

**APPENDIX D. RESPONSES TO POTRERO
HILLS LANDFILL COMMENTS**

Appendix D1. Botanical Resources

Date: April 28, 2007

To: Daniel Airola, Jennifer Feinberg

From: Ayzik Solomeshch

Subject: Response to the ESP/Landfill Comments on Draft Scientific Review of Biological Resource Impacts and Proposed Mitigation for the Potrero Hills Landfill Phase II Expansion - Chapter 2, Botanical Resources

I carefully read the review and made changes that addressed many of the comments. I did not accept, however, suggestions to delete from the document recommendations about providing goals and targets for restoration and management, and about developing numerical methods to measure mitigation success. Excluding clear goals and targets for mitigation reduces the ability evaluate the effectiveness of proposed mitigation and reduces the ability to monitor and evaluate mitigation effectiveness over the life of the project. Without numerical methods to measure mitigation success, the success of mitigation and management actions cannot be measured. Defining restoration and mitigation targets will allow enhancement of populations of native species on mitigation sites and achievement of sustainable results in the most cost-effective way.

Response to comments:

Number	Summary of Requested Change	Response
<i>Summary</i>		
BOT 1	The first sentence of the first paragraph of the "Summary" should be deleted.	The "Summary" is shortened. The first sentence is rephrased and placed later in the summary as a conclusion and not as an introductory sentence. Phrases "not sufficiently described" and "not adequately addressed" are avoided.
BOT 2	The upland habitat impacted by the Proposed project will not impact federally and/or state listed botanical species.	Although true, the EIR identifies <i>Atriplex joaquiniana</i> (CNPS List 1B), which qualifies for listing under the state Endangered Species Act, and <i>Atriplex coronata</i> var. <i>coronata</i> , a California Native Plant Society List 4 species, in the Phase II area.
BOT 3	BCDC should, in the absence of specific standards or thresholds of significance for the recourses, use CEQA standards. The two sentences referenced above (<i>about significant impact of the project to upland habitat and necessity of mitigation</i>) should be deleted.	In the absence of specific standards, I assessed significance of the project impact and appropriateness of mitigation based on a broader-scope evaluation, my understanding of ecological processes and strategies of vegetation conservation and management (see also "Rationale for Treatment of Comments"). My understanding is that BCDC did not specify that my evaluation and recommendations should be restricted to impacts considered significant under CEQA.

Number	Summary of Requested Change	Response
<i>Provide Goals and Targets for Upland Restoration and Mitigation</i>		
BOT 4	The proposed additional study would not assess an impact of the Project, and should therefore be deleted from the document.	This recommendation was included because the EIR and MMP considered that the Project has a less-than-significant impact on upland habitats and focused almost entirely on mitigation of wetland habitats. Clearly, the loss of grassland habitat is an impact of the project.
<i>Develop Numerical Methods to Describe and Measure Mitigation Success</i>		
BOT 5	... loss of native grasslands, unless it provides habitat for federally and/or state listed (plant and/or wildlife) species, does not require compensation ... The grassland habitat impacted by the Proposed Project will not impact federally and/or state listed species.	The proposed Project will destroy habitats of two special-status plants (<i>Atriplex joaquiniana</i> , <i>Atriplex coronata</i> var. <i>coronata</i>), one listed wildlife species (California tiger salamander), and several other special-status birds that use grassland habitats. The mitigation plan will address these losses. Consequently, objective methods to measure mitigation success should be developed. I suggested a method to quantify the impact to native grasslands and use it as a measure of mitigation success which will remain in the document.
<i>Provide Mitigation for Two Special-Status Species</i>		
BOT 6	Regardless of the conclusions of the EIR, the Potrero Hills Landfill proposes ... two mitigation measures that address these <i>Atriplex</i> issues.	I strongly support this decision. It is exactly what was recommended in the Review "Chapter 2." At the same time, the protocol of these mitigation measures has to be developed. It is still not clear how the mitigation will be performed.
<i>Mitigate Adverse Impacts on Sensitive Plant Communities</i>		
BOT 7	Elderberry shrubs are located outside the project area and would not be impacted ... so no mitigation is required for this community.	Elderberry shrubs occur on the Phase II area on the middle part of the slopes. Even if the project will not impact them directly, the proximity of the Landfill will affect the quality of their habitat. Their very presence on the slopes indicates that lower parts of slopes and the valley bottom are potential habitat for this shrub from which it was displaced by heavy grazing. Changing the quality of habitat of the remaining shrubs and loss of potentially appropriate habitats at the valley floor might be easily mitigated with minimal cost because this species is easy to propagate.
BOT 8	USFWS has recently recommended delisting of the Valley elderberry longhorn beetle.	Currently, it is a listed species. Consequently, the elderberry shrub should receive attention in the Mitigation and Monitoring Plan.

Number	Summary of Requested Change	Response
BOT 9	No wildflower field or valley needlegrass habitats were identified in the Phase II area; no impacts to these communities were identified, and mitigation was not proposed.	<p>The communities of “Wildflower Fields” and “Valley Needlegrass” are identified by the cover of native forbs and bunchgrasses, respectively. Cover of these plant species is reduced because the past management of this area (prior to the time when it became the Potrero Landfill property) obviously did not consider maintaining biodiversity as an objective. Despite the low cover, the diversity of wildflowers and bunchgrasses is high, indicating that the Phase II area is a potential habitat of these communities.</p> <p>Under current law, mitigation of losses of potential habitats of sensitive communities and even listed plant species is not required. This situation may change in the future because it is required by “biological” sense. At the moment, Landfill administration may not be legally required to compensate for the loss of these biologically valuable but unprotected habitats. As an ecologist, I suggest to the Landfill and BCDC that it is possible to compensate negative impacts to these habitats, and if it is done right, it should not be too expensive. Such action will demonstrate the Landfill’s good will and long-term vision, and will help the Landfill perception by the public as a “green” and “environmentally friendly” company.</p>
BOT 10	“Characterization of plant communities”. Five paragraphs of comments.	<p>The purpose of this part of the review was to show that the Phase II area provides habitat for many native species. Figures 2.2 – 2.6 clearly demonstrate that the Phase II area has a lot of native species. The parcels that were compared differ in size and in a number of unexplored variables that can potentially affect species diversity. These complexities make it difficult to determine unambiguously which parcel is richest biologically. I did not have the resources or opportunity to conduct a special study to address this question, so I did not raise the question at all. But the simpler question – whether or not the Phase II area provides habitats for native species -- could be answered based on the available data. The use of data from other areas in the adjacent counties is appropriate for a generalized evaluation of the relative native species richness at the Phase II area, to place the Potrero Landfill grassland in a broader context.</p>

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BOT 11	“Grassland habitat effects” heading should read, “Landfill expansion will result in 179 acres of grassland being affected.....”	The area of affected grasslands (238.8 acres) that has been used for calculation in my review was taken from the Project EIR. It has been replaced by 179 acres according to recalculations that were provided later. The title “Grassland habitat loss” will not be changed because it is a permanent loss. The re-vegetated surface of the Landfill will not provide habitat of equal value for plant species. Evidence has not been provided that the re-vegetated surface of the Landfill can be considered as comparable quality habitat for plant species to the area that will be lost. Additionally, the MMP does not contain specific descriptions about what kind of re-vegetation has to be done on the closed landfill cells, nor on any restoration that has been performed within the Phase 1 area. Even if re-vegetation is successful – the habitat will have different geology, hydrology, and soils. Personal observations from other landfills show that not native but introduced species tend to establish on re-vegetated landfill surfaces. Consequently, loss of natural habitat that will be buried under Phase II should be considered as a permanent loss. Suggested definitions such as “effects” and “temporal loss” do not describe adequately what is going to happen.
BOT 12	The text should read: “Supplemental mitigation or Enhancement Measures”	Recommendation about monitoring the relationships between special-status species and weather conditions will be removed. It was more a suggestion than a recommendation. The title “Mitigation for Adverse Impact on Special-Status Plants” will remain. The word “effects,” suggested as a response to my review, does not reflect the fact that the habitat of two rare species will be permanently lost. Consequently, it does not bring enough attention to the need for mitigation as the only way to compensate for impact, and that mitigation results should be carefully monitored. These mitigation and monitoring activities should be certainly funded from the PHLF sources because the loss of habitats will be due to the Landfill expansion.
BOT 13	The reviewer notes that species typical of sensitive plant communities Wildflower Fields, Valley Needlegrass grassland, and elderberry shrub were noted on the Phase II site.	See the answer 9(5).
BOT 14	The reviewer states that the location of uplands to be converted to wetlands has not been clearly shown.....	Location of “new” wetlands became clear to me. The requested changes in the text will be made.
BOT 15	The recommendation that a detailed analysis to support the out-of-kind mitigation is therefore not warranted and the recommendation for such should be removed.	My understanding was that the wetlands at the Director’s Guild were proposed as mitigation for impacts to upland habitat. Assuming that is not the case, the recommendation will be removed.

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<i>Recommendations under Goals and Targets for Upland Restoration and Mitigation</i>		
BOT 16	The assumption that seed sources are absent is speculative and not resultant from an impact of the project.	<p>The absence of species that potentially could grow at the Project area is the result of a long history of non-conservation-oriented management of the Project area prior to the time when it became a PHLF property.</p> <p>Defining restoration targets is not something “additional” to the MMP that can be funded from other sources. It should be considered as an initial and basic stage of mitigation activity which will reduce the price of mitigation and make it more successful in terms of providing habitats for native species, including sensitive species and plant communities. This should be funded by PHLF as a part of mitigation activities.</p>
BOT 17	This loss of habitats is temporal.	See the answer to comment 11.