

BIOLOGICAL RESOURCES DESCRIPTION AND RECOMMENDATIONS

Meeting Date: June 26, 2023 – Monday

PROJECT: 23333 Saddle Peak Road Restoration

Project No.: R2015-01673
Permit No.: Minor CDP RPPL2016002599
APN: 4438-039-001
Address: 23333 Saddle Peak Rd, Topanga, CA 90290
Location: Topanga Creek Watershed
USGS Quad: Malibu Beach
Project Applicant: Nematollah Mostajer
Project Biologist: Jim Anderson, Envicom Corporation
Staff Planner: Nathan Merrick
Staff Biologist: Joe Decruyenaere

Project Description with respect to Impacts to Biological Resources: The project parcel is mapped in the LCP as H2, H2-High Scrutiny (H2HS), and H3. These designations correspond to National Park Service (NPS) vegetation mapping polygons¹, comprising chaparral communities dominated by bigpod ceanothus, chamise, and Eastwood manzanita as H2; hairyleaf ceanothus chaparral as H2HS; and “urban buffer shrubs”² and “other exotic woodland/forest”³ as H3.

The restoration area is approximately 0.94 acres and involves removal and disposal of unpermitted fill at the graded pad and entrance slope, restoration of disturbed areas to native habitat, and removal of invasive plant species. The unpermitted fill totals 352 cubic feet and covers approximately 0.135 acres. Fill shall be stripped to expose the original topography and will be disposed of at the Calabasas Landfill. Staging for the fill removal shall occur within existing disturbed areas, such as the graded pad.

¹ Aerial Information Systems, Inc. 2007. Final USGS-NPS Vegetation Mapping Program, Santa Monica Mountains National Recreation Area Photo Interpretation Report. Prepared for Santa Monica Mountains National Recreation Area.

² “Urban buffer shrubs” is a disturbed vegetation designation applied by NPS to areas interpreted as supporting the transitional area between relatively undisturbed natural vegetation and built-up areas that could be classified as non-vacant and nonagricultural land use. On the project site, this designation corresponds largely with the disturbed area which is proposed to be restored.

³ “Other exotic woodland/forest” is a non-native vegetation designation applied by NPS to areas interpreted as supporting stands of exotic trees not dominated by *Eucalyptus*, conifers, or *Schinus molle*. On the project site, this designation corresponds largely to areas supporting stands of non-native trees including African sumac, Coulter pine, European olive, gray pine, Peruvian pepper tree, and Aleppo pine.

The vegetation that was removed is presumed to have been big-pod ceanothus – laurel sumac (*Ceanothus megacarpus* – *Malosma laurina*) chaparral with low cover of scrub oak. Restoring the site to dense chaparral is not feasible in a five-year period, and therefore the objective of the restoration project will be to restore disturbed areas to coastal scrub, which establishes relatively quickly and is generally successional to chaparral in areas where a stable chaparral community normally occurs over the long term.

Best Management Practices for erosion and sediment control are noted on the grading plans for fill removal. Protected zones around protected native trees will be fenced. Construction machinery may be used to remove the fill, except within the protected zone of a protected native laurel sumac tree, which shall be accomplished using hand tools. To the extent possible soil disturbance will be minimized; however, some soil disturbance will be necessary to ensure good seed contact with soil, to install rice straw mulch, and to loosen highly compacted soils.

Native species will be applied via broadcast seeding over a three-year period, and invasive grasses and forbs will be the focus of weeding efforts. The seed mix will consist primarily of black sage (*Salvia mellifera*), California buckwheat (*Eriogonum fasciculatum*), California sagebrush (*Artemisia californica*), and deerweed (*Acmispon glaber*) along with native herbs such as foothill needlegrass (*Stipa lepida*) and slender tarplant (*Deinandra fasciculata*). Chaparral species such as big-pod ceanothus will comprise a minor component of the seed mix, which, combined with natural seed-rain from adjacent chaparral habitats, should ultimately result in a chaparral community, given sufficient time.

African sumac (*Searsia lancea*), horehound (*Marrubium vulgare*), Spanish broom (*Spartium junceum*), tree-of-heaven (*Ailanthus altissima*), tree tobacco (*Nicotiana glauca*), and any additional highly invasive or problematic species will be removed wherever they occur on the property over the course of the restoration project. Non-native pine and olive trees will be left in place since they are not invasive and provide some habitat value to local wildlife.

Native seeds will be collected or obtained from suppliers and will be sourced from Los Angeles or Ventura County, with preference for seeds from the Santa Monica Mountains. At the discretion of the restoration specialist, natural rainfall may be relied upon with installation of a temporary overhead irrigation system as a contingency, which would be attached when in use to a nearby hydrant, water line, or water truck.

Five laurel sumac shrubs will be planted to compensate for the unpermitted placement of fill within the protected zone of laurel sumac #5.

Geotextile mats will be used to stabilize steep slopes, and soil amendments may be applied in areas where topsoil was removed or in areas that have been dominated by exotic weeds for many years. Container plantings are not proposed but may be added in case of poor establishment of native cover within the first two or three years. Protected

zones around native trees and spheres of influence⁴ around oak woodland stands will not be irrigated or otherwise disturbed except to allow seed application, exotic species removal, and removal of the chain link fence.

Debris and trash will be removed. A flight of railroad tie steps to the west of Saddle Peak Road will be left in place. A portion of the site within 200 ft of the neighboring residence to the southwest will be treated as a brush-thinning zone, and restoration activities within this zone will ensure spacing of shrubs consistent with County requirements.

The restoration project will be maintained and monitored over a 5-year period, with years 4 and 5 excluding remedial actions other than exotic species control to demonstrate that native plantings are self-sustaining.

Landscape and Fuel Modification: no landscaping is proposed.

ERB PROJECT GENERAL RECOMMENDATIONS

1. **Landscaping**—In addition to the requirements of §22.44.1240.B.3 (emphasize the use of native plant palettes in fuel-modification Zones A and B; use exclusively native plant palettes in Zone C; prohibit invasive non-natives species in all zones), the plant palette shall avoid the use of ornamental cultivars and selections, including those of California native species, that have potential to hybridize with local wild plant populations or escape into adjacent natural habitat areas.
2. **Fuel Modification**
 - a. Retain as many non-sprouting species as possible. These usually have a single trunk. Do not cut off the trunk in pruning, as this kills the plant.
 - b. Choose multiple-trunked, resprouting species for removal over non-sprouters. The remaining multi-trunked shrubs should be pruned in a staggered, clumped pattern on an alternating schedule, allowing 2 – 3 years between prunings for any one clump. Re-sprouting species can be pruned to near ground level.
 - c. It is recommended that locally-indigenous plants thinned for fuel modification be chipped and used as native plant mulch. SMM native plant mulch is not widely available in stores, but is an excellent addition to the landscape to retain soil moisture and reduce growth of invasive weeds.
 - d. Disking and indiscriminate clearing is not allowed in any Fuel Modification Zone.
 - e. For trees to have fuel ladders removed: prune lower branches up to 1/3 of tree height or up to 6 ft. maximum for trees 18 ft. and taller, per County fire requirements. Consult with LA County Planning (County Planning) or Forestry before pruning protected oaks or native trees.
 - f. Include provisions for irrigation, both permanent for Zones A and B, and temporary for establishment of native plants in Zone C and outside of Fuel Modification Zones.

⁴ “Spheres of influence” refers to the area around oak trees equal to 10X the area of the individual trees. This area is used to determine the overall extent of woodland stands, as illustrated in the Los Angeles County Oak Woodlands Conservation Management Plan Guide.

3. **Permanent Runoff Control/Drainage Plan**—The Applicant shall provide a grading plan and drainage report, including proposed site design and source control best management practices to minimize post-construction runoff and infiltrate at minimum the first 0.75-inches of stormwater. This plan should show all proposed drainage improvements, such as locations of infiltration basins, measures to convey runoff from impervious surfaces into permeable areas of the property (e.g., raingardens or bioswales) in a non-erosive manner, measures to maximize the ability of native substrates to retain and infiltrate runoff, and placement of cisterns or rain barrels for stormwater capture.
4. **Glass** should be least reflective or have frit patterns that will promote energy conservation and prevent bird strikes caused by the bird mistaking a reflection of habitat for available flight space, per §22.44.1320.
5. **Lighting** should carefully follow provisions of §22.44.1270 for exterior lighting. Avoid trespass of light into the night sky and onto natural areas both on and off the project parcels.
6. **Biological Monitor**—Prior to the issuance of a grading permit, a qualified biologist shall be retained by the Applicant as the lead biological monitor subject to the approval of County Planning. That person shall ensure that impacts to all biological resources are minimized or avoided, and shall conduct (or supervise) pre-grading field surveys for species that may be avoided, affected, or eliminated as a result of grading or any other site preparation activities. The lead biological monitor shall ensure that all surveys are conducted by qualified personnel (e.g., avian biologists for bird surveys, herpetologists for reptile surveys, etc.) and that they possess all necessary permits and memoranda of understanding with the appropriate agencies for the handling of potentially-occurring special-status species. The lead biological monitor shall also ensure that daily monitoring reports (e.g., survey results, protective actions, results of protective actions, adaptive measures, etc.) are prepared, and shall make these monitoring reports available to County Planning and CDFW at their request.
7. **Staking of Grading Limits**—The Applicant's contractor shall delineate the proposed grading limits of the building site or the extents of the proposed development area, whichever is greater, the driveway, and the extents of the fuel modification zones before any of the measures outlined below are implemented. The contractor shall not remove any native vegetation during staking and shall set the stakes so that they are clearly visible. The locations of the stakes within the fuel modification zones shall be recorded using GPS and provided to the project biologist.
8. **Nesting Bird Survey & Protection Plan**—Initial staging, grubbing, grading, and construction shall be scheduled to occur outside the nesting season of birds as defined by the CDFW, if feasible. Regardless of timing, breeding bird surveys shall be conducted before any activities are scheduled to occur and before installation of any protective fencing (see below), as follows:
 - a. If initial grubbing, grading, and construction activities are scheduled to occur outside CDFW defined nesting season (generally February 1 – August 31), a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct a survey within 7 days prior to and again within 3 days of the date that activities are scheduled to begin. The biologist should focus efforts within the grading

- area, development area, the fuel modification zones, the driveway area, and areas within 50 ft. of them. The biologist should also survey 300 ft. beyond these areas, as access allows.
- b. If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys in the Santa Monica Mountains shall conduct weekly bird surveys beginning thirty days prior to the initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 ft. of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities. If a protected native bird is found in suitable nesting habitat, all project activities within 300 ft. of on- and off-site suitable nesting habitat (within 500 ft. for suitable raptor nesting habitat) may be delayed until August 31. Alternatively, the qualified biologist may continue the surveys in order to locate any active nests. If the biologist determines that there are active nests within or adjacent these areas, they should establish appropriate buffer zones, as defined in "c" below.
 - c. If an active nest is found, regardless of time of year, project activities within 300 ft. of the nest (within 500 ft. for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 ft. (or 500 ft.) between the project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area.
 - d. The qualified biologist shall provide County Planning with a brief report summarizing the results of the surveys, as well as a description and assessment of implemented protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.
 - e. If the qualified biologist determines that a narrower buffer between the project activities and observed active nests is warranted, he/she shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to County Planning and CDFW. Based on the submitted information, County Planning (in consultation with CDFW) will determine whether to allow a narrower buffer.
 - i. In circumstances when activities are scheduled to occur between an original buffer and a reduced buffer, a qualified biologist should monitor the nest before, during, and after the activities, to determine if it is being affected.
 - ii. The only activities that shall be allowed between the original buffer and the reduced buffer are those that generate noise levels less than 60 dBA as measured at the resource. The biologist shall record noise levels every hour and must have the authority to stop any

activities that exceed 60 dBA if they determine that it is affecting, or has the potential to affect the outcome of a nest.

- iii. The biologist shall send weekly monitoring reports to County Planning and, upon request, to CDFW, documenting the status of monitored nests, and shall notify County Planning immediately if project activities damage active avian nests.
9. **Temporary wildlife fencing** shall be utilized to reduce the potential for wildlife being harmed by or moving into the work site. The project proponent's contractor shall delineate the grading limits/approved development area and shall fence the area in its entirety with green screen before beginning removal of any vegetation, as follows:
- a. To install the screen, laborers will remove a 5-foot strip of vegetation at the limits of the grading limits/development area using hand-held tools to allow wildlife, including special status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
 - b. The green screen shall be partially buried, or fitted with silt fence that is partially buried, in a manner that reduces the potential for wildlife moving back in.
 - c. Laborers installing the fence shall remain within the cut areas and any paths leading to it.
 - d. A biologist shall monitor fence installation so that they can capture and relocate wildlife as necessary, and to ensure that no protected trees or special status plants are impacted during installation.
 - e. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
 - f. A gated entrance shall allow ingress and egress. The gates shall remain open until after the project biologist conducts a pre-construction survey and shall be closed only after vegetation is cleared from within the fenced area (see below).
10. **Pre-Construction Biological Resources Survey & Site Clearance**—A pre-construction biological resources survey shall be conducted within the area that is screened and within areas adjacent the driveway the day after screening.
- a. The project proponent's contractor shall plan to remove vegetation from within the screened area no more than 1 day after completion of the Pre-Construction Biological Resources Survey.
 - b. Laborers shall use hand held tools to remove the vegetation. Using hand-held tools will allow wildlife, including special-status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.
 - c. A biologist shall monitor vegetation removal so that they can capture and relocate wildlife as necessary.
 - d. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
11. **Initial Grubbing & Grading**—Initial grubbing and grading shall occur 3 to 7 days after vegetation has been cleared from the proposed development area/grading limits. The delay between vegetation clearance and the grubbing and grading activities will allow wildlife, including special-status species, a chance to escape and reduce the potential of them being crushed by heavy machinery.

