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Governor's Office of Planning & Research

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Octavio Silva, Senior Planner
City of Rancho Palos Verdes Planning Division
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

STATE CLEARINGHOUSE

Subject: Comments on the Draft Environmental Impact Report for proposed code amendments to Exception "P" of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2 (SCH #2010121073)

Dear Mr. Silva:

The Department of Fish and Wildlife (Department) has reviewed the August 2019 Draft Environmental Impact Report (DEIR) for the proposed code amendments to Exception "P" of Title 15.20.040 (Landslide Moratorium Ordinance) of the Rancho Palos Verdes Municipal Code pertaining to Zone 2 (Project). The City of Rancho Palos Verdes (City) originally prepared and circulated a DEIR for this Project in 2012, but the final EIR was never certified and the amendments were never approved. The 2019 DEIR is an updated version of the 2012 document and reflects applicable data that is new or has changed since 2012, as well as pertinent information provided in the comments received on the original DEIR.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of Rancho Palos Verdes (City) is currently participating in the NCCP program through the preparation of the City of Rancho Palos Verdes final draft NCCP/Habitat Conservation Plan (NCCP/HCP) that was submitted to the Federal Register on October 31, 2018, and again on April 4, 2019.

The proposed amendments apply to the 112-acre Zone 2 Landslide Moratorium Area (LMA) located in the Portuguese Bend area of the City and would allow for future submittal of Landslide Moratorium Exception (LME) applications for an additional 31 undeveloped or underdeveloped lots within Zone 2 of the LMA. These properties are located outside of the City's habitat Preserve (Preserve) that was established as part of the NCCP/HCP; however, some properties abut the Preserve and there is potential for direct and indirect impacts to biological resources as a result of future approvals of LME applications on all parcels. The Department and the U.S. Fish and Wildlife Service (collectively the Wildlife Agencies) reviewed and submitted comments on the Notice of Preparation for the 2019 DEIR, which are documented in our December 12, 2018, letter. The Department appreciates the City's consideration and incorporation of these comments into the August 2019 DEIR and offers the

below recommendations to further assist the City in minimizing impacts to biological resources and ensuring the Project is consistent with its NCCP/HCP.

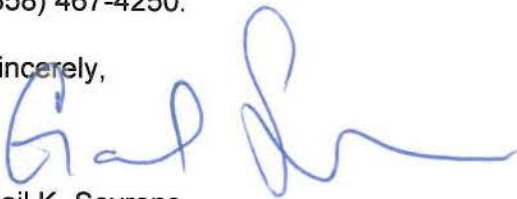
1. The 2019 DEIR indicates that review of aerial photography in advance of the 2010 biological resources surveys suggested the presence of coastal sage scrub (CSS)-dominated plant communities along the perimeter of the Project. In addition, mapping documents that were prepared for the 2004 draft NCCP/HCP showed the presence of host plants, ocean locoweed (*Astragalus trichopodus* var. *lonchus*) and deerweed (*Acmispon glaber*), for the Palos Verdes blue butterfly and CSS habitat adjacent to the northwestern portion of the Project area within the Filiorum Reserve, and CSS habitat along Altamira Canyon. The 2010 biological surveys documented that the perimeter of the Project area had been mowed or trimmed for fire clearance and the CSS habitats were no longer intact. Follow-up surveys conducted in 2018 in advance of the 2019 DEIR documented similar conditions on site (see page 4.3-2 of 2019 DEIR). It is unclear in the 2019 DEIR whether these fuel modification activities were authorized and whether they were performed in a manner that is consistent with the NCCP/HCP. The Department recommends that the City confirm whether impacts to CSS habitats within the Preserve were appropriately deducted from their allotted total for "Preserve Fuel Modification," and provide confirmation that impacts to CSS habitat outside of the Preserve were appropriately mitigated in accordance with Section 5.3.3 of the NCCP/HCP (i.e. through payment of the in-lieu fee). This information should be included in the final EIR for the Project.
2. Mitigation Measure BIO-3(a) of the 2019 DEIR states that mitigation for impacts to wetland and riparian habitats would require restoration of such habitat at a minimum ratio of 2:1 for temporary losses and 3:1 for permanent losses. Please note that it is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.

For activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, or stream, or lake or use material from a river, stream, or lake, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. If an LSAA is required, the Department will evaluate the project for impacts to wetland and riparian habitat and determine appropriate compensatory mitigation to be included as part of the agreement based on the functional value the impacted habitat provides. Compensatory mitigation may or may not reflect the ratios proposed in BIO-3(a) of the DEIR and may include but is not limited to, creation, restoration, or enhancement of riparian and/or wetland habitats, restoration monitoring and reporting commitments, and permanent long-term site protections and funding for long-term management.

3. Raptors readily utilize eucalyptus and other ornamental tree species that have been identified in the Project area for nesting, and commonly forage in open patches of non-native grassland. Given the presence of both of these elements in the Project area, there is a high likelihood of potential use by raptor species. Therefore, we recommend updating Mitigation Measure BIO-4 to reflect the nesting dates that are identified in the NCCP/HCP for raptors (NCCP/HCP Section 5.5). In addition, the Wildlife Agencies should be notified if a buffer of less than 500 feet is recommended around any active raptor nests, in accordance with Section 5.5 of the NCCP/HCP.
4. In order to fully minimize potential indirect impacts to the Preserve, the NCCP/HCP requires development projects that abut the Preserve to incorporate specific minimization measures as enforceable conditions in all City permits, operations, and authorizations to proceed with work (NCCP/HCP Section 5.7). The majority of these measures are addressed and included in the 2019 DEIR under Mitigation Measure BIO-6. However, there currently are no measures to prevent the potential introduction of non-native and invasive plant species into the Preserve. We recommend updating Mitigation Measure BIO-6 to include the language from the NCCP/HCP regarding ornamental landscaping on properties abutting the Preserve (see NCCP/HCP Section 5.7).

Thank you for the opportunity to comment on the 2019 DEIR and the incorporation of our past recommendations. We appreciate the City's ongoing efforts to implement the NCCP/HCP and to minimize impacts to biological resources. If you have any questions regarding the content of this letter or would like to discuss any of these items further, please contact Kyle Rice at (858) 467-4250.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: State Clearinghouse
Eric Porter, U.S. Fish and Wildlife Service

