

COMMENTS

RESPONSES

Comment 1

The EIR comment period was extended to 60 days.

In

Page 1 of 1

Subject: DEIR for the NCCP
To: Cboyd@pvnews.com
CC: CC@rpv.com, citymanager@rpv.com, planning@rpv.com

Dear Editor:

There's a deadline that's fast approaching and almost no one knows about it. It's the date when all comments to the Draft Environmental Impact Report (DEIR) on RPV's biggest land acquisition (NCCP) are due. For the record, that date is April 5th.

The city has been very cagey about making knowledge of the DEIR available, and has stipulated the CEQA minimum review time of 45 days. The public notice was made through a PV News' legal ad on February 28th (a Saturday) which stated that the DEIR "will be available for public review and comment from February 28, 2004 through April 5, 2004." (Say what?) It wasn't, but note that 8 days of the minimum review time had already been eaten up by the time the ad appeared. According to the 2004 edition of "Gales Directory of Publishers and Broadcasters," the Saturday edition of the PV News has a circulation of 6000. There are about 14,000 homes in RPV and roughly 22,000 on the entire peninsula. Can someone tell me if that sounds like "wide" distribution?

The document finally made it to the Pen Center and Miraleste libraries on February 24th, but no one knew it was there until the 28th. There are also copies at City Hall and at Hesse Park. Imagine, 4 copies for a city of 42,000 people. Since this is to be considered a "regional preserve," shouldn't other nearby cities and communities be allowed to review the DEIR also? Oops, I almost forgot: it is also on the RPV website.....all 134 pages of it. To get things in perspective, Section 10 of the document contains a bibliography of some 150 or so other documents. It would be a gargantuan task just to find those documents much less read any of their content in 37 days.

In fairness I must say that there was a prior announcement in the PV News of February 14th (also a Saturday & Valentine's Day). It gave a review period ending April 2nd, but apparently the DEIR contractor did not finish the job in time for that to happen, so the second (tardy) announcement was needed.

- One has to wonder why, with a council openly dedicated to full disclosure in all city matters, that:
1. The city is sticking to a minimum of 45 days for review of a most important document.
2. The city shaved off 8 of those days by late public announcement.
3. The announcement was made in the PV News on its lowest circulation day.
4. There are only four copies available in public places.

The city council should extend the date for review of this DEIR in fairness to its citizens. If the NCCP passes muster with the high priests up north, RPV homeowners will be called to support the acquisition of this land by means of a bond attached to their property. A reasonable review time would be 75-90 days with more publicity to draw attention to the impending project. Projects of much smaller magnitude have been afforded greater review times than 37 days.

Rarry Hildebrand
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HILDEBRAND 1

<i>COMMENTS</i>	<i>RESPONSES</i>
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APR 20 2004

PLANNING, BUILDING &
 CODE ENFORCEMENT

19 April 2004

Mr. Joel Rojas, Director of Planning, Building, and Code Enforcement
 City of Rancho Palos Verdes
 30940 Hawthorne Boulevard
 Rancho Palos Verdes, CA 90275

Subject: Questions/Comments on DEIR for RPV NCCP Subarea Plan (SCH# 2003071008),
 Dated 20 February 2004.

Dear Mr. Rojas:

The following set of questions and comments are those which I feel need to be answered before the City of RPV can embark on such an enormous plan affecting such a vast portion of the city. A large portion of those questions center on the financial aspects of the NCCP which, in large unexplainable part, are completely ignored by the EIR contractor.

It is my understanding that CEQA requires a financial analysis of the "project" and all of its alternatives so that decision-makers (in this case the City Council) can be fully aware of all facts and especially long term implications of the project, and not just those that affect the environment.

If a project was able to ignore the financial aspects related to its being, who could object to preserving part of the land enclosed by the city? No one. But that is not "real world." There is a price to be paid with every project that comes before the city asking for a "go ahead." I find that this DEIR is very deficient in that respect.

Here are all my concerns with the DEIR:

- 1) The cover page indicates that the DEIR was prepared by URS from San Diego. It is the same contractor who prepared the NCCP. Isn't it obvious that the potential for a conflict exists here inasmuch as URS is not going to point out deficiencies (in the DEIR) that might exist in their plan (the NCCP)? Does a school teacher let little Bobby grade his own papers? Maybe in practice exams, but not for the final; this is a final exam.
- 2) (a) Please explain how and why the same company was selected to prepare both the NCCP and the DEIR for that NCCP? (b) What contract amounts have been paid/will be paid to URS for the work on these two documents? (c) How were they selected for both of these tasks? Competitive bids, etc?
- 3) Sec. 1.1 indicates that "The goal of the Proposed project is to maximize benefits to wildlife and vegetation communities....." The city of RPV is far below standard when it comes to acres/resident devoted to active recreation. (a) Why are the needs of the city's human population missing from the environmental analysis presented in this document? (b) Why weren't there alternatives provided that serve active recreational needs of the city on these same lands?

HILDEBRAND 2

HILDEBRAND 3

HILDEBRAND 4

HILDEBRAND 5

Comment 2

Project costs are not an issue area required by CEQA review. Mitigation measures not required due to being not practicable may include cost as a factor. However, there is a cost analysis in the Subarea Plan.

Comment 3

The role of the City's NCCP consultant is to prepare the Subarea Plan in accordance with the State's NCCP Guidelines based on City policy decisions and to prepare the environmental analysis of the Subarea Plan as dictated by the State law. Therefore, the City does not believe a conflict exists. The purpose of the environmental review is to identify the probable environmental effects that would result from City adoption of the Plan.

Comment 4

It is common practice for public agencies to retain one consultant for preparation of the NCCP Subarea Plan and accompanying EIR. Furthermore this was the scope of work presented to and approved by the City Council. The City expects to expend about \$422K of General fund monies in conjunction with establishing the NCCP and the Reserve. The original consultant was selected in 1998 by the City Council through a competitive bid process.

Comment 5

Alternative B includes two golf courses in the design. Alternative C has a 25+ acre recreation area included in the design. Additional lands outside the Reserve and neutral lands may be used for recreation.

<i>COMMENTS</i>	<i>RESPONSES</i>
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- 4) Sec. 1.2 indicates that the Palos Verdes Peninsula Land Conservancy (PVPLC) will be the manager of this reserve. (a) Please describe when, and by what authority was the PVPLC appointed to that position? (b) Is there a contractual agreement extant? (c) Was there a competitive bidding for this position?

HILDEBRAND 6
- 5) Sec. 1.2 further indicates that the RPV General Plan, Coastal Specific Plan, and Municipal Code will need to be amended. (a) Who is to be responsible for the costs of performing those revisions?

HILDEBRAND 7
- 6) Sec. 1.4 (on page 1-4) list many concerns and where they are addressed. The sixth bullet indicates "predator control and herbicide use on non-target species" and in the very next line mentions indirect effects of "human activity." (a) If humans are to be allowed in the reserve, shouldn't there be some concern about the effect of herbicides on the humans and not just on plants and animals?

HILDEBRAND 8
- 7) Sec. 2.3.1.2 mentions that several Homeowners' Associations (HOA's) are being requested to "contribute" open space to the reserve. (a) Has any consideration been given to the possibility that such a feat may be barred from happening by CC&R's or other ownership prohibitions? (b) How many of the 136.6 acres have actually been donated?

HILDEBRAND 9
- 8) Sec. 2.3.2 See Ques. #2

HILDEBRAND 10
- 9) Sec. 2.3.4 The last paragraph on page 2-4 indicates that "any proposed development of land in the city would require consistency with the appropriate provisions of the updated" city documents. (a) Does this mean that the rules for building in any part of the city would then be affected by the rules created to satisfy the whims of agencies dealing with this sort of reserve? Potentially anyone in any part of the city could be affected. (b) Will future development anywhere in the city, or maybe even re-modeling, be so affected by these rules?

HILDEBRAND 11
- 10) Sec. 2.4.4 The "No Project" alternative seems to get a bad rap in this paragraph by alleging that project-by-project planning would be "fragmented" and result in "poor reserve design with constrained habitat linkages." One look at Figure 3-2 (on page 3-6) indicates poor linkage already between various parts of the Subarea. (a) Is this merely a smokescreen to relieve the Planning Department from ever having to consider this region of the city again?

HILDEBRAND 12
- 11) In Table 2-1, 5.1.2.4 mentions that the city and the PVPLC will initiate restoration activities on at least 5 acres annually for the duration of the take permit (50 years). That means maybe 250 acres will be re-vegetated out of the 684.5 to be acquired. (a) How does the city and PVPLC justify such a puny effort? (b) What means will be utilized to prevent re-intrusion of non-native plants once a 5 acre plot is restored? (50 years is a long time for re-growth to occur). (c) What funding sources are the city and the PVPLC dependent on for the on-going maintenance?

HILDEBRAND 13
- 12) In Table 2-1, 5.2.2.2 mentions that 1445 acres of natural habitat would be preserved. (a) Exactly how many of that 1445 acres could potentially be developed under the city's

HILDEBRAND 14

Comment 6

As discussed in a February 4, 2003 Staff Report to the City Council, City Staff proposed that the City enter into a formal agreement with the PVPLC to manage all of the conserved land in the Reserve and any additional acquired lands. This strategy was proposed because it would take advantage of the PVPLC's experience with other habitat management projects on the Peninsula and substantially reduce the cost of the Plan's management component, since it would reduce the need to hire management consultants. The City Council concurred with this strategy, along with other NCCP implementation strategies proposed by Staff. The Implementing Agreement and the legal agreement between the City and PVPLC, which must be approved by the City Council, will legally bind the PVPLC to its share of funding responsibilities.

Comment 7

City staff will be responsible for revisions to ordinances and the General Plan.

Comment 8

Application of herbicides would follow standard procedures to avoid human exposure. Only properly trained personnel will apply these chemicals.

Comment 9

All HOA's have been contacted regarding access for habitat management activities. It will be up to each individual HOA to decide whether it wants to enroll a portion of its property into the Reserve. The HOA's are not being asked to donate their land as they would retain ownership. Thus far, two HOA's have agreed in concept to enroll.

Comment 10

The content of this comment is not clear.

Comment 11

Only projects that impact naturalized vegetation will be affected by the Plan. Existing developed parcels would not be affected. If a project is outside the Reserve, it will not be subject to the restrictions of the Reserve.

Comment 12

The Plan was developed because the existing land development process was considered less successful at meeting the long-term needs of endangered species.

Comment 13

The text has been clarified. Only 250 acres of restoration is committed to by the Plan. Additional restoration will be initiated if additional funding is secured. See the detailed information regarding costs in appendix C of the Subarea Plan. A plan would be developed selecting 5 acres or 20 small sites for plant removal each year. The Targeted Exotic Removal Program (TERP) is in addition to the Habitat Restoration Program. The level of restoration is the minimal amount considered practicable for the Plan. This level of effort will provide more scrub habitat than is currently in the inventory. Additional restoration will likely be funded by development mitigation programs and other funding sources pursued by the City and PVPLC.

<i>COMMENTS</i>	<i>RESPONSES</i>
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- existing codes? (b) Is there any reason to fear a major change in the codes in the future that would be more tolerant towards building on this acreage? HILDEBRAND 14 (cont'd)
- 13) In Table 2-1, 5.2.2.3 mentions several more city documents than were mentioned in Sec. 1.2. (a) Are there any other city documents that may require modification, and how will the costs be budgeted? HILDEBRAND 15
- 14) In Table 2-1, 5.3.2.2 the first sentence is nonsense. The boundaries were NOT developed to be consistent with existing uses of public recreation facilities. This city lacks recreational facilities. The PVPLC knew better than to even suggest that some existing recreational land be taken into this reserve. The second sentence says that the establishment of the reserve would "increase the amount of public land for passive recreation." So true, but while we already exceed the recommended passive recreation ratio, we are deficient in active-recreation facilities. (a) When will the humans of the city get some consideration for active recreation by the city? HILDEBRAND 16
- 15) In Table 2-1, 5.3.2.3 we have more of the same nonsense. Ditto on the question. HILDEBRAND 17
- 16) In Table 2-1, 5.3.2.4 speaks of area at Point Vicente Park that "would remain outside the reserve to provide the active recreational area identified in the Program of Utilization (?)." (a) Which part, the reserve or the active recreation area, will be providing the buffer, or "edge effects" acreage required by the NCCP? HILDEBRAND 18
- 17) Sec. 3.2 mentions that the entire peninsula is included in the NCCP but only RPV has entered into an NCCP agreement. (a) Why haven't the other three cities and LA County entered the agreement? (b) Does this mean that RPV foots all the financial burden as well as the liability associated with the reserve? HILDEBRAND 19
- 18) Sec. 3.3 (Please see Question #3) and (a) When has the PVPLC demonstrated their ability to raise funds of the magnitude required for purchase and ongoing maintenance required for this project? (b) Where has the PVPLC demonstrated their technical ability to manage a project of this magnitude? HILDEBRAND 20
- 19) Sec. 3.4.2.3 talks of 17.9 acres in the lower landslide area as an "active recreational area outside of the reserve." What hogwash! It's later described as a "public access point" to the reserve.....that isn't baseball, or softball, or soccer, or..... (a) Why go to these lengths to deceive the public? HILDEBRAND 21
- 20) Sec. 3.4.5 speaks of conservation easements being held by the PVPLC. (a) Why would the city give effective control of fee owned lands to a private entity if there is already a working agreement in place? Please explain. HILDEBRAND 22
- 21) Sec. 3.4.5.1, last paragraph on page 3-12 says that brush management for any new development must take place outside of the reserve; understandable. (a) What sort of brush management will be done inside the reserve to prevent the spread of fires in the general area (there was a major fire there in 1978)? (b) What assurance can you give nearby residents that they will receive adequate fire protection? (c) What costs will be incurred to acquire the needed level of protection? HILDEBRAND 23
- 22) Sec. 3.4.5.3.2 on page 3-14 talks of the uses of herbicides again, and then of disposal of

Comment 14

About 684.5 acres of private lands are proposed to be acquired and managed as biological open space. These lands are potentially developable as agricultural lands and as other land uses if geotechnical studies deemed the land developable for structures. Some city lands are developable for public facilities and infrastructure. City projects need to mitigate their habitat impacts, hence the need to dedicate biological open space. Existing land zoning allows for some level of development on legal private parcels except for steep slope areas.

Comment 15

In addition to the documents listed in the Subarea Plan, the City will also amend its LCP (Coastal Specific Plan) to incorporate the provisions of the NCCP. The Subarea Plan will be amended accordingly to reflect this. It is foreseen that the City documents will be amended by City Staff, thus resulting in no additional expenditure of funds. However, if it becomes necessary to use consultants to assist City Staff, such expenditures would have to be approved by the City Council.

Comment 16

The boundaries of the proposed habitat preserve were first developed by a working group, under the guidelines of the NCCP Act. They were modified by City staff based on the latest aerial photos. The current design deliberately excludes the existing developed City parks and other relatively flat portions of City-owned land that could accommodate public active recreational facilities.

Comment 17

See response to Hildebrand comment 16.

Comment 18

The portion of Upper Pt. Vicente Park that will remain outside the Reserve and available for active recreational uses will be almost entirely surrounded by proposed Reserve. To minimize the "edge effects" on the adjacent Reserve, any new development proposed within the Non-Reserve area will be subject to the "project design and best management practices" listed in section 6.2.2.2 of the Subarea Plan.

Comment 19

The NCCP is a voluntary program that only RPV has participated within this subregion of Southern California. Other jurisdictions have presumably not participated due to having limited numbers of projects that required take permits. RPV contributions are limited to habitat within its jurisdiction.

Comment 20

The PVPLC was established in 1988 as a nonprofit 501(c)(3)corporation to preserve open space land on the Palos Verdes Peninsula. In terms of raising funds for the purchase, the PVPLC has a Campaign Committee that is working with a respected consultant, and the fundraising effort is in process. If sufficient funds are not raised, the deal will not proceed, but the PVPLC is confident that sufficient local funds can be raised to provide the matching funds proposed.

<i>COMMENTS</i>	<i>RESPONSES</i>
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Comment 20 (continued)

The community has strongly supported the preservation and restoration efforts of the Conservancy. Donations to the Conservancy have risen steadily each year that it has been in existence. PVPLC is on an October 1-Sept. 30 fiscal year, and donations for FY2001 totaled \$188,579. In 2002 donations totaled \$191,000. The budgeted amount for 2003 is \$317,000, which we expect to reach. Receipts year-to-date total \$283,595, including two donations of \$50,000. Even without those two significant donations, it is clear that community support for the PVPLC will be sufficient for the organization to fulfill its obligations under the Plan. In addition to these revenue sources, the PVPLC generated more than \$50,000 in special event revenue in FY2002.

The PVPLC tracks volunteer hours through sign-up sheets. Volunteer hours are donated for restoration, plant propagation, office work, outreach, steering committees, research, and professional work. In 2004 the total number of volunteer hours recorded equaled almost 12,000. This demonstrates the ability to fulfill the volunteer time required under the Plan.

The PVPLC has demonstrated the capacity to perform the management functions as required by the Plan. The organization manages several projects and properties similar in the type and scale of work as required for the proposed Portuguese Bend Nature Preserve. They include the following: Lunada Canyon Preserve (20 acres), Linden H. Chandler Preserve (28 acres), Forrestral Preserve (160 acres), White Point Nature Preserve (102 acres).

The PVPLC currently has contracts with the US Navy for habitat restoration at the Defense Fuel Supply Depot and with the City of RPV for San Ramon mitigation maintenance. In 2003 the organization raised over 100,000 plants at its native plant nursery for habitat restoration at White Point, Chandler, and Lunada Preserves, and for the Ocean Trails development

The PVPLC is currently implementing a habitat restoration grant for the White Point Nature Preserve in San Pedro. The grant is from the Wildlife Conservation Board in the amount of \$980,000, for restoration of 90 acres of coastal sage scrub and grassland habitat. This is a much larger effort than is currently proposed for the Reserve. A recent inspection by the California Department of Fish and Game resulted in a positive report to the WCB regarding the progress made on this restoration effort.

Comment 21

The recreational area may support whatever recreational uses are approved by the City Council, including a possible equestrian facility.

Comment 22

In order to demonstrate to the Resource Agencies that the Reserve lands are indeed preserved in perpetuity, the Resource Agencies will want to ensure that the Reserve lands are protected by conservation easements that are held by an outside entity. Simply having an agreement between the City and the PVPLC regarding the management of the Reserve will not satisfy the Resource Agencies that the Reserve lands are preserved in perpetuity.

<p style="text-align: center;">4</p> <p>exotic plant materials (killed by the herbicides?). (a) <u>The DEIR does not specify what measures will be taken to protect humans from the herbicide usage; what measures are planned?</u> (b) <u>How is disposal of herbicide-killed plant material going to take place, i.e. what disposal plans have been formulated (sites) and what costs have been estimated for this work?</u></p>	HILDEBRAND 24 (cont'd)
<p>23) Sec.3.5.3.1 again mentions the numerous city documents that will need to be revised to be in consonance with the NCCP. See question 5. In addition, it appears that the list of documents affected has changed. (a) <u>Please provide a comprehensive list of all city documents affected by the NCCP.</u></p>	HILDEBRAND 25
<p>24) Section 4 appears to be standard EIR "filler" material, inasmuch as almost none of the Projects enumerated could have any kind of effect, either direct or accumulative, on the subject project.</p>	HILDEBRAND 26
<p>25) Sec. 5.1.1.1 and Table 5.1-1 give scant attention to Mustard (<i>Brassica</i>) which grows abundantly every year from seeds deposited in prior years; later in Sec. 5.1.1.1.6 it is mentioned as a "grass." At the present time it is at the height of its blooming, but in a few month's time it will become fuel. This is a yearly cycle. (a) <u>Please provide details as to how the PVPLC plans to eradicate this intruder in the long term.</u> (b) <u>What costs are associated with the complete removal of this plant from the reserve?</u></p>	HILDEBRAND 27
<p>26) Sec. 5.1.1.2 says that the El Segundo blue butterfly has "only recently been documented in Rancho Palos Verdes." This sounds like it is a non-native life form. (a) <u>Why is the blue butterfly listed as a species needing protection then (in RPV)?</u></p>	HILDEBRAND 28
<p>27) Section 5.1.2.1 talks of "significance of an action" and how it must be analyzed. The top of page 5-17 lists permitted actions, which sort of sounds like the PVPLC will be removing one (natural) garden, and replacing it with a "botique" version of what some merely "want" as their concept of what a natural garden <i>should be</i>. (a) <u>Why must the flora and fauna in this particular spot be re-designed according to someone's arbitrary concept of what it must have been like hundreds (thousands?) of years ago?</u></p>	HILDEBRAND 29
<p>28) Sec. 5.1.2.4 at the bottom of page 5-19 says that the plan "would restrict vegetation clearing to the non-breeding season (Sept 15 to Feb 15)." This is absurdity since many of the wild fires on this peninsula have started prior to September 15th. (a) <u>What measures will be taken to insure fire safety to residents of RPV during those times when the cutting of fuel supplies is not allowed?</u> (b) <u>What are the costs estimates to provide the required level of security?</u></p>	HILDEBRAND 30
<p>29) Table 5.1-3, Item 20 is not true active recreational area. This is another deceiving comment. See Question #19.</p>	HILDEBRAND 31
<p>30) Table 5.1-5. The El Segundo Blue Butterfly is very rare in these parts.....and without a mate (apparently). The insect may be dead by now, yet the DEIR says that "one" of them is conserved. Get real! Especially since this insect is not a native.</p>	HILDEBRAND 32

<i>COMMENTS</i>	<i>RESPONSES</i>
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- 5
- 31) Sec. 5.1.2.6 speaks of the problems that occur at the edges of the proposed reserve; the so-called "edge effects." (a) What are the ramifications to property outside the reserve regarding "edge effects", i.e., will there be ordinance changes not currently mentioned to be imposed later after the extent of edge effects is evaluated? HILDEBRAND 33
 - 32) Sec. 5.2.2.3.1 says that the Subarea Plan would run for 50 years. (a) What happens to the land in the reserve after the 50 year period? (b) If it reverts to some entity other than the city of RPV, then, who is that entity? HILDEBRAND 34
 - 33) Table 5.2-3 is mostly "back-patting" for a job well-done. In truth, most of the city's operating documents will need to be modified to comply with the NCCP. In regard to Policy #17, the city can only be classified as "rural and open" by dividing the total acreage by the number of dwellings (approx 8500/14000 = 0.6 acres per home). That number will not change significantly with the adoption of this preserve because it does not take significant acreage off the table for development. HILDEBRAND 35
 - 34) Table 5.3-1 amply illustrates that we are overly "passive-recreationed." The addition of the acreage in this NCCP will further skew the ratio of passive recreation land per inhabitant. HILDEBRAND 36
 - 35) Sec. 7.2.1 describes the "No Project/No Action" Alternative, and insinuates that the current method of evaluating projects (i.e., piecemeal) is somehow inferior to a one-time analysis such as the NCCP would provide. (a) What factual data can be cited to prove that this is a truism? (b) Are there any studies of other cities which have shown the overall cost and performance of the resulting reserve to be superior for a "one-time" project approach? HILDEBRAND 37
 - 36) Sec. 7.2.2 says that the No Project/No Action Alternative "would allow development of the existing land" pursuant to the City's Zoning Ordinance. (a) Please indicate exactly how many acres of those to be acquired in the NCCP are developable under the Zoning Ordinance? (b) What is wrong with the Ordinance the way it is utilized in practice now? HILDEBRAND 38
 - 37) Figures 7-1, 7-2, and 7-3 all show very graphically the loose "connectivity" between the various pieces of the preserve. Also refer to Question 10. HILDEBRAND 39
 - 38) Table 7-1 finally presents some comparative financial data, but this is not the "financial analysis" that CEQA calls for. There is scant backup for any of the per unit costs. In fact, it is somewhat amazing that the values per acre in footnotes 6 and 7 are within \$200 of each other, or about 0.5%. (a) Prove that the average acquisition cost/square foot for habitat or open space is \$0.90? (b) What is the source of that value? HILDEBRAND 40
 - 39) Sec.8.5 gives four potential impacts due to Geology and Soils, and dismisses all four as having "No Impact." Number 1 refers to exposure of people to earthquake hazard, and while open fields seem like secure places in times of earth movement, the reserve contains many cliffside formations which are fragile enough to be brought down in a quake, and sometimes without need of a quake. The Palos Verdes Fault is less than five miles away. Number 2 talks of unstable soil.....well, part of the reserve includes the Portuguese Bend Landslide that has been in motion since the mid-1950's. HILDEBRAND 41

Comment 23

Existing fuel management areas within the Reserve will be maintained. No new fuel management areas will be allowed in the Reserve. New development must provide adequate fire management areas with the development envelope on the development site. The City would defer to the fire marshal for determining the adequacy of fire management zones.

Comment 24

See response to Hildebrand comment 8. Plant material will be properly disposed of in a landfill or composting facility.

Comment 25

See response to Hildebrand comment 15.

Comment 26

Habitat losses that may result in incidental take of occupied sage scrub are estimated for each project. Indirect effects on adjacent habitats are also assessed.

Comment 27

Complete eradication of mustard and other invasives will be difficult, but major patches within the Reserve will be controlled over time with regular monitoring and subsequent control. Areas chosen for habitat restoration will be cleared and weeds removed. Weed control has been included in the habitat management cost estimate.

Comment 28

El Segundo Blue is a native species restricted to coastal areas of Los Angeles County. It is listed as a federal endangered species.

Comment 29

The restoration program is intended to replace man-modified vegetation with vegetation composition that occurred prior to modification (native habitat types), for the benefit of endangered species.

Comment 30

Fuel modification activities must occur outside the bird breeding season to be in compliance with the federal Migratory Bird Treaty Act (no disturbance of active nest sites, i.e. eggs or chicks). Access enforcement costs are included in the management cost estimate.

Comment 31

See response to Hildebrand comment 16 and 21.

Comment 32

See response to Hildebrand comment 28.

<i>COMMENTS</i>	<i>RESPONSES</i>
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Number 3 refers to expansive soil. The area is laced with expansive soil which as it dries out, forms deep crevices, sometimes hidden from view by underbrush. In the eastern side of the Portuguese Bend Landslide there are numerous holes which were the result of drilling for de-watering well casings. As these wells sheared off (due to earth movement) the holes were abandoned, and many are now covered with brush or small amounts of dirt. They have been very hazardous to hikers in the past.
Number 4 refers to soils incapable of supporting the use of septic tanks. In the City of Rolling Hills south of Crest Road all the homes are on septic systems. Their effluent is dumped into the ground and percolates downward to the reserve property. It is only a matter of time before the bluff face is weakened to the point of failure. The California Water Service a few years back supplied water usage figures for all the homes south of Crest Road in Rolling Hills; it was greater than 50 million cubic feet per year.
 (a) Please supply engineering opinions as to the comments mentioned in the above four discussions.

HILDEBRAND 41 (cont'd)

40) Sec. 8.6 refers to Hazards and Hazardous materials. Items 1, 3, and 8 are summarily Dismissed as having "no Impacts."
Number 1 refers to the transport, use, or disposal of hazardous materials. Herbicides will be utilized to eradicate non-native plant growth; they are hazardous!
Number 3 refers to the emission of hazardous materials within a quarter mile of a school. There are at least three schools that meet this criteria: the Montessori School at Ladera Linda Community Center (RPV), Rancho del Mar School (Rolling Hills), and the St. John Fisher School (RPV).
Number 8 refers to danger to humans and structures from fire. The NCCP describes very little to no fuel management in the reserve.
 (a) Please supply ample proof that there really are no hazards as enumerated above?

HILDEBRAND 42

HILDEBRAND 43

41) Sec. 8.7 refers to Hydrology. While there are no impacts as noted, it is important to reiterate the point made in Question #39, Item 4 above relative to the impending failure of the bluff face on the north side of the reserve.

HILDEBRAND 44

42) Sec. 8.11 refers to Public Services. (a) What measures are being taken to insure fire safety to the surrounding area needed because of the liberal fuel policy in the reserve?
 (b) Do the Federal Standards for ADA access apply to this project? (c) If not, why not?

HILDEBRAND 45

HILDEBRAND 46

43) Sec. 8.12, #5 refers to inadequate emergency access. (a) Why is the response "No Impact" when the project is described as having no fire roads?

HILDEBRAND 47

Sincerely,

 Barry V. Hildebrand

Comment 33

No new ordinances are planned for existing development adjacent to Reserve lands. New development adjacent to Reserve lands must adhere to best management practices related to design and construction activities.

Comment 34

The incidental take permit has a 50-year expiration date. Continued benefits of the permit would need to be renewed at that time. Biological open space will be dedicated without expiration. Developable lands occupied by listed species potentially threaten the continued existence of those species if these lands are excessively developed.

Comment 35

Comment noted.

Comment 36

Comment noted.

Comment 37

Project-by-project evaluation without a city-wide Plan may result in an unacceptable Reserve design that could threaten the continued existence of listed species. Recent examples of regional Reserve designs include coastal Orange County, City of San Diego, and City of Poway. Additionally, a comprehensive approach will save time and money associated with piecemeal approvals.

Comment 38

Please see response to Hildebrand comment 14. Developable lands occupied by listed species potentially threaten the continued existence of those species if these lands are excessively developed.

Comment 39

See response to Hildebrand comment 12.

Comment 40

Financial analyses are not required by CEQA. They are required by the federal HCP process. Details of the financial assessment are provided as an appendix to the Subarea Plan. See Appendix C of the Subarea Plan for financial information.

Comment 41

The stability of any existing cliff side formations would be unchanged with or without the establishment of a habitat Reserve. The NCCP allows the City to continue to perform any landslide abatement work, including fissure filling, on an as-needed basis within the Reserve. The creation and management of the habitat Reserve has no impact on the water usage of existing homes around the Reserve. Therefore, an engineering analysis to support the conclusions described in section 8.6 of the EIR is not warranted.

<i>COMMENTS</i>	<i>RESPONSES</i>
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Comment 42

See response to Hildebrand comment 8.

Comment 43

See response to Hildebrand comment 23.

Comment 44

Comment noted.

Comment 45

See response to Hildebrand comment 23.

Comment 46

State and Local governments must comply with the provisions of the ADA, and particularly with provisions requiring access to public facilities. A "facility" is defined to mean "all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots or other real or personal property, including the site where the building, property, structure or equipment is located." (28 Code of Federal Regulations Sec. 35.104) As such the proposed NCCP Reserve would be subject to accessibility requirements for public facilities because "a public entity shall operate each service, program or activity, so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities." (28 CFR Sec. 35.150) However, this provision does not require a public entity to: 1) make all of its existing facilities accessible and useable by individuals with disabilities, or 2) take any action that the public entity can demonstrate would result in a fundamental alteration in the nature of the program or activity or that result in undue financial and administrative burdens. (Id.)

Given the program goal of preserving important biological resources, the ADA would not require complete accessibility for individuals with disabilities to all portions of the NCCP Reserve. However, when and where possible, provisions will be made so that amenities available for use by the general public are also accessible for use by individuals with disabilities. Such measures could include provision of handicapped parking stalls, wheelchair accessible trails in areas where topography and other site constraints may allow, and design of any physical improvements such as restrooms and water fountains for use by individuals with disabilities.

Comment 47

Existing access roads will be maintained within the Reserve to provide for emergency access.