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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

Via Electronic Mail Only

**Feb 04 2022**

February 4, 2022

**STATE CLEARINGHOUSE**

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**Subject: Negative Declaration for the City of Rolling Hills 2021-2029 Housing Element Update and Safety Element Update, SCH #2022010176, City of Rolling Hills, Los Angeles County**

Dear Ms. Boyd:

The California Department of Fish and Wildlife (CDFW) has reviewed a Negative Declaration (ND) from the City of Rolling Hills (City) for the City of Rolling Hills 2021-2029 Housing Element Update and Safety Element Update (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

### **CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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## Project Description and Summary

**Objective:** The Project proposes to update both the Housing Element and Safety Element of the City's General Plan.

*Housing Element Update:* State housing element law requires housing elements to be updated regularly to reflect a community's changing housing needs. A critical measure of compliance is the ability of a jurisdiction to accommodate its share of the regional housing needs based on a Regional Housing Needs Allocation (RHNA). The RHNA is prepared by California Department of Housing and Community Development for each Council of Governments. The City's RHNA for the 6<sup>th</sup> Cycle 2021-2029 Housing Element Update is 45 units. This includes 20 very low-income units, 9 low-income units, 11 moderate income units, and 5 above moderate income units. The Housing Element Update will consist of the following major components:

- A review of the prior housing element and goals that were accomplished (Section 2, Evaluation of Prior Housing Element);
- An assessment of housing needs including profile and analysis of the City's demographics, housing characteristics, and existing and future housing needs (Section 3, Housing Needs Assessment);
- An assessment of resources available to meet the City's objectives regarding housing production and preservation. Resources include land available for new construction and redevelopment, as well as financial and administrative resources available (Section 4, Housing Sites);
- A review of the constraints to housing production and preservation. Constraints include potential market, governmental policy, and environmental limitations to meeting the City's identified housing needs (Section 5, Constraints to Housing Production); and,
- A statement of the housing plan to address the City's identified housing needs, including housing goals, policies, and programs (Section 6, Housing Goals, Policies, Objectives, and Programs).

*Safety Element Update:* The Safety Element Update addresses hazards of concern relevant to the City. Hazards within the City include landslides, seismic activity, flooding, wildland and urban fires, and hazardous materials. The Safety Element Update provides goals, policies, and implementation measures to minimize these hazards.

**Location:** The Project would apply to the entire City. The City is a rural, equestrian residential community, consisting entirely of large lot residential parcels of one acre or more. The City encompasses 2.99 square miles (approximately 1,910 acres) on the Palos Verdes Peninsula in Los Angeles County.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

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## Specific Comments

### Comment #1: Impacts on Biological Resources

**Issue:** Development facilitated by the Project could impact biological resources.

**Specific impacts:** The City has identified 20 developable vacant sites to meet the City's RHNA of above moderate-income units (Attachment B). Development of any those 20 vacant sites could impact biological resources. Development of all 20 sites could result in approximately 75 acres of habitat loss. Biological resources that could be impacted by development facilitated by the Project includes, but is not limited to, the following (Table 1; Attachment B):

**Table 1.** Biological resources that could be impacted by development facilitated by the Project. This is not an exhaustive list of biological resources that could be impacted nor all plants, wildlife, and natural communities that occur/could occur in the City.

#### Wildlife

| Common name                    | Scientific Name                               | Status  |
|--------------------------------|---|---------|
| coastal California gnatcatcher | <i>Polioptila californica californica</i>     | FT, SSC |
| coastal cactus wren            | <i>Campylorhynchus brunneicapillus cousei</i> | SSC     |
| El Segundo blue butterfly      | <i>Euphilotes battoides allyni</i>            | FE      |
| Palos Verdes blue butterfly    | <i>Glaucopsyche lygdamus palosverdesensis</i> | FE      |

#### Plants

| Common name                        | Scientific Name                      | Status    |
|------------------------------------|--------------------------------------|-----------|
| aphanisma                          | <i>Aphanisma blitoides</i>           | CRPR 1B.2 |
| south coast saltscare              | <i>Atriplex pacifica</i>             | CRPR 1B.2 |
| Catalina crossosoma                | <i>Crossosoma californicum</i>       | CRPR 1B.2 |
| Island green dudleya               | <i>Dudleya virens ssp. insularis</i> | CRPR 1B.2 |
| Santa Catalina Island desert-thorn | <i>Lycium brevipes var. hassei</i>   | CRPR 3.1  |
| woolly seablite                    | <i>Suaeda taxifolia</i>              | CRPR 4.2  |

#### Natural communities

|                                       |  |          |
|---------------------------------------|--|----------|
| woodlands (oak and California walnut) | <i>Quercus</i> genus Woodland Alliance, <i>Juglans californica</i> Woodland Alliance   | S4, S3.2 |
| coastal sage scrub                    | <i>Artemisia californica-Salvia mellifera</i> Shrubland Alliance, <i>Encelia californica</i> Shrubland Alliance, <i>Salvia apiana</i> Shrubland Alliance | S3, S4   |
| riparian scrub                        | <i>Salix</i> genus Shrubland Alliance  | S3, S4   |
| southern coastal bluff scrub          |  |          |
| coast prickly pear scrub              | <i>Optunia littoralis</i> Shrubland Alliance   | S3       |
| grasslands                            |  |          |

FE: Federally endangered

FT: Federally threatened

SSC: California Species of Special Concern

CRPR: California Rare Plant Rank (CNPS 2022a)

CRPR 1B: rare throughout their range, endemic to California; declined significantly over the last century

CRPR 3: lacking the necessary information to assign one of the other ranks or to reject them

CRPR 4: limited distribution or infrequent throughout a broader area in California

S: State Rank (Sawyer et al. 2009)

S3: 21-100 viable occurrences worldwide/statewide

S4: greater than 100 viable occurrences worldwide/statewide

0.2: threatened

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**Why impacts would occur:** The 20 vacant sites identified by the City would accommodate single-family units. These vacant sites currently are open space/natural areas. Future housing development facilitated by the Project would require open space/natural areas to be substantially graded and disturbed. This could result in removal of vegetation, trees, and habitat supporting plants and wildlife. Furthermore, development could impact biological resources within Significant Ecological Areas (Attachment B). Impacts on biological resources could extend beyond the immediate development footprint because development of a site could likely require fuel modification and grading to mitigate the effects of fire and landslide hazards.

**Evidence impact would be significant:** The Project would result in direct physical changes to the environment and substantially degrade the quality of the environment. Development facilitated by the Project would occur on vacant sites that are open space and natural areas. Development resulting in habitat degradation could impact biological resources, including plant and/or wildlife species that is listed under the Endangered Species Act (ESA), a SSC, or a rare species (Table 1).

- *ESA-listed species:* Impacts on ESA-listed species requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.
- *SSC:* A [California Species of Special Concern](#) meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, impacts on SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). An SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:
  - is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
  - is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
  - is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
  - has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022a).
- *Rare Plants:* Plants with a CRPR of 1B meet the definition of endangered, rare, or threatened species (CNPS 2022a). Plants with a CRPR of 4 may meet the definition of endangered, rare, or threatened species. Therefore, impacts on rare plants could require a mandatory finding of significance.
- *Sensitive Natural Communities:* CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2022b). Impacts on sensitive natural communities could require a mandatory finding of significance.

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The Project's potential impacts on biological resources, especially rare, sensitive, or special status species, as well as sensitive natural communities, requires a mandatory finding of significance. However, the Project's ND concludes that there will be no impacts. Development facilitated by the Project could substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species [CEQA Guidelines, § 150565(a)(1)]. For example, the Palos Verdes blue butterfly is restricted to open coastal sage scrub habitat on the Palos Verdes Peninsula. The Project resulting in the development and loss of open coastal sage scrub habitat could therefore have a significant effect on biological resources in accordance with CEQA Guidelines section 150565(a)(1). Furthermore, the Project has possible environmental effects that are individual limited but cumulatively considerable [CEQA Guidelines, § 150565(a)(3)].

The ND does not provide measures to mitigate for the Project's potentially significant impacts on rare, sensitive, or special status species, as well as sensitive natural communities. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species, or a Sensitive Natural Community, in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS).

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** Applicants of future development projects should be required to prepare a Biological Resources Assessment (BRA). The BRA should be prepared by a qualified biologist. A qualified biologist should conduct field surveys of the project site and focused plant and wildlife surveys. Focused species-specific surveys should be required if suitable habitat is present and performed according to established [Survey and Monitoring Protocols and Guidelines](#) (CDFW 2021c). The BRA should characterize the biological resources on site, analyze project-specific impacts to biological resources, and propose appropriate mitigation measures to offset those impacts. The BRA should provide the following information:

- 1) A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of land around the project site should also be addressed. A nine-quadrangle search of CDFW's [California Natural Diversity Database](#) (CNDDDB) should be conducted to obtain current information on any previously reported sensitive species and habitat (CDFW 2022d);
- 2) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where project construction and activities could lead to direct or indirect impacts off site;
- 3) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The [Manual of California Vegetation](#) (MCV), second edition, should be used to inform this mapping and assessment (Sawyer et al. 2009);

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- 4) A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society (CNPS) [Online Inventory of Rare and Endangered Plants of California](#) (CNPS 2022b) as well as the Calflora's [Information on Wild California Plants](#) database (Calflora 2022);
- 5) A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]; and,
- 6) Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.

**Mitigation Measure #2:** Development projects that would impact species listed under CESA and/or ESA should be required to obtain appropriate take authorization from CDFW and/or USFWS prior to the City's issuance of a grading permit.

**Mitigation Measure #3:** If a rare plant species or a Sensitive Natural Community is detected, the project applicant should fully avoid impacts. The project applicant should retain a qualified biologist to develop an avoidance plan. An avoidance plan should be submitted to the City prior to any grading or vegetation removal.

If the project cannot feasibly avoid impacts to rare plants and habitat, or sensitive natural communities, either during project activities or over the life of the project, the project applicant should provide compensatory mitigation for the loss of individual plants and habitat acres, which should include impacts due to fuel modification and landslide remediation. Impacts on vegetation due hazard mitigation should also be mitigated as these impacts would result in permanent loss and perpetual impacts on habitat function and quality. The project applicant should provide compensatory so that there is no net loss of rare plants and habitat, or sensitive natural communities. Compensatory mitigation should be appropriate for the extent of permanently disturbed habitat. Compensatory mitigation should be higher for impacts on CRPR 1 species, S1 or S2 Sensitive Natural Community, and Sensitive Natural Community with an additional rank of 0.1 or 0.2. Compensatory mitigation should be implemented by a qualified restoration ecologist. A Restoration Plan, at a minimum, should include success criteria and performance standards for measuring the establishment of rare plants and habitat, responsible parties, maintenance techniques and schedule, 5-year monitoring and reporting schedule, adaptive management strategies, and contingencies. A Restoration Plan should be submitted to the City prior to any grading or vegetation removal.

**Recommendation #1:** CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species that results from a project is prohibited, except as authorized by State law (Fish & G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consequently, if a project, project construction, or any project-related activity for the duration of the project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends the project applicant seek appropriate take authorization under CESA prior to implementing/continuing the project. Appropriate authorization from CDFW may include an Incidental Take Permit or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may

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require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

**Recommendation #2:** The City's [Open Space and Conservation Element](#) sets forth goals to conserve and enhance the City's natural resources. The City's Open Space and Conservation Element states that conversion of land use often endangers sensitive resources and open space lands, and the City is committed to maintaining a balance of preservation and development. Yet, the City's current [Zoning Map](#) shows the entire City zoned for residential development (City of Rolling Hills 1990). CDFW recommends the City consider conserving sites 6 through 14 and 31 through 34 as large continuous open space for preservation of natural resources, habitats, natural vistas, canyons, and corridors benefiting local and transient wildlife populations (Attachment B). CDFW recommends the City protect from development sites that overlap with critical habitat, Significance Ecological Areas, and streams (Attachment B). Finally, CDFW recommends the City consider focusing development the northern part of the City where impacts on biological resources would be minimized and focus development where it already exists.

#### **Comment #2: Impacts on Coastal California Gnatcatcher**

**Issue:** Development facilitated by the Project could impact coastal California gnatcatcher.

**Specific impacts:** Housing development during the coastal California gnatcatcher breeding and nesting season could result in the incidental loss of fertile eggs or nestlings. In addition, development facilitated by the Project could result in permanent loss of coastal California gnatcatcher habitat.

**Why impacts would occur:** Fourteen of 20 developable vacant sites identified by the City overlap with critical habitat for the coastal California gnatcatcher (Attachment B; USFWS 2021a). Where a development project would occur within or adjacent to suitable habitat, the project could impact coastal California gnatcatcher. Construction would create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These activities occurring near potential nests could cause birds to abandon their nests and a decrease in feeding frequency, both resulting in the loss of fertile eggs or nestlings. Accordingly, the Project would have an impact on coastal California gnatcatcher. In addition, a development project would require grading and vegetation removal in the project site and adjacent areas for fuel modification and/or landslide remediation. Accordingly, development may result in permanent loss of coastal California gnatcatcher habitat. The quality and function of nesting habitat in areas adjacent to a project site could also be permanently impacted by project-facilitated edge effects such as ambient nighttime lighting and spread of invasive, non-native species.

**Evidence impact would be significant:** The Project could result in impacts on coastal California gnatcatcher. Impacts on ESA-listed species and SSC requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). The Project's ND does not provide measures to mitigate for potentially significant impacts on coastal California gnatcatcher. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or

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special-status species in local or regional plans, policies, or regulations, or by CDFW and USFWS.

In addition, nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Fish and Game Code section 3503 states, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird." Fish and Game code section 3503.5 prohibits the take, possession, or destruction of birds-of-prey and their nests or eggs. Also, take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 is prohibited under Fish and Game Code section 3513. As such, impacts on nesting birds and raptors, either directly or indirectly through nest abandonment, reproductive suppression, or loss of occupied nesting habitat, would be a significant impact under CEQA.

**Recommended Potentially Feasible Mitigation Measure(s):** In addition to Mitigation Measure #2, #9, and #10 in this letter, CDFW recommends the mitigation measures below:

**Mitigation Measure #4:** Where a project site and areas adjacent to the project has suitable habitat for coastal California gnatcatcher, applicants of future development projects should be required to retain a qualified permitted biologist to survey for coastal California gnatcatcher and prepare an impact assessment. The qualified biologist should survey the project site and adjacent areas to determine presence/absence of coastal California gnatcatcher. The qualified biologist should conduct surveys according to USFWS [Coastal California Gnatcatcher \(\*Poliophtila californica californica\*\) Presence/Absence Survey Guidelines](#) (USFWS 1997). The protocol should be followed for all surveys unless otherwise authorized by the USFWS in writing (USFWS 1997). Survey results should be provided to USFWS per protocol guidance. Survey results, including negative findings, and an impact assessment should be conducted prior to the City's issuance of a grading permits.

**Mitigation Measure #5:** Applicants of future development projects should be required to provide compensatory mitigation for impacts to coastal California gnatcatcher habitat in addition to mitigation required by USFWS to prevent temporal or permanent habitat loss.

### **Comment #3: Impacts on Streams and Associated Natural Communities**

**Issue:** Development facilitated by the Project could impact streams and associated natural communities.

**Specific impacts:** Construction of housing may result in erosion and earth movement that could impair streams, whether ephemeral, intermittent, or perennial. Construction of housing may necessitate streams to be channelized or diverted from their natural course of flow. Construction of housing may require vegetation along streams to be removed, or may degrade vegetation through habitat modification (e.g., loss of water source, encroachment, and edge effects leading to introduction of non-native plants).

**Why impacts would occur:** The City consists of canyons of the San Pedro Hills, and within these canyons are streams, whether ephemeral, intermittent, or perennial (Attachment B, USFWS 2021b). Most of the developable sites identified by the City are located adjacent to streams. Construction of housing would result in ground-disturbing activities (e.g., excavation, pile driving, paving, grading) and vegetation removal. This includes ground-disturbing activities



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and vegetation removal potentially required for fuel modification and landslide remediation. Ground-disturbing activities and vegetation removal could result in erosion. Excess sediment transported downslope could impair streams and herbaceous vegetation. Herbaceous vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. Therefore, housing projects that would impact vegetation adjacent to streams, but not the stream itself, could still impact the watercourse. In addition, housing projects may require streams to be channelized or diverted from their natural course of flow.

**Evidence impacts would be significant:** CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake<sup>1</sup>;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources. The Project may result in significant impacts on streams and associated natural communities if development facilitated by the Project would be in close proximity to these resources. The Project's ND does not provide measures to mitigate for potentially significant impacts. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on fish and wildlife resources, including rivers, streams, or lakes and associated natural communities identified by CDFW.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #6:** Applicants of future development projects that are located adjacent to a river, stream, or lake should be required to prepare a jurisdictional delineation<sup>2</sup> and impact assessment provided along with the project's Biological Resources Assessment.

**Mitigation Measure #7:** If such features are present and may be impacted by the future development, then the project should be required to avoid impacts by implementing appropriate vegetative buffers and/or setbacks adjoining the stream or wetland feature to reduce impacts of the project on these resources.

**Mitigation Measure #8:** If avoidance is not feasible, the project applicant should be required to notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW

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<sup>1</sup> "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

<sup>2</sup> Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

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prior to the City's issuance of a grading permit. The project applicant should comply with the mitigation measures detailed in a LSA Agreement issued by CDFW. The project applicant should also provide compensatory mitigation at no less than 1:1 for the impacted stream and habitat acreage, or at a ratio acceptable to CDFW.

Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2021b).

**Recommendation #3:** CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on- and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

#### **Comment #4: Impacts on Nesting Birds**

**Issue:** Development facilitated by the Project could impact nesting birds and raptors directly or through habitat loss and modification.

**Specific impacts:** Construction of housing during the nesting bird season could cause nesting birds to abandon their nests and a decrease in feeding frequency. This could result in loss of fertile eggs and nestlings. In addition, development facilitated by the Project could result in loss of nesting habitat or degrade habitat quality and function in areas adjacent to a project.

**Why impacts would occur:** Vegetation found in all 20 developable sites could provide suitable nesting habitat for birds and raptors. Some of these sites may contain woodlands such as oak woodlands. Oak woodlands have higher levels of biodiversity than any other terrestrial ecosystem in California. Over 330 species of birds, mammals, reptiles, and amphibians depend on oak woodlands in California at some stage in their life cycle (CalPIF 2002). Large oak trees in oak woodland habitats are important for cover, nesting sites for cup nesting species and cavity nesting species, as well as caching sites for birds storing acorns (CalPIF 2002).

Where a development project would occur within or adjacent to suitable habitat, the project could impact nesting birds and raptors. Construction would create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These activities occurring near potential nests could cause birds to abandon their nests and a decrease in feeding frequency, both resulting in the loss of fertile eggs or nestlings. Accordingly, nesting birds and raptors would be impacted. In addition, a development project would require grading and vegetation removal in the project site and adjacent areas for fuel modification and/or landslide remediation. Accordingly, development may result in permanent loss of nesting habitat. The quality and function of nesting habitat in areas adjacent to a project site could also be

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permanently impacted by project-facilitated edge effects such as ambient nighttime lighting and spread of invasive, non-native species.

**Evidence impact would be significant:** The Project could result in impacts on nesting birds, including ESA-listed species of birds and SSC (i.e., coastal California gnatcatcher and coastal cactus wren). Impacts on ESA-listed species and SSC requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). In addition, nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Fish and Game Code section 3503 states, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird." Fish and Game code section 3503.5 prohibits the take, possession, or destruction of birds-of-prey and their nests or eggs. Also, take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 is prohibited under Fish and Game Code section 3513.

Impacts on nesting birds and raptors, either directly or indirectly through nest abandonment, reproductive suppression, or loss of occupied nesting habitat, would be a significant impact. The Project's ND does not provide measures to mitigate for potentially significant impacts on nesting birds. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species by CDFW and USFWS.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #9:** Future development projects requiring vegetation disturbance and/or removal, and/or are adjacent to suitable nesting habitat should be required to avoid impacts on nesting birds by conducting all project-related activities between September 1 through January 31, outside of the nesting bird season.

**Mitigation Measure #10:** If construction must occur during the bird nesting season, project applicants should be required to retain a qualified biologist to survey suitable nesting habitat for nesting birds on the project site and within 100 feet from the project site to the extent allowable and accessible. A qualified biologist should conduct a nesting bird survey no more than 7 days prior to any ground and vegetation disturbing activities. If project activities are delayed or suspended for more than 7 days during the nesting bird season, a qualified biologist should repeat nesting bird surveys before the project can recommence.

No-disturbance buffers should be established to minimize impacts on any nests and nestlings. No-disturbance buffers should be maintained until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

**Mitigation Measure #11:** Future development projects removing habitat for nesting birds should be required to restore or replace habitat in-kind and on site if feasible to prevent temporal or permanent habitat loss. Projects should provide replacement habitat for both individual trees and habitat acres.

#### **Comment #5: Impacts on Bats**

**Issue:** Development facilitated by the Project could impact bats.

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**Specific impacts:** Construction of housing may result in direct and indirect impacts to bats. Direct impacts include removal of trees and structures occupied by roosting bats. This could result in injury or mortality to bats as well as loss of roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

**Why impacts would occur:** California has the fourth highest diversity of bat species in the United States, with 25 species representing three families. Twenty-four of these species occur in the south coast ecoregion of the State, indicating the importance of the region to bat diversity (Miner and Stokes 2005). The major threat to bats in the south coast ecoregion is habitat loss (especially riparian and oak woodland habitats) due to urban expansion as well as extermination or disturbance of bat colonies.

Vegetation found in all 20 developable sites could provide suitable roosting habitat for bats. Some of these sites may contain riparian and oak woodland habitats. Where a development project would occur within or adjacent to suitable habitat, the project could impact bats and roosts. Construction would create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance. These activities as well as the reconfiguration of large objects can lead to the disturbance of roosting bats which may have a negative impact on the animals. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Human disturbance can lead to a change in humidity, temperatures, or the approach to a roost that could force the animals to change their mode of egress and/or ingress to a roost. Although temporary, such disturbance can lead to the abandonment of a maternity roost (Johnston et al. 2004). In addition, a development project would require grading and vegetation removal in the project site and adjacent areas for fuel modification and/or landslide remediation. Accordingly, development may result in permanent habitat loss.

**Evidence impacts would be significant:** Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC. Impacts on SSC could require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). Impacts on bats, either directly or indirectly through disturbances to roosts and loss of habitat, would be a significant impact. The ND does not provide measures to mitigate for the Project's potentially significant impacts on bats. Accordingly, the Project has a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species by CDFW.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #12: Surveys for Bats** – Future development projects in areas with suitable roosting and foraging habitat for bats should be required to retain a qualified bat biologist to conduct a survey for within the project site and within 100 feet from the project site to the extent allowable and accessible. A qualified bat specialist should identify potential daytime, nighttime, wintering, and hibernation roost sites. Surveys should be conducted prior to any ground-disturbing activities and vegetation removal.

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**Mitigation Measure #13: Tree Removal** – If a project requires tree removal and a qualified bat biologist determines that roosting bats may be present at any time of year and could roost in trees that need to be removed, during tree removal, trees should be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and remain in place until it is inspected by a qualified bat biologist. Trees that are known to be bat roosts or could support roosting bats should not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, should elapse prior to such operations to allow bats to escape.

**Mitigation Measure #14: Roosting Bats** - If bats roosts are found within the project impact area, the qualified bat biologist should identify the bats to the species level, evaluate the colony to determine its size and significance, and establish a species-specific no-disturbance buffer that should be maintained throughout the duration of the project's construction.

**Mitigation Measure #15: Maternity Roosts** – If maternity roosts are found, project-related construction and activities should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).

If maternity roosts are found and the project must take place during the maternity roosting season, trees/structures determined to be maternity roosts should be left in place until the end of the maternity season. Project-related construction and activities should not occur within 100 feet of or directly under or adjacent to an active maternity roost. A qualified bat biologist should establish a no-disturbance buffer that should be maintained throughout the duration of the project's construction or until a qualified bat biologist determines that the roost is no longer active. Project-related construction and activities should also not occur between 30 minutes before sunset and 30 minutes after sunrise.

### **Additional Recommendations**

**Recommendation #4: Data** - CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2021f). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2021g).

**Recommendation #5: Mitigation and Monitoring Reporting Plan** - CDFW recommends the City provide Biological Resources Mitigation Measures for the Project and condition the environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist the City in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per

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Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

### Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Rolling Hills and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

### Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Rolling Hills in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City of Rolling Hills has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) or (562) 619-2230.

Sincerely,

DocuSigned by:



5991E19EF8094C3...

Victoria Tang signing for

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Los Alamitos – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)

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CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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**Attachment(s):**

Attachment A: Draft Mitigation and Monitoring Reporting Plan  
Attachment B: Housing Sites

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- [USFWSa] U.S. Fish and Wildlife Service. 2021. Environmental Conservation Online System. Threatened & Endangered Species Active Critical Habitat Report. Online Mapper.

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[USFWS] United States Fish and Wildlife Service. 1997. Coastal California Gnatcatcher (*Polioptila californica californica*) Presence/Absence Survey Guidelines February 28, 1997. Available from:

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*GAVIN NEWSOM, Governor*  
*CHARLTON H. BONHAM, Director*



**Attachment A: Draft Mitigation and Monitoring Reporting Plan**

| <b>Biological Resources (BIO)</b>   |  |  |   |
|---|--|--|---|
| <b>Mitigation Measure (MM) or Recommendation (REC)</b>                                |  | <b>Timing</b>                              | <b>Responsible Party</b>  |
| <b>MM-BIO-1<br/>Impacts on Biological Resources – Biological Resources Assessment</b> | <p>Applicants of future development projects shall be required to prepare a Biological Resources Assessment (BRA). The BRA shall be prepared by a qualified biologist. A qualified biologist shall conduct field surveys of the project site and focused plant and wildlife surveys. Focused species-specific surveys shall be required if suitable habitat is present and performed according to established <a href="#">Survey and Monitoring Protocols and Guidelines</a>. The BRA shall characterize the biological resources on site, analyze project-specific impacts to biological resources, and propose appropriate mitigation measures to offset those impacts. The BRA shall provide the following information:</p> <ol style="list-style-type: none"> <li>1) A complete, recent, assessment of rare, threatened, and endangered species, regionally and locally unique species, and sensitive habitats at the project site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species. Species to be addressed shall include all those which meet the CEQA definition of endangered, rare, or threatened species. Seasonal variations in use of land around the project site shall also be addressed. A nine-quadrangle search of CDFW's <a href="#">California Natural Diversity Database</a> shall be conducted to obtain current information on any previously reported sensitive species and habitat;</li> <li>2) A thorough, recent, floristic-based assessment of special status</li> </ol> | <p>Prior to issuance of grading permit</p> | <p>Applicants of future development projects/City of Rolling Hills (City)</p> |

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|  | <p>plants and natural communities following CDFW's <a href="#">Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</a>.<br/>                 Adjoining habitat areas shall be included where project construction and activities could lead to direct or indirect impacts off site;</p> <p>3) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the area of potential effect. The <a href="#">Manual of California Vegetation</a> shall be used to inform this mapping and assessment;</p> <p>4) A rare plant assessment using online databases for rare, threatened, and endangered plants, including the California Native Plant Society <a href="#">Online Inventory of Rare and Endangered Plants of California</a> as well as the Calflora's <a href="#">Information on Wild California Plants</a> database;</p> <p>5) A discussion regarding project-related indirect impacts on biological resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands; and,</p> <p>6) Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the project site.</p> |  |   |
| <p><b>MM-BIO-2<br/>                 Impacts on Biological Resources – Take of Listed Species</b></p> | <p>Development projects that would impact species listed under CESA and/or ESA shall be required to obtain appropriate take authorization from CDFW and/or USFWS.</p>   | <p>Prior to issuance of grading permit</p>                                   | <p>Applicants of future development projects/City</p> |
| <p><b>MM-BIO-3<br/>                 Impacts on Biological Resources – Rare Plants &amp;</b></p>      | <p>If a rare plant species or a Sensitive Natural Community is detected, the project applicant shall fully avoided impacts. The project applicant shall retain a qualified biologist to develop an avoidance plan. An avoidance plan shall be submitted to the City prior to any grading or vegetation removal.</p>   | <p>An avoidance plan shall be submitted to the City prior to any grading</p> | <p>Applicants of future development projects/City</p> |

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| <p><b>Sensitive Natural Communities</b></p>  | <p>If the project cannot feasibly avoid impacts to rare plants and habitat, or sensitive natural communities, either during project activities or over the life of the project, the project shall provide compensatory mitigation for the loss of individual plants and habitat acres, which shall include impacts due to fuel modification and landslide remediation.</p> <p>The project applicant shall provide compensatory so that there is no net loss of rare plants and habitat, or sensitive natural communities. Compensatory mitigation shall be appropriate for the extent of permanently disturbed habitat. Compensatory mitigation shall be higher for impacts on CRPR 1 species, S1 or S2 Sensitive Natural Community, and Sensitive Natural Community with an additional rank of 0.1 or 0.2. Compensatory mitigation shall be implemented by a qualified restoration ecologist.</p> <p>A Restoration Plan, at a minimum, shall include success criteria and performance standards for measuring the establishment of rare plants and habitat, responsible parties, maintenance techniques and schedule, 5-year monitoring and reporting schedule, adaptive management strategies, and contingencies. A Restoration Plan shall be submitted to the City prior to any grading or vegetation removal.</p> | <p>or vegetation removal</p> <p>A Restoration Plan shall be submitted to the City prior to any grading or vegetation removal</p> |   |
| <p><b>MM-BIO-4 Impacts on Coastal California Gnatcatcher – Gnatcatcher Surveys</b></p> | <p>Where a project site and areas adjacent to the project has suitable habitat for coastal California gnatcatcher, applicants of future development projects shall be required to retain a qualified permitted biologist to survey for coastal California gnatcatcher and prepare an impact assessment. The qualified biologist shall survey the project site and adjacent areas to determine presence/absence of coastal California gnatcatcher. The qualified biologist shall conduct surveys according to USFWS <a href="#">Coastal California Gnatcatcher (<i>Polioptila californica californica</i>) Presence/Absence Survey Guidelines</a>. The protocol shall be followed for all surveys unless otherwise authorized by the USFWS in writing. Survey results shall be provided to USFWS per protocol guidance. Survey</p>   | <p>Prior to the City's issuance of a grading permits</p>   | <p>Applicants of future development projects/City</p> |

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|  | results, including negative findings, and an impact assessment shall be conducted prior to the City's issuance of a grading permits.   |   |  |
| <b>MM-BIO-5<br/>Impacts on Coastal California Gnatcatcher – Replacement Habitat</b>                    | Applicants of future development projects shall be required to provide compensatory mitigation for impacts to coastal California gnatcatcher habitat in addition to mitigation required by USFWS to prevent temporal or permanent habitat loss.  | Prior to any grading and vegetation removal                       | Applicants of future development projects      |
| <b>MM-BIO-6<br/>Impacts on Streams and Associated Natural Communities – Jurisdictional Delineation</b> | Applicants of future development projects that are located adjacent to a river, stream, or lake shall be required to prepare a jurisdictional delineation and impact assessment provided along with the project's Biological Resources Assessment.   | Prior to issuance of grading permit                               | Applicants of future development projects/City |
| <b>MM-BIO-7<br/>Impacts on Streams and Associated Natural Communities – Buffers &amp; Setbacks</b>     | If such features are present and may be impacted by the future development, then the project shall be required to avoid impacts by implementing appropriate vegetative buffers and/or setbacks adjoining the stream or wetland feature to reduce impacts of the project on these resources.  | Prior to any grading and vegetation removal<br><br>Project design | Applicants of future development projects      |
| <b>MM-BIO-8<br/>Impacts on Streams and Associated Natural Communities – Fish &amp; Game Code 1602</b>  | If avoidance is not feasible, the project applicant shall be required to notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to the City's issuance of a grading permit. The project applicant shall comply with the mitigation measures detailed in a LSA Agreement issued by CDFW. The project applicant shall also provide compensatory mitigation at no less than 1:1 for the impacted stream and habitat acreage, or at a ratio acceptable to CDFW. | Prior to issuance of grading permit                               | Applicants of future development projects/City |

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| <b>MM-BIO-9<br/>Impacts on Nesting Birds – Avoiding Impacts</b>                      | Future development projects requiring vegetation disturbance and/or removal, and/or are adjacent to suitable nesting habitat shall be required to avoid impacts on nesting birds by conducting all project-related activities between September 1 through January 31, outside of the nesting bird season.  | Prior to any grading and vegetation removal   | Applicants of future development projects |
| <b>MM-BIO-10<br/>Impacts on Nesting Birds – Surveys &amp; No-Disturbance Buffers</b> | <p>If construction must occur during the bird nesting season, project applicants shall be required to retain a qualified biologist to survey suitable nesting habitat for nesting birds on the project site and within 100 feet from the project site to the extent allowable and accessible. A qualified biologist shall conduct a nesting bird survey no more than 7 days prior to the beginning of any ground and vegetation disturbing activities. If project activities are delayed or suspended for more than 7 days during the nesting bird season, a qualified biologist shall repeat nesting bird surveys before the project can recommence.</p> <p>No-disturbance buffers shall be established to minimize impacts on any nests and nestlings. No-disturbance buffers shall be maintained until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p> | <p>No more than 7 days prior to any ground and vegetation disturbing activities</p> <p>Repeat surveys if project activities are delayed or suspended for more than 7 days during the nesting bird season,</p> | Applicants of future development projects |
| <b>MM-BIO-11<br/>Impacts on Nesting Birds – Replacement Habitat</b>                  | Future development projects removing habitat for nesting birds shall be required to restore or replace habitat in-kind and on site if feasible to prevent temporal or permanent habitat loss. Projects shall provide replacement habitat for both individual trees and habitat acres.  | <p>Prior to any grading and vegetation removal</p> <p>During project construction</p>   | Applicants of future development projects |
| <b>MM-BIO-12<br/>Impacts on Bats – Surveys for Bats</b>                              | Future development projects in areas with suitable roosting and foraging habitat for bats shall be required to retain a qualified bat biologist to conduct a survey for within the project site and within 100 feet from the project site to the extent allowable and  | Prior to any ground-disturbing activities and   | Applicants of future development projects |

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|   | accessible. A qualified bat specialist shall identify potential daytime, nighttime, wintering, and hibernation roost sites. Surveys shall be conducted prior to any ground-disturbing activities and vegetation removal.   | vegetation removal  |   |
| <b>MM-BIO-13<br/>Impacts on Bats<br/>– Tree Removal</b>     | If a project requires tree removal and a qualified bat biologist determines that roosting bats may be present at any time of year and could roost in trees that need to be removed, during tree removal, trees shall be pushed down using heavy machinery rather than felling with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, trees shall be pushed lightly two or three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and remain in place until it is inspected by a qualified bat biologist. Trees that are known to be bat roosts or could support roosting bats shall not be bucked or mulched immediately. A period of at least 24 hours, and preferable 48 hours, shall elapse prior to such operations to allow bats to escape. | During tree removal   | Applicants of future development projects |
| <b>MM-BIO-14<br/>Impacts on Bats<br/>– Roosting Bats</b>    | If bats roosts are found within the project impact area, the qualified bat biologist shall identify the bats to the species level, evaluate the colony to determine its size and significance, and establish a species-specific no-disturbance buffer that shall be maintained throughout the duration of the project's construction.  | Prior to any ground-disturbing activities and vegetation removal                                    | Applicants of future development projects |
| <b>MM-BIO-15<br/>Impacts on Bats<br/>– Maternity Roosts</b> | If maternity roosts are found, project-related construction and activities shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).<br><br>If maternity roosts are found and the project must take place during the maternity roosting season, trees/structures determined to be maternity roosts shall be left in place until the end of the maternity season. Project-related construction and activities shall not occur   | Prior to any ground-disturbing activities and vegetation removal<br><br>During project construction | Applicants of future development projects |

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|                                   | <p>within 100 feet of or directly under or adjacent to an active maternity roost. A qualified bat biologist shall establish a no-disturbance buffer that shall be maintained throughout the duration of the project's construction or until a qualified bat biologist determines that the roost is no longer active. Project-related construction and activities shall also not occur between 30 minutes before sunset and 30 minutes after sunrise.</p>   |  |  |
| <p><b>REC-1-CESA ITP</b></p>      | <p>If a project, project construction, or any project-related activity for the duration of the project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the project applicant should seek appropriate take authorization under CESA prior to implementing/continuing the project. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.</p> | <p>Prior to implementing/continuing the project</p>    | <p>Applicants of future development projects</p> |
| <p><b>REC-2-Housing Sites</b></p> | <p>The City should consider conserving sites 6 through 14 and 31 through 34 as large continuous open space for preservation of natural resources, habitats, natural vistas, canyons, and corridors benefiting local and transient wildlife populations. Removing sites 31 through 34 would still allow the City to meet its 6<sup>th</sup> Cycle RHNA for above moderate income units. The City should protect from development sites that overlap with critical habitat, Significance Ecological Areas, and streams. Finally, the City should consider focusing development the northern part of the City where impacts on biological resources would be minimized such as sites 22, 23,</p>  | <p>Prior to finalizing the Project's CEQA document</p> | <p>City</p>                                      |

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|   | and 24, and prioritize development where development already exists.   |   |   |
| <b>REC-3-Lake and Streambed Alteration Agreement</b>  | CDFW's issuance of an LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the lead agency/project applicant for the project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.   | Prior to finalizing future project-level CEQA documents | Applicants of future development projects |
| <b>REC-4-Submitting Data for Sensitive and Special Status Species and Natural Communities</b> | CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., CNDDDB] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting <a href="#">CNDDDB Field Survey Forms</a> . Information on special status native plant populations and sensitive natural communities, the <a href="#">Combined Rapid Assessment and Relevé Form</a> should be completed and submitted to CDFW's Vegetation Classification and Mapping Program. | Prior to finalizing future project-level CEQA documents | Applicants of future development projects |
| <b>REC-5-Mitigation and Monitoring Reporting Plan</b>   | The City should provide Biological Resources Mitigation Measures for the Project and condition the environmental document to include mitigation measures recommended in this letter.   | Prior to finalizing the Project's CEQA document         | City                                      |



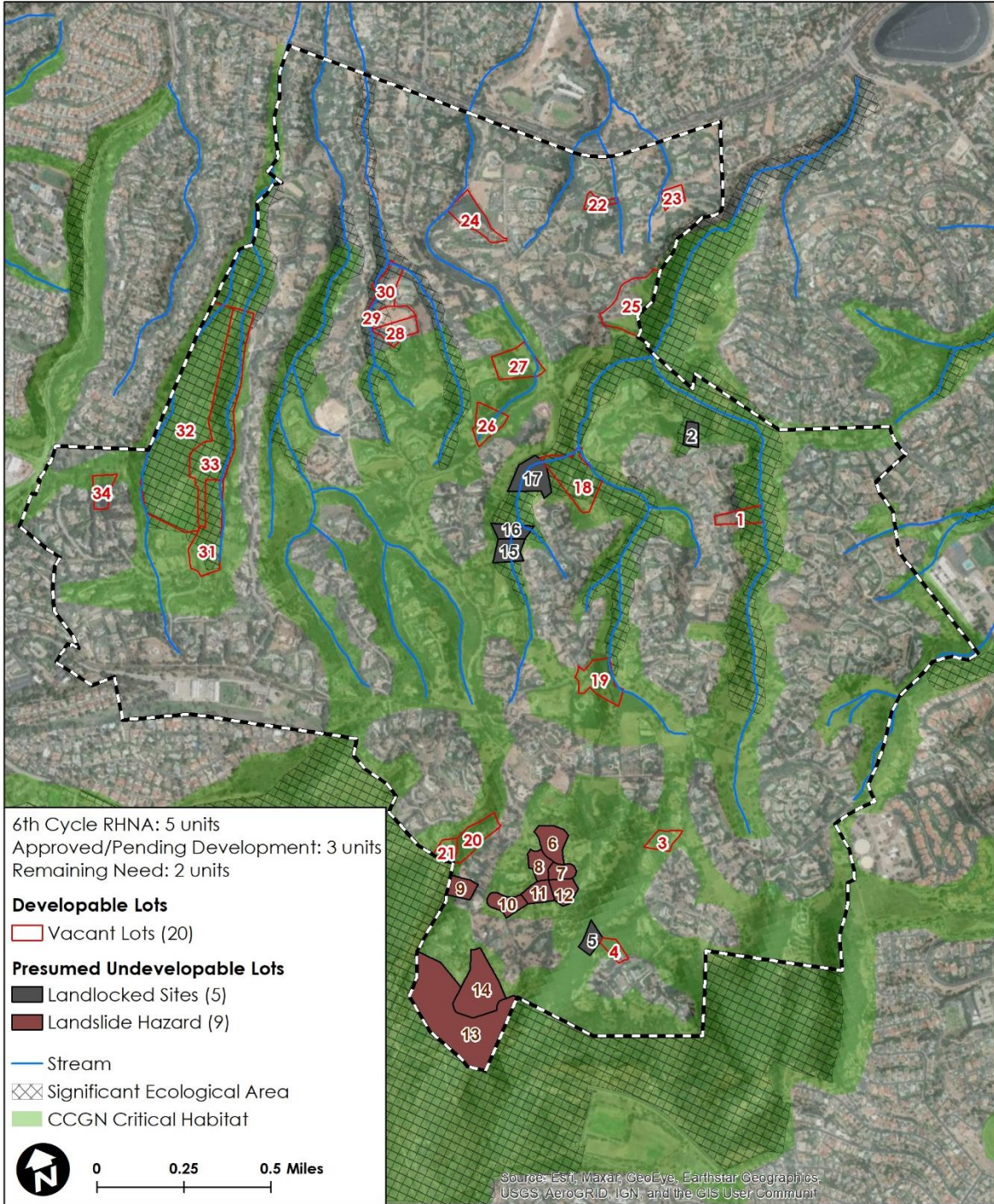


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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



### Attachment B: Housing Sites



City of Rolling Hills 6th Cycle 2021-2029 Housing Element Update  
Housing Sites for Single Family Homes  
Above Moderate Income Units

Map by: CDFW 2022