

Amy Ow

From: Camille Leung
Sent: Thursday, July 2, 2020 12:57 PM
To: Autumn Meisel; Taylor Peterson
Cc: Amy Ow; Steve Monowitz
Subject: FW: Highland Estates Lot 11 biological compliance memo
Attachments: 20200630-Lot 11 White tail kite nest behind 2067 New Brunswick Drive at Cowpens.jpg; 20200522-white tailed kite in tree near lot 11 on May 22 2020.jpg; White tailed Kite 29 June 2020 at Lot 11 .jpg; 20200630-white tailed kite in tree near lot 11 Tuesday 30 June 2020-001.jpg; 20200520-Western Blue Bird from nesting pair in tree 200 feet from lot 11 on 20 May 2020-001.jpg; 20200529-Western Blue Bird from nesting pair in tree 200 feet from lot 11 on 29 May 2020-001-2.jpg; 3_MIG Sept 28 2015 report to Suz Del.pdf; 4_MIG to Suz Del Oct 26 15 Email.pdf

Hi Autumn and Tay,

I need your help in responding to a particular section of this neighbor inquiry. According to my records, the lot clearing for Lots 9-11 for the woodrat and fire prevention (with CDFW approval) took place in October 2015 (please see records attached). Was there any vegetation clearance that took place in October 2016, as stated below?

Please let me know at your earliest convenience.

Thanks

From: Camille Leung
Sent: Wednesday, July 1, 2020 5:17 PM
To: Kristen Outten <koutten@swca.com>; Jessica Henderson-McBean <JHenderson-McBean@swca.com>
Cc: Steve Monowitz <smonowitz@smcgov.org>; Amy Ow <aow@smcgov.org>
Subject: FW: Highland Estates Lot 11 biological compliance memo

Hi Kristen and Jessie,

Please see neighbor correspondence below. Please let us know how SWCA responds.

Thanks

From: Deke & Corrin Brown <d.cbrown@comcast.net>
Sent: Wednesday, July 1, 2020 4:22 PM
To: Camille Leung <cleung@smcgov.org>; Suzanne DeLeon <suzanne.deleon@wildlife.ca.gov>
Cc: Liesje <HighlandsCAPresident@gmail.com>; Sam Naifeh <samnaifeh@sbcglobal.net>; Kim Ricket <kim.ricket@gmail.com>; Meghan Lubker <mclubker@gmail.com>; Nagle Laurel <laureltnagle@gmail.com>; Ottoboni Linda <ohyuuwho@yahoo.com>; Nishizaki Craig <cnishizaki@nvidia.com>; Peter Lawrence <4pclaw@gmail.com>; Linda Ozanne <lindaozanne@me.com>; Mitroff George <gbmlaw@sbcglobal.net>; John Mathon <johnmathon@gmail.com>; Gerard Ozanne <jerryozanne@me.com>; Christopher Karic <ckaric@sellarlaw.com>; Dave Michaels <dm94402@gmail.com>; Chris Misner <chrismisner@yahoo.com>; Christophe Sarmiento <csarmiento22@yahoo.com>; Pam Merkadeau <pamela@merkadeau.com>; Tania Leung <smalllittlet@yahoo.com>; Gary Trott <gary_trott@comcast.net>; Dylan Ashbrook <dylanashbrook@gmail.com>; Shlomit Holtzman <holtzmans@pacbell.net>; Liesje <highlandscapresident@gmail.com>; Raphael Holtzman <holtzone@gmail.com>; Rick Priola <hcapres@gmail.com>; 'Grace Hassid' <gracehassid@yahoo.com>; 'Janine Pin Yee Wong' <wongj@att.net>; Kristen

Matsushino <matsushino.kristen@gene.com>; Barbara Lowe <paddlerblowe@yahoo.com>; Randall Lowe <merglowe@sbcglobal.net>

Subject: Fw: Highland Estates Lot 11 biological compliance memo

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Camille,

Thank you for sending the Highland Estates Lot 11 Biological Mitigation Compliance from Mr. Chamberlain's environmental survey contractor.

I sent it on to neighbors, who were disconcerted and concerted by the following statement about the bird survey.

"Measure 2b Nesting Bird Survey Results. The nesting bird survey was completed on June 10. Several bird species were observed/heard, but no active nests or nesting behavior was observed in the construction zone. Access and visibility within 500 feet of the lots is limited, but time was spent observing the perimeters and no active nests were located. Birds observed included bushtit, American crow, California scrub jay, Anna's hummingbird, California towhee, black phoebe, dark-eyed junco, spotted towhee, mourning dove, turkey vulture and chestnut-backed chickadee."

Neighbors informed told me that two well established species are missing from this report: Western Blue Bird and White-tailed Kite.

White-tailed Kite

At the time the report claims to have surveyed the area of the lot and surroundings within 500 feet of the lot, four White-tailed Kites were regularly around an active nest (image attached) located in a tree about ten feet from the lot boundary.

Here are White-tailed Kite pictures (attached) between May 22 and June 30th (yesterday) where the White-tailed Kites patrol, build nests, breed, and find food in the area the survey claims to have covered.

Western Blue Bird

A Western Blue Bird pair was nesting about 75 feet from lot 11 at the time of the survey and patrolling lot 11 and surroundings for food. Pictures of Western Blue Bird parents attached. They were still present when and after the survey was reportedly carried out.

Mitigation Measure BI0-2d: Habitat for the California Red Legged Frog was found by the County to be significant to point that it required a condition of approval

The neighbors expressed concern that their inquiries related to the County's biological conditions of approval on this project have gone unanswered. I was reminded that on 27 October 2016 without County permission in 27 October 2016 Mr. Chamberlain had lot 11 completely cleared of its well vegetated terrestrial areas within the riparian corridor known to provide shelter during winter. In fact you subsequently reported that "All clearing of Lots 9 through 11 is complete, with several small and trees left standing." Clearing of lot 11 vegetation outside County permission even though was no requisite building permit for ground disturbance.

Inquiry was made whether Ms. Suzanne DeLeon, Environmental Scientist California Department Of Fish And Wildlife, was notified of the applicant's clearing of vegetation in lot 11 outside County permission and the Conditions of Approval. The concern was and still is whether the County called Ms. Suzanne DeLeon to investigate the clearing of lot 11 without permit, to make determinations of violations, and to require habitat restoration or other reparations. The only information supplied was that Mrs. DeLeon was contacted about the dusky footed woodrat survey. There is no evidence that she as contacted about the clearing of lots without a permit.

The report you were given is inadequate.

We urgently request that the County call in a new expert approved by all parties to resolve the significant issues with fulfillment of Condition of Approval Mitigation Measure BIO-2b.

Please confirm suspension of any further activity on Lot 11 until we have a resolution on the County Condition of Approval for this project.

Thank you,

Deke & Corrin

On Tuesday, June 23, 2020, 10:34:53 AM PDT, Deke & Corrin Brown <d.cbrown@comcast.net> wrote:

From: [Camille Leung](#)
Sent: Tuesday, June 23, 2020 9:16 AM
To: [Deke & Corrin Brown](#)
Subject: FW: Highland Estates Lot 11 biological compliance memo

Here's the review of the Lot 11 bio report.

From: Jessica Henderson-McBean <JHenderson-McBean@swca.com>
Sent: Monday, June 22, 2020 4:57 PM
To: Camille Leung <cleung@smcgov.org>; Kristen Outten <koutten@swca.com>
Cc: Amy Ow <aow@smcgov.org>
Subject: RE: Highland Estates Lot 11 biological compliance memo

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Hi Camille,

Thank you so much for sending Tay's report for Lot 11. I have reviewed the report, and have no immediate comments.

I would like to note just for our own tracking purposes, that according to this report the last nesting bird survey was conducted on Lot 11 on June 10, and an updated nesting bird survey will be required if work is delayed past June 24 (which I expect is likely). In addition, a survey for California red-legged frogs is required immediately prior to ground disturbance, as outlined in this report. When I spoke with Tay onsite today she told me that MIG plans to conduct additional nesting bird surveys and CRLF surveys immediately prior to ground disturbance, which would meet the requirements of the MMRP.

Thanks!

Jessie

Jessie Henderson-McBean
Biologist

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From: Camille Leung <cleung@smcgov.org>

Sent: Monday, June 22, 2020 2:46 PM

To: Jessica Henderson-McBean <JHenderson-McBean@swca.com>; Kristen Outten <koutten@swca.com>

Cc: Amy Ow <aow@smcgov.org>

Subject: FW: Highland Estates Lot 11 biological compliance memo

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Hi Jessie and Kristen,

Please send me your comments regarding this report when you get a chance.

Please note that I am off on Thursday and Friday this week.

Thanks

From: Camille Leung
Sent: Monday, June 22, 2020 1:49 PM
To: Amy Ow <aow@smcgov.org>
Subject: FW: Highland Estates Lot 11 biological compliance memo

From: Taylor Peterson <tpeterson@migcom.com>
Sent: Monday, June 22, 2020 1:19 PM
To: Noel Chamberlain <noel@nexgenbuilders.com>; Camille Leung <cleung@smcgov.org>
Cc: Robert Pellegrine <robertpellegrine@yahoo.com>; Jessica Henderson-McBean <JHenderson-McBean@swca.com>; Alex Broskoff <abroskoff@migcom.com>
Subject: Highland Estates Lot 11 biological compliance memo

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Hello everyone,

Please find our memo regarding recent biological surveys on Lot 11 attached. Let me know if there are any questions.

Thanks,

Tay

Taylor Peterson

Director of Biological Analysis



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