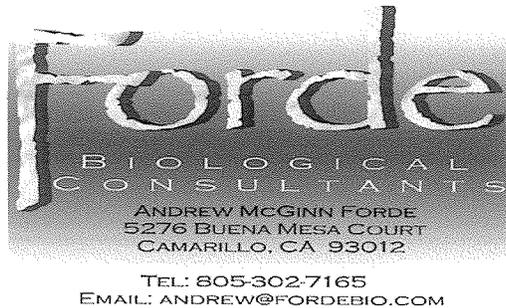


Biological Assessment

25604 Wildwood Drive (APN: 4456-018-001)
Calabasas, Los Angeles County, California

Prepared by:



Prepared for:

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October 21, 2011

This report is a true and accurate statement of the existing conditions of the property commonly known as 25604 Wildwood Drive (APN: 4456-018-001), Calabasas, Los Angeles County, California. This report complies with the California Coastal Commissions "Guidelines for Preparing a Biological Study for Property Located Within or Adjacent to Potential Environmentally Sensitive Habitat Areas."

Signature

Date

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INTRODUCTION

On July 25, 2010, Andrew McGinn Forde of Forde Biological Consultants (FBC) visited the property commonly known as 25604 Wildwood Drive (APN: 4456-018-001) in Calabasas, Los Angeles County, California, to conduct a biological assessment. The property is located in the Santa Monica Mountains approximately 1 mile east of Mailbu Canyon Road and 0.15 miles north of Piuna Road, at an elevation between 665 feet (~203 meters) and 707 feet (~215 meters). The location of the property is depicted in Exhibit A. Photographs depicting current conditions are included in Exhibit B. The proposed project includes construction of a single-family residence and associated infrastructure on an existing building pad occupied by the razed remnants of a previous single-family residence. An architectural-site survey is included in Exhibit C. The site plan is included in Exhibit D.

This assessment documents plant and wildlife species detected at or within the immediate vicinity of the property. It also documents occurrence of species protected by the State Endangered Species Act¹ and the Federal Endangered Species Act,² state and federal candidate species, fully protected species,³ California Department of Fish and Game (CDFG) species of special concern, and California Native Plant Society (CNPS) list 1B, 2, 3, and 4 species of the Inventory of Rare and Endangered Plants and those expected to occur. For the purposes of the assessment, species protected by the above laws, species of special concern, and CNPS list 1B, 2, 3, and 4 species are “special-status species.” This assessment also documents plant communities, protected trees, potential for nesting birds, extent of streams and wetlands under jurisdiction of the California Coastal Commission, (CCC), CDFG, U.S. Army Corp of Engineers (USACE), and Regional Water Quality Control Board (RWQCB).

STREAMS & WETLANDS

The CDFG has jurisdictional authority over wetland resources associated with rivers, streams, and lakes under the authority of the California Fish and Game Code.⁴ The Code of Regulations defines a stream as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish and other aquatic life including watercourses having a surface or sub surface flow that supports or has supported riparian vegetation.”⁵ This applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. CDFG jurisdiction extends between the top of each bank and to the outer edge of contiguous riparian vegetation. The CDFG have adopted the U.S. Fish and Wildlife Service (USFWS) definition and classification system of wetlands. The USFWS defines wetlands as “lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly non-drained hydric soil; and (3) the substrate is saturated with water or covered by shallow water at some time

¹ CAL. Fish & Game Code §§ 2050-2097

² 16 U.S.C. §§ 1531-1544

³ CAL. Fish & Game Code §§ 3511, 4700, 5050, & 5515

⁴ CA. Fish & Game Code §§ 1600 – 1616

⁵ 14 C.C.R. § 1.72

during the growing season of each year." The definition includes, swamps; freshwater, brackish water, and saltwater marshes; bogs; vernal pools, periodically inundated salt flats; intertidal mudflats; wet meadows; wet pastures; springs and seeps; portions of lakes, ponds, rivers and streams; and all other areas which are periodically or permanently covered by shallow water, or dominated by hydrophytic vegetation, or in which the soils are predominantly hydric in nature.

The USACE regulates "dredge" and "fill" in waters of the U.S. including adjacent wetlands under the authority of Section 404 of the Clean Water Act.⁶ The Act makes it unlawful to discharge dredged materials or fill in waters of the U.S. including adjacent wetlands without a public interest review period and a permit from the USACE. The Code of Federal Regulations defines "waters of the U.S." as intrastate lakes, rivers, streams, mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, and natural ponds.⁷ The code defines wetlands as "areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." The 1987 Wetland Delineation Manual provides technical guidance and procedures for identifying and delineating wetlands subject to regulatory jurisdiction under Section 404 of the Clean Water Act.⁸ In the arid west, the USACE uses the *Interim regional supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region.* The supplement is designed for use with the 1987 Wetland Delineation Manual. Where differences occur, the supplement takes precedence. The supplement presents wetland indicators, guidance, and other information that is specific to the Arid West Region.⁹ The manual and supplement refer to the Natural Resources Conservation Service (NRCS) for hydric soil classifications and recommend the "National List of Plant Species that Occur in Wetlands" for hydrophytic classification of plants.¹⁰ The methodology set out in the manual and the supplement is a three-parameter test that defines wetlands by the presence of hydrophytic vegetation, hydric soils, and hydrology. In the absence of wetlands, USACE jurisdiction in non-tidal waters extends between the ordinary high water marks.¹¹ Section 401 of the Clean Water Act requires that all federal agencies ensure that their actions do not violate water quality standards. The RWQCB regulates water quality including discharge of dredged or fill materials under the authority of Section 401 of the Clean Water Act.¹² The CCC regulates development affecting wetlands and streams under the authority of the California Coastal Act of 1976.¹³ The CCC's definition of streams and wetlands are similar to the CDFG definition.

There are no streams or wetlands on the property; however, a small stream is located approximately 18 feet east of the property boundary. The stream is approximately 15-20 feet wide from top of bank to top of bank where it meanders past the property.

⁶ Clean Water Act of 1972 § 404. See also 33 U.S.C. § 1341

⁷ 33 C.F.R. §§ 320 – 330

⁸ Environmental Laboratory, 1987. Corps of Engineers Wetlands Delineation Manual, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS

⁹ U.S. Army Corps of Engineers, 2006. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. Vicksburg, MS

¹⁰ Reed, P. B. 1988. National List of Plant Species that Occur in Wetlands: 1988 National Summary, Biological Report 88(24), U.S. Fish and Wildlife Service, Washington, DC

¹¹ 33 C.F.R. § 328.3

¹² Clean Water Act of 1972 § 401. See also 33 U.S.C. § 1341

¹³ California Public Resources Code, Division 20

VEGETATION

The portion of the property west of the existing single-family residence appears fuel-modified. It consists mostly of non-native species. A handful of native species are present including coastal sagebrush (*Artemisia californica*), giant wild rye (*Leymus condensatus*), and buckwheat (*Eriogonum* sp.).

The portion of the property north, east, and south of the existing single-family residence, is with exception of two coast live oak (*Quercus agrifolia*) trees, devoid of native vegetation. One coast live oak is located in the southeast corner of the property and another straddles its northeast boundary. California bay (*Umbellularia californica*), coast live oak, western sycamore tree (*Platanus racemosa*) trees are located between the property boundary and the stream. The canopies of some of these trees extend over the subject property and the stream, forming a continuous canopy with the trees located on the property. This vegetation is best described as oak-sycamore woodland. The understory consists of hard pack soil. Vegetation distribution is depicted in Exhibit E.

TREE PROTECTION ORDINANCE'S

The Los Angeles County Oak Tree Ordinance recognizes that oak trees (*Quercus* sp.) lend beauty and charm to natural and manmade landscapes and enhance property values and the character of communities in which they exist. Trees protected by this ordinance include any oak tree (*Quercus* sp.) that is more than eight inches in diameter as measured four and one-half feet above mean natural grade. Oak trees with more than one trunk must have a combined diameter, of any two trunks, of 12 inches or more as measured four and one half feet above mean natural grade. This ordinance also protects oak trees replaced under previously authorized activities regardless of size. This ordinance applies to all unincorporated areas of the County.¹⁴

The CCC also applies the standards of the Native Tree Protection Ordinance outlined in the City of Malibu Local Coastal Plan.¹⁵ The Native Tree Protection Ordinance preserves and protects native trees including alder (*Alnus rhombifolia*), California walnut (*Juglans californica*), oak (*Quercus* sp.), toyon (*Heteromeles arbutifolia*), and western sycamore. Trees protected by this ordinance must have at least one trunk with a diameter measuring 6 inches or more or a combination of two trunks with diameters totaling 8 inches or more as measured 4 and one 1/2 foot above natural grade. Two coast live oaks located on the property meet the protected tree definitions. The locations of the two coast live oak trees and the two that occur immediately adjacent the property are depicted in Exhibit E.

COMMON WILDLIFE

Common wildlife includes all species not defined as special-status species as outlined in the introduction of this report. At the property, FBC detected side-blotched lizard (*Uta stansburiana hesperis*), Anna's hummingbird

¹⁴ Los Angeles County Oak Tree Ordinance, §§ 22.56.2050 - 22.56.2260

¹⁵ City of Malibu Local Coastal Plan, Local Implementation Plan, Chapter 5.2; City of Malibu Local Coastal Plan, Land Use Plan Chapter 3.63

(*Calypte anna*), Bewick's wren (*Troglodytes bewickii*), California towhee (*Pipilo crissalis*), hairy woodpecker (*Picooides villosus*), house wren (*Troglodytes aedon*), lesser goldfinch (*Carduelis psaltria*), mourning dove (*Zenaidura macroura*), northern mockingbird (*Mimus polyglottos*), phainopepla (*Phainopepla nitens*), western scrub jay (*Aphelocoma californica*), Audubon's cottontail (*Sylvilagus auduboni*), and evidence suggesting presence of valley pocket gopher (*Thomomys bottae*) and use by coyote (*Canis latrans*). Some of the species detected were utilizing woodland dominated areas beyond the boundary of the subject property; however, they undoubtedly occur on the property from time to time. Common amphibians with potential to occur at the property include, but are not limited to, arboreal salamander (*Aneides lugubris*), pacific treefrog (*Hyla regilla*), and perhaps western toad (*Bufo boreas*). Common reptiles with potential to occur include, but are not limited to, California kingsnake (*Lampropeltis getulus californica*), gopher snake (*Pituophis catenifer catenifer*), red coachwhip (*Masticophis flagellum piceus*), southern alligator lizard (*Elgaria multicarinata webbi*), southern pacific rattlesnake (*Crotalus viridis helleri*), western skink (*Eumeces skiltonianus skiltonianus*), western fence lizard (*Sceloporus occidentalis longipes*), and western ringneck snake (*Diadophis punctatus modestus*). A number of common birds including raptors are expected to occur, particularly during spring and fall migration. Common mammals with potential to occur include, California mouse (*Peromyscus californicus*), deer mouse (*Peromyscus maniculatus*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and mule deer (*Odocoileus hemionus*). Mountain lion (*Panthera concolor*) occur in the Santa Monica Mountains and may utilize the adjacent stream for local movement when dry. The existing single-family residence and the trees located on and adjacent the property may provide suitable roost, maternal, and hibernation sites for big brown bat (*Eptesicus fuscus*), California myotis (*Myotis californicus*), free-tailed bat (*Tadarida brasiliensis*), long-legged myotis (*Myotis volans*), western pipistrelle (*Pipistrellus hesperus*), and small-footed myotis (*Myotis ciliolabrum*). Other bats could occur, particularly during spring and fall migration.

NESTING BIRDS

The Migratory Bird Treaty Act protects the majority of migratory birds breeding in the US regardless of their official status. The Act specifically states that it is illegal "... for anyone to take ... any migratory bird ... nests, or eggs."¹⁶ "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.¹⁷ The California Fish & Game Code protects the nest or eggs of all birds and specifically states, "that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird."¹⁸ The Code defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."¹⁹

The coast live oak trees on the property and those surrounding it, provide potential nest sites for a number of species including Anna's hummingbird, Bewick's wren, hairy woodpecker, house wren, northern mockingbird, mourning dove, and phainopepla. Cooper's hawk (*Accipiter cooperii*), red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), barn owl (*Tyto alba*), great horned owl (*Bubo*

¹⁶ 16 U.S.C. §§ 703-712, Migratory Bird Treaty Act of 1918 as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989

¹⁷ 50 C.F.R. § 10.12

¹⁸ CAL. Fish & Game Code § 3503

¹⁹ CAL. Fish & Game Code § 86

virginianus), and western screech owl (*Otus kennicottii*) could also utilize these trees for nesting. The CDFG recognizes the breeding season in Southern California as occurring between March 1 and September 1.²⁰ However, some species observed and others expected to occur can nest outside this timeframe. For example, barn owl nests January through November, Anna's hummingbird nests mid-December to mid-August, Bewick's wren nests mid-February into early August, great-horned owl nests mid-January through June, mourning dove nests February to September but can nest year round, northern mockingbird nest from mid-February until late September, phainopepla nests late February to July, and red-shouldered hawk nests February through July.²¹ Given the above, potential for birds to nest in the trees at and adjacent the property throughout most of the year is high.

SPECIAL-STATUS SPECIES

Special-status species include those protected by the State Endangered Species Act, the Federal Endangered Species Act, fully protected species, CDFG species of special concern, and CNPS list 1B and list 2 species. FBC relies on the "Fully Protected Animals", the "State and Federally Endangered and Threatened Animals of California", the "Special Animal's", the "Special Vascular Plants, Bryophytes, and Lichens", and the "State and Federally Listed Endangered, Threatened, and Rare Plants of California" lists for special-status species determinations.²² These lists are produced and maintained by the CDFG.²³ FBC also relies on the "Proposed and Candidate Species" system produced and maintained by the Sacramento Fish and Wildlife Office.²⁴

FBC reviewed the U.S. Geological Service's 7.5-minute Beverly Hills, Calabasas, Camarillo, Canoga Park, Malibu Beach, Newbury Park, Point Dume, Point Mugu, Thousand Oaks, Topanga, Triunfo Pass, and Van Nuys quadrangles in the CDFG California Natural Diversity Database (CNDDDB) and the CNPS Inventory of Rare and Endangered Plants to identify special-status species within or adjacent the site.²⁵ The databases revealed that 35 special-status plant species and 30 special-status wildlife species have been recorded within the area covered by the quadrangles.²⁶ The databases rely on individuals reporting occurrences of special-status species; however, it is likely that some special-status species detections are not reported. It is also possible that special-status species are present within the area covered by the quadrangles that have not yet been detected and therefore not recorded. FBC therefore considers a few other species known to occur in Los Angeles and Ventura counties. Based on previous land alteration and existing condition of the property, the majority of the special-status species returned by the CNDDDB and the CNPS databases and others considered by FBC are not expected to occur.

²⁰ CAL Fish & Game, Personal Communication, 2007

²¹ CAL Fish & Game, Wildlife & Habitat Data Analysis Branch, California's Wildlife, Volume II: Birds, 1988 – 1990, Paul J. Baicich and J. O. Harrison. A Guide to the Nests, Eggs, and Nestlings of North American Birds, 1997. Harrison, C. A Field Guide to the Nests, Eggs and Nestlings of North American birds, 1978

²² A number of species listed on the special animals list produced by the CDFG, are not classified as "species of special concern." For example, the Santa Monica grasshopper (*Tamenetrops occidentalis*), Gerstae's suakhemis spider (*Sisuchemmis gertschi*), Busck's gillmots (*Caradella busckiana*), monarch butterfly (*Danaus plexippus*), globe dane beetle (*Cochus globosus*), and sandy beach tiger beetle (*Cicindela hirticollis gracilis*) are listed on the quadrangles used for this assessment and appear on the special animal list; however, they are not defined by the CDFG as "species of special concern." Because they are not defined as "species of special concern" by CDFG and they are not state or federal designated candidate, endangered, or threatened species, FBC does not consider them "special-status species" as defined in the introduction of this report. Special-status Helminthophyta are not listed as occurring within the area covered by the quadrangles used for this assessment.

²³ CAL Fish & Game, Fully Protected Animals, May 2003. CAL Fish & Game, Special Animals, January 2011. CAL Fish & Game, State & Federally Endangered & Threatened Species of California, January 2011. CAL Fish & Game, Special Vascular Plants, Bryophytes, & Lichens, January 2011. CAL Fish & Game, State & Federally Listed Endangered, Threatened, & Rare Plants of California, January 2011

²⁴ Sacramento Fish & Wildlife Office, Proposed & Candidate Species, Threatened & Endangered Species System, January 2011

²⁵ California Department of Fish & Game, Wildlife & Habitat Data Analysis Branch, California Natural Diversity Database, 2011; California Native Plant Society, 2011, Inventory of Rare and Endangered Plants

²⁶ The quadrangles cover the entire Santa Monica Mountains and areas north of Highway 101 and east of the 405 Freeway

Greater bonneted bat (*Eumops perotis californicus*), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsendii*), all CDFG species of special concern, have moderate potential to occur at the property year round. The mature trees and existing structures may provide suitable roost, hibernation, and maternal sites for these species. Western red bat (*Lasiurus blossevillii*), a CDFG species of special concern, has a high potential to occur at the property year round. The mature trees likely provide roost, maternal, and hibernation sites for this species.

ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The CCC defines Environmentally Sensitive Habitat Area's (ESHA) as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem." ESHA include native habitats, which contribute to the viability of species protected by the State Endangered Species Act, the Federal Endangered Species Act, fully protected species, CDFG species of special concern, and CNPS list 1B and list 2 species or are rare or valuable from a local, regional, or statewide basis and includes streams and wetlands.²⁷ The stream adjacent the property meets the ESHA definition.

IMPACT ANALYSIS

The project will encroach 30% of the root system of one oak tree; however, according to the tree report prepared by an ISA certified arborist, the encroachment should not affect the tree. No other native resources will be directly affected by the project; however, it could indirectly affect nesting birds and roost, maternal, and hibernation sites of bats if indeed they utilize the trees and then construction begins.

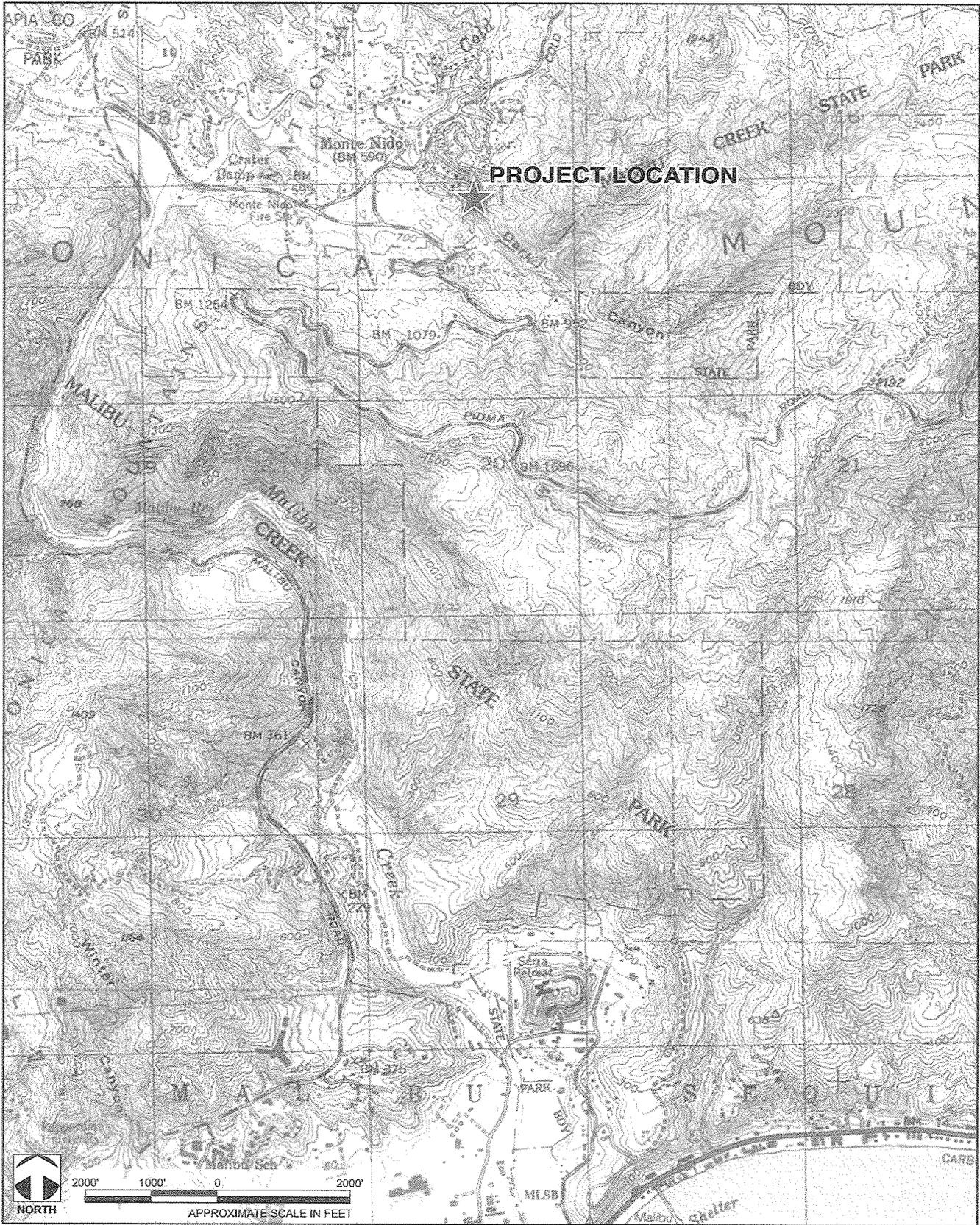
RECOMMENDATIONS

1). FBC recommends that construction be scheduled to occur outside the nesting season of birds as defined by the CDFG, if feasible. Regardless of timing, a qualified biologist should conduct a bird nest survey before construction begins. If the biologist determines that there are active nests, the biologist will establish an appropriate buffer for each. No work will occur inside the buffer of an active nest until the fledglings are no longer dependent on the nest or until the biologist otherwise determines the nest is inactive. This will ensure that there are no impacts upon nesting birds, consequent to project implementation. If the biologist determines that there are no active nests, construction can proceed without restriction.

2). FBC recommends that construction be scheduled to occur outside the timeframe when special-status bats give birth to their pups. The special-status bats with potential to occur give birth to pups between spring (pallid bat) and September (greater bonneted bat). If this is not possible, a biologist should conduct a survey to determine if any special-status bats are utilizing any of the trees as maternal sites. If bats are utilizing the trees as maternal sites, the biologist will establish an appropriate buffer for each. No work will occur inside the buffer of a maternal site until the pups are flying and are no longer dependent on the site or until the biologist

²⁷ City of Malibu Local Coastal Plan, Local Implementation Plan, Chapter 4.1; City of Malibu Local Coastal Plan, Land Use Plan, Chapter 3.1

otherwise determines the site is no longer inactive. This will ensure that there are no impacts upon special-status bats if present, consequent to project implementation. If the biologist determines that there are no active maternal sites, construction can proceed without restriction. Recommendations to protect trees during construction are included in the tree report.



PROJECT LOCATION

exhibit A

Site Location

Biological Assessment

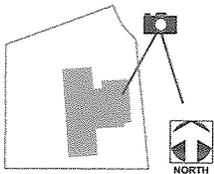
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07 22 11

EXISTING SITE CONDITIONS

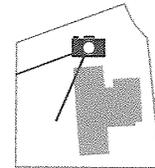
View from Wildwood Drive looking south up streambed towards structure, sycamore and oaks.



PHOTOGRAPHS: Forde Biological Consultants.

exhibit B
Site Photographs

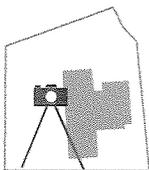
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EXISTING SITE CONDITIONS

View from structure entry looking southwest at area west of structure.



09 30 11

EXISTING SITE CONDITIONS

View from west side of structure looking south.

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PHOTOGRAPHS: Forde Biological Consultants.

exhibit B1
Site Photographs

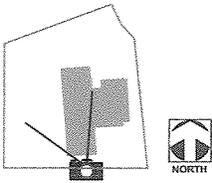
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07 22 11

EXISTING SITE CONDITIONS

View from rear patio looking north towards structure.



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PHOTOGRAPHS: Forde Biological Consultants.

exhibit B2
Site Photographs

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