

Amy Ow

From: Camille Leung
Sent: Wednesday, July 15, 2020 10:47 AM
To: Amy Ow
Subject: FW: Highland Estates Lot 11 biological compliance memo
Attachments: FW: Highland Estates Lot 11 biological compliance memo

From: Adair, Randi@Wildlife <Randi.Adair@wildlife.ca.gov>
Sent: Tuesday, July 14, 2020 12:06 PM
To: Deke & Corrin Brown <d.cbrown@comcast.net>; Sam Naifeh <samnaifeh@sbcglobal.net>; Liesje <HighlandsCAPresident@gmail.com>; Camille Leung <cleung@smcgov.org>
Cc: Tom Finke <tomfinke2010@gmail.com>; Christine Tam <ctamsm@gmail.com>
Subject: RE: Highland Estates Lot 11 biological compliance memo

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Hi Camille,
I've been asked by neighbors to inquire about the status of nesting bird surveys that were required by the CEQA document prior to clearing vegetation from the site. CDFW does not have a permitting role at this site nor do we enforce CEQA; however, we are a trustee for nesting birds, which are protected under Fish and Game Code. Based on the attached email conversation, my understanding was that the biological monitor was going to conduct follow up surveys to determine the status of the white-tailed kite and western bluebird nests. Was this done?

Thank you for your time.

Randi Adair

Senior Environmental Scientist Supervisor
[California Department of Fish and Wildlife, Bay Delta Region](#)
2825 Cordelia Road, Suite 100, Fairfield, CA 94534 (mailing address)
randi.adair@wildlife.ca.gov

Please note that I am working remotely due to the COVID-19 situation. My temporary number is 707-477-6819.

From: Deke & Corrin Brown <d.cbrown@comcast.net>
Sent: Tuesday, July 14, 2020 11:20 AM
To: Adair, Randi@Wildlife <Randi.Adair@wildlife.ca.gov>; Sam Naifeh <samnaifeh@sbcglobal.net>; Liesje <HighlandsCAPresident@gmail.com>; Camille Leung <cleung@smcgov.org>
Cc: Tom Finke <tomfinke2010@gmail.com>; Christine Tam <ctamsm@gmail.com>
Subject: Fw: Highland Estates Lot 11 biological compliance memo

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Randi,

This morning Chamberlain has gone ahead with clearing for Site #10
This has been done without the County completing the wildlife survey.
Our appointment with SWCA is scheduled Thursday, July 16th.

Please help,
Deke & Corrin

650-574-1526 home 650-703-1526 cell

- Randi Adair, Senior Environmental Scientist Supervisor | Randi.Adair@wildlife.ca.gov | (707) 576-2786 |
General permitting/process inquiries, botanical resources, and scheduling field consultations

----- Forwarded Message -----

From: Deke & Corrin Brown <d.cbrown@comcast.net>

To: Deleon, Suzanne@Wildlife <suzanne.deleon@wildlife.ca.gov>; Camille Leung <cleung@smcgov.org>; Adair, Randi@Wildlife <randi.adair@wildlife.ca.gov>

Cc: Sam Naifeh <samnaifeh@sbcglobal.net>; Kim Ricket <kim.ricket@gmail.com>; Meghan Lubker <mclubker@gmail.com>; Nagle Laurel <laurelnagle@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@sellerlaw.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>; Tom Finke <tomfinke2010@gmail.com>; Christine Tam <ctamsm@gmail.com>; Steve Hassid <steve_hassid@yahoo.com>

Sent: Wednesday, July 1, 2020, 07:53:49 PM PDT

Subject: Re: Highland Estates Lot 11 biological compliance memo

Randi,

We are looking forward to meeting you and working with you.
Please let us know when we can get together.

Thank you Suzanne for connecting us with Randi,

Deke & Corrin Brown

From: <mailto:Suzanne.Deleon@wildlife.ca.gov>

Sent: Wednesday, July 01, 2020 7:08 PM

To: [Deke & Corrin Brown](#) ; [Camille Leung](#) ; <mailto:Randi.Adair@wildlife.ca.gov>

Cc: [Liesje](#) ; [Sam Naifeh](#) ; [Kim Ricket](#) ; [Meghan Lubker](#) ; [Nagle Laurel](#) ; [Ottoboni Linda](#) ; [Nishizaki Craig](#) ; [Peter Lawrence](#) ; [Linda Ozanne](#) ; [Mitroff George](#) ; [John Mathon](#) ; [Gerard Ozanne](#) ; [Christopher Karic](#) ; [Dave Michaels](#) ; [Chris Misner](#) ; [Christophe Sarmiento](#) ; [Pam Merkadeau](#) ; [Tania Leung](#) ; [Gary Trott](#) ; [Dylan Ashbrook](#) ; [Shlomit Holtzman](#) ; [Liesje](#) ; [Raphael Holtzman](#) ; [Rick Priola](#) ; 'Grace Hassid' ; 'Janine Pin Yee Wong' ; [Kristen Matsushino](#) ; [Barbara Lowe](#) ; [Randall Lowe](#)

Subject: RE: Highland Estates Lot 11 biological compliance memo

Hello,

Thank you for the information. I no longer work as an Environmental Scientist In the Napa office. I have included Randi Adair on this message who would be your point of contact for this project. Thank you,

Suzanne

Suzanne DeLeon

Prop 1 Regional Coordinator

O: 831.649.2945

C: 831.233.8593

From: Deke & Corrin Brown <d.cbrown@comcast.net>

Sent: Wednesday, July 1, 2020 4:22 PM

To: Camille Leung <cleung@smcgov.org>; DeLeon, Suzanne@Wildlife <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

Warning: This email originated from outside of CDFW and should be treated with extra caution.

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 BI0-2b.

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

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

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

SWCA Environmental Consultants
60 Stone Pine Road, Suite 100
Half Moon Bay, CA 94019
P 650.440.4160 x 6410 | C 805.712.8794



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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

EXTERNAL: This email originated from outside SWCA. Please use caution when replying.

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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