



DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001
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Ruth G. Coleman, *Director*

November 24, 2004

Donald R. Chadwick
Habitat Conservation Supervisor
Department of Fish and Game
4949 Viewridge Ave.
San Diego, California 92123

RE: Response to Comments
Initial Study/Mitigated Negative Declaration
Sepulveda Adobe Restoration Project
Malibu Creek State Park

Dear Mr. Chadwick:

Thank you for your comments regarding the Initial Study/Mitigated Negative Declaration (IS/MND) for the above project. We have discussed this project via telephone with Miss Newton-Reed, and submit this response to answer some of your questions and concerns regarding this project. Your interest in this project is appreciated.

1. Biological surveys

You have expressed concern over the lack of biological surveys prior to the completion of the IS/MND. We agree that it is preferable to complete all biological surveys prior to the IS/MND however, given the project schedule and monetary constraints, the draft IS/MND had to be posted in October. Please note that the project Resource Ecologist surveyed the site on two occasions (June 29 and September 22, 2004) and that we commit to further surveys in Mitigation Measures Bio 2 and 4. Those surveys will include protocol least Bell's vireo and Southwestern willow flycatcher, rare plants, and other special status species. We will contact your office if State listed threatened or endangered species are detected and work to ensure that any impacts are avoided or mitigated.

2. Southwestern pond turtle

Your comments indicated that further mitigation, such as barriers directing turtles away from the road, should be considered to protect the southwestern pond turtle on site. We will consider various options for this project. However, in this regard, it is appropriate to consider the road and the parking lot separately. Barriers along the length of the road between Mulholland and the ephemeral stream may act to direct rodents, reptiles, and other small ground-dwelling animals toward Mulholland Highway, which is not desired. Given the low-level of intended use of this new road, it is arguably more beneficial to not impede the movement of these

animals throughout the site or risk directing them toward Mulholland Highway. However, if the level of use for this road increases through the years and wildlife road kill becomes an issue, we will look into barriers for this road. Barriers along the Las Virgenes edge of the parking lot may be effective in directing pond turtles away from this surface; we will explore this possibility. The project Resource Ecologist searched for pond turtles on September 22, but did not confirm presence of this species. We will continue to search for this species and take appropriate protective actions in they are found.

3. Riparian disturbance and sewer line

You have expressed concern regarding the nature and location of the sewer line connection. The denotation on the site plan for the connection for the sewer line is somewhat inconspicuous. It is denoted on the site plan and identified in the legend by 'cistern'; it is located within the Las Virgenes riparian area in the northeast (upper right) corner of the site plan. For your convenience, I have enclosed a copy of the site plan with the connection highlighted. The new line, which will require trenching, will run from the proposed comfort station in the parking lot to the cistern. The cistern is currently overgrown with native and exotic vegetation, but until working drawings are finalized, it is unknown how many native trees and shrubs will be affected by this aspect of the project. Mitigation Measure Bio 5 proposes that all native riparian trees and shrubs that must be removed will be replaced in-kind at a ratio of 3:1.

4. Streambed alteration permit

You indicate that a streambed alteration agreement may be needed with respect to the placement of the bridge over the ephemeral creek. We agree that this is a potential permitting need and will evaluate this issue upon completion of the working drawings and a wetland delineation for the area. Although unlikely, if this project will substantially divert or obstruct the natural flow, or substantially change the bed, channel, or bank, and associated riparian resources, or use material from the streambed, we will contact your agency's streambed alteration group to begin the permit process.

5. Environmental filing fee

Your comments indicate that an environmental filing fee is required under Fish and Game Code Section 711.4. As DPR, the lead agency for the project under CEQA, is a state agency, we are required to file our MND with the State Clearinghouse, Governor's Office of Planning and Research (OPR), as per CCR Section 15094(b). DPR will issue a check in the amount of \$1,250, payable to DFG, and will submit that check to OPR when filing the Notice of Determination.

Thank you again for your comments. If you have any questions, I may be reached at (916) 445-8827 or gsevr@parks.ca.gov. State Parks looks forward to working with the Department of Fish and Game as we proceed with this project.

Sincerely,

Gail Sevens
Environmental Coordinator

Enclosure