

BIOLOGICAL RESOURCES DESCRIPTION AND RECOMMENDATIONS

Meeting Date: June 26, 2023 – Monday

PROJECT: Encinal Canyon Road Emergency Interconnection Project

Project No.: PRJ2021-003817-(3)

Permit No.: Major CDP RPPL2022005199

APN: Public right-of-way adjacent to 4472-028-033

Address: Encinal Canyon Road at County / City of Malibu boundary

Location: Encinal Canyon Watershed

USGS Quad: Point Dume

Project Applicant: Los Angeles County Department of Public Works, Transportation Planning & Programs Division

Project Biologist: Daryl Koutnik, ESA

Staff Planner: William Chen

Staff Biologist: Joe Decruyenaere

Project Description with respect to Impacts to Biological Resources: The proposed work would take place within the existing road right-of-way (ROW), which is almost entirely mapped in the LCP as H3, with less than 100 sf of H1 designated on the east side of the road. In order to assess potential indirect effects of project construction on adjacent areas outside of the ROW, County Planning requested that the study area for the Biological Assessment incorporate a 50-ft buffer to either side of the ROW. This study area is mostly mapped in the LCP as H1, corresponding to vegetation mapped by National Park Service (NPS) as coast live oak and coast live oak – greenbark ceanothus woodland associations; H2 within the buffer corresponds to vegetation mapped by NPS as bushmallow – bigpod ceanothus chaparral.

The survey conducted for the project, resulted in proposed revisions to the LCP mapping which would constrict H3 to encompass only the paved surface and disturbed shoulder of the roadway, and would expand H1 and H2 where their canopies extend into the ROW. The survey also clarifies vegetation mapping and proposes H1 designation for southern California black walnut and coast live oak woodland associations, and H2 designation for greenbark ceanothus and bushmallow – laurel sumac associations. Based on these revisions, a total of 0.08 acres of H1 and 0.03 acres of H2 are present within the study area buffer. The engineered alignment is within the paved roadway, and the pressure regulating station is proposed within the disturbed road shoulder. Any potential impacts to H1 or H2 would therefore be indirect or temporary. These potential impacts would be limited to grassy and non-native understory, and no trees or shrubs

are proposed for encroachment or removal. As a conservative measure, the Biological Assessment includes recommendations to calculate in-lieu fees and verification of the proposed impacts up to 0.08 acre of H1 habitat and up to 0.03 acre of H2 habitat after approval of final project design.

Landscape and Fuel Modification: no new landscaping is proposed and none is recommended since all construction is proposed to be sited within the public ROW and outside of any areas that may require special provisions for erosion control or slope stability.

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.
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:

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- 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.
 - a. A biologist shall monitor initial grading and grubbing so that they can capture and relocate wildlife as necessary.
 - b. The biologist must hold a CDFW Scientific Collectors Permit authorizing handling of invertebrates, reptiles, amphibians, and mammals.
12. **Initial Fuel Modification**—The site shall only be fuel-modified after the construction phase of the proposed project has been completed or as otherwise directed by the Fire Department.
 - a. A qualified biologist shall implement the Nesting Bird Survey & Protection Plan before fuel modification occurs.

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- b. A qualified biologist shall be present during initial fuel modification activities and shall stake the limits of fuel modification and flag any areas or plants to be excluded from fuel modifications.
- c. The stakes shall remain in place until after fuel modification activities have been completed.
- d. A qualified biologist shall be present during initial fuel modification activities to ensure that no protected trees or special-status species are damaged by the fuel modification activities.

ADEQUACY OF THE BIOLOGICAL REPORT

The biological assessment is complete and correct.

CONSISTENCY

Staff recommends a determination that the project is consistent with the provisions of the LIP.

Staff Recommendation:	<u>X</u> Consistent	<u> </u> Consistent after Modifications & Report Completion	Bio
	<u> </u> Inconsistent	<u> </u> No decision	