



**REGULAR MEETING
GOLDEN RAIN FOUNDATION LANDSCAPE COMMITTEE***

**Wednesday, June 8, 2022 – 1:30 p.m.
BOARD ROOM/VIRTUAL MEETING
Laguna Woods Village
24351 El Toro Road, Laguna Woods, CA**

Laguna Woods Village owners/residents are welcome to participate in all open committee meetings and submit comments or questions for virtual meetings using one of three options:

- 1. Join the meeting in-person in the Community Center Board Room.*
- 2. Join the meeting via Zoom at <https://zoom.us/j/99225095454>. Please “Raise Your Hand” during the agenda item you would like to speak to. If you have an item that is NOT on the agenda, please “Raise Your Hand” during the Member Comments agenda item.*
- 3. Via email to meeting@vmsinc.org any time before the meeting is scheduled to begin or during the meeting. Please use the name GRF Landscape Committee in the subject line of the email. Name and unit number must be included.*

NOTICE AND AGENDA
This Meeting May Be Recorded

1. Call to Order
2. Acknowledgment of Media
3. Approval of the Agenda
4. Approval of Meeting Report for March 9, 2022
5. Chair Remarks
6. Department Head Update
 - a. Update on Master Control Irrigation System
 - b. Discuss Village Tree Signage

Consent:

None

Reports

7. Update on the Creek

Items for Discussion and Consideration

8. Member Comments (Items Not on the Agenda)
9. Response to Member Comments
10. Landscape Supervisor to Discuss Grounds Maintenance – Angel De La Torres

Concluding Business:

11. Committee Member Comments
12. Date of Next Meeting – Wednesday, September 14, 2022 at 1:30 p.m.
13. Adjournment

Juanita Skillman, Chair
Kurt Wiemann, Staff Officer
Jayanna Abolmoloki, Landscape Administrative Assistant
Telephone: 949-268-2565

*A quorum of the GRF Board, or more, may also be present at the meeting.



OPEN MEETING

**REGULAR MEETING OF THE GOLDEN RAIN FOUNDATION
LANDSCAPE COMMITTEE**

Wednesday, March 9, 2022 – 1:30 P.M.

**BOARD ROOM/ VIRTUAL MEETING
Laguna Woods Village Community Center
24351 El Toro Road**

REPORT

COMMITTEE MEMBERS PRESENT: Chair – Juanita Skillman, Lynn Jarrett, Maggie Blackwell (via Zoom); Substitutes: Donna Rane-Szostak and Yvonne Horton

COMMITTEE MEMBERS ABSENT: Ira Lewis, Reza Karimi, Diane Casey

OTHERS PRESENT: Elsie Addington

ADVISORS PRESENT: None

STAFF PRESENT: Kurt Wiemann, Eve Morton, Bob Merget

1. Call to Order

Chair Skillman called the meeting to order at 1:30 p.m.

2. Acknowledgement of Media

No press was present.

3. Approval of the Agenda

Director Rane-Szostak made a motion to approve the agenda. The committee was in unanimous support.

4. Approval of the Meeting Report for December 8, 2021

The Report was approved without objections.

5. Committee Chair Remarks

Chair Skillman made a recommendation that all those interested in the proposed thinning out of Canary Pines attend the United Landscape Meeting on March 10th to get the real story, not just rumors.

6. Department Head Update

6a. Update on Master Control Irrigation System

Mr. Wiemann stated that the MCIS is almost ready to go out to bid. We are taking our time putting this out, we want to make sure we won't miss anything, It's a huge system with little documentation.

We expect to have it out to bid in mid-April. With the documentation ready for the Committee's review at the next meeting in June.

6b. Information on Different Colored Notification Flags on Ground and What They Mean

Mr. Wiemann reviewed a chart indicating the different colored notification flags in the ground and what each indicates.

The flags seen most often in the Village are the yellow ones which are used after herbicide is sprayed. The herbicide dries in a couple of hours, however, staff will keep the yellow flags there for two days.

Blue flags mean an irrigator is working on the system and will be coming back to complete the repairs.

Purple flags indicate reclaimed water.

Director Jarrett requested that Mr. Wiemann bring examples of the flags to the next meeting.

Reports

7. Update on the Creek

Mr. Wiemann is filing the final paperwork to request an amended agreement which would allow the use of a herbicide to create a channel of free flowing water down the length of the creek to create areas for turtles and fish to grow.

Staff works at the creek in April and August and November/December.

The Village is only allowed to cut cattails to a foot above the water line.

A member inquired as to whether the area down by the bridge be wider? Or will there be minimal channel there? Mr. Wiemann reported that they are focusing upstream from the bridge. Additional areas will be selected by the biologist. Native plants cannot be disturbed. There will be water there you can see flowing.

Items for Discussion and Consideration

8. Member Comments (Items Not on the Agenda)

None.

9. Response to Member Comments

None.

10. Bob Merget; Tree Arborist and Support Landscape Manager

Mr. Merget shared a PowerPoint with the committee to illustrate what he looks at when inspecting trees.

Director Jarrett commented that the Village residents would like to see these slides. Perhaps Mr. Merget could narrate over the slides with Village Television to record for YouTube video for residents.

11. Third Board Director Donna Rane-Szostak; Water Conservation

Director Rane-Szostak presented a PowerPoint to the committee regarding water use and conservation.

Concluding Business:

12. Committee Member Comments

Director Jarrett stated that it was an excellent meeting..

Chair Skillman thanked Director Rane-Szostak for sitting in and for her water use presentation

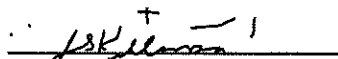
Director Horton stated that she will bring Director Rane-Szostak's idea to install timers on the showers at the swimming pools to a future GRF Community Activities Committee meeting.

Director Blackwell stated that the photo in the presentation of a very low aquifer should be on a cover of any water report.

13. Date of Next Meeting – Wednesday, June 8, 2022 at 1:30 p.m.

Chair Skillman stated that the work which Grounds Maintenance performs will be highlighted at the next meeting.

14. Adjournment at 2:58 p.m.



Juanita Skillman (Mar 22, 2022 15:45 PDT)

Juanita Skillman, Chair

**RESOLUTION 90-06- 97 (Initial resolution which was superseded
by resolution below)**

WHEREAS, tree signs throughout the Community vary in different shapes, sizes & colors, and the GRF Landscape Committee has found it necessary to establish one sign standard;

NOW THEREFORE BE IT RESOLVED, November 7, 2006 that the Board of Directors of this Corporation hereby adopts the policy of limiting any tree signage to a 3" x 5" size, with white lettering on a black background using only the botanical and common names of the tree and the country of origin; and

RESOLVED FURTHER, that the officers and agents of this corporation are hereby authorized on behalf of the corporation to carry out the purpose of this resolution.

RESOLUTION 90-14-20

Policy for Tree Signage

WHEREAS, tree signs throughout the Community vary in different shapes, sizes & colors, and the GRF Landscape Committee has found it necessary to establish one sign standard;

WHEREAS, this Corporation also recognizes the need to establish a policy to streamline installation requirements for tree labeling;

NOW THEREFORE BE IT RESOLVED, May 6, 2014, that the Board of Directors of this Corporation hereby adopts the following standard:

1. No one may attach anything to GRF property without prior approval.
2. Begin by contacting the managing agent prior to installation(s).
3. Tree trunks must be at least four inches in diameter.
4. The label must be limited to a 3" x 5" size, with white lettering on a black background using only the botanical and common names of the tree and the country of origin. No names of persons or organizations may appear on any label.
5. Mount with only a galvanized steel nail leaving a two inch space between the trunk of the tree and the end of the nail.

RESOLVED FURTHER, that this resolution shall become in full force and effect on May 6, 2014; and

RESOLVED FURTHER, that Resolution 90-06-97 adopted on November 7, 2006, is hereby superseded and canceled; and

RESOLVED FURTHER, that the officers and agents of this corporation are hereby authorized on behalf of the corporation to carry out the purpose of this resolution.



STAFF REPORT

DATE: June 8, 2022

FOR: Landscape Committee

SUBJECT: Aliso Creek Update

RECOMMENDATION:

Receive and File

BACKGROUND:

In 2014, The Golden Rain Foundation of Laguna Woods (GRF) entered into a Streambed Alteration Agreement (Agreement) with the California Department of Fish and Wildlife (CDFW) due to the construction of the pedestrian bridge located in Aliso Park (Attachment 1).

The creek area is considered a natural riparian habitat and is subject to the regulations put forth by several government agencies, with CDFW being the lead agency. The agreement requires annual biological monitoring of the area directly downstream of the bridge. The agreement stipulated that the monitoring of that area should continue for a minimum of five years or until GRF meets success criteria set forth in the agreement. The criteria for that area has been met, therefore, the annual biologist monitoring of the area just south of the bridge is no longer required. However, the prescribed maintenance shall continue in perpetuity.

On March 10, 2021, the GRF Landscape Committee approved an unbudgeted operating expense of \$13,534 to perform additional cattail clearing within the creek.

DISCUSSION:

Each year, the Landscape Department has several main objectives in Aliso Creek; control weeds, both native and non-native, and successfully meet the requirements of the mitigation area.

Guidelines are set by the regulating agencies governing as to when and how maintenance activities can take place within the limits of the entire creek bed.

Work within the creek bed, such as removing native growth cattails, can normally only occur outside of the typical native bird nesting season, which occurs annually between February 1 and August 31. Working with wildlife biologists, staff can now remove the cattails on three other occasions during the year. Prior to starting the additional work period, a biologist must first perform a thorough survey of the area, checking for nesting birds, California Pond Turtles, and other wildlife. If any wildlife or nests are observed,

buffer zones are created in which no work can be performed. Staff can then proceed, under the guidance of biologists, to ensure there is no disturbance of the wildlife.

The annual maintenance within the streambed consists of staff trimming cattails from the creek bed and trimming the branches on the lower third of the native trees along the bank. The cattails cannot be removed completely. Cattail trimming is limited to cutting by hand, without disturbing the stream bed, and can only be cut one foot above the waterline. The use of herbicides and plant growth regulators is prohibited on native plant material.

In early November 2021, GRF applied to CDFW to modify the current agreement to permit the removal of cattails to create a five to eight-foot channel in the center of the creek to increase water flow and decrease storm damage. On November 22, 2021, staff received notice from CDFW that the current agreement could not be modified in the manner requested.

On February 18, 2022, staff submitted another request to CDFW (Attachment 2) to modify the cattail removal process outlined in the original agreement. Cattails are considered native plants and the original agreement permitted only the hand removal of native plants to one foot above the water line. Since cattails have dense subterranean rhizome systems, they regrow very quickly.

The agreement also prevents disturbance of the streambed for any reason; digging out the roots is not an option. The new request outlines a detailed herbicide use plan, which would, in time, keep the center section of the stream open and flowing. This would reduce stagnation, reduce storm damage, increase the health of native species, and vastly increase the aesthetic of the creek. This request is still under review.

Starting on April 18, 2022, and completed on April 22, 2022, staff cleared cattails and non-native plant material from the creek using hand tools (Attachment 2). Since the work was performed during active nesting season, a wildlife biologist was on site when crews were working. The biologist observed Red-Eared Slider turtles and thought they saw the Southwestern Pond turtle, but could not confirm identity. They believe pond turtle(s) are still present and none were disturbed.

Numerous birds were observed, displaying territorial behaviors, foraging, carrying nesting material, and flying through vegetation. Active nests were found for the following birds; Song Sparrow (*Melospiza melodia*), Black Phoebe (*Sayornis nigricans*), and Common Yellowthroat (*Geothlypis trichas*) (3). One-hundred-foot buffer zones were created around active nests, leaving them undisturbed. Most of the cattails were cut down to water level, patches of cattails were left within Aliso Creek and around the ponds to provide habitat for wildlife and nesting birds.

FINANCIAL ANALYSIS:

None

Prepared By: Kurt Wiemann, Director of Landscape Services

Reviewed By: Eve Morton, Landscape Coordinator

ATTACHMENT(S)

ATTACHMENT 1: Streambed Alteration Agreement

ATTACHMENT 2: Monitoring Report

Attachment 1
Streambed Alteration Agreement

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
SOUTH COAST REGION
3883 RUFFIN ROAD
SAN DIEGO, CALIFORNIA 92123



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2013-0151-R5
ALISO CREEK

PROFESSIONAL COMMUNITY MANAGEMENT, INC.
ALISO CREEK MAINTENANCE AT LAGUNA WOODS VILLAGE

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Professional Community Management, Inc. (Permittee) as represented by Brian Gentry.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on July 12, 2013, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located within and adjacent to Aliso Creek, in the County of Orange, State of California; Latitude 33.595377, Longitude -117.710435; U.S. Geological Survey (USGS) 7.5-minute map San Juan Capistrano quadrangle, Section 34, Township 6 south, Range 8 west, and Section 3, Township 7 south, Range 8 west, San Bernardino meridian; Assessor's Parcel Numbers 621-101-04, 621-101-05, 621-101-06, and 621-111-11.

The site is adjacent to the community of Laguna Woods Village and is generally bounded by Moulton Parkway to the west, Laguna Hills Drive to the south, and Paseo de Valencia to the east, entirely within the city of Laguna Woods.

PROJECT DESCRIPTION

The project is limited to routine flood control maintenance activities at the project location within Aliso Creek. Emergent aquatic vegetation will be mowed or cut with hand tools, trimmers, and hedgers while leaving 1 foot or more of the cut vegetation above the water line to retain water quality and erosion control benefits. Accumulated sediment will be removed from within 20 feet of two existing pedestrian walkways that cross the stream. Trash and other human generated debris will be routinely removed from the stream. Non-native species within the project area will be routinely removed and properly disposed.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: AMPHIBIANS – western toad (*Bufo boreas*), Pacific treefrog (*Hyla regilla*); REPTILES – southwestern pond turtle (*Emys marmorata*), western fence lizard (*Sceloporus occidentalis*), common side-blotched lizard (*Uta stansburiana*); BIRDS – red-winged blackbird (*Agelaius phoeniceus*), western scrub-jay (*Aphelocoma californica*), long-eared owl (*Asio otus*), Anna's hummingbird (*Calypte anna*), lesser goldfinch (*Carduelis psaltria*), house finch (*Carpodacus mexicanus*), wrenit (*Chamaea fasciata*), American crow (*Corvus brachyrhynchos*), yellow-rumped warbler (*Dendroica coronata*), black-crowned night heron (*Nycticorax nycticorax*), Nuttall's woodpecker (*Picoides nuttallii*), California towhee (*Pipilo crissalis*), bushtit (*Psaltiriparus minimus*), black phoebe (*Sayornis nigricans*), Allen's hummingbird (*Selasphorus sasin*), Bewick's wren (*Thryomanes bewickii*), mourning dove (*Zenaida macroura*); MAMMALS – coyote (*Canis latrans*), western mastiff bat (*Eumops perotis*), bobcat (*Lynx rufus*), raccoon (*Procyon lotor*), California ground squirrel (*Spermophilus beecheyi*), desert cottontail (*Sylvilagus audubonii*); PLANTS – California sagebrush (*Artemisia californica*), mugwort (*Artemisia douglasiana*), coyote bush (*Baccharis pilularis*), California sunflower (*Encelia californica*), laurel sumac (*Malosma laurina*), western sycamore (*Platanus racemosa*), coast live oak (*Quercus agrifolia*), lemonade berry (*Rhus integrifolia*), arroyo willow (*Salix lasiolepis*), cattail (*Typha* spp.); and other riparian/wetland vegetation which provides habitat for those species, and all other aquatic and wildlife resources in the project vicinity.

The adverse effects the project could have on the fish or wildlife resources identified above include: loss of natural bed or bank; degradation or aggradation of channel; accelerated channel scour; soil compaction or other disturbance to soil layer; restriction or increase in sediment transport; increased turbidity; increased sedimentation (chronic or episodic); change in water temperature; loss or decline of riparian and/or emergent marsh habitat; colonization by exotic plant or animal species; loss or decline of instream channel habitat; loss or decline of instream woody material; direct take of fish and other aquatic species; disruption to nesting birds and other wildlife; loss or decline of aquatic species' habitat; migration corridors, spawning or rearing areas; change in shading or insolation leading to vegetative change; and wildlife disturbance from project activities.

The project will impact approximately 1.72 acres of stream bed, bank, and/or channel consisting of emergent freshwater marsh habitat with scattered native and non-native shrubs and trees through routine maintenance.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Payment of Outstanding Fees. Permittee shall submit a fee to CDFW for each individual maintenance activity prior to initiation of such activity. The fee shall be based on CDFW's Agreement for Routine Maintenance fees as described in the California Code of Regulations, Title 14, section 699.5.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

Resource Protection

- 2.1 **Special Habitat Mitigation and Monitoring Area.** Maintenance activities accomplished as a part of this project shall occur outside of the 0.127-acre Special Habitat Mitigation Area. The Special Habitat Mitigation and Monitoring Area shall be maintained as described in the *Habitat Mitigation and Monitoring Plan* for the *Aliso Creek Trail Repair Project*, prepared by RBF Consulting, dated October 30, 2012 (or other plan approved in writing by CDFW), as required by Regional Water Quality Control Board as a part of a separate project.
- 2.2 **Clean All Equipment Before Entering Stream.** Permittee shall clean all equipment of soil containing seed and plant material prior to entry into the streambed to prevent the spread of invasive exotic plant species from adjacent areas or other sites where equipment may have been previously used.
- 2.3 **Prohibited Plant Species.** Permittee shall not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Exotic Pest Plant Council's database, which is accessible at: <http://www.cal-ipc.org/ip/inventory/weedlist.php>
- 2.4 **No Night Work.** Maintenance activities shall be limited to the period of daylight hours. No night work is authorized unless otherwise agreed to by the CDFW.

Wildlife and Habitat Protection

- 2.5 **Bird Avoidance.** To avoid impacts to nesting birds, maintenance activities adjacent to nesting habitat shall not take place within CDFW jurisdictional habitats from February 1 through August 31, the "restricted work period", unless CDFW agrees to modify the restricted work period. If avoidance of the nesting bird season is not feasible, maintenance activities may occur during the restricted work period if a qualified biologist conducts two focused surveys for active nests on separate days starting within 7 days, with the final survey occurring within 48 hours prior to work in the area. The biologist must have previous experience in nesting surveys for bird species. The results of the surveys shall be submitted to the CDFW prior to any project activities in the form of a written report via e-mail and shall include the following information; dates of survey, total field time of survey efforts, map of survey routes, names of investigators, and if any active nests were found. If the survey identifies an active nest, a buffer shall be established between the maintenance activity and the active nest so that nesting activities are not interrupted. The buffer shall be delineated by temporary fencing, and shall be in effect throughout the maintenance activity or until the nest is no longer active. The buffer shall be a minimum of 300 feet (500 feet for raptors) of a non-listed nesting migratory bird nest, and 500 feet of a listed bird nest.

- 2.6 Protected Species. This Agreement does not authorize take, incidental or otherwise, of any protected species. For the purpose of this Agreement, "protected species" means the following: a species fully protected under state law; a candidate species or species listed as threatened or endangered under the California Endangered Species Act (CESA; Fish & G. Code § 2050 et seq.) and/or Endangered Species Act (ESA; 16 U.S.C. § 1531 et seq.); a species identified by CDFW as a species of special concern; or any other species for which take is prohibited under state or federal law.
- 2.7 Southwestern Pond Turtle Survey. Prior to initial maintenance activities completed as a part of this Agreement, the area shall be surveyed for southwestern pond turtle by a qualified biologist to ensure that no direct or indirect impacts shall occur to southwestern pond turtle as a result of the proposed project. The survey shall consist of both visual encounter surveys and a live trapping program. Methods and results shall be submitted to CDFW prior to initial maintenance activity (see Reporting Measure 4.2). Non-native reptiles and amphibians captured during these efforts shall not be returned to the wild.
- 2.8 Southwestern Pond Turtle Mitigation Plan. If native turtles are observed near the project site, the qualified biologist shall submit a Southwestern Pond Turtle Mitigation Plan to CDFW and it shall include complete avoidance measures for CDFW review and approval prior to project initiation. If native turtles are observed near the project site, efforts shall be made to reduce or eliminate the impact to the south-facing slope of the upland habitat. If native turtles are observed near the project site, impacts to drainages and the surrounding area shall take place outside the southwestern pond turtle breeding period, which occurs from April 1 through August 31.
- 2.9 Leave Wildlife Unharmd. If any wildlife is encountered during the course of maintenance activities, said wildlife shall be allowed to leave the project area unharmed. If any CESA-listed wildlife is encountered, Permittee shall immediately inform CDFW of the observation and additional measures taken to ensure the safety of the wildlife.

Vegetation Removal

- 2.10 Native Trees. No native trees shall be removed as a result of the proposed project. Only those branches in the lower 1/3 of any tree and less than 2 inches in diameter may be pruned to accommodate project activities. Understory riparian vegetation such as blackberries, willows, tules, etc., may be pruned only as needed to accommodate project activities. No native vegetation shall be removed by excavation or cutting off below the soil. All pruned material shall be removed from the area and properly disposed of.
- 2.11 Native Non-Woody Vegetation. Native non-woody vegetation (e.g., cattails and sedges) shall be allowed to grow between maintenance activities. If necessary,

native non-woody vegetation may be cut to a level at least 1 foot above the water line. However, the use of herbicide to inhibit growth or kill cattails or sedges is prohibited.

- 2.12 Invasive Vegetation Removal. Non-native vegetation species identified as invasive in the California Exotic Pest Plant Council's database (<http://www.cal-ipc.org/ip/inventory/weedlist.php>) shall be routinely removed from the project site. Annual invasive vegetation shall comprise no more than 5% of the bed, bank, and channel of the stream within the project area. The bed, bank, and channel of the stream within the project area shall be kept free of perennial invasive vegetation.
- 2.13 Remove Invasive Vegetation by Hand. Whenever possible, invasive species shall be removed by hand or by hand-operated power tools rather than by chemical means. Where control of non-native vegetation is required within the bed, bank, or channel of the stream, the use of herbicides is necessary, and there is a possibility that the herbicides could come into contact with water, Permittee shall employ only those herbicides, such as Rodeo/Aquamaster (Glyphosate), which are approved for aquatic use. If surfactants are required, they shall be restricted to non-ionic chemicals, such as Agri-Dex, which are approved for aquatic use.
- 2.14 Removal and Disposal of Non-Native Vegetation. Any non-native vegetation removed shall be disposed of legally in a manner which prevents its reestablishment and in a manner that does not negatively affect other sensitive native habitat.
- 2.15 Herbicide Use Only For Invasive Vegetation. Herbicides shall be used only for selective treatment of non-native invasive vegetation species identified in the California Exotic Pest Plant Council's database, which is accessible at: <http://www.cal-ipc.org/ip/inventory/weedlist.php>. Herbicide use to kill native vegetation is prohibited.
- 2.16 Herbicide Mixing. Herbicide mixing sites shall only be located in areas devoid of vegetation, and where there is no potential of a spill reaching a vegetated area or a stream, for example avoid mixing at a storm water inlet.

Sediment Removal

- 2.17 Sediment Removal Locations. Sediment removal activities may occur within 20 feet of each of the two existing stream crossing structures (pedestrian walkways). Sediment removal activities shall only occur in order to maintain function of the two existing stream crossing structures. Sediment disturbing activities more than 20 feet from the pedestrian crossings are not authorized as a part of this Agreement, thus shall be subject to separate Notification pursuant to FGC section 1600 *et seq.*

- 2.18 Western Pond Turtle Avoidance before Sediment Disturbance. Before any sediment disturbing activities within 20 feet of the two walkways crossing the stream a qualified biologist shall implement a turtle exclusion and relocation program within the construction zone. This program shall provide for the erection of turtle barriers and regular trapping surveys of the construction area to capture and relocate turtles from within the project work area to the adjacent, unaffected habitat areas. Non-native reptiles and amphibians captured during these efforts shall not be returned to the wild.
- 2.19 No Heavy Equipment in Wetted Portion of the Stream. No heavy equipment shall be operated in ponded or flowing areas. When sediment removal activities in a flowing stream are unavoidable, the entire stream flow shall be diverted around the work area by a barrier, temporary culvert, new channel, or other means approved by CDFW. Location of the upstream and downstream diversion points shall be approved by CDFW. Construction of the barrier and/or the new channel shall normally begin in the downstream area and continue in an upstream direction, and the flow shall be diverted only when construction of the diversion is completed. Channel bank or barrier construction shall be adequate to prevent seepage into or from the work area. Diversion berms shall be constructed of onsite alluvium of low silt content, inflatable dams, sand bags, or other approved materials. Channel banks or barriers shall not be made of earth or other substances subject to erosion unless first enclosed by sheet piling, rock rip-rap, or other protective material. The enclosure and the supportive material shall be removed when the work is completed and removal shall normally proceed from downstream in an upstream direction. Permittee shall obtain written approval of the temporary diversion from the CDFW prior to initiation of temporary diversion.

Erosion Control

- 2.20 Disturbed Slopes. Areas of disturbed soils with slopes toward a stream shall be stabilized to reduce erosion potential. Planting and seeding is conditionally acceptable. Where suitable vegetation cannot reasonably be expected to become established, non-erodible materials such as coconut fiber matting shall be used for such stabilization until planted/seeded vegetation can become established.
- 2.21 Erosion Control Measures. Permittee shall utilize erosion control measures throughout all phases of operation where sediment runoff from exposed slopes threatens to enter the stream.
- 2.22 Erosion Control Monitoring. Permittee or shall monitor erosion control measures before, during, and after each storm event and repair and/or replace ineffective measures immediately.

Equipment and Access

- 2.23 Equipment Access. Access to the work site shall be via existing roads and access ramps.

Fill and Spoil

- 2.24 Location of Spoil Sites. Spoil sites shall not be located within the stream or locations that may be subjected to high storm flows, where spoil may be washed back into the stream, or where it may impact streambed habitat, aquatic or riparian vegetation.
- 2.25 Deposition of Fill. Depositing fill into the stream more than 20 feet away from an existing stream crossing structure is not a covered activity of this Agreement, and thus subject to separate Notification pursuant to FGC section 1600 *et seq.*

Structures

- 2.26 No Additional Structures. This Agreement does not authorize the construction of any temporary or permanent dam, structure, flow restriction or fill except as described in Permittee's Notification.

Pollution, Litter, and Clean-Up

- 2.27 Litter and Pollution. Permittee shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of Permittee to ensure compliance.
- 2.28 Stationary Equipment. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.
- 2.29 Hazardous Materials. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from the project related activities shall be prevented from contaminating the soil and/or entering the waters of the State.
- 2.30 Site Cleanup. When operations are completed, any excess materials or debris shall be removed from the work area.

3. Compensatory Measures

To compensate for adverse impacts to fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement each measure listed below.

- 3.1 Mitigation for Authorized Impacts. In consideration of the Avoidance and Minimization Measures in this Agreement, project activities will not result in significant impacts to the streams. Compensatory mitigation is not required as part of this Agreement.
- 3.2 Mitigation for Unauthorized Impacts. Permittee shall mitigate at a minimum 5:1 ratio for impacts beyond those authorized in this Agreement. In the event that additional mitigation is required, the type of mitigation shall be determined by CDFW, and may include creation, restoration, and/or enhancement.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Notification Prior to Work. Permittee shall notify CDFW, in writing, at least 5 days prior to initiation of each maintenance activity. Start-work notification shall be sent to CDFW's South Coast Office at the address on page 1, ATTN: Streambed Alteration Program – SAA #1600-2013-0151-R5, or alternatively by electronic mail to R5LSACompliance@wildlife.ca.gov.
- 4.2 Southwestern Pond Turtle Survey Reports. A report shall be submitted to CDFW detailing trapping survey methods and results of each southwestern pond turtle survey prior to initial maintenance activity and prior to each sediment disturbing activity. The report shall include the location of each trap, number and duration of each trapping period, and summary of trapping results. The report shall also include results from previous surveys performed in the area. If southwestern pond turtles are found on site, avoidance, exclusion, and minimization measures shall be submitted to CDFW prior to the initiation of maintenance activities as detailed in Measure 2.7.
- 4.3 Sensitive Species Observations. Permittee shall be responsible for reporting all observations of threatened /endangered species or species of special concern to CDFW's Natural Diversity Data Base (CNDDDB) within 10 days of sighting. The form and instructions for completing the form and submitting the information are available on-line at http://www.wildlife.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp. In addition to sending the information to CNDDDB a copy should be sent to CDFW's South Coast Office at the address above, ATTN: Streambed Alteration Program – SAA #1600-2013-0151-R5.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Brian Gentry
Professional Community Management, Inc.
24351 El Toro Road
Laguna Woods, California 92637
brian.gentry@pcm-inc.org

To CDFW:

California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, California 92123
Attn: Lake and Streambed Alteration Program
Notification #1600-2013-0151-R5

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective,

unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire on February 15, 2019, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

Exhibit A. "Golden Rain Foundation Creek Maintenance Area"

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR PROFESSIONAL COMMUNITY MANAGEMENT, INC.

Brian Gentry
Title:

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Betty J. Courtney
Environmental Program Manager

Date

Prepared January 2014 by Kevin Hupf, Environmental Scientist

Exhibit A. "Golden Rain Foundation Creek Maintenance Area"

Golden Rain Foundation Creek Maintenance Area



Attachment 2
Monitoring Report

DAILY MONITORING REPORT

PROJECT & MONITOR INFORMATION			
Project Number: 20905		Date: April 18, 2022	
Project Name: Laguna Woods Village		Start time: 0645	
Monitor(s): Mauricio Gomez and Jessica Calvillo		End time: 1500	
WEATHER CONDITIONS			
START			
Temperature (°F): 50	Wind speed (mph): 0	Cloud Cover (%): 5	Precipitation (%): 0
END			
Temperature (°F): 76	Wind speed (mph): 0	Cloud Cover (%): 1	Precipitation (%): 0

SITE INFORMATION		
Site:	Aliso Creek in Laguna Woods	
Site Description:	The project is located within and adjacent to Aliso Creek, in the County of Orange, California. The creek is surrounded by emergent marsh vegetation such as cattails (<i>Typha</i> spp.), western ragweed (<i>Ambrosia psilostachya</i>), white sweet clover (<i>Melilotus albus</i>) and fleabane (<i>Pulicaria</i> sp.), among others. Non-native vegetation included <i>Bromus</i> spp., and Spanish sunflower (<i>Pulicaria paludosa</i>).	
Foreman/Supintendent:	Hilario	Contact info: 951-237-3973
Crew:		

DESCRIPTION OF CONSTRUCTION ACTIVITIES
<ul style="list-style-type: none">• Biologist monitored the crew during routine maintenance activities which included trimming of cattails within the creek and clearing of non-native species from the banks of the creek and on the upper terraces adjacent to the creek. Tools utilized during routine maintenance activities included hand blades, weed whippers, and hedge trimmers. No heavy machinery was utilized inside of Aliso Creek.• Crew began maintenance activities north of Avenida Sevilla at the most upstream end working their way towards ponding area #1.
BIOLOGICAL OBSERVATIONS

- A clearance survey was conducted for nesting birds and the southwestern pond turtle (*Acinemys pallida*; SWPT) prior to maintenance activities of the Project area. No SWPT were observed.
- One new nest was discovered during the clearance survey.
 - Common yellowthroat (*Geothlypis trichas*) nest 1 (COYE Nest_01): feeding nestlings
 - A pair of common yellowthroats were observed entering the same location within five minutes. After further observation, the pair was observed gathering food within approximately 100 feet and delivering it to the same location. The biologist approached the nest and noticed nestlings inside of the nest. The biologist immediately backed away and a 50-foot buffer was established around the nest. The nest is located on a Spanish sunflower approximately 1.5 feet off the ground and 40 feet east of Aliso Creek. GPS Location: 33.597804, -117.709859
- Patches of cattails were left within Aliso Creek and around the ponds to provide habitat for wildlife and nesting birds.
- Bird activity was moderate throughout the day. Individuals were observed displaying territorial behaviors, foraging, carrying nesting material, and flying through vegetation.
- A final sweep was conducted at the end of the workday, and no SWPT were observed.

CONCLUSIONS & RECOMMENDATIONS

- A biological monitor is recommended during the maintenance activities located adjacent to active nesting bird nests and within SWPT habitat (south of Avenida Sevilla bridge).

Species Observed: Allen's hummingbird, American crow, black phoebe, bushtit, common raven, common yellowthroat, great egret, hooded oriole, house finch, lesser goldfinch, mallard, Nuttall's woodpecker, red-shouldered hawk, ruby-crowned kinglet, song sparrow, spotted towhee, western bluebird, Wilson's warbler, yellow-rumped warbler, red-eared slider, bullfrog, pacific chorus frog.

Sensitive Species Observed: None

Other Sensitive Biological Resources Observed: None

DAILY MONITORING PHOTOGRAPHS



Photo 1.

General overview of maintenance activities at Aliso Creek. Photo is facing southwest.



Photo 2.

General location of the new COYE Nest_01 east of Aliso Creek. Photo is facing north.



Photo 3.

General overview of post-maintenance activities at Aliso Creek. Photo is facing southwest.

DAILY MONITORING REPORT

PROJECT & MONITOR INFORMATION			
Project Number: 20905		Date: April 19, 2022	
Project Name: Laguna Woods Village		Start time: 0645	
Monitor(s): Mauricio Gomez		End time: 1500	
WEATHER CONDITIONS			
START			
Temperature (°F): 58	Wind speed (mph): 0	Cloud Cover (%): 20	Precipitation (%): 0
END			
Temperature (°F): 73	Wind speed (mph): 3-5	Cloud Cover (%): 0	Precipitation (%): 0

SITE INFORMATION		
Site:	Aliso Creek in Laguna Woods	
Site Description:	The project is located within and adjacent to Aliso Creek, in the County of Orange, California. The creek is surrounded by emergent marsh vegetation such as cattails (<i>Typha</i> spp.), western ragweed (<i>Ambrosia psilostachya</i>), white sweet clover (<i>Melilotus albus</i>) and fleabane (<i>Pulicaria</i> sp.), among others. Non-native vegetation included <i>Bromus</i> spp., and Spanish sunflower (<i>Pulicaria paludosa</i>).	
Foreman/Superintendent:	Hilario	Contact info: 951-237-3973
Crew:		

DESCRIPTION OF CONSTRUCTION ACTIVITIES
<ul style="list-style-type: none"> • Biologist monitored the crew during routine maintenance activities which included trimming of cattails within the creek and clearing of non-native species from the banks of the creek and on the upper terraces adjacent to the creek. Tools utilized during routine maintenance activities included hand blades, weed whippers, and hedge trimmers. No heavy machinery was utilized inside of Aliso Creek. • Maintenance activities continued towards ponding area #1.
BIOLOGICAL OBSERVATIONS
<ul style="list-style-type: none"> • An environmental awareness training was conducted by Joanna Kipper prior to starting maintenance activities for the day.

- A clearance survey was conducted for nesting birds and the southwestern pond turtle (*Acinemys pallida*; SWPT) prior to maintenance activities of the Project area. No SWPT were observed.
- One new nest was discovered during the clearance survey.
 - Black phoebe (*Sayornis nigricans*) nest 1 (BLPH Nest_01): nest building
 - A black phoebe individual was observed collecting material and was then observed going under the pedestrian bridge north of Avenida Sevilla (Photo 2). The biologist looked under the bridge and noticed a mud nest directly under the bridge. The nest appeared to be approximately 35% complete. Multiple community residents were observed walking across the bridge; however, the black phoebe was not disturbed by human activity or maintenance vehicles. No maintenance activities occurred near the nest on this day. GPS Location: 33.600174, -117.707346
- One active nest was observed during monitoring.
 - Song sparrow (*Melospiza melodia*) nest 1 (SOSP Nest_01): incubating
 - An active song sparrow nest was observed within the cattails during maintenance activities. The crew was cutting the cattails working their way towards ponding area #1 and discovered the nest at the base of cattails hidden within the Spanish sunflower (Photo 3). The nest contained three eggs and is in the incubating stage. The crew notified the biologist. After the biologist arrived at the nest location, a 100-foot buffer was established, and the nest was monitored. The crew was then relocated to an area downstream of the nest outside of the 100-foot buffer. After 15 minutes of monitoring, a song sparrow individual was observed bringing nesting material to the nest but was observed leaving within one minute. A song sparrow pair was then observed foraging in the vicinity, approximately 10 feet away, however, no additional activity was observed within the nest. The nest is located within Aliso Creek just east of the bathrooms and the large sycamore tree. GPS Location: 33.601040, -117.705190
- Patches of cattails were left within Aliso Creek and around the ponds to provide habitat for wildlife and nesting birds.
- Bird activity was moderate throughout the day. Individuals were observed displaying territorial behaviors, foraging, carrying nesting material, and flying through vegetation.
- A final sweep was conducted at the end of the workday, and no SWPT were observed.

CONCLUSIONS & RECOMMENDATIONS

- A biological monitor is recommended during the maintenance activities located adjacent to active nesting bird nests and within SWPT habitat (south of Avenida Sevilla bridge).

Species Observed: Allen's hummingbird, Anna's hummingbird, American crow, ash-throated flycatcher, black phoebe, bushtit, common yellowthroat, great egret, house finch, lesser goldfinch, mallard, song sparrow, Nuttall's woodpecker, red-shoulder hawk, scaly breasted munia, spotted towhee, Townsend's warbler, Wilson's warbler, western bluebird, yellow-rumped warbler, red-eared slider, bullfrog, pacific chorus frog.

Sensitive Species Observed: None

Other Sensitive Biological Resources Observed: None

DAILY MONITORING PHOTOGRAPHS



Photo 1.

General overview prior to maintenance activities at Aliso Creek. Photo is facing south.



Photo 2.

General location of the new BLPH Nest_01 located directly under the pedestrian bridge. Photo is facing west.



Photo 3.

General location of the new SOSP Nest_01 discovered by crew during maintenance activities within Aliso Creek. Photo is facing east.



Photo 4.

Crew utilizing hand tools during trimming of cattails at Aliso Creek. Photo is facing southeast.



Photo 5.

General overview of post-maintenance activities at Aliso Creek. Photo is facing southeast.

DAILY MONITORING REPORT

PROJECT & MONITOR INFORMATION			
Project Number: 20905		Date: April 20, 2022	
Project Name: Laguna Woods Village		Start time: 0630	
Monitor(s): Mauricio Gomez		End time: 1500	
WEATHER CONDITIONS			
START			
Temperature (°F): 56	Wind speed (mph): 1-3	Cloud Cover (%): 85	Precipitation (%): 0
END			
Temperature (°F): 69	Wind speed (mph): 2-4	Cloud Cover (%): 0	Precipitation (%): 0
SITE INFORMATION			
Site: Aliso Creek in Laguna Woods			
Site Description: The project is located within and adjacent to Aliso Creek, in the County of Orange, California. The creek is surrounded by emergent marsh vegetation such as cattails (<i>Typha</i> spp.), western ragweed (<i>Ambrosia psilostachya</i>), white sweet clover (<i>Melilotus albus</i>) and fleabane (<i>Pulicaria</i> sp.), among others. Non-native vegetation included <i>Bromus</i> spp., and Spanish sunflower (<i>Pulicaria paludosa</i>).			
Foreman/Supintendent:		Hilario	Contact info: 951-237-3973
Crew:			
DESCRIPTION OF CONSTRUCTION ACTIVITIES			
<ul style="list-style-type: none"> • Biologist monitored the crew during routine maintenance activities which included trimming of cattails within the creek and clearing of non-native species from the banks of the creek and on the upper terraces adjacent to the creek. Tools utilized during routine maintenance activities included hand blades, weed whippers, and hedge trimmers. No heavy machinery was utilized inside of Aliso Creek. • Crew resumed with maintenance activities downstream of ponding area #1 working their way towards ponding area #2. 			
BIOLOGICAL OBSERVATIONS			

- A clearance survey was conducted for nesting birds and the southwestern pond turtle (*Acinemys pallida*; SWPT) prior to maintenance activities of the Project area. No SWPT were observed.
- The song sparrow (*Melospiza melodia*) nest 1 discovered on April 19, 2022, was monitored and updated. The nest was monitored from 0630-0700. Two song sparrow individuals were observed foraging adjacent to the nest and coming approximately within five feet of the nest. The pair did not enter the nest and no other activity was observed inside the nest.
- One new nest was discovered during the clearance survey.
 - Common yellowthroat (*Geothlypis trichas*) nest 02 (COYE Nest_02): incubating
 - The nest was observed at the base of the cattails approximately a foot above the water line. A 25-foot buffer was established around the nest due to close proximity of the nest to the pedestrian bridge and the pedestrian trail. Residents were observed walking throughout the day and the pair did not show signs of stress. The female was observed coming up several times during monitoring to meet the male and was then observed going to same location at the base of the cattails. The female was also heard vocalizing near the nest. The crew avoided working within the buffer and skipped downstream to avoid impacting the nest. The nest is located approximately 45 feet upstream of the pedestrian bridge. GPS location: 33.600279, -117.707224
- Patches of cattails were left within Aliso Creek and around the ponds to provide habitat for wildlife and nesting birds.
- Bird activity was low to moderate throughout the day. Individuals were observed displaying territorial behaviors, foraging, carrying nesting material, and flying through vegetation.
- A final sweep was conducted at the end of the workday, and no SWPT were observed.

CONCLUSIONS & RECOMMENDATIONS

- A biological monitor is recommended during the maintenance activities located adjacent to active nesting bird nests and within SWPT habitat (south of Avenida Sevilla bridge).

Species Observed: Allen's hummingbird, American crow, Anna's hummingbird, ash-throated flycatcher, black phoebe, bushtit, common yellowthroat, dark-eyed junco, great egret, hooded oriole, house finch, lesser goldfinch, mallard, pacific slope flycatcher, scaly breasted munia, song sparrow, spotted towhee, western bluebird, Wilson's warbler, CA ground squirrel, red-eared slider, bullfrog, pacific chorus frog.

Sensitive Species Observed: None

Other Sensitive Biological Resources Observed: None

DAILY MONITORING PHOTOGRAPHS



Photo 1.

General overview prior to maintenance activities at Aliso Creek. Photo is facing east.

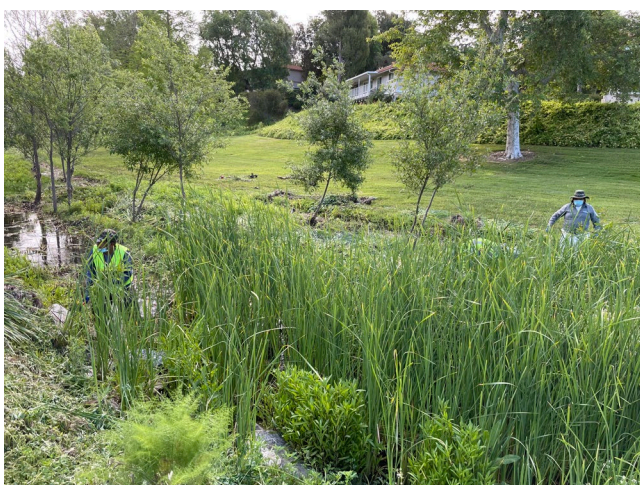


Photo 2.

Crew utilizing hand tools during trimming of cattails at Aliso Creek. Photo is facing east.



Photo 3.

General overview of a crew member removing cattails outside of the BLPH Nest_01 and new COYE Nest_02 nest buffers. Photo is facing south.



Photo 4.

General overview of post-maintenance activities at Aliso Creek. Photo is facing southwest.

DAILY MONITORING REPORT

PROJECT & MONITOR INFORMATION			
Project Number: 20905		Date: April 21, 2022	
Project Name: Laguna Woods Village		Start time: 0700	
Monitor(s): Mauricio Gomez		End time: 1500	
WEATHER CONDITIONS			
START			
Temperature (°F): 50	Wind speed (mph): 0-1	Cloud Cover (%): 0	Precipitation (%): 0
END			
Temperature (°F): 69	Wind speed (mph): 2-5	Cloud Cover (%): 2	Precipitation (%): 0
SITE INFORMATION			
Site: Aliso Creek in Laguna Woods			
Site Description: The project is located within and adjacent to Aliso Creek, in the County of Orange, California. The creek is surrounded by emergent marsh vegetation such as cattails (<i>Typha</i> spp.), western ragweed (<i>Ambrosia psilostachya</i>), white sweet clover (<i>Melilotus albus</i>) and fleabane (<i>Pulicaria</i> sp.), among others. Non-native vegetation included <i>Bromus</i> spp., and Spanish sunflower (<i>Pulicaria paludosa</i>).			
Foreman/Supintendent:	Hilario	Contact info: 951-237-3973	
Crew:			
DESCRIPTION OF CONSTRUCTION ACTIVITIES			
<ul style="list-style-type: none"> • Biologist monitored the crew during routine maintenance activities which included trimming of cattails within the creek and clearing of non-native species from the banks of the creek and on the upper terraces adjacent to the creek. Tools utilized during routine maintenance activities included hand blades, weed whippers, and hedge trimmers. No heavy machinery was utilized inside of Aliso Creek. • Crew began maintenance activities downstream of ponding area #4 working their way towards ponding area #5. 			
BIOLOGICAL OBSERVATIONS			

- A clearance survey was conducted for nesting birds and the southwestern pond turtle (*Acinemys pallida*; SWPT) prior to maintenance activities of the Project area. No SWPT were observed.
- One new nest was discovered during the clearance survey.
 - Common yellowthroat (*Geothlypis trichas*) nest 3 (COYE Nest_03): incubating
 - At 1035, as the biologist was walking along Aliso Creek, a female common yellowthroat was observed jumping out of a Spanish sunflower and was then observed calling. After closer look, a cup shaped nest was observed at the base of a Spanish sunflower approximately 5 feet away from the biologist and 6 inches off the ground. Three eggs were observed inside the nest. The biologist backed away and a 50-foot buffer was established around the nest. At 1045, the female was observed returning to the nest. The female continued incubating throughout the day. At the time of discovery, the crew was working upstream approximately 200 feet away from the nest, but the crew skipped the buffer area to avoid impacts to the nest. GPS location: 33.596368, -117.710074
- The common yellowthroat (*Geothlypis trichas*) nest 1 (COYE Nest_01) discovered on April 18, 2022, was monitored 0900-1020 and updated. A 50-foot buffer had been established during the initial discovery. The pair did not show signs of stress as the maintenance crew continued with maintenance activities towards the buffer. Both the male and female were observed feeding the nestlings throughout the monitoring period. Once the crews reached the buffer, they relocated downstream away from the nest buffer in order to avoid impacts to the nest. GPS Location: 33.597804, -117.709859
- Patches of cattails were left within Aliso Creek and around the ponds to provide habitat for wildlife and nesting birds.
- Bird activity was moderate throughout the day. Individuals were observed displaying territorial behaviors, foraging, carrying nesting material, and flying through vegetation.
- A final sweep was conducted at the end of the workday, and no SWPT were observed. All excess material and debris were removed from the work area.

CONCLUSIONS & RECOMMENDATIONS

- A biological monitor is recommended during the maintenance activities located adjacent to active nesting bird nests and within SWPT habitat (south of Avenida Sevilla bridge).

Species Observed: Allen's hummingbird, American crow, black phoebe, bushtit, common yellowthroat, great egret, house finch, lesser goldfinch, mallard, mountain chickadee, pacific slope flycatcher, scaly breasted munia, song sparrow, spotted towhee, CA ground squirrel, red-eared slider, bullfrog, and pacific chorus frog.

Sensitive Species Observed: None

Other Sensitive Biological Resources Observed: None

DAILY MONITORING PHOTOGRAPHS



Photo 1.

General overview prior to maintenance activities at Aliso Creek. Photo is facing southwest.



Photo 2.

General location of the new COYE Nest_03 upstream of the ponding area #6. Photo is facing west.



Photo 3.

General overview of maintenance activities within Aliso Creek. Photo is facing southwest.



Photo 4.

General overview of post-maintenance activities at Aliso Creek. Photo is facing southwest.



Photo 5.

General overview of post-maintenance activities at Aliso Creek. Photo is facing southeast.



Photo 6.

General overview of post-maintenance activities at Aliso Creek. Photo is facing north.

DAILY MONITORING REPORT

PROJECT & MONITOR INFORMATION			
Project Number: 20905		Date: April 22, 2022	
Project Name: Laguna Woods Village		Start time: 0645	
Monitor(s): Mauricio Gomez		End time: 1045	
WEATHER CONDITIONS			
START			
Temperature (°F): 57	Wind speed (mph): 2-4	Cloud Cover (%): 35	Precipitation (%): 0
END			
Temperature (°F): 65	Wind speed (mph): 1-2	Cloud Cover (%): 70	Precipitation (%): 0

SITE INFORMATION		
Site:	Aliso Creek in Laguna Woods	
Site Description:	The project is located within and adjacent to Aliso Creek, in the County of Orange, California. The creek is surrounded by emergent marsh vegetation such as cattails (<i>Typha</i> spp.), western ragweed (<i>Ambrosia psilostachya</i>), white sweet clover (<i>Melilotus albus</i>) and fleabane (<i>Pulicaria</i> sp.), among others. Non-native vegetation included <i>Bromus</i> spp., and Spanish sunflower (<i>Pulicaria paludosa</i>).	
Foreman/Superintendent:	Hilario	Contact info: 951-237-3973
Crew:		

DESCRIPTION OF CONSTRUCTION ACTIVITIES
<ul style="list-style-type: none"> Routine maintenance activities concluded on Thursday, April 21, 2022. No maintenance activities occurred on Friday, April 22, 2022.
BIOLOGICAL OBSERVATIONS
<ul style="list-style-type: none"> A post-construction survey was conducted for nesting birds and the southwestern pond turtle (<i>Acinemys pallida</i>; SWPT). No SWPT were observed. The five active nests were monitored and updated: <ul style="list-style-type: none"> Song sparrow (<i>Melospiza melodia</i>) nest 1 (SOSP Nest_01): inactive due to rain <ul style="list-style-type: none"> The song sparrow nest was monitored from 0650 to 0730. Upon arrival, the nest was no longer visible or found. The water level had increased by more than a foot

<p>from the April 21, 2022, overnight rain (Photo 1 and 2). No song sparrow individuals were observed in the vicinity of the nest. The nest appeared to have been washed out by the rain and is now inactive. GPS Location: 33.601040, -117.705190</p> <ul style="list-style-type: none"> ○ Black phoebe (<i>Sayornis nigricans</i>) nest 1 (BLPH Nest_01): nest building <ul style="list-style-type: none"> ▪ The black phoebe nest was monitored from 0850 to 0920. One individual on two separate instances were observed visiting the nest with nesting material. They both entered the nest for a very short visit before leaving. The black phoebe individuals were not disturbed by human activity or maintenance vehicles. The nest remains active. GPS Location: 33.600174, -117.707346 ○ Common yellowthroat (<i>Geothlypis trichas</i>) nest 1 (COYE Nest_01): feeding nestlings <ul style="list-style-type: none"> ▪ The nest was monitored from 0927 to 0947. A pair of common yellowthroats were observed entering the nest with food five times in 20 minutes. The nest remains active. GPS Location: 33.597804, -117.709859 ○ Common yellowthroat nest 02 (COYE Nest_02): incubating <ul style="list-style-type: none"> ▪ The nest was monitored from 0740 to 0845. Upon arrival, the male was observed calling and moving through the cattails near the nest. The female was observed coming up from the nest location at 0843. Both individuals continued calling and remained close to the nest during the remainder of the survey. The nest remains active. GPS location: 33.600279, -117.707224 ○ Common yellowthroat nest 3 (COYE Nest_03): incubating <ul style="list-style-type: none"> ▪ The nest was monitored from 0952 to 1022. Upon arrival, a female common yellowthroat was observed moving through vegetation and foraging approximately 50 feet downstream of the nest. At 1006, the female was observed approaching and entering the nest. The female remained on the nest for the remainder of the survey. The nest remains active. GPS location: 33.596368, -117.710074 <ul style="list-style-type: none"> • Patches of cattails were left within Aliso Creek and around the ponds to provide habitat for wildlife and nesting birds. • Bird activity was low to moderate throughout the day. Individuals were observed displaying territorial behaviors, foraging, carrying nesting material, and flying through vegetation. • A final sweep was conducted at the end of the workday, and no SWPT were observed. 	
CONCLUSIONS & RECOMMENDATIONS	
<ul style="list-style-type: none"> • A biological monitor is recommended during the maintenance activities located adjacent to active nesting bird nests and within SWPT habitat (south of Avenida Sevilla bridge). 	
<p>Species Observed: Allen’s hummingbird, American crow, black phoebe, bushtit, common yellowthroat, great egret, house finch, lesser goldfinch, mallard, mountain chickadee, pacific slope flycatcher, scaly breasted munia, song sparrow, spotted towhee, CA ground squirrel, red-eared slider, bullfrog, and pacific chorus frog.</p>	
<p>Sensitive Species Observed: None</p>	
<p>Other Sensitive Biological Resources Observed: None</p>	

DAILY MONITORING PHOTOGRAPHS



Photo 1.

General location of the SOSP Nest_01 observed on Tuesday, April 19, 2022. Photo is facing east.



Photo 2.

Post-rain photo taken on Friday, April 22, 2022, of the SOSP Nest_01. Photo is facing east.



Photo 3.

General overview of post-maintenance activities and post-rain event at Aliso Creek. Photo is facing northeast.



Photo 4.

General overview of post-maintenance activities and post-rain event at Aliso Creek. Photo is facing southwest.



Photo 5.

General overview of post-maintenance activities and post-rain event at Aliso Creek. Photo is facing west.