

April 3, 2024

California Coastal Commission South Central Coast District Office
Barbara Carey, District Manager
89 South California Street, Suite 200
Ventura, CA 93001

Dear Ms. Carey:

NOTICE OF FINAL DECISION ON COASTAL DEVELOPMENT PERMIT

Please note the following final Los Angeles County decision on a coastal development permit application (all local appeals have been exhausted for this matter):

PROJECT INFORMATION

Project No.:	PRJ2021-003817-(3)
Major Coastal Development Permit No.:	RPPL2022005199
Project Applicant:	LA County Public Works Department
Project Location:	Public Right-Of-Way Adjacent To 3565 Encinal Canyon Road (Assessor's Parcel Number: 4472-028-033)
Project Description:	Installation of a 12-inch-diameter water main pipeline and an above-ground pressure regulating station in the public right-of-way of Encinal Canyon Road within the Rural Coastal zone of the Santa Monica Mountains Coastal Zone.

FINAL DECISION INFORMATION

Los Angeles County Regional Planning Commission ("RPC"), by its action on March 20, 2024, approved the above-referenced project with conditions. The appeal period ended on April 3, 2024. No appeals were filed. Enclosed are the required materials supporting the final decision including the RPC's Findings and Conditions of Approval.

CALIFORNIA COASTAL COMMISSION APPEAL INFORMATION

This approval is appealable to the California Coastal Commission under Section 22.44.1050.A.3 of the Los Angeles County Code ("County Code") because the approved developments is not designated as principal permitted uses in this LIP. The procedures for appeal are found in Sections 22.44.1050.D through F of the County Code and those procedures allow an applicant, any aggrieved person who exhausted local appeals, or any two members of the California Coastal Commission to file an appeal with the California Coastal Commission. The appeal must contain the following information:

1. The name and address of the permit applicant and appellant;
2. The nature and date of the local government action;
3. A description of the development proposed and approved;
4. The name of the governing body having jurisdiction over the project area;
5. The names and addresses of all persons who submitted written comments or who spoke and left his or her name at any public hearing on the project, where such information is available;
6. The names and addresses of all other persons known by the appellant to have an interest in the matter on appeal;
7. The specific grounds for appeal under Section 22.44.1050.B of the County Code;
8. A statement of facts on which the appeal is based; and
9. A summary of the significant questions raised by the appeal. The filing of the notice of appeal shall also contain information which the local government has specifically requested or required.

The appeal must be received in the California Coastal Commission district office with jurisdiction over the local government on or before the 10th working day after receipt of the notice of the permit decision by the Executive Director of the California Coastal Commission pursuant to Section 22.44.1030 of the County Code.

The appellant shall notify the applicant, any persons known to be interested in the application and the local government of the filing of the appeal. Notification shall be by delivering a copy of the completed notice of appeal to the domicile, office, or mailing address of said parties. In any event, such notification shall be by such means as may reasonably advise said parties of the pendency of the appeal. Unwarranted failure to perform such notification may be grounds for dismissal of the appeal by the California Coastal Commission. A copy of this notice of final decision has also been sent by first-class mail to the applicant.

For questions or for additional information, please contact William Chen, AICP of the Coastal Development Services Section at (213) 893-1090, or by email at wchen@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Robert Glaser, Supervising Regional Planner
Coastal Development Services Section

RG:WCC

Enclosures: RPC Approval Letter, Findings, Conditions of Approval

March 21, 2024

LA County Department of Public Works
Attn: Katrine Usi
1000 S. Fremont Ave.
Alhambra, CA 91803

PROJECT NO. PRJ2021-003817-(3)
MAJOR COASTAL DEVELOPMENT PERMIT NO. RPPL2022005199
PUBLIC RIGHT-OF-WAY ADJACENT TO 3565 ENCINAL CANYON ROAD (APN: 4472-028-033)

Dear Ms. Usi:

The Regional Planning Commission (Commission), by its action of **March 20, 2024**, has approved the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals: The applicant or any other interested persons may appeal the Commission's decision. The appeal period for this project will end at 5:00 p.m. on April 3, 2024. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

Katrine Usi
March 20, 2024
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For questions or for additional information, please contact William Chen of the Coastal Development Services Section at (213) 893-1090, or wchen@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Robert Glaser, Supervising Regional Planner
Coastal Development Services Section

RG:WCC

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: Board of Supervisors
DPW (Building and Safety)
Zoning Enforcement

CP_DATE_FILENAME

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
PROJECT NO. PRJ2021-003817
MAJOR COASTAL DEVELOPMENT PERMIT NO. RPPL2022005199

RECITALS

1. **HEARING DATE(S).** The Los Angeles County (“County”) Regional Planning Commission (“Commission”) conducted a duly-noticed public hearing in the matter of Major Coastal Development Permit No. **RPPL2022005199** (“Major CDP”) on March 20, 2024.
2. **HEARING PROCEEDINGS.** A duly noticed public hearing was held on March 20, 2024, before the Regional Planning Commission. Commissioners O’Connor (Chair), Louie (Vice Chair), Duarte-White, Hastings, and Moon were present. Staff gave a presentation of the project and recommended approval. Planning Commissioner Hastings inquired about the change in pipe material from steel to ductile iron. The applicant’s representative indicated that an answer would be provided as to the reason. There being no further testimony, the Commission closed the public hearing found the Project was Categorical Exempt pursuant to CEQA (Class 3, New Construction or Conversion of Small Structures and Class 4, Minor Alterations to Land), and approved the Project with the attached findings and conditions of approval.
3. **ENTITLEMENT(S) REQUESTED.** The permittee, the County Department of Public Works (“DPW” or “permittee”), requests the Major CDP to authorize the installation of a 12-inch-diameter water main pipeline and an above-ground pressure regulating station (“Project”) in the public right-of-way (“ROW”) of Encinal Canyon Road adjacent to Assessor’s Parcel Number 4472-028-033 in the unincorporated community of the Santa Monica Mountains Coastal Zone (“Project Site”) within the R-C-10 (Rural Coastal – 10 Acre Minimum Require Lot Area) Zone pursuant to County Code Section 22.44.810.
4. **ENTITLEMENT(S) REQUIRED.** A Major CDP is required for uses normal and appurtenant to the storage and distribution of water in the R-C Zone pursuant to County Code Section 22.44.1750.D.
5. **LAND USE DESIGNATION.** The Project Site is located within the public ROW and therefore does not have a land use designation within the Santa Monica Mountains Local Coastal Program Land Use Policy Map.
6. **ZONING.** The Project Site is located in the Santa Monica Mountains Planning Area and is zoned R-C-20.
7. **SURROUNDING LAND USES AND ZONING**

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
NORTH	RL10—1 Dwelling Unit/10 Acres Maximum)	R-C-10	Vacant land
EAST	RL10	R-C-10	Vacant land
SOUTH	RL20—1 Dwelling Unit/20 Acres Maximum)	R-C-20 (Rural Coastal—20 Acre Minimum Required Lot Area)	Vacant land
WEST	RL10	R-C-10	Vacant land

8. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is the Encinal Canyon Road public ROW beginning at the City of Malibu jurisdictional boundary and extending northbound 260 linear feet. The ROW measures 70 feet in width, is irregular in shape with flat topography, and is developed with a 30-foot-wide paved road with dirt shoulders on either side.

B. Site Access

The Project Site is within the public ROW of Encinal Canyon Road, a 70-foot-wide Secondary Highway.

C. Site Plan

The Encinal Canyon Road Emergency Interconnection Project would install 7,200 feet (1.36 miles) of 12-inch-diameter water pipeline and three pressure regulating stations within the public ROW of Encinal Canyon Road. Construction would occur in the City of Malibu and in the unincorporated County, approximately between 3565 and 4520 Encinal Canyon Road. The Project would interconnect the City of Malibu water main with the Las Virgenes Municipal Water District (“LVMWD”). The purpose of the Project is to establish a water source interconnection for the region in case of emergencies.

As a part of this larger undertaking, DPW requests a Major CDP to construct the portion within the unincorporated County. The small segment of pipeline between the City of Malibu and LVMWD measures 260 linear feet and will be constructed underground within the public ROW of Encinal Canyon Road. An above-ground pressure regulating station will be constructed on the road shoulder, which will include minor grading to construct a 202-square-foot (25 feet and nine inches by eight feet and two inches) concrete pad and a protective concrete masonry unit (“CMU”) wall barrier, which would measure a maximum of three feet and four inches in height. The Project will involve the excavation of a four-foot-wide trench with 22 cubic yards of grading for the installation of the 12-inch pipeline within the existing public ROW. Per the requirements of the Santa Monica Mountains Local Implementation Program (“LIP”), installation of uses normal and appurtenant to the storage and distribution of water in the R-C Zone requires a Major CDP (County Code Section 22.44.1750 D).

The Project Site consists of a 70-foot-wide public ROW that is paved with gravel shoulders on either side. The Project Site is mapped as H1, H2 and H3 habitat within the Santa Monica Mountains Land Use Plan (“LUP”). The permittee’s biological inventory report concludes that limited potential impacts to H1 and H2 habitat are possible, which are both located less than 100 feet away. Conditions will be imposed to further mitigate impacts to H1 and H2 habitats. No oak or native trees within the unincorporated County jurisdiction will be encroached upon.

9. PUBLIC COMMENTS.

No public comments were received.

10. AGENCY RECOMMENDATIONS.

- A. County Department of Public Works: Recommended clearance to public hearing with no conditions in the consultation status dated August 2, 2023.
- B. County Fire Department: Recommended clearance to public hearing with no conditions in the consultation status dated August 23, 2023.
- C. County Fire Forester: Recommended clearance to public hearing with no conditions in the consultation status dated February 23, 2023.
- D. County Department of Public Health: Recommended clearance to public hearing with no conditions in the consultation status dated August 31, 2023.
- E. County Department of Parks and Recreation: Recommended clearance to public hearing with no conditions in the consultation status dated August 3, 2023.
- F. County Environmental Review Board: Recommended clearance to public hearing with conditions at a meeting held on June 26, 2023.

11. CEQA DETERMINATION.

Prior to the Commission’s public hearing on the Project, LA County Planning staff (“Staff”) determined that the Project qualifies for a Categorical Exemption (Class 3–New Construction or Conversion of Small Structures and Class 4–Minor Alterations to Land Exemption) under the California Environmental Quality Act (“CEQA”) and the County environmental guidelines because the Project involves the installation of a 12-inch-diameter water main with associated grading.

Pursuant to Section 15303(d) of the State CEQA Guidelines, the Class 3 Categorical Exemption includes the construction of water main, sewage, electrical, gas, and other utility extensions, including street improvements of reasonable length to serve such construction. The Project qualifies for a Class 3 Exemption because the Project is a proposal to construct a water line within the public ROW.

Pursuant to Section 15304(f) of the State CEQA Guidelines, the Class 4 Categorical Exemption includes minor trenching and backfilling where the surface is restored. The Project qualifies for a Class 4 Categorical Exemption because the Project includes trenching and backfilling to install a water line within the public ROW.

Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 3 and Class 4 Categorical Exemptions cited herein. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also include project activities that will have a significant effect on the environment due to unusual circumstances. However, the proposed Project is not subject to an exception to the CEQA exemptions because the biological inventory and environmental assessment of the area of project disturbance indicates that the presence of sensitive biological resources that would be impacted by implementation and operation of the Project will be mitigated.

The permittee completed a biological inventory that was reviewed by the Staff Biologist. The Staff Biologist conducted a site visit and confirmed the contents of the biological inventory. The biological inventory states that the portion of the Project Site proposed for development does not contain any state-designated environmental resources of hazardous or critical concern; does not contain any plants or animals listed as federal, state, or locally sensitive; and is not considered a particularly sensitive environment. The area subject to development would not extend into H1 Habitat, which are described in the LIP as habitats with the highest biological significance. The Project, which is minimally visible from any scenic highway, trail, or parklands, is not expected to significantly impact scenic resources. It is also not likely to have a cumulative or significant effect on the environment, as it consists of utility work in an area of existing development, and no hazardous waste sites or historic resources would be affected.

At the Environmental Review Board (“ERB”) meeting held on June 26, 2023, the biological inventory was determined to be consistent with the applicable biological resource protection policies and development standards of the Santa Monica Mountains Local Coastal Program after modifications to the Project recommended by the Staff Biologist and ERB. These modifications include the recommendation to install temporary fencing pre-construction and during construction to limit potential impacts in H1 habitat and to impose in-lieu fees based on impacts to H1 and H2 habitat areas, which at a maximum would be 0.08 acres and 0.03 acres, respectively. Therefore, the Project is categorically exempt from CEQA.

GENERAL PLAN CONSISTENCY FINDINGS

12. LAND USE POLICY. The Commission finds that the Project does not have a land use policy designation because the Project Site is within the public ROW.

13. **GOALS AND POLICIES.** The Commission finds that the Project is consistent with the following goals and policies of the LUP:

CONSERVATION AND OPEN SPACE ELEMENT

Scenic Resources Goals and Policies

Policy CO-132:

Avoidance of impacts to scenic resources through site selection and design alternatives is the preferred method over landscape or building material screening. Landscape or building material screening shall not substitute for project alternatives including re-siting or reducing the height or bulk of structures.

Policy CO-133:

New development shall be sited and designed to minimize alteration of natural landforms minimizing the height and length of retaining walls.

PUBLIC FACILITIES ELEMENT

Water and Sewer Goal and Policies

Goal PF-1:

Adequate water supplies and water and sewage disposal systems to support existing and future planned land uses.

Policy PF-2:

Coordinate the land development review process with water purveyors to assure that adequate long-term water supplies and adequate water and sewer infrastructure are available to serve existing and planned development, without negatively impacting supplies and services for existing development.

The Project ensures that water resources are available to support existing land uses in the event of a natural disaster or other emergency by allowing the County Waterworks District No. 29, which is administered by DPW, to request emergency water supplied from LVMWD. The installation of the pressure regulating station above-ground in association with the Project is necessary to avoid greater disturbance to the existing habitat, as installing it below ground would have required more grading and construction beyond the current proposal.

ZONING CODE CONSISTENCY FINDINGS

14. **PERMITTED USE IN ZONE.** The Commission finds that the Project is consistent with the R-C-10 zoning classification because uses normal and appurtenant to the storage and distribution of water are permitted in such zone with a Major CDP pursuant to County Code Section 22.44.1750.D.

15. **HEIGHT.** The Commission finds that the Project is consistent with the standards identified in County Code Sections 22.44.1310.O and 22.44.2040.C.8.b. The Project

proposes a CMU wall barrier, which serves as protection and screening for the above-ground pressure regulating station, is designed to minimize impacts to public views of scenic areas, and will be compatible with the character of the area. The wall height, which measures three feet and four inches above grade, does not exceed the 18-foot height limit for structures within a Scenic Resource Area (“SRA”). Furthermore, the Project is conditioned to ensure that the CMU wall will be painted and landscaped to match the surrounding environment.

16. **COLORS/MATERIALS.** The Commission finds that the Project would utilize construction materials that are appropriate for the surrounding area by using CMU blocks of a sandstone or tan color, which is compatible with the surrounding landscape pursuant to County Code Sections 22.44.1310.O, 22.44.2040.C.8.b, 22.44.2140.E.3, and 22.44.2140.E.4.

17. **GRADING REQUIREMENTS.** The Commission finds that the Project is consistent with the applicable grading requirements identified in County Code Section 22.44.1260. The Project is proposing 10 cubic yards of cut and less than one cubic yard of fill. The Project is consistent with the applicable grading requirements because grading would occur mostly within a level, previously graded area, and the Project is appropriately conditioned to prohibit grading during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.

18. **BIOLOGICAL RESOURCES.** The Commission finds that the Project is consistent with the biological resources requirements of County Code Section 22.44.1800. et. seq. Evaluation of the Project was conducted by the Staff Biologist and by the ERB. At a public meeting held on June 26, 2023, the ERB concluded that the Project, with modifications, is consistent with the applicable biological resource protection policies and development standards of the Santa Monica Mountains Local Coastal Program. The Project is appropriately conditioned to include the installation of temporary fencing around the vegetation areas during construction to limit impacts to H1 and H2 habitat areas.

19. **SCENIC RESOURCE AREA.** The Commission finds that the Project is consistent with the standard identified in County Code Section 22.44.2040, which refers to the standards for an SRA. The Project Site is located within the public ROW of Encinal Canyon Road, a designated scenic route within the Santa Monica Mountains Local Coastal Program. As a result, per Section 22.44.2000 of the County Code, the Project Site is located within a SRA. Developments that are located within an SRA must meet a variety of development standards, including a height limit of 18 feet above grade, utilizing materials and colors that are compatible with the surrounding landscape, breaking up structural mass, and minimizing grading and retaining walls. The design of the water line would meet all of these standards, as indicated by the submitted elevations and grading plans.

20. **HABITAT CATEGORIES.** The Commission finds that the Project is consistent with the standard identified in County Code Section 22.44.1920. The Project Site is designated as H1, H2 and H3 Habitat by the LUP. While all development would occur within H3 Habitat, the entirety of the building site area for the above-ground pressure

regulating station would be located within the H1 Habitat Buffer Zone, which overlaps the H3 Habitat.

Since the Project is located within the H1 Habitat Buffer Zone, approximately 0.11 acres of direct development impact within the H1 Habitat Buffer Zone would result. These impacts cannot be mitigated through a habitat impact in-lieu fee (County Code Section 22.44.1950) because the County does not currently have a current valid Resource Conservation Program ("RCP"). Therefore, a condition of Project approval requires the impact to be mitigated through an in-lieu fee upon the adoption of a valid RCP or, alternatively, by proposing a mitigation plan to be approved by the Director of LA County Planning at a later date, but before grading and construction can occur.

While the Project would occur entirely within designated H3 Habitat areas, the entirety of the Project Site is mapped as H1, H2, and H3. Furthermore, the Project is also located within the H1 Habitat Buffer Zone, as this area encompasses 100 feet from H1 habitat. Per the requirements of the LIP, Public Works project to repair or protect existing public roads may be permitted within the H1 Habitat Buffer Zone. However, the Project scope does not fall within this description and is therefore considered a development that is not permitted within the H1 Habitat Buffer. Pursuant to County Code Section 22.44.1890, new non-resource dependent development is not permitted in H1 Habitat Buffer, but may be permitted when all the following apply:

- a. The Project Site is on a lawfully created parcel;
- b. The development is the minimum necessary to provide the landowner a reasonable economic use of the property, and in no case shall it exceed the maximum standards provided in County Code Sections 22.44.1910 and 22.44.1920;
- c. There is no other feasible alternative building site location that can avoid the H1 Habitat Buffer or H1 Quiet Zone;
- d. The maximum feasible buffer width is provided between the development and the H1 Habitat area;
- e. The development is sited and designed to prevent impacts that would significantly degrade H1 Habitat; and
- f. All feasible mitigation measures have been provided to minimize adverse environmental effects.

The entirety of the proposed development would be located within the H1 Habitat Buffer Zone. However, the proposed location is the most appropriate site for development. The entire Project Site is within the H1 Habitat Buffer Zone, so no alternative development location is possible. The Project avoids oak and other native tree encroachments, proposes no development in H1 or H2 Habitat, and has been found consistent with biological resources by the ERB. In addition, the Project, which has a small footprint and profile, is located entirely within the public ROW. Therefore, the Project is the minimum amount of development necessary to make use of the property.

21. INCLUSIONARY UNITS. The Commission finds that the Project is exempt from the Inclusionary Zoning Ordinance because the Project does not include a residential use.

22. **GRANT TERM.** The Commission finds that a grant term is not necessary to ensure compatibility between the Project and the surrounding land uses.

COASTAL DEVELOPMENT FINDINGS

23. **The Commission finds that the proposed development is in conformity with the certified local coastal program.** The Project is the installation of a 12-inch-diameter water main pipeline and an above-ground pressure regulating station, which is a permitted use within the R-C Zone. The Project conforms to all development standards prescribed by the LIP. The Project is located within an existing disturbed public ROW. While the Project is located within the H1 Habitat Buffer Zone, the Project Site is the most appropriate location for development, and the ERB determined that any impacts to H1 and H2 habitat can be mitigated through best management practices.

24. **The Commission finds that any development, located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.** The Project is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone. The Project is not subject to public access requirements or public recreation policies.

ENVIRONMENTAL FINDINGS

25. The Commission finds that the Project is exempt from CEQA pursuant to State CEQA Guidelines sections 15303 and 15304 (Class 3: New Construction or Conversion of Small Structures, and Class 4: Minor Alterations to Land, categorical exemptions). The Project involves the installation of a 12-inch-diameter water main with associated grading. Section 15300.2 of the State CEQA Guidelines discusses how projects located within particularly sensitive environments may have a significant impact on the environment and are therefore not eligible for certain CEQA exemptions, including the Class 3 and 4 Categorical Exemptions cited herein. Exceptions to the exemptions include project impacts to an environmental resource of hazardous or critical concern where officially designated, precisely mapped, and adopted pursuant to law by federal, state, or local agencies. Exceptions to the exemptions also include project activities that will have a significant effect on the environment due to unusual circumstances. Additionally, an exception to the exemption applies where a project may result in damage to scenic resources. However, the proposed Project is not subject to an exception to the CEQA exemptions because the entirety of the development footprint has been determined to be within H3 Habitat as designated by the Santa Monica Mountains LUP. While the Project occurs within protected buffer area of an Environmentally Sensitive habitat Areas, the Project conforms to the prescriptive development standards of the LIP. The Project would not adversely affect any scenic resources. It is also not likely to have a cumulative or significant effect on the environment, as it consists of the extension of a water line within an existing paved public ROW, and no hazardous waste sites or historic resources would be affected.

Therefore, the Commission determines that the Project is categorically exempt from CEQA.

ADMINISTRATIVE FINDINGS

26. LEGAL NOTIFICATION. Pursuant to County Code Section 22.44.990, the community was properly notified of the public hearing by mail, and newspaper (*Malibu Times*), and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On January 31, 2024, a total of 41 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as 22 notices to those on the courtesy mailing list for The Malibu Zoned District and to any additional interested parties.

27. LOCATION OF DOCUMENTS. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Coastal Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. That the proposed development is in conformity with the certified local coastal program.
- B. That any development located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, is also in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines sections 15303 and 15304 15304 (Class 3: New Construction or Conversion of Small Structures, and Class 4: Minor Alterations to Land categorical exemption); and
- 2. Approves **MAJOR COASTAL DEVELOPMENT PERMIT NO. RPPL2022005199**, subject to the attached conditions.

ACTION DATE: March 20, 2024
VOTE: 5:0:0:0

Concurring: Duarte-White, Louie, O'Connor, Moon, Hastings

Dissenting: 0

Abstaining: 0

Absent: 0

MG:RG:TM:WC

03/20/24

c: Each Commissioner, Zoning Enforcement, Building and Safety

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

CONDITIONS OF APPROVAL
PROJECT NO. PRJ2021-003817
MAJOR COASTAL DEVELOPMENT PERMIT NO. RPPL2022005199

PROJECT DESCRIPTION

The project is the installation of a 12-inch-diameter water main pipeline and an above-ground pressure regulating station (“Project”) in the public right-of-way of Encinal Canyon Road subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term “permittee” shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning (“LA County Planning”) their affidavit stating that they are aware of and agree to accept all of the conditions of this grant. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in LA County Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. Upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant shall have no grant term.**
8. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.238 of the County Code.
10. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
11. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
12. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of LA County Planning ("Director").
13. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
14. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by LA County Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information

about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 48 hours of such notification, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

PROJECT SITE-SPECIFIC CONDITIONS

15. Per County Code Section 22.44.1260 F, grading shall be prohibited during the rainy season, defined as October 15 of any year through April 15 of the subsequent year.
16. Temporary fencing around the tree canopy area shall be installed pre-construction and during the construction phase to limit impact to H1 and H2 habitat areas.
17. The exterior colors of all structures shall be earth-toned, such as sandstone or tan, and shall not include bright or white tones pursuant to County Code Sections 22.44.1310.O, 22.44.2040.C.8.b, 22.44.2140.E.3, and 22.44.2140.E.4.
18. As recommended by the biological inventory, Project construction activities shall be restricted to daylight hours to prevent impediment to nocturnal wildlife activity adjacent to environmentally sensitive habitat areas.
19. As recommended by the biological inventory, Project construction lighting shall be sited to reduce impacts to wildlife adjacent to environmentally sensitive habitat areas.
20. For Project construction activities which occur within the bird nesting season (generally defined as January 1 through September 1), a qualified biologist shall conduct a nesting bird study within 30 days of the anticipated start date, and no less than three (3) days prior to ground disturbance, to identify and active nests within 500 feet of the development footprint. If an active nest is found, the nest shall be avoided, and a suitable buffer zone shall be delineated in the field where no impacts shall occur until the chicks have fledged the nest as determined by a qualified biologist. Construction buffers shall initially be 300 feet for passerines or up to 500 feet for raptors; however, avoidance buffers may be reduced at the discretion of the qualified biologist, depending on the location of the nest and species tolerance to human presence and construction-related noises and vibrations.
21. A qualified biologist shall conduct a preconstruction clearance survey throughout the development footprint, including a 200-foot buffer, for the coastal whiptail, coast horned lizard, Crotch bumble bee, Santa Monica Mountains grasshopper, and southern California legless lizard. If any of the previously listed species are observed within or near the Project work areas during preconstruction clearance surveys, a qualified biologist should relocate the individuals to suitable habitat outside of the Project Site to ensure that construction-related impacts are avoided. Relocation areas and survey methods should be reviewed by LA County Planning prior to implementation.

22. If feasible, Project-related activities should occur outside the general bat maternity roosting season of March through August to avoid impact to bat species. Prior to commencement of construction activities, within or outside of the maternity roosting season, a qualified biologist shall conduct a pre-construction clearance survey within suitable roosting habitat throughout the development footprint, including a 200-foot buffer, to determine if bats are roosting onsite. If bats are determined to be using vegetation or rock outcrops within this area, the qualified biologist will determine whether it is a day roost (non-breeding) or maternity roost (lactating females and dependent young).

If a day roost is determined to be present, the qualified biologist shall ensure that direct mortality to roosting individuals will not occur. In general, disturbances to day roosts as a result of noise or other indirect impact is not generally considered significant as it would not cause direct mortality of individuals and would not be expected to reduce populations to below self-sustaining levels. If removal of the vegetation supporting the day roost must be removed, the qualified biologist will ensure that all roosting individuals disperse from the location prior to removal of the vegetation, to prevent direct mortality.

23. If a maternity roost is observed, the qualified biologist will determine whether construction activities are likely to disturb breeding activities. If it is determined that the vegetation supporting the roost must be removed or activities are expected to disturb the breeding activities, a Bat Exclusion Plan shall be prepared. At a minimum, the Bat Exclusion Plan shall include avoidance and minimization measures to reduce potential impacts to breeding bats during construction activities and prescribed methods to safely and humanely evict bats from the roost in order to minimize any potential impacts.
24. Poison baits containing second generation anticoagulant rodenticides (i.e., brodifacoum, bromadiolone, difenacoum, or difethialone) for the control of rodents shall be prohibited at all times, during and/or following the completion of construction activities.
25. Prior to the commencement of construction activities, construction personnel shall check under stationary equipment to ensure that no wildlife species are present.
26. All trash shall be collected daily and taken offsite for proper disposal.
27. Prior to Project implementation, a Workers Environmental Awareness Program (WEAP) shall be prepared and presented to construction crews regarding all sensitive resources with the potential to occur onsite during construction activities. The WEAP training should concentrate on the proper identification of sensitive resources while in the field, suggested strategies for avoiding impact to sensitive resources, and proper reporting methods for field crews in the event that sensitive resources are observed during construction activities.
28. The Project shall provide mitigation for 0.11 acres of direct development in the H1 Habitat Buffer Zone through the Resource Conservation Program ("RCP"), if such program is valid and in effect at the time of implementation of this condition, or shall

otherwise provide mitigation through restoration pursuant to County Code Section 22.44.1950. If the RCP is valid and in effect at the time of implementation of this condition, the RCP may be utilized as mitigation instead of restoration. Pursuant to County Code Section 22.44.1950 A.3.f.i, the Habitat Impact Fee shall be calculated at the current updated in-lieu fee amount in effect at the time of, and shall be paid prior to completion of the Project. Should the RCP not be valid and in effect at the time of implementation of this condition, the Director shall require restoration as mitigation instead of reliance on the RCP pursuant to County Code Section 22.44.1950.A, and the Project shall provide mitigation pursuant to County Code Section 22.44.1950.C. If mitigation as restoration is required, the permittee shall submit a restoration and/or enhancement plan consistent with the LIP for review and acceptance by the Director. The habitat restoration or enhancement shall be completed prior to or concurrently with construction of the Project and in any case, the vegetation and irrigation installation for the restoration and/or enhancement shall be completed prior to issuance of certificate of occupancy (or equivalent) for any portion of the Project.

Attachments:

Exhibit D-1 Nesting Birds: Guide to Bird-Friendly Tree and Shrub Trimming and Removal

**Los Angeles Audubon Society
PO Box 931057
Los Angeles California 90093-1057**

**Telephone: (323) 876-0202
Fax: (323) 876-7609**

www.losangelesaudubon.org



*This booklet has been reviewed by the
California Department of Fish and Game*

Guide to Bird-Friendly Tree and Shrub Trimming and Removal



May, 2011

When one tugs at a single thing in nature, he finds it attached to the rest of the world. -- John Muir



BIRDS BUILD HOMES TO RAISE YOUNG MUCH LIKE PEOPLE DO

Birds build homes in which to raise their young just as humans do, although their site selections are more varied and often in obscure, hidden places. It is common to think of nests being in tree branches. But some birds build nests on the ground, in bushes and cavities; some build on the sides and eaves of houses, as well as on other man-made structures. They use natural substances and materials to do the job: mud, saliva, spider webs, caterpillar silk, leaf mold, twigs, grasses, and certain other plant fibers. The nest protects the bird's eggs from adverse weather and predators, and keeps eggs and nestlings warm.

THE BIRDS OF LOS ANGELES COUNTY: MORE THAN MEETS THE EYE!

What comes to mind when most people think about city birds are pigeons, mockingbirds, crows, and sparrows. Yet these birds are but a small portion of the more than 120 species that reside in Los Angeles County year round. Annual migration brings in additional species to the area, including more than 60 other breeding species—such as orioles and kingbirds. In total, 350+ species live, nest, or pass through the Los Angeles Basin during any one year. Most of them rely on trees, shrubs, and brush for food, cover, nesting, and rest.

When conducting surveys or inventories, individuals should take caution to avoid walking into heronries, especially under nesting trees (indicated by the ring of white guano around the base of the tree). Should they find themselves within a heronry, one should quietly and quickly leave by the same route they entered.

Density of vegetation within and surrounding the colony can influence the impact of disturbances. The removal of vegetation near a colony can open paths into the heronry that would not only enable intrusion by humans and predators, but would result in an increased number of exposed nests. Maintaining the vegetation, including trees and shrubs, around a colony provides alternate nest sites and a buffer against disturbance. Furthermore, tree trimming should generally not remove more than the minimum of foliage necessary for human health and safety, and should be done, where it is permitted, in a manner that does not unnecessarily discourage herons and egrets from returning to their altered (trimmed) habitat during the next breeding cycle.

HERON & EGRET BREEDING ACTIVITY:

Great Blue Heron: Mid-November to end of September*

Great Egret: Late February to end of August*

Snowy Egret: Early April to late July*

Green Heron: Early April to early August*

Black-crowned Night Heron: Mid-January to end of September*

SPECIAL CONSIDERATION: CORMORANTS

The Double-crested Cormorant, another colonial nesting species, occupies similar habitat and nesting areas as herons. They also need the protection of buffer zones while nesting, but they appear to be less sensitive to human disturbance than herons.

CORMORANT BREEDING ACTIVITY:

Late March to mid-October (especially in Marina del Rey)*

PLEASE NOTE

Some of the information on herons and cormorants is adapted from "Special Management Practices for Herons," courtesy of the Government of Nova Scotia. Although the information below was provided by biologists in Nova Scotia, it is relevant to these species in most locales. For purposes of these guidelines, local biologists and ornithologists were consulted and relevant dates modified to fit conditions in Los Angeles County.

The [PDF] document "Special Management Practices for Herons" can be found at: [<http://www.gov.ns.ca/natr/wildlife/habitats/terrestrial/pdf/heronsmp.pdf>]

* Information on breeding activity from "Los Angeles County Breeding Bird Atlas" and from breeding bird atlas records from San Diego and Orange Counties, and the Salton Sea.

- **Suspended cupped nests**; are nests not supported from below, but from the rims, sides or both:
- **Pensile** nests suspended from the rims and sides; rather stiff (e.g. those of kinglets and vireos).
- **Adherent nests** are cupped nests whose sides are attached by an adhesive substance (e.g. mud or saliva) to a vertical surface, like those of swifts and some swallows.
- **Ground nests**; are cupped nests on the ground; sides are sometimes extended upward and arched over the top making a domed structure. Several passerines, particularly those that occupy open habitats like grasslands and tundra, build ground nests.

[Information on nests courtesy of Prof. Gary Ritchison, Ornithologist, Dept. of Biological Sciences Eastern Kentucky University
[<http://people.eku.edu/ritchison/birdnests.html>]

APPENDIX B

(Species includes Great Blue Heron, Great Egret, Snowy Egret, Green Heron and Black-crowned Night Heron)

SPECIAL CONSIDERATION: HERONS & EGRETS

Heronries or nesting colonies of herons are frequently located in areas isolated from human disturbance, such as riparian corridors, marshes, and groves of trees adjacent to water bodies or on islands. However, some herons have adapted minimally to human activity and may build their nests in trees near apartment and condo complexes, ports, and harbors that have large trees planted in their greenscape.

Hérons are especially vulnerable to human disturbance and habitat destruction during pair formation and the breeding season (mid-November to September of the following year) when large numbers of birds are concentrated in a rather confined area. Herons are delicate and tend to desert nests and entire colonies if disturbed during periods of pair forming (starting mid-November), nest construction (starting in January) or early egg laying (as early as January). Herons continue to be sensitive to disturbance after hatching and up until the young fledge (up to late-September). In some cases, colonies have even been deserted after destruction or alteration of their habitat during the non-nesting season. Even if herons relocate after deserting a colony, consequences of disturbance include fragmentation of breeding populations, total reproductive failure in colonies, reduced number of breeding pairs, and reduced reproductive output per pair. Ultimately this can affect the stability of the entire regional population (Bowman & Siderius, 1984).

Hérons are unpredictable in their response to disruption of a colony and the severity of the response does not always correspond to the magnitude of the disturbance (seemingly innocuous activities can produce serious results). The most important factors to consider when evaluating these effects, are the timing of the disturbance in relation to critical periods of the nesting season and the degree to which the birds are able to adjust to human activities (degree of exposure-induced habituation). Herons are sensitive to humans and mammals moving around under their nesting trees.

Birds generally choose lush locations, such as city parks, schools, business parks, and neighborhoods with high tree density; however, nothing *typical* should be assumed.

During the spring and summer, many birds, including some migrants, nest in Los Angeles County. Unfortunately, this is also the time of year that cities and residents tend to trim trees, prune shrubs, and clear brush. Severely cutting, trimming, and topping trees and other greenery in the spring and summer can destroy nests and may eliminate valuable nest sites.

There are laws that protect birds, their nests, eggs, and young from being removed, destroyed or harassed. A summary of these laws are contained in this booklet. It is worthwhile mentioning that violating any of these laws may result in fines and imprisonment.

Los Angeles Audubon has created these guidelines to inform city authorities, tree trimming contractors, and the general public about the impact on birds by trimming during the times of the year when they are nesting. With your help, great numbers of birds may be spared the destruction of their nests and young each year. In turn, our birds can achieve healthy populations, and continue to provide ecological and aesthetic benefits to humans. More importantly, it will ensure that future generations will be able to enjoy the bounty of birds that call Los Angeles County home.

IMPORTANT PHONE NUMBERS

To report bird harassment, killing, and/or destruction of bird nests:
CALIFORNIA DEPARTMENT OF FISH AND GAME: (888) 334-2258
For nesting surveys: (858) 467-4201

For advice on nesting birds or referrals for nest surveys:
LOS ANGELES AUDUBON: (323) 876-0202

To report bird harassment, killing, and/or destruction of bird nests in county parks:
L. A. COUNTY PARKS & RECREATION: (213) 738-2961
Emergency After Hours: (213) 974-1234

To report nest disturbance, inappropriate trimming in the City of Los Angeles:
L. A. URBAN FORESTRY DIVISION: EMERGENCY: 311

To report nest disturbance, inappropriate trimming in the coastal zone:
CALIFORNIA COASTAL COMMISSION
Enforcement officer: (562) 590-5223

LAWS PROTECTING BIRDS



City of Los Angeles Municipal Code:

Sec. 53.48. SONG BIRDS – KILLING

No person shall kill any song bird or destroy or rob the nest of any such bird.

California State Code:

3503. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

3503.5. It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

Federal Migratory Bird Treaty Act

703. Taking, killing, or possessing migratory birds unlawful.

“...it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof...”

APPENDIX A

TYPES OF BIRD NESTS

- Birds as small as hummingbirds and as large as herons nest on tree branches; so do hawks, owls, and crows. The nests may be found at every level of the tree, from the crown to the under-story; they may be near the crotch, between branch and trunk, or out toward the end of a branch. Birds may use maples, pines, junipers, oaks, sycamore, and palm trees for nesting.
- Some birds, such as some species of sparrow, use grassland and brushy areas, making the nest on the ground.
- Species such as wrens, juncos, and finches may build their nests in bushes and shrubs with dense, compact foliage, or on the ground below them.
- Some swallows and flycatchers build mud nests attached to the sides of buildings, under culverts, and the eaves of houses.
- Woodpeckers, wrens, some species of owls, sapsuckers, and swallows use cavities that they either excavate themselves or use after another has abandoned it. They will use holes found in live and dead trees, stumps, cacti, and sides of old buildings.

The *types of nests* that birds construct are as varied as the birds themselves. A few of the major examples are:

- **Scrape nests** are simple depressions in the ground (sometimes with a few stones or leaves added), or in the leaf litter. Such nests are used by shorebirds, gulls, terns, nighthawks, vultures, and other species.
- **Burrow nests** are very effective at protecting eggs and young from predators and maintaining an appropriate microclimate for eggs and young. Some birds, like Bank Swallows and Belted Kingfishers, usually construct their own burrows, while others, such as Burrowing Owls, may use the burrows constructed by other species.
- **Cavity nests** are used by numerous passerines, woodpeckers, owls, parrots, and some waterfowl. Woodpeckers construct their own cavity nests and are referred to as primary cavity nesters. Species that use natural cavities or cavities constructed by primary cavity nesters are called secondary cavity nesters.
- **Platform nests** are relatively flat nests that may be located on the ground, in a tree, or on the tops of rooted vegetation or debris in shallow water.
- **Cupped nests** are, of course, cup shaped. Such nests may be constructed of various materials and in a variety of locations. Noted ornithologist, Olin Sewall Pettingill, subcategorized cup nests as follows:
 - **Supported cupped nests;** nests located in the crotches and branches of trees and shrubs, supported mainly from below. Many passerines and hummingbirds build such nests.

IMPORTANT FACTS TO CONSIDER WHEN PLANNING A PROJECT

- Trimming or removal of trees can only be conducted safely *outside of the breeding seasons* for the bird species inhabiting the area. A qualified independent biologist or the California Department of Fish and Game should be retained by the City and/or project manager to conduct focused nest surveys prior to any work.
- All persons under contract should be made fully aware of the laws protecting birds and the proper protocols when encountering active nests.
- Hire an arborist that is ISA (International Society of Arborists) certified, a licensed landscaper, or a qualified tree trimmer who knows and cares about a tree's health. Avoid hiring *bargain* tree trimmers or handymen, as they are generally inexperienced and may cause more harm than good to the trees.
- Most trees in Southern California are trimmed *excessively and inappropriately*, especially around apartment complexes and condominiums. This is not only to the detriment of the trees, but it leaves fewer habitats for birds to thrive in. Examples of *unnecessary tree trimming* are:
 - *Thinning out pine trees and conifers to the point that you can see through them.*
 - *Sycamore trees—do not need pruning because they don't drop limbs.*
 - *Removing dead palm fronds that drape down around the trunks of palm trees, which provide valuable nest sites for orioles and kingbirds.*
- Choose tree varieties wisely. Put the right tree in the right place to prevent the need to severely trim or remove trees because they are too big, no longer 'work,' or are causing problems for plumbing, uprooting sidewalks, growing into electrical lines, etc.

Please remember, trees are not ornaments; they are living organisms and will naturally become a host for other living things.

IMPORTANT FACTS ABOUT NESTING BIRDS



The Time of Year that Birds Typically Nest

Many species nest between March 1 and August 31. California Department of Fish and Game often requires surveys for raptors from January 15 to September 15. But nesting birds, especially hummingbirds, hawks and owls, may be found at any time of year, depending on the species. However, there are several species that court and nest outside this time frame, for example, some herons and egrets, many raptors (birds of prey), and most hummingbirds. See Appendix B for guidance on safe times for trimming near heron and egret nests. Consult an independent qualified biologist for safe trimming times upon discovering any large nest.*

**Certain species such as hawks, owls, herons, egrets, crows, and ravens also often re-use nests. If a large nest made of twigs is encountered, even if unoccupied, assume that it belongs to one of these birds and do not disturb it.*

Types of Birds that Nest in Los Angeles County

There are a great variety of species that call Los Angeles County home. The following is a brief list of species, *but please note that it is not all-inclusive.*

- herons, egrets, cormorants**
- hawks, falcons, owls
- pigeons, doves
- hummingbirds, swallows
- woodpeckers
- crows, ravens, jays
- wrens, bushtits, mockingbirds, orioles, sparrows, finches

NOTES

**See Appendix B for special considerations for Herons, Egrets and Cormorants.

What To Do Before Trimming

It is best to avoid the nesting season altogether and do your tree trimming between September and February. At any time the area should be carefully inspected before you begin your operation. For larger areas and sensitive habitats such as areas of native plants, dense brush, stream sides and stands of trees, it is best to hire a trained biologist to conduct the survey.* Laypersons may attempt to conduct their own nest survey; however in most cases this is not possible or practical. Most birds conceal their nests carefully and will not be visible to the average observer; but they do give obvious clues of their whereabouts. There are several ways to detect bird nests: 1) look on the ground for concentrations of white-colored droppings, then check the vegetation above; 2) as you walk through an area, look for birds flying out of vegetation close to you and intensely scolding you; they may have a nest nearby; 3) sit quietly and watch for birds that may be bringing nest material or food repeatedly to one place. Birds tend to place their nests just on the undersides of the tree canopy and where branches join together.

*See Appendix A for detailed nest descriptions

When an Active Nest is Found – STOP TRIMMING!

All work that has the potential to disturb or destroy the nest should cease in the immediate vicinity (50 ft is a good rule of thumb for songbirds, 500 ft for raptors). The nest should not be touched or moved. A qualified biologist or the California Department of Fish and Game can assist in making determinations on how far away to remain from the nest and other measures to avoid disturbing or destroying it. Ideally the nest should remain undisturbed until the young have fledged (left the nest on their own) or the nest is abandoned.

Advice on Finding Nests: Professional Nest Surveys

If you are not comfortable or able to perform a nest survey prior to your project, qualified biological consultants can be found online, or the California Department of Fish and Game may be able to assist you. Either one can perform a nest survey of the trees, shrubs, brush, or other vegetation in question. As stated previously, nests are not easy to spot or to identify. Special care needs to be taken to survey the project area if it includes trees, abandoned buildings, brush, vacant lots, and deadfall.

How Finding Nests May Affect a Project

If the nest contains unhatched eggs or young, work within 50 feet or more of the nest may need to be delayed depending on the species involved. When the species is identified, California Department of Fish and Game or Los Angeles Audubon may be able to provide the amount of time until the eggs hatch and nestlings fledge. If the nest is voluntarily abandoned or depredated (and again depending on species) work probably can be continued. However, a precise determination can only be made by an expert such as a consulting biologist or the California Department of Fish and Game.

Why Nests Can't be Disturbed or Moved to Another Location

The parents choose the nest location for specific reasons: proximity to food and water sources; protection from predators and the elements. Birds may abandon their nest (which may already include eggs or young) if it is disturbed or if the parents are harassed. Moving a nest requires special permission from the U.S. Fish and Wildlife Service and is usually only granted for human health and safety reasons.

What You Can Do If You Witness Tree Trimmers Disturbing or Destroying Nests

Ask them to stop, and make them aware it is against the law. Then, a call should be placed to the California Department of Fish and Game. [See IMPORTANT PHONE NUMBERS] Be prepared to provide the exact location of the activity. Specifically note address and cross streets as well as a vehicle license plate number or name of the company doing the trimming.

Why We Should Care About Protecting Birds' Nests

First and foremost, it is the law. Second, birds provide numerous beneficial activities, such as eating many thousands of insect pests, which may eliminate some of the need for toxic pesticides. They also disperse seeds over wide areas, ensuring plant health and biodiversity. Finally, many bird populations nationwide are plummeting primarily due to the impact of human activities. Birds are creatures of the earth, a family of animals with which we share this planet and its limited resources. Our positive, cumulative actions can make the difference in ensuring their long-term survival.