



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

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



January 30, 2023

Governor's Office of Planning & Research

John F. Signo  
City of Rolling Hills  
2 Portuguese Bend Road  
Rolling Hills, CA 90274  
[JSigno@cityofrh.net](mailto:JSigno@cityofrh.net)

**JAN 30 2023**

## STATE CLEARING HOUSE

**Subject: Comments on the Mitigated Negative Declaration for the Shen Residence Project, SCH #2022120400, Los Angeles County**

Dear Mr. Signo:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) for the Shen Residence Project (Project) from the City of Rolling Hills (City). Associated documentation included the *Biological Resources Assessment* (BRA) dated June 2021. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own 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.

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 2 of 24

## **Project Description and Summary**

**Objective:** The Project site consists of an undeveloped 21.14-acre parcel located at 77 Portuguese Bend Road and existing private off-site access drive. The proposed Project involves four components: 1) construction of an 8,847-square-foot single-family residence; 2) construction of a 2,427-square-foot guesthouse; 3) construction of a 2,766-square-foot pool area; and 4) re-alignment and potential modification of an existing road and driveway into the private access easement area located between residences at 73 and 74 Portuguese Bend Road. The residence would include two two-car garages, four bedrooms, four bathrooms, and two half-bathrooms. Amenities associated with the proposed home would include an open central courtyard, a gym/workshop, a breakfast nook, a laundry room, and a pantry. The proposed guesthouse would include an open pond courtyard, one bedroom, one bathroom, and one half-bathroom. The proposed pool area would include a swimming pool with a pool gate, jacuzzi, walkway, and pool deck. The proposed Project would also include a 450-square-foot stable, a 550-square-foot corral, and a trash enclosure near the northern boundary of the Project footprint.

**Location:** The Project site is located at 77 Portuguese Bend Road in the City of Rolling Hills, California in Los Angeles County. The site is located on the southern portion of the Palos Verdes Peninsula between open space reserves and residential development. The parcel is bordered on three sides by reserves: the Portuguese Bend Reserve, which extends from the north border of the property around its western and southern sides, and the Forrestal Nature Reserve, which is immediately southeast of the property.

## **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).

### **Specific Comments**

#### **Comment #1: Impacts to Streams**

**Issue:** Project activities may impact ephemeral streams downslope of the Project site.

**Specific impacts:** Development on the Project site may result in erosion and earth movement that could impair ephemeral streams downslope northwest and south of the Project footprint. In addition, vegetation upstream may need to be removed or may be degraded through habitat or fuel modification (e.g., loss of water source, encroachment, and edge effects leading to introduction of non-native plants).

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 3 of 24

**Why impacts would occur:**

The MND states, “Klondike Canyon Creek is approximately 200 feet southeast of the property and Paintbrush Canyon Creek is immediately northwest of the property.” Ground-disturbing activities, vegetation removal, and fuel modification could result in erosion. Siltation or runoff downstream 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, impacts to vegetation upstream, but not the stream itself, may still impact the stream.

The BRA states, “the City of Rolling Hills’ Ordinance for new development and redevelopment projects (Section 8.32.095.A.6) requires compliance with the Los Angeles County Municipal NPDES Permit (MS4 Permit) and in some cases with the County of Los Angeles’ Low Impact Development (LID) Standards Manual. This requirement applies to new development directly adjacent to or discharging directly into SEAs as defined in the Los Angeles County General Plan”. The BRA goes on to say “The proposed project would, therefore, be subject to the LID standards intended to avoid impacting SEAs adjacent to development projects. Upon compliance with the MS4 Permit and LID standard, potential impacts would be less than significant and no mitigation is recommended”. While the Project will be subject to MS4 Permit and LID standards, the MND does not discuss how these standards will prescribe, require, or impose specific actions that would substantially mitigate for impacts on streams and associated natural communities.

**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;
- 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 because of the upslope proximity to these resources. Without appropriate mitigation, the Project continues to have 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 Measures:**

**Mitigation Measure #1:** If any stream may be impacted, the Project should be required to avoid impacts by implementing appropriate vegetative buffers and/or setbacks adjoining the stream feature to reduce impacts of the Project on these resources.

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 4 of 24

**Mitigation Measure #2:** 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 prior to obtaining 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 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFWa 2023).

**Mitigation Measure #3:** CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering upslope vegetation within the Project site may impact hydrologic activity downslope and downstream of the Project site. The hydrology report should also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows entering the ephemeral streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.

**Mitigation Measure #4:** CDFW recommends BMPs be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent should prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site should be free of nonnative plant materials. Fiber rolls or erosion control mesh should be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

**Recommendation #1:** 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 #2: Impacts to Species of Special Concern**

**Issue:** According to the BRA, several designated California Species of Special Concern (SSC) have a moderate potential for being on site. These species include San Diego desert woodrat (*Neotoma lepida intermedia*), California legless lizard (*Anniella stebbinsi*), and coast horned lizard (*Phrynosoma blainvillii*).

**Specific impact:** The site contains coastal sage scrub and loose soils, potentially providing marginal habitat for desert woodrat, legless lizard, and horned lizard. Direct impacts to SSC

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 5 of 24

could result from Project construction and activities (e.g., equipment staging, mobilization, and grading); ground disturbance; vegetation clearing; and trampling or crushing from construction equipment, vehicles, and foot traffic. Indirect impacts could result from temporary or permanent loss of suitable habitat for woodrat, legless lizard, horned lizard, or other SSCs.

**Why impacts would occur:** Grading activities, removal of vegetation, and fuel modification may potentially result in the loss or disturbance of foraging and nesting habitat for SSC. One general biological survey was conducted for the MND. There are no focused, species-specific surveys proposed to be conducted for SSC reptile or mammal species. The general preconstruction survey may be insufficient for detecting SSC due to its unfocused nature. Without focused surveys, there is little chance for detection, leading to potential false negative results. The MND does not provide any other avoidance, minimization, or mitigation measures for potential impacts to the SSC. Without measures to avoid, minimize, or mitigate for potential impacts to the SSC, individuals not detected on site may be crushed, trampled, or killed and occupied habitat will be lost by construction activities.

**Evidence impacts would be significant:** Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for State and federally listed species, but for any species including but not limited to California SSC, which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15063, 15065 and 15380). Therefore, impacts to SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

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

**Mitigation Measure #5-Scientific Collection Permit:** The Project may require capture, handling, and relocation of wildlife. Pursuant to the [California Code of Regulations, title 14, section 650](#), the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFWb 2023).

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).

**Mitigation Measure #6-Species surveys:** The City should retain a qualified biologist with experience surveying for special status reptiles and mammals. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. Project related activities include construction, equipment and vehicle access, parking, and staging. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving

John Signo  
 City of Rolling Hills  
 January 30, 2023  
 Page 6 of 24

vegetation clearing or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.

**Mitigation Measure #7-Protection Plan:** Wildlife should be protected or allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the fuel modification area). Special status wildlife should be captured only by a qualified biologist with proper handling permits (see Mitigation Measure #5). The qualified biologist should prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols should be implemented during Project construction and activities/biological construction monitoring.

**Mitigation Measure #8-Injured or Dead Wildlife:** If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

### **Comment #3: Impacts to Rare Plants**

**Issue:** According to the BRA, the following rare plants may have moderate potential to be within the Project site: Coulter's saltbush (*Atriplex coulteri*), Davidson's saltscale (*Atriplex serenana* var.  *davidsonii*), island green dudleya (*Dudleya virens* ssp.  *insularis*), mesa horkelia (*Horkelia cuneata* var.  *puberula*), decumbent goldenbush (*Isocoma menziesii* var.  *decumbens*), sea dahlia (*Leptosyne maritima*), and Brand's star phacelia (*Phacelia stellaris*).

**Specific Impacts:** Project activities may lead to the potential loss of special status plant species. This may result in a population decline of the species, or local extirpation of a sensitive or special status plant without appropriate mitigation.

**Why impacts would occur:** The MND concludes that the species have a moderate probability to be on site. However, one general biological survey was conducted in December 2017, which was outside the blooming period for many rare plant species. Surveys conducted outside of the blooming period may not capture rare population distribution and abundance because plants typically emerge at different times throughout its bloom period. Therefore, the BRA may have underreported the potential presence of rare plants.

In addition, the mitigation provided may not fully prevent the net loss of rare plant species on site. Mitigation measure BIO-1 prescribes invasive weed prevention. While this will aid in the deterrence of the spread of invasive plants, it does not address the habitat loss from vegetation removal and ground disturbing activities. The MND also states, "given the small size of the project footprint within the property and abundant habitat on the Portuguese Bend Preserve, both direct and indirect impacts on a population level are not expected; therefore, impacts would be less than significant". However, the Project must include impacts in the development footprint

John Signo  
 City of Rolling Hills  
 January 30, 2023  
 Page 7 of 24

and the fuel modification zones. Fuel modification activities is a continual management activity that will perpetually impact the plant community through continuous thinning of vegetation and additional activities. Removal of vegetation for fuel modification may further impact rare plants that may be in these zones. This would result in a total net loss of each rare plant.

**Evidence impacts would be significant:** The rare plants with moderate potential to be on site have the following California Rare Plant Rank (CRPR), Coulter's saltbush, CRPR 1B.2; south coast saltscale, CRPR 1B.2; Davidson's saltscale, CRPR 1B.2; island green dudleya CRPR 1B.2; mesa horkelia, CRPR 1B.1; decumbent goldenbush CRPR 1B.2; sea dahlia, CRPR 1B.2; and Brand's star phacelia, CRPR 1B.1. Plants with a CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing (CNPS 2020). Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). California Native Plant Society's (CNPS) [Rare Plant Ranks](#) page includes additional rank definitions (CNPS 2020). Impacts to special status plants should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

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

**Mitigation Measure #9:** CDFW strongly recommends two additional season-appropriate, focused rare plant surveys to sufficiently document the abundance and distribution of rare plants that may be present. CDFW recommends the surveys be conducted based on the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW, 2018). A qualified biologist should "conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting."

**Mitigation Measure #10:** CDFW recommends the qualified botanist prepare a report summarizing survey methods and results. A final report should be submitted to CDFW for review prior to Project related ground-disturbing activities and the City's issuance of any grading permits. The survey report should provide the following information:

1. A description and map of the survey area. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys;
2. Field survey conditions that should include name(s) of qualified botanists(s) and brief qualifications, date and time of survey, survey duration, general weather conditions, survey goals, and species searched;
3. Map and quantify the total area of suitable rare plant habitat by species;
4. Map(s) showing the location of individual plants or populations by species, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation; and

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 8 of 24

5. A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).

**Mitigation Measure #11:** CDFW recommends the City require the Project Applicant to compensate for the loss of individual plants and associated habitat acres. The Project Applicant should offset any loss of individual plants such that there is no net loss or at a ratio acceptable to CDFW. Mitigation proposed to offset loss of suitable habitat should be disclosed in the final CEQA document. The mitigation proposed should also be justified as to how it would reduce the Project's impact on individual plants to less than significant.

**Mitigation Measure #12:** CDFW recommends that mitigation occur at a CDFW-approved mitigation bank or an entity that has been approved to hold and manage mitigation lands. Mitigation bank credits should be purchased, approved, and fully executed prior to Project-related ground-disturbing activities and the City's issuance of any grading permits. If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to individual plants and habitat, then CDFW recommends setting aside replacement habitat. Replacement habitat should be protected in perpetuity under a conservation easement.

The conservation easement should be dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to Project-related ground disturbing activities and the City's issuance of grading permits.

### **Additional Comments and Recommendations**

**Recommendation #2 – California gnatcatcher:** Per the draft MND, the proposed Project includes a stable and corral. Equestrian facilities may provide resources that support brown-headed cowbirds (*Molothrus ater*), a known parasite of songbird nests. Parasitic cowbirds can adversely impact native songbird populations, including California gnatcatcher, by reducing reproductive success. CDFW recommends modifying BIO-2 on page 44 of the MND to include underlined language and remove language with ~~strikethrough~~.

"If protocol surveys determine that occupied habitat is present in the project footprint plus a 500-foot buffer, where accessible, the Project Applicant should consult with the USFWS to determine if the Project would result in take of coastal California gnatcatcher. Consultation with the USFWS, in order to comply with the ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher. If a take permit from the USFWS is needed, the Project Applicant should comply with the mitigation measures detailed in a take permit issued from USFWS.

If the Project would result in permanent loss of habitat, the Project Applicant should provide replacement habitat for the total acreage of habitat that is impacted. Replacement habitat should be protected in perpetuity under a conservation easement

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 9 of 24

dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to any ground-disturbing activities or vegetation removal

Possible methods required during project construction to avoid and/or minimize direct take of California gnatcatcher include:

- All brush clearing or grading taking place within occupied habitat of the California gnatcatcher (defined as within 500 feet of any gnatcatcher sightings [USFWS, 2007b]) during construction shall be conducted from September 1 through February 14, which is outside the coastal California gnatcatcher breeding season.
- When conducting all other construction activities during the California gnatcatcher breeding season of February 15 through August 30, within habitat in which California gnatcatcher are known to occur or have potential to occur, the following avoidance methods shall apply:
  - If an active nest is located, ~~a 300-foot no-construction buffer shall be established around each nest site; however, there may be a reduction of this buffer zone depending on site specific conditions (such as topography, line-of-sight to the nest, or the existing ambient level of activity) and implementation of measures to reduce indirect impacts, including noise (for example, placement of temporary noise walls or sound blankets around active construction areas).~~ The Applicant shall contact USFWS to determine the appropriate buffer zone and acceptable measures that would reduce direct and indirect impacts, such as noise, to levels that ensure disturbance of the active nest is avoided. No construction shall take place within this buffer until the nest is no longer active.
  - The project biologist shall meet with the owner, permittee or designee, and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.
  - Conspicuous construction fencing shall be maintained to protect all habitat outside the approved construction area, until the conclusion of construction. Prior to commencement of grading, the project biologist shall confirm with the contractor or a licensed surveyor that the construction fencing has been placed at the outer edge of the construction area.
  - A Biological Monitor familiar with California gnatcatcher and its habitat shall be present during all vegetation clearing and other activities within coastal sage scrub and shall monitor the project to avoid or minimize unanticipated impacts to the California gnatcatcher and its habitat.
  - All active California gnatcatcher nests shall be reported within 24 hours to the USFWS upon detection.
  - If it is determined that active nests would be disturbed by construction activities, work shall be halted until further direction or approval to work is

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 10 of 24

obtained from the appropriate agencies.

Impacts requiring mitigation include permanent and temporary disturbance of occupied habitats. Mitigation ratios shall be determined in consultation with USFWS. Permanent impacts to occupied habitat shall include acquisition and preservation of occupied habitat at a 1:1 ratio. Temporary impacts to occupied habitat ~~shall be mitigated at a 1:1 ratio~~ and can include 1:1 on-site restoration and 1:1 acquisition and preservation of occupied habitat.

Lastly, a cowbird monitoring plan will be developed and implemented for at least 3 years post-construction. If cowbirds are detected, CDFW will be notified and consulted to determine any control measures.

**Recommendation #3 – Palos Verdes Blue Butterfly:** CDFW recommends modifying BIO-3 on page 45 of the MND to include underlined language and remove language with ~~strikethrough~~.

“Prior to grading and construction, a qualified biologist shall conduct surveys for locoweed and deerweed, host plants of Palos Verdes blue butterfly. If host plants are located, they shall be avoided. If avoidance is not possible, focused surveys shall be conducted to determine the presence or absence of the butterfly species. This may include transect surveys during the adult flight period (January through May), and/or inspection of host plants for all life forms (egg, larva, pupa, and adult). If individuals of any life stage are detected during focused surveys, a permit for relocation shall be obtained from USFWS, and they shall be relocated by a USFWS permitted biologist the Project Applicant should consult with the USFWS to determine if the Project would result in take of Palos Verdes blue butterfly. Consultation with the USFWS, in order to comply with the ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact blue butterfly. If a take permit from the USFWS is needed, the Project Applicant should comply with the mitigation measures detailed in a take permit issued from USFWS.

If the Project would result in permanent loss of habitat, the Project Applicant should provide replacement habitat for the total acreage of habitat that is impacted. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to any ground-disturbing activities or vegetation removal.”

**Recommendation #4 – Fuel Modification:** Figure 2 of the BRA shows that while Zone A and B are fully accommodated on the Project site, it is less clear if all the required Zone C (native brush trimming) can occur on site or if clearing would need to extend onto the adjacent preserve. The adjacent Portuguese Bend Reserve is conserved land under the City of Rancho Palos Verde’s draft Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP), adopted by the City of Rancho Palos Verdes in 2019. Lands conserved pursuant to the NCCP/HCP are maintained and managed to support the conservation goals for species covered under the plan. CDFW recommends the final MND clarify that all fuel modification

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 11 of 24

activities associated with the Project will occur within the Project site and avoid impacts to the adjacent preserve (including clearing, trimming, and irrigation runoff).

**Recommendation #5 – Entrapment:** The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc. CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.

**Recommendation #6 – Rodenticides:** CDFW recommends preventing the use of second-generation anticoagulant rodenticides on site and over the life of the Project.

**Recommendation #7 – Data:** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFWc 2023). This includes potential occurrences of special status species. The City should ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The City should provide CDFW with confirmation of data submittal.

**Recommendation #8 - Mitigation and Monitoring Reporting Plan:** Per 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). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

### **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 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 in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City 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 Felicia Silva, Environmental Scientist, at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov) or (562) 292-8105.

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 12 of 24

Sincerely,

DocuSigned by:  
  
5991E19EF8094C3...

Victoria Tang signing for

Erinn Wilson-Olgin  
Environmental Program Manager  
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Seal Beach – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)  
Victoria Tang, Seal Beach – [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)  
Ruby Kwan-Davis, Seal Beach – [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)  
Felicia Silva, Seal Beach, – [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)  
Julisa Portugal, Seal Beach – [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov)  
Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)  
CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)  
OPR  
State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

**References:**

- [Cal-IPC] California Invasive Plant Council. 2022. Responsible Landscaping. Accessed at:  
<https://www.cal-ipc.org/solutions/prevention/landscaping/>
- [CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Accessed at:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.
- [CDFWa] California Department of Fish and Wildlife. 2023. Lake and Streambed Alteration Program. Available from: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>
- [CDFWb] California Department of Fish and Wildlife. 2023. Scientific Collecting Permit. Available from: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>
- CDFWc] California Department of Fish and Wildlife. 2023 Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 South Coast Region  
 3883 Ruffin Road  
 San Diego, CA 92123  
 (858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

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



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

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1-Avoidance</b>	If any stream may be impacted, the Project shall be required to avoid impacts by implementing appropriate vegetative buffers and/or setbacks adjoining the stream feature to reduce impacts of the Project on these resources.	Prior to Project construction and activities	City/Project Applicant
<b>MM-BIO-2-LSA</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 obtaining 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 2:1 for the impacted stream and associated natural community, or at a ratio acceptable to CDFW. Please visit CDFW's <a href="#">Lake and Streambed Alteration Program</a> webpage for more information (CDFWa 2023).	Prior to Project construction and activities	City/Project Applicant
<b>MM-BIO-3-LSA</b>	The LSA Notification will include a hydrology report to evaluate whether altering upslope vegetation within the Project site may impact hydrologic activity downslope and downstream of the Project site. The hydrology report shall also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows entering the ephemeral streams and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and	Prior to Project construction and activities	City/Project Applicant

John Signo  
 City of Rolling Hills  
 January 30, 2023  
 Page 14 of 24

	downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.		
<b>MM-BIO-4-BMPs</b>	BMPs shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.	Prior to Project construction and activities	City/Project Applicant
<b>REC-1-LSA</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 shall 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.	Prior to Project construction and activities	City/Project Applicant

John Signo  
 City of Rolling Hills  
 January 30, 2023  
 Page 15 of 24

<p><b>MM-BIO-5- Scientific Collection Permits</b></p>	<p>The Project may require capture, handling, and relocation of wildlife. Pursuant to the <a href="#">California Code of Regulations, title 14, section 650</a>, the CITY /qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW’s <a href="#">Scientific Collection Permits</a> webpage for information (CDFWb 2023).</p> <p>CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish &amp; G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>
<p><b>MM-BIO-6- Species surveys</b></p>	<p>The City shall retain a qualified biologist with experience surveying for coastal whiptail. Prior to commencing any Project-related ground-disturbing activities, the qualified biologist shall conduct focused surveys for SSC and suitable habitat no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. Project related activities include construction, equipment and vehicle access, parking, and staging. In addition, the qualified biologist shall conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location shall be mapped and photographed. The qualified biologist shall provide a summary report of SSC surveys to the CITY prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist shall develop species-specific mitigation measures for implementation during the Project.</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>

John Signo  
 City of Rolling Hills  
 January 30, 2023  
 Page 16 of 24

<b>MM-BIO-7- Protection Plan</b>	Wildlife shall be protected or allowed to move away on its own (non-invasive, passive relocation) to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project area (either way, at least 200 feet from the grading limits). Special status wildlife shall be captured by only by a qualified biologist with proper handling permits (see Mitigation Measure #5). The qualified biologist shall prepare a species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring.	Prior to Project construction and activities	City/Project Applicant
<b>MM-BIO-8- Injured or Dead Wildlife</b>	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented. A formal report shall be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	Prior to Project construction and activities	City/Project Applicant
<b>MM-BIO-9-Plant Survey</b>	Two additional season-appropriate, focused rare plant surveys shall be conducted to sufficiently document the abundance and distribution of rare plants that may be present. CDFW recommends the surveys shall be conducted based on the <a href="#"><i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i></a> (CDFW, 2018). A qualified biologist shall “conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting.”	Prior to Project construction and activities	City/Project Applicant
<b>MM-BIO-10- Survey Report</b>	The qualified botanist will prepare a report summarizing survey methods and results. A final report shall be submitted to CDFW for review prior to Project related ground-disturbing activities and the City’s issuance of any grading permits. The survey report shall provide the following information:  1. A description and map of the survey area. CDFW	Prior to Project construction and activities	City/Project Applicant

John Signo  
 City of Rolling Hills  
 January 30, 2023  
 Page 17 of 24

	<p>recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys;</p> <ol style="list-style-type: none"> <li>2. Field survey conditions that shall include name(s) of qualified botanists(s) and brief qualifications, date and time of survey, survey duration, general weather conditions, survey goals, and species searched;</li> <li>3. Map and quantify the total area of suitable rare plant habitat by species;</li> <li>4. Map(s) showing the location of individual plants or populations by species, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation; and</li> <li>5. A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each rare plant or population is found. A sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class, density, cover, and abundance of each species).</li> </ol>		
<p><b>MM-BIO-11- Habitat Offset</b></p>	<p>The City shall have the Project Applicant compensate for the loss of individual plants and associated habitat acres. The Project Applicant shall offset any loss of individual plants such that there is no net loss or at a ratio acceptable to CDFW. Mitigation proposed to offset loss of suitable habitat should be disclosed in the final CEQA document. The mitigation proposed should also be justified as to how it would reduce the Project’s impact on individual plants to less than significant.</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>

John Signo  
 City of Rolling Hills  
 January 30, 2023  
 Page 18 of 24

<p><b>MM-BIO-12-Conservation Easement</b></p>	<p>Mitigation will occur at a CDFW-approved mitigation bank or via an entity that has been approved to hold and manage mitigation lands. Mitigation bank credits will be purchased, approved, or otherwise fully executed prior to Project-related ground-disturbing activities and the City's issuance of any grading permits.</p> <p>If credits at a CDFW-approved mitigation bank are not available for mitigating impacts to individual plants and habitat, replacement habitat shall be set aside to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to Project-related ground disturbing activities and the City's issuance of grading permits.</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>
<p><b>REC-2-California Gnatcatcher</b></p>	<p>Per the draft MND, the proposed Project includes a stable and corral. Equestrian facilities may provide resources that support brown-headed cowbirds (<i>Molothrus ater</i>), a known parasite of songbird nests. Parasitic cowbirds can adversely impact native songbird populations, including California gnatcatcher, by reducing reproductive success. CDFW recommends modifying BIO-2 on page 44 of the MND to include <u>underlined</u> language and remove language with <del>strikethrough</del>.</p> <p>“If protocol surveys determine that occupied habitat is present in the project footprint plus a 500-foot buffer, where accessible, <u>the Project Applicant should consult with the USFWS to determine if the Project would result in take of coastal California gnatcatcher. Consultation with the USFWS, in order to comply with the ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher. If a take permit from the USFWS is needed, the Project Applicant</u></p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 19 of 24

	<p><u>should comply with the mitigation measures detailed in a take permit issued from USFWS.</u></p> <p><u>If the Project would result in permanent loss of habitat, the Project Applicant should provide replacement habitat for the total acreage of habitat that is impacted. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to any ground-disturbing activities or vegetation removal</u></p> <p>Possible methods required during project construction to avoid <del>and/or minimize</del> direct take of California gnatcatcher include:</p> <ul style="list-style-type: none"><li>• All brush clearing or grading taking place within occupied habitat of the California gnatcatcher (defined as within 500 feet of any gnatcatcher sightings [USFWS, 2007b]) during construction shall be conducted from September 1 through February 14, which is outside the coastal California gnatcatcher breeding season.</li><li>• When conducting all other construction activities during the California gnatcatcher breeding season of February 15 through August 30, within habitat in which California gnatcatcher are known to occur or have potential to occur, the following avoidance methods shall apply:</li></ul>		
--	---	--	--

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 20 of 24

	<ul style="list-style-type: none"><li>○ If an active nest is located, a 300-foot no-construction buffer shall be established around each nest site; however, there may be a reduction of this buffer zone depending on site-specific conditions (such as topography, line-of-sight to the nest, or the existing ambient level of activity) and implementation of measures to reduce indirect impacts, including noise (for example, placement of temporary noise walls or sound blankets around active construction areas). <u>T</u>he Applicant shall contact USFWS to determine the appropriate buffer zone and acceptable measures that would reduce <u>direct and</u> indirect impacts, such as noise, to levels that ensure disturbance of the active nest is avoided. No construction shall take place within this buffer until the nest is no longer active.</li><li>○ The project biologist shall meet with the owner, permittee or designee, and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.</li><li>○ Conspicuous construction fencing shall be maintained to protect all habitat outside the approved construction area, until the conclusion of construction. Prior to commencement of grading, the project biologist shall confirm with the contractor or a licensed surveyor that the construction fencing has been placed at the outer edge of the construction area.</li></ul>		
--	--	--	--

John Signo  
 City of Rolling Hills  
 January 30, 2023  
 Page 21 of 24

	<ul style="list-style-type: none"> <li>○ A Biological Monitor familiar with California gnatcatcher and its habitat shall be present during all vegetation clearing and other activities within coastal sage scrub and shall monitor the project to avoid or minimize unanticipated impacts to the California gnatcatcher and its habitat.</li> <li>○ All active California gnatcatcher nests shall be reported within 24 hours to the USFWS upon detection.</li> <li>○ If it is determined that active nests would be disturbed by construction activities, work shall be halted until further direction or approval to work is obtained from the appropriate agencies.</li> </ul> <p>Impacts requiring mitigation include permanent and temporary disturbance of occupied habitats. <u>Mitigation ratios shall be determined in consultation with USFWS.</u> Permanent impacts to occupied habitat shall include acquisition and preservation of occupied habitat <del>at a 1:1 ratio</del>. Temporary impacts to occupied habitat shall be <del>mitigated at a 1:1 ratio</del> and can include 1:1 on-site restoration and 1:1 acquisition and preservation of occupied habitat.</p> <p>Lastly, a cowbird monitoring plan will be developed and implemented for at least 3 years post-construction. If cowbirds are detected, CDFW will be notified and consulted to determine any control measures.</p>		
<p><b>REC-3-Palos Verdes Blue Butterfly</b></p>	<p>CDFW recommends modifying BIO-3 on page 45 of the MND to include <u>underlined</u> language and remove language with <del>strikethrough</del>.</p> <p>“Prior to grading and construction, a qualified biologist shall conduct surveys for locoweed and deerweed, host plants of</p>	<p>Prior to Project construction and activities</p>	<p>City/Project Applicant</p>

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 22 of 24

	<p>Palos Verdes blue butterfly. If host plants are located, they shall be avoided. If avoidance is not possible, focused surveys shall be conducted to determine the presence or absence of the butterfly species. This may include transect surveys during the adult flight period (January through May), and/or inspection of host plants for all life forms (egg, larva, pupa, and adult). If individuals of any life stage are detected during focused surveys, <del>a permit for relocation shall be obtained from USFWS, and they shall be relocated by a USFWS permitted biologist</del> <u>the Project Applicant should consult with the USFWS to determine if the Project would result in take of Palos Verdes blue butterfly. Consultation with the USFWS, in order to comply with the ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact blue butterfly. If a take permit from the USFWS is needed, the Project Applicant should comply with the mitigation measures detailed in a take permit issued from USFWS.</u></p> <p><u>If the Project would result in permanent loss of habitat, the Project Applicant should provide replacement habitat for the total acreage of habitat that is impacted. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed by the Project Applicant prior to any ground-disturbing activities or vegetation removal.”.</u></p>		
--	---	--	--

John Signo  
 City of Rolling Hills  
 January 30, 2023  
 Page 23 of 24

<b>REC-4-Fuel Modification</b>	Figure 2 of the BRA shows that while Zone A and B are fully accommodated on the project site, it is less clear if all the required Zone C (native brush trimming) can occur on site or if clearing would need to extend onto the adjacent preserve. The adjacent Portuguese Bend Reserve is conserved land under the City of Rancho Palos Verde's draft Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP), adopted by the City of Rancho Palos Verdes in 2019. Lands conserved pursuant to the NCCP/HCP are maintained and managed to support the conservation goals for species covered under the plan. CDFW recommends the final MND clarify that all fuel modification activities associated with the Project will occur within the Project site and avoid impacts to the adjacent preserve (including clearing, trimming, and irrigation runoff).	Prior to Project construction and activities	City/Project Applicant
<b>REC-5-Entrapment</b>	The Project may result in the use of open pipes used as fence posts, property line stakes, signs, etc. CDFW recommends that all hollow posts and pipes be capped to prevent wildlife entrapment and mortality because these structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Metal fence stakes used on the Project site should be plugged with bolts or other plugging materials to avoid this hazard.	Prior to Project construction and activities	City/Project Applicant
<b>REC-6-Rodenticide</b>	CDFW recommends preventing the use of second-generation anticoagulant rodenticides on site and over the life of the Project.	Prior to Project construction and activities	City/Project Applicant
<b>REC-7-Data</b>	CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. The City shall ensure that all data concerning special status species within the Project site be submitted to the CNDDDB by completing and submitting <a href="#">CNDDDB Field Survey Forms</a> . This	Prior to Project construction and activities	City/Project Applicant

John Signo  
City of Rolling Hills  
January 30, 2023  
Page 24 of 24

	<p>includes all potential occurrences of SSC. The City shall ensure the data has been properly submitted, with all data fields applicable filled out, prior to Project ground-disturbing activities. The data entry shall also list pending development as a threat and then update this occurrence after impacts have occurred. The City shall provide CDFW with confirmation of data submittal.</p>		
--	---	--	--