

<i>COMMENTS</i>	<i>RESPONSES</i>
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**SIERRA CLUB**  
**Palos Verdes - South Bay Group / Angeles Chapter**

April 19, 2004

Re: Comments on the DEIR for the RPV NCCP Subarea Plan

Mr. Joel Rojas  
 Director of Planning, Building and Code Enforcement  
 City of Rancho Palos Verdes  
 30940 Hawthorne Boulevard.  
 Rancho Palos Verdes, California 90275-5391

**RECEIVED**

APR 20 2004

PLANNING, BUILDING &  
 CODE ENFORCEMENT

Dear Mr. Rojas,

The Palos Verdes – South Bay Group of the Sierra Club appreciates the opportunity to review the Draft Natural Communities Conservation Plan (NCCP) for the Rancho Palos Verdes Subarea and the associated Draft EIR. Our Group strongly supports the implementation of an NCCP in order to preserve and protect the valuable habitat, sensitive species, and natural open areas of the Palos Verdes Peninsula. We applaud the City of Rancho Palos Verdes for taking the lead in this conservation action and hope that the other Cities on the Peninsula will join in this effort.

The NCCP is a fifty year master plan with the goal of habitat wide conservation. We believe that the NCCP is the best option for the long term preservation of habitat on the Peninsula, but we do have some concerns with the Draft Plan as it is now written.

**Incomplete Plans**

The Draft Environmental Report is intended to evaluate all aspects of the NCCP. However, several key parts of the Plan, including the Implementing Agreement and the Public Use Management Plan (PUMP) are not yet available for review. There are also a number of subordinate Plans referred to in the Draft Plan that have not yet been written.

SIERRA 1

1. Although it is reassuring to know that the PUMP will require approval from the Wildlife Agencies for consistency with the NCCP, it is not clear whether the PUMP itself will be required to have a full CEQA evaluation with full public review. The PUMP will include key management guidelines for land use and public recreation, and these issues have the potential for significant impacts to habitat and sensitive species. For that reason, we request that the PUMP be circulated for full public review.

SIERRA 2

2. Section 6.2.1 of the Draft NCCP and Section 3.4.5.1 of the DEIR both state that the Preserve will not be "open to the public" until the PUMP is approved. Section 3.2 of the Draft Plan modifies this statement slightly by stating that "Before any formalized recreational activities or improvements can occur in the Reserve, a Public Use Master Plan (PUMP) shall be developed". In either case, such a deadline is meaningless and unrealistic since the public already has full access to the lands covered by the Preserve. It is a popular site for hiking, horseback riding, and biking. The suggestion that the Preserve might somehow be closed until the PUMP is finalized is cause for concern. At the same time, it is essential that a plan for public use be formulated promptly so that impacts to habitat from recreational use can be minimized.

SIERRA 3

In addition to ongoing recreational uses, various land use management issues which will be governed by the PUMP - such as fire fuel modification and other edge impacts adjacent to the Preserve are ongoing and continuous.

SIERRA 4

**Comment 1**

Subsequent Plans and agreements are dependent on the Subarea Plan which they tier off from. Approval of the Subarea Plan is needed for acquisition funding purposes, but subsequent Plans are not required by funding agencies and can be deferred until funding for Plan implementation is assured. CEQA review will occur, as necessary, when additional Plans are developed.

**Comment 2**

The PUMP will have a public review program. Whether a subsequent CEQA review is necessary will depend on the consistency analysis with the Subarea Plan and this EIR. Impacts not previously disclosed will potentially need further CEQA review.

**Comment 3**

Current public lands that are proposed to be included in the Reserve are currently open to the public. Any privately owned lands that are purchased by the City for inclusion into the Reserve will be open to the public when the acquisition becomes final. The PUMP must be approved by the City and delivered to the Resource Agencies no later than two years after the implementing agreement is signed.

**Comment 4**

The City has existing ordinances, including the sage scrub interim protection ordinance that will preclude substantial affects on the Reserve prior to the adoption of the PUMP. With the acquisition of the private properties, access restrictions can be enforced.

<i><b>COMMENTS</b></i>	<i><b>RESPONSES</b></i>
<p>The Subarea Plan needs to address how these management issues will be handled in the interim period before a PUMP is approved and also to set a realistic and meaningful calendar deadline for PUMP approval. This must be implemented as early on in the process as possible so as to minimize any impacts intended to be governed by the PUMP.</p>	<p><b>Comment 5</b> A draft implementing agreement will be available to the public when the Plan and EIR are released.</p> <p><b>Comment 6</b> With conservation of over 87 percent of existing native habitats and initiation of habitat restoration and management, the goal of conserving biodiversity is attained.</p> <p><b>Comment 7</b> The Plan has a 50-year planning horizon. Species that are listed or have a high likelihood of becoming listed in the near future and have a reasonable potential of occurring in the planning area were considered appropriate candidates as covered species.</p> <p><b>Comment 8</b> Surveys and population counts of covered species will be conducted at 3-year intervals. The habitat will be monitored annually and any observed problems encountered will be remediated. A comprehensive review of habitat distribution will occur at three year intervals.</p> <p><b>Comment 9</b> The focus of this Plan is based on the distribution of locations of sensitive species and their associated habitats covered by the Plan. More common species associated with sage scrub habitats will benefit from the proposed levels of habitat conservation (96%) and restoration (250 acres). Floral and faunal species lists from existing project specific CEQA analyses and regional compendiums can be consulted for those interested in this information. CEQA does not define species as being “locally sensitive”. Rather, regional lists of sensitive species assessed at geographical scales of county jurisdictions or larger (Southern California scale) are relied upon for CEQA assessments. Species surveys were conducted during Phase I of the planning process. The gnatcatcher population was studied for five years prior to the initiation of the planning process. The lands planned for acquisition have been surveyed several times prior to and during the planning process. These surveys are documented in the Phase I summary report (Ogden 1999). Other project-specific surveys are on file at the City Planning department.</p> <p><b>Comment 10</b> Existing utility easements within the Reserve area must be maintained. Other compatible activities are related to public health and safety (water quality, landslide abatement). Unavoidable impacts to native vegetation would be mitigated at the habitat specific ratio described in the Plan.</p>
<p>3. The Implementing Agreement between the City and the Wildlife Agencies is also a key element of the NCCP. Again, it is impossible to evaluate potential environmental impacts without having the opportunity to review this Agreement.</p>	
<p><b>Protections for Biodiversity and Sensitive Species</b></p>	
<p>1. The intent of the NCCP Act is to provide habitat wide protections to cover all sensitive species. Although the Draft RPV Subarea NCCP does focus on certain target species, such as the gnatcatcher, these are not the sole species intended to be protected by the NCCP Act. The very first paragraph of the Draft NCCP includes the following statement: “An NCCP plan must identify and provide for the regional or area-wide protection and perpetuation of natural wildlife diversity.”</p>	<p>SIERRA 4 (cont’d)</p> <p>SIERRA 5</p> <p>SIERRA 6</p>
<p>2. The Draft RPV Subarea Plan mentions 12 Target Species, a few of which are not known to occur within the Plan Area, and describes management practices for Target Species in some detail. Why are species which have not been sighted in the Plan area considered covered by the Draft Plan?</p>	<p>SIERRA 7</p>
<p>3. The Draft Plan also includes a limited list of Sensitive Species, however it is not clear how the Subarea Plan would monitor and conserve those species.</p>	<p>SIERRA 8</p>
<p>4. The California Department of Fish and Game letter commenting on the NOP for the NCCP requested a full species list and surveys for sensitive species, including species that are locally rare but may be more common elsewhere. Such a list does not seem to be included either in the Draft NCCP or in the DEIR. How will this lack of species information be addressed?</p>	<p>SIERRA 9</p>
<p><b>Permissions for Infrastructure and “Compatible” Use within the Preserve</b></p>	
<p>1. Our impression is that a large part of the purpose and intent of Natural Community Conservation Plans is to clearly designate land as either Developable or Preserved in order to protect large intact habitat areas and to make planning for development more predictable. We are therefore quite concerned with the list of “compatible” and “permissible” infrastructure and other land uses proposed in Section 3.2 of the Draft NCCP including:</p> <ul style="list-style-type: none"> <li>• Where required, landslide abatement activities may occur within the Reserve outside the gnatcatcher breeding season if practicable. Temporary disturbance areas will be revegetated with CSS species after completion of abatement activities.</li> <li>• Selected drainage improvements, linear utility easements, and existing access roads within the Reserve will be maintained and upgraded as required. An access protocol will be created to facilitate access by utility agencies to areas within the reserve while minimizing, to the maximum extent possible, environmental damage.</li> <li>• Emergency access roads.</li> <li>• Geologic testing, if such testing is deemed necessary by the City’s geotechnical consultants, with impacts to be minimized and unavoidable impacts fully restored.</li> <li>• Utilities and related infrastructure serving existing and future developments, such as sewers, water, cable, gas, electric, and storm drains.</li> <li>• Water quality basins, retention basins, and debris basins, if such features are required to meet water quality standards, and if the design incorporates native vegetation and minimizes hardscape.</li> <li>• Groundwater monitoring wells, and GPS stations for landslide monitoring, with associated equipment such as pumps, electrical, drainage pipes, and access pathways, if such equipment is deemed necessary by the City geotechnical consultants.</li> </ul>	<p>SIERRA 10</p>

<i><b>COMMENTS</b></i>	<i><b>RESPONSES</b></i>
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This long list seems contrary to the intent of the NCCP Act and detrimental to the long term ecological viability and protections of the Preserve areas.

Stringent restrictions, parameters, standards and protocols must be developed for any such proposed uses in the Preserve, and these should be part of the PUMP. Impacts to species or habitat within the Preserve must be avoided where at all possible and minimized and mitigated at a 3:1 ratio if they are unavoidable. Likewise, any access protocol must also avoid and minimize impacts to habitat and sensitive species.

Although there may be some emergency situations which might necessitate access and impacts to the Preserve, it is contrary to the entire intent of this Natural Communities Conservation Plan to expect the Preserve areas to function as convenient sites for urban infrastructure and utilities. We are particularly concerned that the Preserve would be expected to serve as an infrastructure site for new development and find such use wholly inappropriate.

2. We are also somewhat concerned with the Plan's encouragement of "undergrounding of utilities and use of trenchless technology, where feasible" (Section 6.2.2.2, # 10.) Although undergrounding may indeed be aesthetically preferable, we are concerned about installation impacts of such utilities in habitat areas. We do not believe that the Preserve is an appropriate site for utility lines.

3. It is not explicit which of the above list of "compatible" uses would be considered a "project" and therefore subject to CEQA review and which of the activities might be given an overall permission by the Plan and therefore be allowed to proceed without any prior environmental review. Please clarify this.

**Acreage of Impacts and Mitigation**

1. The Draft NCCP and the DEIR include tables listing the impacts and corresponding mitigation of public and private development projects. The tables include a mix of both completed and proposed projects. These tables should make clear that the figures given for future projects are estimates only, and not to be used for any final environmental evaluation or determination of the individual projects.

2. Do the acreages shown for Impacts include both Direct and Indirect Impacts or only Direct Impacts? How were these numbers and impacts determined? Are those determinations documented?

3. Section 3.1.2 of the Draft Plan and Section 3.4.2.2 of the DEIR both state that lands to be contributed for the Lower Filiorum parcel "includes 1.5 acres to be donated as mitigation for previous brush-clearing activities" as part of a total of 41 acres to be contributed. However, both documents go on to state that, "If no approvals are obtained, there would be no obligation on the part of present or future property owner to donate these lands." Presumably, this statement is intended to be directed towards the 39.5 acres which would be required as mitigation if that parcel is developed as proposed. However, the 1.5 acres of mitigation for habitat impacts due to previous unauthorized brush clearing on that property is long overdue. Such mitigation should not in any way be dependent on whether a project is ever approved or developed on that property.

4. No reason is given why the City itself should be providing mitigation for a proposed private project at Lower Filiorum. Table 5.1-5 of the DEIR shows 9.9 acres of mitigation to be provided by the City, in addition to 19.1 acres to be provided by the Project Applicant for mitigation for impacts to 58.0 acres of grassland from the development of Lower Filiorum.

**Evaluation of Significance of Impacts**

1. The scope of this DEIR is not entirely clear since some of the key elements of the Draft NCCP are as yet unavailable for evaluation. Certainly the establishment of the Preserve itself can be generally assumed to be benign in terms of impacts to sensitive species and habitat. However, actions permitted by the PUMP or by the Implementing Agreement, have the potential to have significant impacts on species or habitat and therefore need to be reviewed through a regular CEQA process.

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SIERRA 10 (cont'd)

SIERRA 11

SIERRA 12

SIERRA 13

SIERRA 14

SIERRA 15

SIERRA 16

SIERRA 17

**Comment 11**

Undergrounded utilities can be placed in existing roads or trails and disturbed habitat to minimize disturbance to native habitats. Providing artificial perches may enhance common avian predators foraging efficiency on covered wildlife species.

**Comment 12**

Most of the compatible uses are part of the projects described (e.g., landslide abatement) or ongoing utility maintenance. Projects with substantial impacts to Reserve lands would need a subsequent CEQA review and be consistent with the Subarea Plan.

**Comment 13**

Future projects will have project-specific CEQA review, as required by law.

**Comment 14**

The acreages represent estimates of direct habitat disturbance. Project disturbance areas were identified and habitats within these areas were estimated by city staff. Indirect edge effects were estimated based on the Reserve boundary and assuming indirect effects extend 300 feet from the edge boundary.

**Comment 15**

Comment noted. The text in Section 3.4.2.2 has been modified. The Plan will also be modified.

**Comment 16**

Table 5.1.4 has been modified. The project proponent will be responsible for the grassland mitigation requirement.

**Comment 17**

Subsequent Plans and agreements are dependent on the Subarea Plan which they tier off from. Approval of the Subarea Plan is needed for acquisition funding purposes, but subsequent Plans are not required by funding agencies and can be deferred until funding for Plan implementation is assured. CEQA review will occur, as necessary, when additional Plans are developed.

<i><b>COMMENTS</b></i>	<i><b>RESPONSES</b></i>
<p>2. We are concerned that the DEIR seems to repeatedly state that various significant impacts are outweighed by the overall conservation inherent in the NCCP plan itself. While the acquisition of these lands for preservation is indeed a good thing, that accomplishment does not warrant turning a blind eye to impacts that may be detrimental to habitat and species when such impacts could be avoided.</p>	<p><b>SIERRA 18</b></p>
<p>3. The DEIR seems to be somewhat over confident in its characterization of the Preserve. For instance, the DEIR claims that 96.4% of CSS will be preserved. However, it is not factual at this time to count the Neutral Lands as being fully protected in order to come up with that percentage. In actuality, only about 64.6% of the Coastal Sage Scrub in the Planning area will be fully protected in the NCCP (based on 804.3 of 1244.7 existing acres preserved as shown in table 5.1-2 of the DEIR) until further arrangements are made to protect the Neutral Lands.</p>	<p><b>SIERRA 19</b></p>
<p>4. The precautionary principle must be employed in evaluating significance of impacts. It is inappropriate to discount any significant impacts simply by saying that the overall value of the Preserve itself overrides them. Potentially significant impacts should be considered seriously and such impacts should be avoided.</p>	<p><b>SIERRA 20</b></p>
<p>5. The treatment of Grassland in the Draft NCCP and DEIR is confusing. Section 5.1.1.1.6 of the Draft NCCP states that "Estimates for the proportion of non-native species in this association range from 29 to 80 percent." That statement implies that there would be from 20 to 71% native species present. It is not logical to classify vegetation containing up to 71% native species as "non-native".</p>	<p><b>SIERRA 21</b></p>
<p>5. We continue to be concerned about the proposed restriction of the Regionally Important Habitat Linkage at the Lower Filiorum site. Section 5.1.2.3 of the DEIR acknowledges that this would be a significant impact, but no detailed analysis of those impacts is offered by the DEIR. The DEIR merely concludes that the impacts would be offset by the conservation of other linkages. We find the lack of analysis of impacts to this linkage to be troubling and find no real basis of data to warrant a conclusion that impacts would be offset.</p>	<p><b>SIERRA 22</b></p>
<p>6. We are concerned by the statement in Section 2.3.3 of the DEIR that, "Development activities for proposed projects covered by the Subarea Plan will be required to undergo separate CEQA review but may rely on this EIR/EA for biological analysis and mitigation purposes to the extent allowed under CEQA." Review under CEQA is essential and desirable. However, we expect that there will be cases where the specifics of a project's impacts have not been adequately analyzed by this more general DEIR. Such projects should not be allowed to rely solely on this DEIR for biological analysis. As we have indicated elsewhere in this letter, while this DEIR may be adequate to review the overall acquisition of properties for the Preserve, it fails to address more specific biological details such as the full range of sensitive species to be protected within the Preserve. Individual projects must therefore include whatever additional biological analysis may be necessary in order to fully evaluate potential impacts.</p>	<p><b>SIERRA 23</b></p>
<p><b>Mitigation / Restoration</b></p>	
<p>1. The relationship between mitigation and restoration in the Subarea Plan is not completely clear.</p> <p>Restoration is planned as part of the overall Management Plan, at a rate of 5 acres/year. In that sense it is seen as a long term improvement of the habitat quality of the Preserve.</p> <p>Restoration is also offered as an option for meeting mitigation requirements. As mitigation, restoration is intended to provide a biological compensation for damage or impacts to habitat and species.</p> <p>These are very different concepts, and the timelines and requirements for each should not be confused.</p>	<p><b>SIERRA 24</b></p>
<p>2. The Draft NCCP states that issuance of take authorizations should be "roughly proportional with implementation of conservation". This is a rather vague statement that says very little in terms of quantity, habitat value, or time frame. How will this proportionality be managed?</p>	<p><b>SIERRA 25</b></p>
<p>3. It is our position that mitigation for impacts needs to occur on a timeframe that is biologically beneficial and available to impacted species. Mitigation funds should be required to be adequate for expedient remedies, and</p>	<p><b>SIERRA 26</b></p>

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**Comment 18**

The level of conservation proposed by the Plan exceeds the amount that would be assessed by potential development using the mitigation ratios required by the Plan. With the habitat restoration program, there will eventually be at least 16% more scrub habitat than is currently in the inventory. Hence there will be an increase in habitat carrying capacity for covered species. All unavoidable impacts are mitigated to less than significant levels.

**Comment 19**

The Subarea Plan acknowledges the status of the neutral lands category and they are accounted for separately. The fact is that these lands cannot be developed and, therefore, are considered conserved to the extent allowed by law. Access to conduct habitat management activities on lands owned by select Homeowners Associations is being requested.

**Comment 20**

CEQA has specific guidelines regarding the assessment of its significance, which have been followed in the preparation of this EIR. The EIR was conservative in that significant impacts were assessed despite mitigating features that were already incorporated into the project description.

**Comment 21**

The grassland category includes both native and non-native grasslands. These grasslands have not been assessed to accurately distinguish between these two types of grassland. The EIR requires grasslands proposed for development or restoration be surveyed to further characterize the area into native and non-native types of grassland.

**Comment 22**

All habitat linkages between large habitat areas of the Reserve are consistent with NCCP habitat linkage design guidelines. Restoration and management of habitat linkage areas are a priority of the Subarea Plan. Both Lower Filiorum and the recreational area support minimal native vegetation, thus habitat restoration will be important to improve the linkage function of these areas.

**Comment 23**

This CEQA analysis can be relied on for mitigation of cumulative biological impacts. Project specific CEQA review would focus on specific impacts and mitigation measures specified by this Plan. For example, grassland surveys would be required to determine whether native grasslands were present and need to be mitigated at 3:1 ratio rather than the 0.5:1 ratio for non-native grassland. Other technical disciplines would also need to be addressed by the project specific CEQA process. Habitat areas outside the Reserve and neutral lands are expected to be eventually developed unless acquired as open space. Additional open space can be added to the Reserve as partial fulfillment of mitigation for approved development.

<i><b>COMMENTS</b></i>	<i><b>RESPONSES</b></i>
include funds for the hiring of any workers who may be necessary to accomplish that task in a timely manner.	<b>Comment 24</b> The 5-acre per year restoration program is independent of any development funded restoration.
4. The Conservancy's long term 5 acre/year restoration effort should not be relied upon to mitigate current or future private or public projects. Furthermore, members of the public should not be expected to provide volunteer labor for the mitigation responsibilities of private developments.	<b>Comment 25</b> It is expected that the level of conservation will be far greater than the level of incidental take since large areas of habitat are planned to be acquired during early phases of program implementation. Development mitigation ratios are much greater than 1:1 for habitats associated with covered species.
5. Mitigation should not be deemed complete until the mitigation is biologically functional as a remedy for impacts.	<b>Comment 26</b> Mitigation funds would be provided prior to issuance of development grading permits. The estimated cost of restoration will be reviewed annually to ensure the appropriate mitigation fee is assessed.
6. There is some discrepancy between the Draft Plan and the DEIR in the estimated costs of habitat restoration. The Section 4.2.1 of the Draft Plan gives a cost of \$15,000 per acre (2003 dollars.) Section 5.1.3 of the DEIR gives an estimated cost of \$20,000 per acre (2003 dollars) and notes that costs should be reviewed and adjusted annually. In neither case is it clear whether any of this estimated cost includes volunteer efforts. Nor is it clear whether this is an ongoing management cost specifically for the restoration of 5 acres/year or a whether it is a mitigation cost to compensate for impacts.	<b>Comment 27</b> See response to Sierra Club comment 24. Implementation of restoration activities will not be segregated according to funding source.
7. It would be desirable to accelerate the long term habitat restoration rate beyond the minimal rate of 5 acres per year if at all possible.	<b>Comment 28</b> Restoration success criteria are provided in the Subarea Plan (See Subarea Plan Section 6.4.2.2).
<b>Interim Protection</b>	
1. The Draft NCCP states that interim protection between the adoption of the NCCP and the revision of the City's General Plan will be provided by the City's municipal ordinances. What are the timelines for making changes to the municipal ordinances?	<b>Comment 29</b> The cost estimate was revised after distribution of the draft Subarea Plan. The estimate in the EIR is the current estimate and the Subarea Plan has been revised. This estimate includes volunteer efforts.
2. The PUMP will govern impacts from development adjacent to the Preserve, and the Draft Subarea Plan indicates that indirect impacts from such development will be addressed through the existing project review process and CEQA. How will indirect impacts from existing development be addressed?	<b>Comment 30</b> If additional funding becomes available, more restoration could be initiated.
<b>Neutral Lands</b>	
1. The Draft NCCP acknowledges that the "Neutral Lands" are not considered part of the Preserve since there is no mechanism to manage those lands. We fully support the continued efforts of the City and the PVPLC to acquire conservation easements and management agreements for those lands, especially those which contain sensitive species or which provide important linkages to other natural areas. Until those lands are fully protected however, it is not accurate to claim that 96.4% of the City's Coastal Sage Scrub is preserved.	<b>Comment 31</b> See response to Sierra Club comment 4.
2. Why is the western bluff in Long Point shown as a Neutral Land rather than as part of the Preserve?	<b>Comment 32</b> The PUMP will manage Reserve related activities, not activities outside the Reserve. Existing indirect impacts are part of the existing condition of the Plan area. Active habitat management at the Reserve boundary will minimize existing and future edge effects.
<b>Boundary Adjustment</b>	
1. We are especially concerned about the specifications for boundary adjustments for "Unforeseen engineering design opportunities". This would seem to be an effort to take back land that has been dedicated to the Preserve at some future time if an "unbuildable" status should change. Again, this seems to go against the basic agreement process of the NCCP which is to designate lands as either Developable or Preserved. This seems to be an extremely dangerous proposition which would completely destabilize any long term plans for the Preserve.	<b>Comment 33</b> See response to Sierra Club comment 19.
2. The boundary amendment process refers to a determination of biological value but does not provide a basis for that determination. We agree with the Draft NCCP specification in Section 5.9. that biological evaluations considering various listed biological factors should be done if adjustments to the Plan boundaries are proposed. However, how could such comparisons possibly be made without the necessary baseline data? "Effects to species of concern not on the covered species list" is one factor that would need to be evaluated, but no surveys or even a complete listing of these species has been included in the DEIR. Likewise, "Effects on ecotones or other conditions affecting species diversity" would need to be evaluated, but again the baseline information is not supplied by the	<b>Comment 34</b> These lands are privately owned and are not apart of the Long Point development area. Although not required to do so, it is anticipated that the developer of the Long Point Resort Hotel project will dedicate the bluff areas of the property to the Reserve after the project is constructed. It is estimated that the bluff area constitutes approximately 40 acres of vegetated surface area (6 acres in plan view).

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DEIR.

3. Section 5.9 discusses plan amendments which may decrease the amount or quality of habitat conserved. Such amendments seem only to require a consultation with the Wildlife Agencies. We believe that is insufficient, and that a CEQA review should also be required.

SIERRA 36 (cont'd)

SIERRA 37

**Comment 35**

Any proposed boundary adjustment would need to demonstrate that the resulting adjustment is at least equal in habitat value to the current Reserve design. The boundary location is drawn along parcel boundaries that may be less accurate than would be expected at a final design of a proposed development. These inaccuracies will need to be corrected when more reliable information is attained.

**Miscellaneous**

1. The Plan's management guidelines for fuel modification and brush management seem to be focused primarily on avoidance of impacts to nesting birds. Seasonal considerations for impacts to vegetation should also be addressed by these guidelines. Guidelines to avoid erosion are strongly related to management of vegetation and should also be incorporated.

SIERRA 38

**Comment 36**

The current condition of the native vegetation (intact vs. disturbed) and occupation by covered species would be the primary indicator of habitat value. Presence of less sensitive species could be used as secondary indicators of habitat value.

2. Item 10 under Section 6.2.5.1 of the Plan requires that trail surfaces be mulched to minimize erosion. We are not convinced that mulch actually minimizes erosion. We are concerned that the addition of woody mulch may possibly increase fire hazards. Additionally, we question whether changing bare soil conditions in this manner might have any detrimental effect on soil biota, wildlife, or vegetation.

SIERRA 39

**Comment 37**

Amendments to the Plan associated with proposed development would be addressed in the CEQA process for the development. Minor adjustments of the Plan would not require a separate CEQA analysis. Major amendments independent of proposed development would go through a subsequent CEQA process.

3. Item 4 under Section 6.2.2.2 states, "When stockpiling topsoil, it should be placed in areas to be affected by project development." It would seem to be better to state that the soil should be placed, "only in areas designated to be affected by project development".

SIERRA 40

**Comment 38**

Best Management Practices for erosion control would be implemented for all development and restoration sites (e.g., Subarea Plan Section 6.2.2.2, Nos. 6, 9, and 11; Section 6.2.5.1, Nos. 8, 10, 11, 13, 15, 18, 19, 20, and 21).

4. Item 5 under Section 6.2.2.2 states "Designate no-fueling zones a minimum distance of 15 meters (50 feet) from all drainages and away from the Reserve boundary." This wording is confusing. Perhaps it would be clearer to phrase it "Designate no-fueling zones extending a minimum distance of 15 meters (50 feet) from all drainages and away from the Reserve boundary."

SIERRA 41

**Comment 39**

Mulch is one option to reduce trail erosion. However, reserve management will be sensitive to the possibility that introducing mulch might result in changed conditions. Since most of the trails that will remain open are existing trails, it is not expected that there will be a significant use of mulch. Management parameters for trails will be developed through the PUMP process.

5. Is the 17.9 acre Active Recreation area within the Preserve mapped? Would that parcel be acquired with funds specified for recreation or for habitat preservation?

SIERRA 42

6. Please note that the Sierra Club is opposed to the "No Surprises" policy. It is our position that regulatory commitments and assurances must be commensurate with scientific knowledge and conform to the principles of adaptive management.

SIERRA 43

**Conclusion**

The Palos Verdes – South Bay Group of the Sierra Club looks forward to the implementation of the Rancho Palos Verdes Subarea NCCP and the establishment of the Portuguese Bend Nature Preserve. We hope that these comments have been helpful.

Yours truly,



Barry Holchin  
Conservation Chair  
Palos Verdes - South Bay Group, Sierra Club

cc:  
William E. Tippets, DFG  
Ken Corey, USFWS  
Barbara Dye, PVPLC

**Comment 40**

Subarea Plan text will be modified.

**Comment 41**

Subarea Plan text will be modified.

**Comment 42**

The active recreation area is excluded from the Reserve. Therefore it would most likely be purchased using the City's portion of the funding as opposed to the state and federal portion, which must be used for habitat preservation. The legal description, and related mapping, of the active recreation parcel has not been created at this time. It is anticipated that this mapping will be done as part of the acquisition transaction.

**Comment 43**

Comment noted. The Wildlife Agencies will review the PUMP for consistency with the Subarea Plan and take permit.