recently increased and have a strong probability of occurrence in the short-term. Natural sources of food are

⁷ Animal Pest Management Services, Inc. *Coyote Control in the City of Commerce*. April 25, 2017.

⁸ Ibid.



apparently minimal in Commerce. As a result, coyotes have become more aggressive, including following residents while they walk with their pets and patrons of businesses within the City. The situation poses a serious threat of harm to residents, their pets, and visitors to the City. The underlying agreement is necessary to address the rising threat posed by coyotes.

3.2 CLASS 8 CATEGORICAL EXEMPTION (ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT)

A Class 8 Categorical Exemption consists of actions taken by regulatory agencies, as authorized by State or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The agreement is exempted by section 15308 of the CEQA Guidelines, as the agreement and approving resolution constitute regulatory action by the City pursuant to its police power to assure maintenance, enhancement, and protection of the environment. “Environment” as defined by CEQA “means the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, or objects of historic or aesthetic significance” (CEQA Guidelines, § 15360.). The local environment is impacted by the presence of aggressive animals that threaten families’ ability to use the outdoors, and place them in fear that they or their pets could be physically harmed. The agreement and corresponding resolution are for the protection of that environment.

3.3 SECTION 15061(B)(3) GENERAL RULE EXEMPTION.

The City of Commerce has reviewed the Coyote Abatement Program and has determined that it is exempt according to the “General Rule” clause located under Section 15061(b)(3) of the CEQA Guidelines. According to Guidelines §15061(b)(3):

“An activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Section 4 herein provides the necessary information and substantial evidence in support of the requisite findings. It can be seen with certainty that the Coyote Abatement Program as contemplated herein will not have a significant effect on the environment.⁹

4. FINDINGS SUPPORTING THE APPLICABLE CEQA EXEMPTION

The City of Commerce determined, following a preliminary evaluation of the proposed Coyote Abatement Program, that the proposed undertaking would not result in any significant effects on the environment. This determination is based on the following findings identified on the following pages.

⁹ CEQA Guidelines California Code of Regulations, Title 14, Division 6, Chapter 3, Article 5. Preliminary Review of Projects and Review for Exemption. (Section 15061).



4.1 LAND USE COMPATIBILITY

The area that is subject to the Coyote Abatement Program is located within an urban environment. The proposed Coyote Abatement Program will not involve any new construction. No physical changes to the environment will occur with the implementation of the Coyote Abatement Program.

4.2 PROJECT SITE LOCATION

The land area affected by the Coyote Abatement Program is located within the City of Commerce. No new land area will be required to implement the proposed project.

4.3 HABITAT VALUE

The City in its entirety is urban and no natural habitat is found within the land area that is subject to the Coyote Abatement Program. The affected area is not conducive for the survival of any special status species due to the lack of suitable riparian habitat. According to the California Department of Fish and Wildlife, the entire City falls under the category of “urban development.” No impacts will occur with the implementation of the Coyote Abatement Program.

4.4 TRAFFIC, NOISE, AIR QUALITY, AND WATER QUALITY

The approval of the proposed Coyote Abatement Program would not result in any significant effects relating to traffic, noise, air quality, or water quality. These issue areas are discussed in the subsections that follow.

4.4.1 Traffic

The Coyote Abatement Program will not lead to any additional traffic generation. No impacts will occur with the implementation of the proposed project.

4.4.2 Noise

The project site is located within an urbanized setting and the ambient noise characteristics reflect the surrounding urban environment. Limited noise will be related to Coyote Abatement Program. Adherence to the City’s noise control regulations will mitigate any potential noise impacts. No impacts will occur with the implementation of the Coyote Abatement Program.

4.4.3 Air Quality

No short-term or long-term operational emissions will occur. No impacts will occur with the implementation of the Coyote Abatement Program.



4.4.4 Water Quality

The Coyote Abatement Program will not change the amount of pervious and impervious surfaces located within the project area. As a result, no impacts are anticipated.

4.5 PUBLIC SERVICES

The area that is subject to the Coyote Abatement Program is located within an urban environment. The proposed project will not involve any new construction. The Coyote Abatement Program will not result in any adverse impacts to the Los Angeles Fire Department, Los Angeles County Sheriff's Department, educational services, or other governmental services. No impacts will occur with the implementation of the Coyote Abatement Program.

4.6 UTILITIES

The area that is subject to the Coyote Abatement Program is located within an urban environment. The proposed project will not involve any new construction and no impacts will occur with the implementation of the Coyote Abatement Program.

4.7 ADDITIONAL FINDINGS

Furthermore, the City of Commerce makes the following additional findings in support of a CEQA exemption for the proposed project:

- No dislocation of on-site or off-site structural improvements will be required to accommodate the Coyote Abatement Program.
- The land area that is potential subject to the Coyote Abatement Program does not contain any sensitive environmental resources.
- The geographic area subject to the Coyote Abatement Program is located within an urbanized area of the City of Commerce. No scenic resources or scenic corridor will be affected by the proposed Program.
- The Coyote Abatement Program will not impact any site listed on the Department of Toxic Substances Control (DTSC) or the Secretary for Environmental Protection as identified as being affected by hazardous wastes.
- The proposed Coyote Abatement Program will not result in any adverse impacts on historic resources.
- The proposed Coyote Abatement Program will not require any approvals by a State agency.



Section 15300.2 of the CEQA Guidelines (Exceptions) provides conditions under which categorical exemptions are inapplicable. As described in the section below, none of the exceptions apply to the project.

- The affected area subject to the Coyote Abatement Program includes and is surrounded by urban development. The affected area has not been designated as a sensitive or biological site and no sensitive or biological resources have been identified. The affected area does not contain any designated, previously mapped, or officially adopted species of critical concern. Therefore, the project will not have the potential to adversely impact sensitive or biological resources.
- No new development will occur as part of the implementation of the Coyote Abatement Program. Therefore, no cumulative impacts will be expected to result from the proposed project.
- There are no known unusual circumstances associated with the project. Additionally, the Coyote Abatement Program implementation has been designed and will be implemented in compliance with all relevant regulations and policies in order to avoid potentially significant impacts to environmental resources. Therefore, it is not anticipated that the Coyote Abatement Program will have a significant effect on the environment due to unusual circumstances.
- The affected area subject to the Coyote Abatement Program is fully developed does not contain any scenic rock outcroppings. Lastly, the project site does not contain any buildings listed in the State or National registrar.
- The Coyote Abatement Program will not impact any site that is included on a list compiled pursuant to Section 65962.5 of the Government Code (a Cortese site).
- The affected area subject to the Coyote Abatement Program does not contain any known historic resources. In addition, the project's implementation will not require any grading or earth moving activities.

Based on the analysis provided in this Notice of Exemption, the project meets and complies with the conditions and requirements of CEQA Guidelines.

5. DISCUSSION OF LEAD AGENCY'S FINDINGS

The City of Commerce may make the following findings with regard to the proposed project's exemption from the environmental review requirements outlined in CEQA:

- The proposed Coyote Abatement Program will specifically address a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life and/or health.
- The proposed Coyote Abatement Program will not result in any dislocation of land uses.



- The proposed Coyote Abatement Program does not have a possibility of creating any significant environmental effects. The basis for this determination was discussed in the preceding section.
- The proposed Coyote Abatement Program will not result in any impacts to sensitive resources.
- The proposed Coyote Abatement Program will not result in any cumulative impacts; have the potential for damaging scenic resources; involve the placement of a project over a site the Department of Toxic Substances Control (DTSC) and the Secretary for Environmental Protection has identified as being affected by hazardous waste; or result in any impacts on historic resources.¹⁰

City of Commerce

Date

¹⁰ Guidelines for the Implementation of the California Environmental Quality Act, Article 5. § 15061(b)(3).