BIOLOGICAL RESOURCES ASSESSMENT

MONTE NIDO ESTATES PROJECT

UNINCORPORATED COUNTY OF LOS ANGELES, CALIFORNIA

P C R

OCTOBER 2012

BIOLOGICAL RESOURCES ASSESSMENT

Monte Nido Estates Project

Unincorporated County of Los Angeles, California

Prepared For:

Californica Pacific Homes
9828 Research Drive
Irvine, California 92618

Prepared By:

PCR Services Corporation
One Venture, Suite 150
Irvine, California 92618
Contact: Daryl Koutnik, Principal of Biology

October 2012

Biological Resources Assessment

Monte Nido Estates Project
Unincorporated County of Los Angeles, California

Project Location:
U.S. Geological Survey (USGS) 7.5-minute Malibu Beach Quadrangle Map
Township (T) 1 South (S), Range (R) 17 West (W), Section 17

Prepared For:
Californica Pacific Homes
9828 Research Drive
Irvine, California 92618

Prepared By:
PCR Services Corporation
One Venture, Suite 150
Irvine, California 92618

Contact:
Daryl Koutnik, Principal of Biology

Report Date:
October 2012

Biological Resources Assessment

Monte Nido Estates Project
Unincorporated County of Los Angeles, California

The undersigned certify that this report is a complete and accurate account of the findings and conclusions of a biological resources assessment for the above-referenced project.

PCR Services Corporation

Daryl Koutnik, Principal of Biology

October 2012

Table of Contents

Page

1.0 INTRODUCTION 1
1.1 Background and Purpose 1
1.2 Sources 1
1.3 project site Location 1

2.0 PROJECT DESCRIPTION 5
2.1 Project Description 5

3.0 METHODS OF STUDY 9
3.1 Approach 9
3.2 Literature Review 9
3.3 Field Investigations 9
3.3.1 Plant Community Mapping 10
3.3.2 General Plant Inventory 10
3.3.3 Sensitive Plant Species 10
3.3.4 General Wildlife Inventory 11
3.3.5 Sensitive Wildlife Species 11
3.3.6 Regional Connectivity/Wildlife Movement Corridor 11
3.3.7 Investigation of Jurisdictional Waters 11

4.0 EXISTING CONDITIONS 13
4.1 Characteristics of the project site and Surrounding Area 13
4.2 Plant communities 13
4.2.1 Coast Live Oak South Coastal Woodland/Forest Alliance 13
4.2.2 Birch Leaf Mountain Mahogany/ Greenbark Ceanothus Shrubland Alliance 14
4.2.3 Chamise Shrubland Association 17
4.2.4 Disturbed/Chamise Shrubland Association 17
4.2.5 Disturbed 17
4.2.6 Ruderal 18
4.2.7 Developed 18
4.3 General Plant Inventory 18
4.4 General Wildlife Inventory 18
4.5 Wildlife Movement 18
4.5.1 Overview 18
4.5.2 Wildlife Movement Within the Project Site 20
4.6 Jurisdictional waters and wetlands 21
4.7 Sensitive Biological Resources 21
4.7.1 Sensitive Resource Classification 22
4.7.2 Sensitive Plant Communities 26
4.7.3 Sensitive Plant Species 27
4.7.4 Sensitive Wildlife Species 27

Table of Contents (Continued)

Page

5.0 APPROACH TO THE ANALYSIS 31
5.1 Regulatory Setting 31
5.1.1 Federal Regulations 31
5.1.2 State of California Regulations 31
5.1.3 California Native Plant Society 31
5.1.4 Local Regulations 32

6.0 THRESHOLDS OF SIGNIFICANCE 35

7.0 PROJECT RELATED IMPACTS 37
7.1 Approach to the Analysis 37
7.2 Impact Analysis 38
7.2.1 Impacts to Sensitive Species 38
7.2.2 Impacts to Sensitive Plant Communities 40
7.2.3 Impacts to Wetlands 43

8.0 MITIGATION MEASURES AND CONDITIONS OF APPROVAL 45
8.1 Approach 45
8.2 Mitigation Measures and Conditions of Approval for Significant Impacts 45
8.2.1 Measures to Mitigate Potentially Significant Impacts to Jurisdictional Features 45
8.2.2 Measures to Mitigate Potentially Significant Impacts to Migratory or Nesting Birds 45

9.0 REFERENCES 47

APPENDICES

APPENDIX A: FLORAL AND FAUNAL COMPENDIUM

APPENDIX B: SENSITIVE PLANT SPECIES

APPENDIX C: SENSITIVE WILDLIFE SPECIES

List of Figures

Figure **Page**

Figure 1 Regional Map 3
Figure 2 Vicinity Map 4
Figure 3 Project Boundary and Site Plan 7
Figure 4 Plant Communities Map 15
Figure 5 Preliminary Jurisdictional Features 23
Figure 6 Sensitive Environmental Resource Areas 33
Figure 7 Impacts to Plant Communities 41

List of Tables

Table **Page**

Table 1 Summary of Field Investigations 10
Table 2 Plant Communities 14
Table 3 Preliminary Jurisdictional Features 21
Table 4 Permanent Impacts to Natural Plant Communities and Disturbed Areas 40

1.0 INTRODUCTION

1.1 BACKGROUND AND PURPOSE

This report presents the findings of a biological resources assessment conducted by **PCR Services Corporation (PCR)** for the approximately 15.4-acre residential development of 15 existing parcels (Project) in the Monte Nido community, Los Angeles County, California. The purpose of this study is to satisfy the requirements of the County of Los Angeles and to demonstrate compliance with the provisions of the California Coastal Act.

1.2 SOURCES

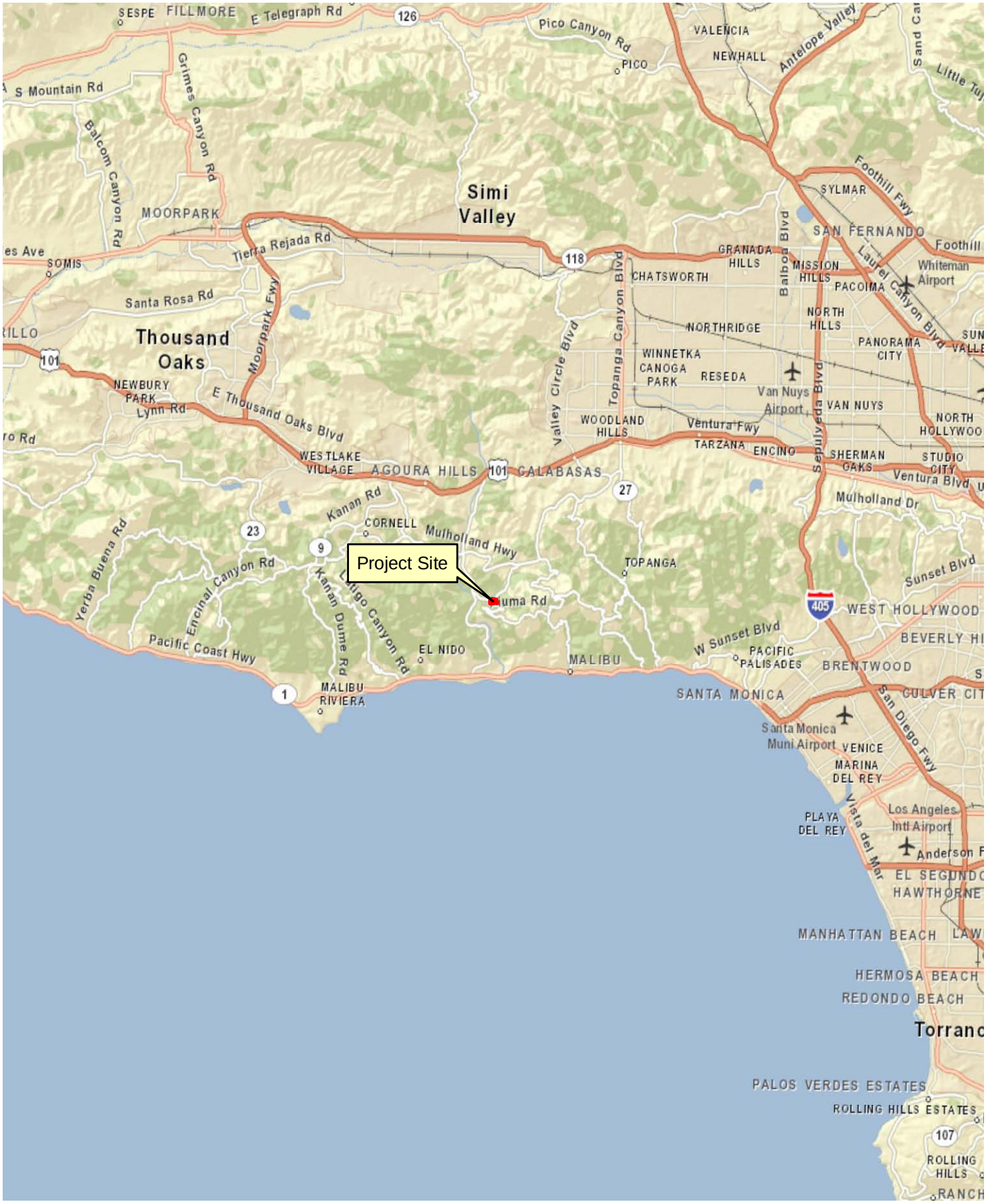
This assessment of biological resources is based on information compiled through field reconnaissance and appropriate reference materials. A general biological survey and vegetation mapping was conducted by PCR, in addition to an investigation of jurisdictional waters. The information sources used in preparation of this Biological Resources Assessment are provided in Section 10.0, *References*.

1.3 PROJECT SITE LOCATION

The 15.4-acre Project site is on Piuma Road, both on the north and south sides of the road, and about 0.75 miles southeast of Malibu Canyon Road and borders Malibu Creek State Park along the southern Project boundary. The Project site is about 2.75 miles north of the City of Malibu and Pacific Coast Highway, and about 5 miles south of the City of Calabasas and State Highway 101, as shown in **Figure 1**, *Regional Map*. Specifically, the Project site is at the southern edge of the rural Monte Nido community and is located on the U.S. Geological Survey (USGS) 7.5' Malibu Beach topographic quadrangle map, Section 17, Township (T) 1 South (S), Range (R) 17 West (W), as shown in **Figure 2**, *Vicinity Map*.

The topography of the Project site consists of 15 graded building pads and moderately steep slopes along the southern boundary, with elevations ranging from the lowest of approximately 625 feet above mean sea level (MSL) along the western boundary of the Project site, to approximately 765 feet above MSL at the highest point in the south-central portion of the Project site.

This page is intentionally blank.



0 5 10 Miles

Regional Map

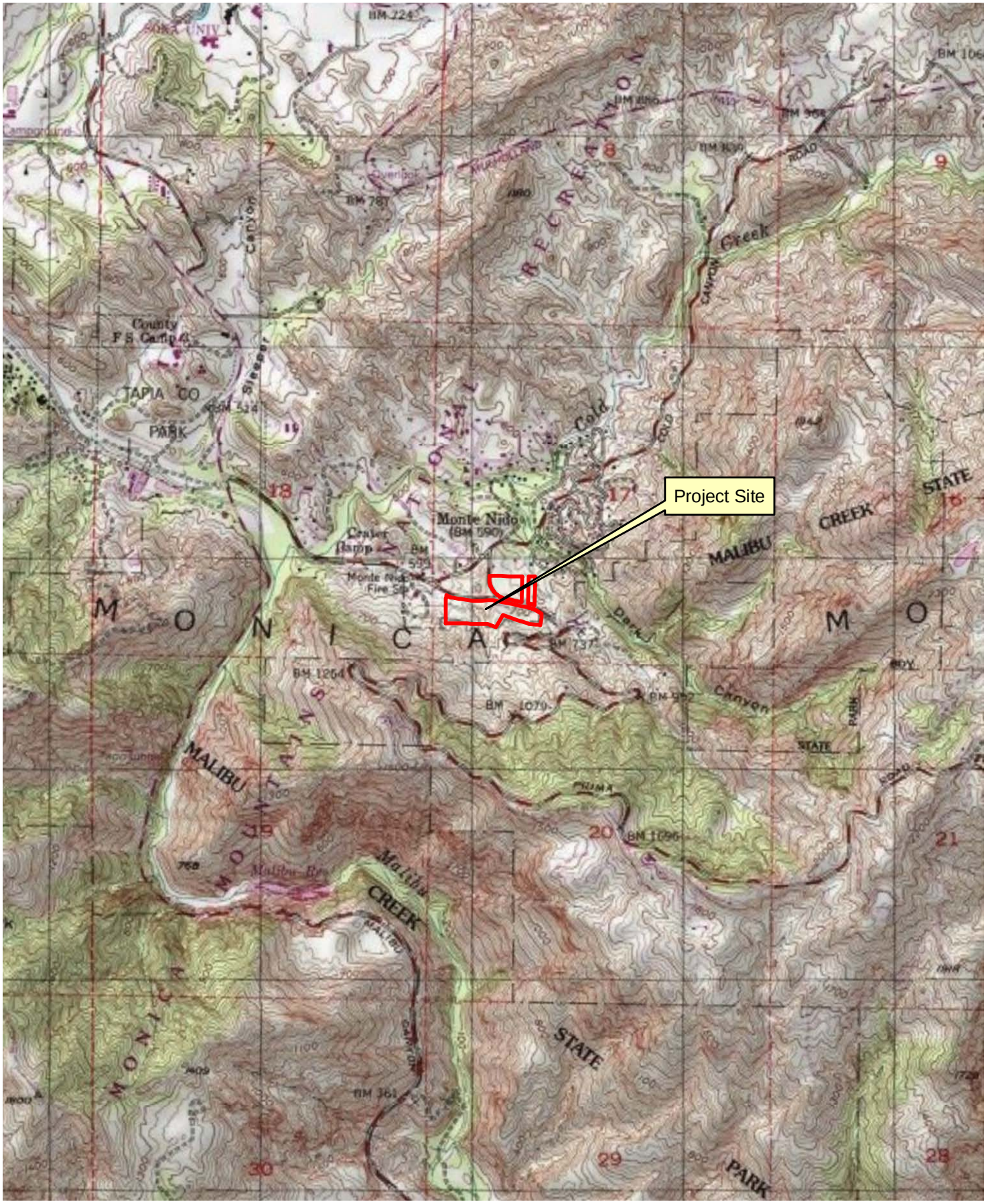
Monte Nido

Source: ESRI Street Map, 2009; PCR Services Corporation, 2012.

FIGURE

1

P C R



N

0 2,000 4,000 Feet

Vicinity Map

Monte Nido

Source: USGS Topographic Series (Malibu, CA); PCR Services Corporation, 2012.

FIGURE

2

PCR

2.0 PROJECT DESCRIPTION

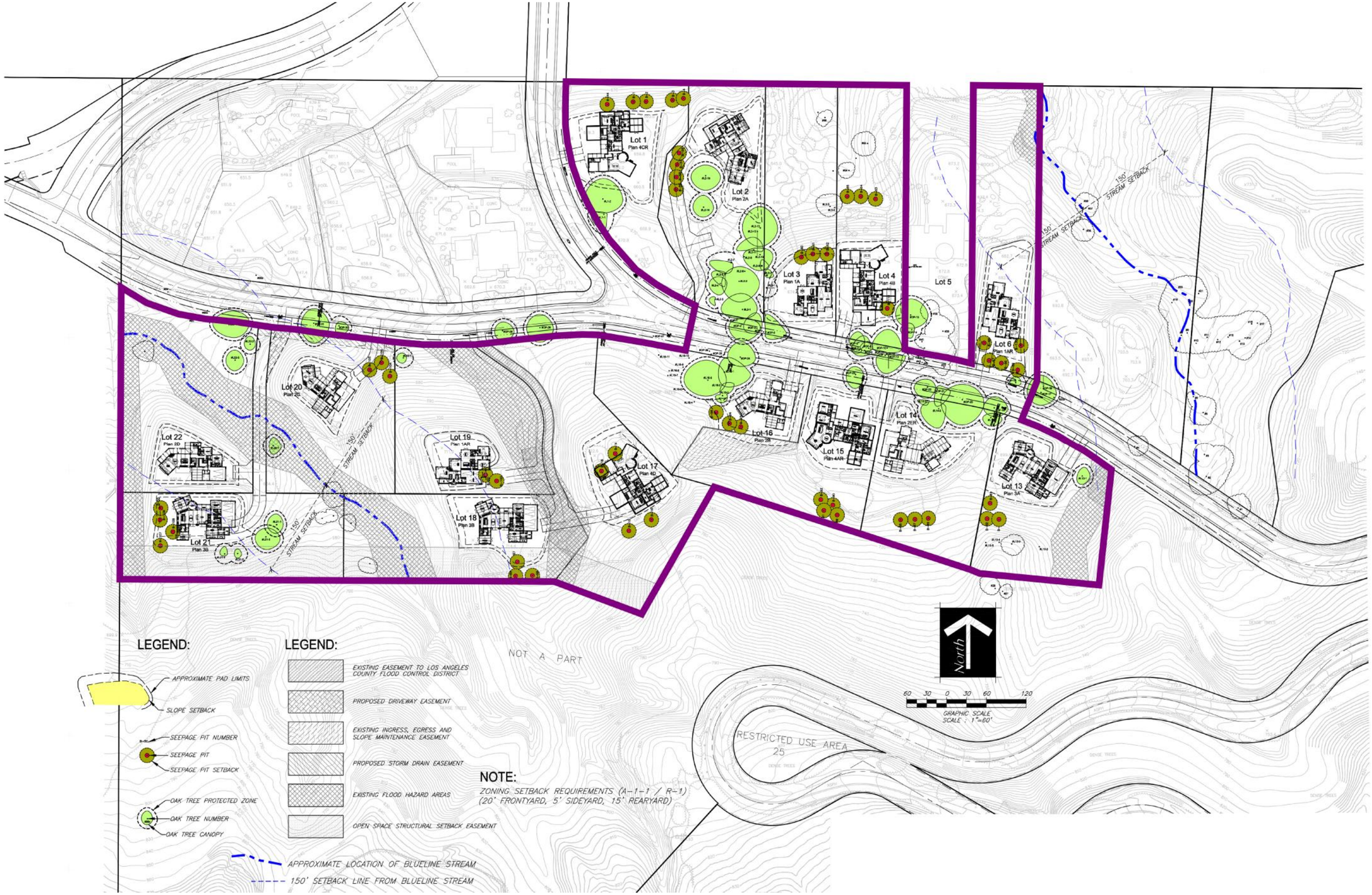
2.1 PROJECT DESCRIPTION

The Project site consists of 15 residential parcels, recorded as part of Tract Map 38931 (**Figure 3**, *Project Boundary and Site Plan*). The Project site is currently developed with 15 graded building pads with two stormdrain structures. The development is the construction of individual single family residences on each graded building pad of the 15 parcels of the Project site (see **Figure 3**). Access driveways to each of the parcels are from Piuma Road with the exception of Parcel 1, which is from Woodbluff Road.

Parcel sizes range from 31,406 square feet (sq. ft.; 0.72 acres) to 54,885 sq. ft. (1.26 acres). A bridge will be constructed over the western drainage for driveway access to Parcels 21 and 22 in the southwest corner of the Project site. Proposed 2-story house sizes range from 3,600 to 5,400 sq. ft.

Parcel 5 of Tract Map 38931 has an existing single family residence (CDP 4-05-197) and Parcel 7 of this Tract Map has approval to construct a single family residence (CDP 4-07-097; RPPT200601777).

This page is intentionally blank.



PCR

N

0 150 Feet

Project Boundary and Site Plan

Monte Nido

Source: Civil Design & Drafting, Inc. 2012.

FIGURE

3

3.0 METHODS OF STUDY

3.1 APPROACH

This assessment of biological resources is based on information compiled through field reconnaissance and appropriate reference materials. A general biological survey and vegetation mapping was conducted, in addition to an investigation of jurisdictional waters.

3.2 LITERATURE REVIEW

This assessment of biological resources began with a review of relevant literature on the biological resources of the Project site and surrounding vicinity. The California Natural Diversity Database (CNDDB), a California Department of Fish and Game (CDFG) species account database, was reviewed for all pertinent information regarding the localities of known observations of sensitive species and habitats in the vicinity of the Project site (CDFG, 2012). The Project site is within the Malibu Beach USGS quadrangle, and the vicinity of the Project site included the following surrounding USGS topographic quadrangles: Calabasas, Canoga Park, Point Dume, Thousand Oaks, Topanga. Other data sources reviewed include USFWS critical habitat maps (USFWS, 2012) and United States Department of Agriculture Natural Resources Conservation Service (NRCS) soils mapping (NRCS, 2012). In addition, the regional flora (Raven, Thompson and Prigge, 1986) was utilized to assist in the identification of plant species, and relevant local policies and guidelines were reviewed such as the County of Los Angeles, Malibu Coastal Land Use Plan pertaining to policies protecting coastal resources (County of Los Angeles, 1986). A list of all relevant references reviewed is included in Section 9.0, *References*.

3.3 FIELD INVESTIGATIONS

General field surveys were conducted in July and October 2012, as listed below and summarized in **Table 1**, *Summary of Field Investigations*.

- General biological survey and vegetation mapping - to document existing conditions relating to plant communities and the potential presence of sensitive species. These surveys were conducted during the surveys outlined below in July and October 2012; and
- Investigation of jurisdictional waters - to identify the presence of any drainages and/or wetland features.

During the course of the field visits, an inventory of all plant and wildlife species observed was compiled, focusing on dominant plant species for the purposes of vegetation mapping. The observed vegetation communities, any sensitive species, and drainage features were mapped on aerial photographs. No wetland features were observed on the Project site. Survey coverage of the entire Project site, with special attention to sensitive habitats or those areas potentially supporting sensitive flora or fauna, was ensured using aerial photographs. The methodology for these surveys is provided below.

Table 1

Summary of Field Investigations

Survey	Dates	Surveyors
General Survey and Sensitive Species Survey	July 18 , 2012	D. Koutnik
Vegetation Community Mapping and Jurisdictional Waters Investigation	October 2, 2012	E. Cooley, B. Huttar

Source: PCR Services Corporation, 2012.

3.3.1 Plant Community Mapping

Plant communities were mapped directly in the field utilizing a 250-scale (1"=250') aerial photograph. Plant community names and descriptions follow A *California Manual of Vegetation* (Sawyer, Keeler-Wolf, and Evens, 2009). After completing the fieldwork, the plant community polygons were digitized using Geographic Information System (GIS) technology to calculate acreages.

3.3.2 General Plant Inventory

All plant species observed during the general surveys were either identified in the field or collected and later identified using taxonomic keys. Plant taxonomy follows Baldwin (2012). Common plant names, when not available from Baldwin, were taken from Munz (1974). Common names vary significantly between references, so scientific names are included upon initial mention of each species; common names consistent throughout the report are employed thereafter. All plant species observed are included in the **Appendix A**, *Floral and Faunal Compendium*, attached. Sensitive plant species are discussed below in Section 3.3.3, *Sensitive Plant Species*.

3.3.3 Sensitive Plant Species

Sensitive plant surveys were conducted following published agency guidelines (CDFG, 2009; USFWS, 2000) by walking transects, where feasible, and making close observations at ground level during the respective blooming periods of potential plant species to ensure detection of the sensitive plants. The potential for sensitive plant species was assessed based upon the known occurrence of species in the area as identified from CDFG, USFWS and CNPS databases (see Section 3.2, *Literature Review*), and the presence or absence of suitable habitat within the Project site based on plant community mapping (see Section 3.3.1, *Plant Community Mapping*). Suitable habitat was defined as areas with appropriate vegetation communities, soils and/or topography (elevation at MSL) to support the species based on known occurrences in those habitats and/or CDFG and CNPS documented habitat descriptions for the species. A table of sensitive plant species for which potentially suitable habitat occurs within the Project site was prepared prior to the field survey, and the potential for occurrence of each species was determined following completion of the vegetation mapping and updated following completion of the focused surveys. The potential for occurrence of each species is summarized in **Appendix B**, *Sensitive Plant Species.*

3.3.4 General Wildlife Inventory

All wildlife species observed within the Project site, as well as any diagnostic sign (call, tracks, nests, scat, remains, or other sign), were recorded in field notes. Binoculars and regional field guides were utilized for the identification of wildlife, as necessary. Wildlife taxonomy follows Stebbins (2003) for amphibians and reptiles, the American Ornithologists' Union (1998) for birds, and Jameson and Peeters (1988) for mammals. Scientific names are used during the first mention of a species; common names only are used in the remainder of the text. A list of all wildlife species detected is included in **Appendix A**, attached. Sensitive wildlife species are discussed below in Section 3.3.5, *Sensitive Wildlife Species*.

3.3.5 Sensitive Wildlife Species

The potential for sensitive wildlife species was assessed based upon the known occurrence of species in the area as identified from CDFG and USFWS databases (see Section 3.2, *Literature Review*), and the presence or absence of suitable habitat within the Project site based on plant community mapping (see Section 3.3.1, *Plant Community Mapping*). Suitable habitat was defined as areas with appropriate vegetation communities and/or topography (elevation at MSL) to support the species based on known occurrences in those habitats and/or CDFG documented habitat descriptions for the species. A table of sensitive wildlife species for which potentially suitable habitat occurs within the Project site was prepared prior to the field survey, and the potential for occurrence for each species was determined following completion of the vegetation mapping and updated following completion of habitat assessments or focused surveys for specific species. The potential for occurrence for each species is summarized in **Appendix C**, *Sensitive Wildlife Species.*

3.3.6 Regional Connectivity/Wildlife Movement Corridor

An analysis of wildlife movement was analyzed based on information compiled from the literature, analysis of aerial photographs and topographic maps, direct observations made in the field during survey work, and an analysis of existing wildlife movement functions. Relative to corridor issues, the focus of this assessment is to determine if the change of the existing land use within the Project site will have significant impacts on the regional wildlife movement associated with the Project site and the immediate vicinity. The *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion* document was reviewed (South Coast Wildlands, 2008) to identify any linkage proposed within the Project site boundaries.

3.3.7 Investigation of Jurisdictional Waters

A preliminary jurisdictional delineation of all existing on-site drainage features was conducted to assess the extent of "waters of the U.S." and/or wetlands under the jurisdiction of the U.S. Army Corps of Engineers (USACE)/Regional Water Quality Control Board (RWQCB), and/or streambed and associated riparian habitat under the jurisdiction of the CDFG. All areas were delineated using the protocol stipulated by the CDFG under Section 1600-1607 of the California Fish and Game Code and by the USACE under Section 404 of the Clean Water Act (CWA). Wetlands were identified using the procedures stipulated in the USACE Wetland Delineation Manual (Environmental Laboratory, 1987) and Arid West Supplement (USACE, 2008a; USACE, 2008b), although none were observed on-site. Upon completion of the field work, documentation of all jurisdictional non-wetland "waters of the U.S.," and CDFG jurisdictional areas were completed. The documentation included a separate report with a map illustrating the location, extent and acreage of all jurisdictional features.

4.0 EXISTING CONDITIONS

4.1 CHARACTERISTICS OF THE PROJECT SITE AND SURROUNDING AREA

The 15.4-acre Project site is located within the Santa Monica Mountains, in Los Angeles County. Characteristic plant communities on the Project site include chaparral and coast live oak woodland. The Project site is not within any Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan (HCP), or within any designated USFWS critical habitat.

The Project site supports two (2) drainage systems that are tributaries to Cold Creek and eventually Malibu Creek. In addition, there are two (2) non-jurisdictional swales that were observed that also flow into Cold Creek tributaries. The two drainage systems include Drainage System A (including drainages A and A1) located in the western portion of the Project site, and Drainage System B that barely reaches the northeast corner of Parcel 6 , transmitting runoff flows from Piuma Road and the residence on Parcel 5. The non-jurisdictional swales do not support jurisdictional indicator plant species. The swale in the southern portion of the Project site is a component of the tract map infrastructure stormdrain and parallels Piuma Road until the confluence with Drainage A off-site to the west. The non-jurisdictional swale in the northern portion of the Project site flows north through an existing rural residential community as tributary to Dark Canyon, which flows into Cold Creek within the Monte Nido rural community.

The topography of the Project site consists of 15 graded building pads and moderately steep slopes along the southern boundary, with elevations ranging from the lowest of approximately 625 feet above mean sea level (MSL) along the western boundary of the Project site, to approximately 765 feet above MSL at the highest point in the south-central portion of the Project site. Mapped soils in the Project site include a single soil type:

- Cotharin (70 percent)-Talepop (15 percent) association (loam), 15 to 50 percent slopes;

Surrounding land uses include rural residential developments to the north and west and open space to the south and east, including areas of the Malibu Creek State Park.

4.2 PLANT COMMUNITIES

Descriptions of each of the plant communities found within the Project site are provided below, and locations of each of the plant communities are shown in **Figure 4**, *Plant Communities Map*. **Table 2**, *Plant Communities* lists each of the plant communities observed, as well as the acreage within the Project site.

4.2.1 Coast Live Oak South Coastal Woodland/Forest Alliance

Coast live oak (*Quercus agrifolia*) Woodland/Forest Alliance is the class into which all *Q. agrifolia* association types are included. These woodlands are dominated by coast live oak trees and can occur at low to high cover. The woodlands often contain an understory of primarily non-native grasses such as brome grasses (*Bromus* spp.) and occasionally native grasses, native and non-native herbaceous species, with a low density

Table 2

Plant Communities

Plant Community	Project Site (Acres)
Coast Live Oak South Coastal Woodland/Forest Alliance	3.0
Birch Leaf Mountain Mahogany/Greenbark Ceanothus Shrubland Alliance	0.5
Chamise Shrubland Association	3.4
Disturbed/Chamise Shrubland Association	1.6
Disturbed	4.5
Developed	0.5
Ruderal	2.8
Total	**16.3**[a]

[a] *The plant community total acreage exceeds the 15.4-acre Project site because the plant community includes the 0.93-acre Parcel 5.*

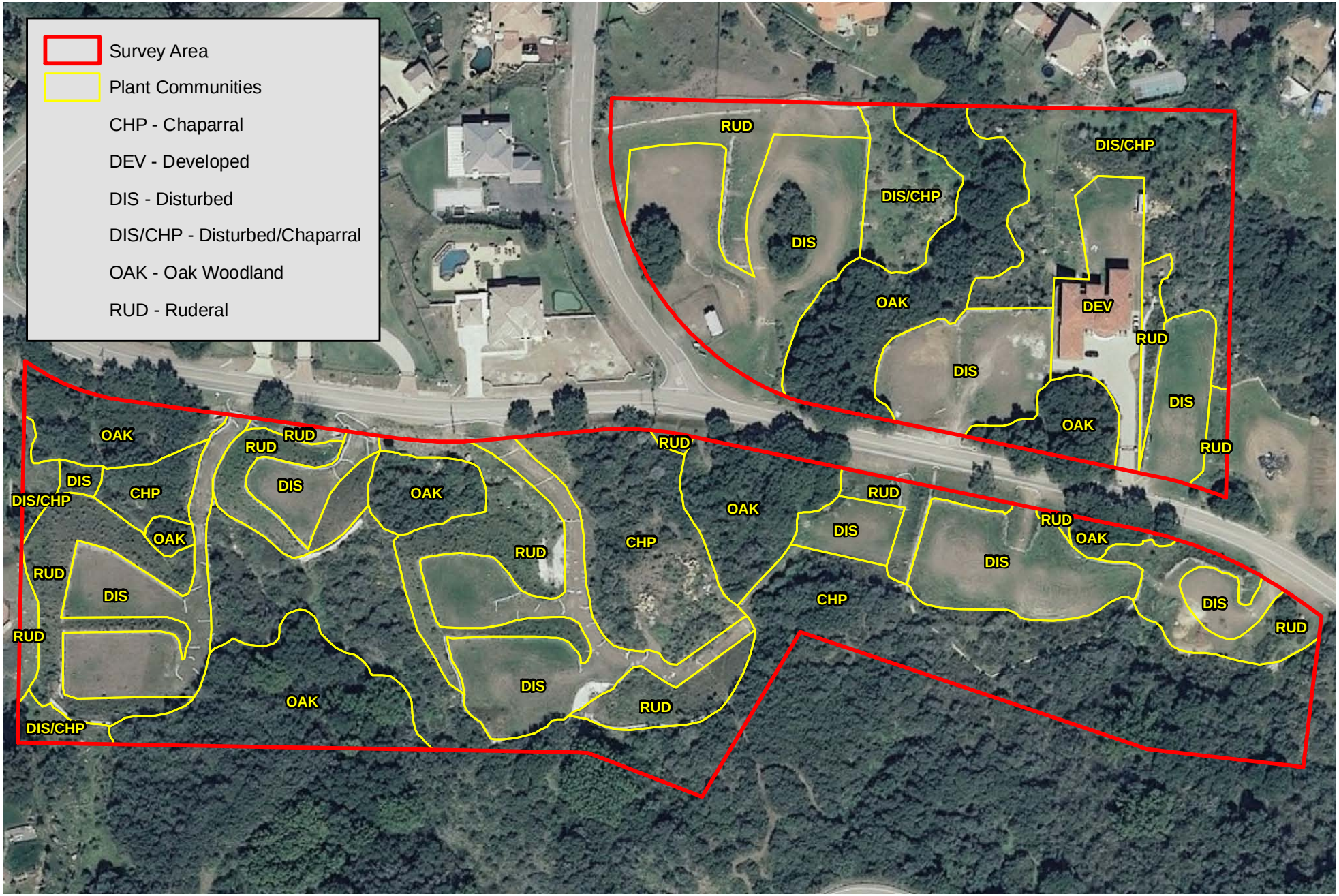
PCR Services Corporation, 2012.

of emergent trees and shrubs. This community The Coast Live Oak South Coastal Woodland/Forest Alliance occurs on dry, mesic, and riparian settings, usually on canyon bottoms, flats, valley bottoms, and lower slopes. Slopes can vary from level to moderately steep and varies from valley and canyon bottoms to upper slopes. Stands typically have an unusual combination of sub-dominant plants that do not fit into the association classes well.

Within the Project site, coast live oak trees in this community grow separated to close together with their canopies occasionally touching. It is presumed that this woodland was more characteristic of other coast live oak woodland communities with an understory of native herb and shrub species prior to the Monte Nido community established and the grading for Tract Map 38931. The ground and the shrub layers beneath the oak tree canopies are poorly developed in comparison with the other oak woodlands in the project vicinity, particularly to the south. Associated species found include native plants such as blue elderberry (*Sambucus nigra* ssp. *caerulea*), giant wild rye (*Leymus condensatus*), toyon (*Heteromeles arbutifolia*), bush monkey-flower (*Mimulus aurantiacus*), California sagebrush (*Artemisia californica*), squaw bush (*Rhus aromatic*), poison oak, (*Toxicodendron diversilobum*), pink chaparral currant (*Ribes malvaceum*), heart-leaved penstemon (*Keckiella cordifolia*), chaparral bush mallow (*Malacothamnus fasciculatus*), southern honeysuckle (*Lonicera subspicata*), and holly-leafed cherry (*Prunus ilicifolia*). Some non-native, weedy species found in the understory include tocalote (*Centaurea melitensis*), short-podded mustard *(Hirschfeldia incana)*, red brome (*Bromus madritensis* ssp. *rubens*), common sow-thistle (*Sonchus oleraceus*), telegraph weed (*Heterotheca grandiflora*), red-stemmed filaree (*Erodium cicutarium*), and Italian thistle (*Carduus pycnocephalus*). Coast live oak woodland occupies 3.01 acres of the Project site.

4.2.2 Birch Leaf Mountain Mahogany/ Greenbark Ceanothus Shrubland Alliance

*Birch Leaf Mountain Mahogany (*Cercocarpus betuloides*)/Greenbark Ceanothus (*Ceanothus spinosus*) Shrubland Alliance community occurs as intermittent to dense stands on protected north-facing steep*



N

0 150 300 Feet

Plant Communities

Monte Nido

Source: Aerial Express, 2010; PCR Services Corporation, 2012.

FIGURE

4

P C R

This page is intentionally blank.

slopes. Stands are characterized by a codominance of Cercocarpus and Ceanothus spinosus, both at medium to high cover. Steep and neutral slopes are more likely to contain larger amounts of *Cercocarpus*, while concave and less steep slopes have a greater potential for *Ceanothus spinosus*.

The Birch Leaf Mountain Mahogany/Greenbark Ceanothus chaparral community include species such as bush monkey flower, scrub oak (*Quercus berberidifolia*), California sagebrush, California buckwheat (*Eriogonum fasciculatum*), coyote bush (*Baccharis pilularis*), sugar bush (*Rhus ovata*), woolly blue curls (Trichostema lanatum), and toyon (*Heteromeles arbutifolia*), with an understory in openings of telegraph weed, leafy fleabane (*Erigeron foliosus*), common sandaster (*Corethrogyne filaginifolia*), everlasting (*Pseudognaphalium californicum*), and rigid bird's beak (*Cordylanthus rigidus* ssp. *rigidus*). Associated species observed also include foothill needlegrass (*Stipa lepida*), coast live oak, southern honeysuckle, black sage (*Salvia mellifera*), and giant ryegrass. Birch Leaf Mountain Mahogany/Greenbark Ceanothus Shrubland Alliance occupies just 0.47 acre of the Project site.

4.2.3 Chamise Shrubland Association

Chamise (*Adenostoma fasciculatum*) Shrubland Association occurs as open to dense stands of shrubs on dry south-facing gentle to steep slopes on rocky or thin soils. This association is found on all types of surfaces, on lower to upper slopes and ridge tops. Chamise is the dominant shrub species and may occur at low to high cover. The stands are usually associated with dry or exposed conditions.

The dominance of species within the chamise chaparral community on-site varied and include species such as chamise, California sagebrush, California buckwheat (*Eriogonum fasciculatum*), and deerweed (*Acmispon glaber*), with an understory of non-native and/or weedy species such as short-podded mustard, tocalote, wild oats (*Avena barbata*), and Italian thistle. Associated species observed included blue elderberry, coyote bush (*Baccharis pilularis*), common sandaster, and golden-yarrow (*Eriophyllum confertiflorum* var. *confertiflorum*). Chamise Shrubland Association occupies 3.39 acres of the Project site.

4.2.4 Disturbed/Chamise Shrubland Association

This vegetation community is dominated by chamise shrubland chaparral as a subdominant component. The component species of this vegetation community on the Project site is consistent with the species described in Section 4.2.3 above. However, the disturbed sites (primarily fuel modification from neighboring properties or other weed abatement activities) occur with chamise as the dominant shrub and with California sagebrush as the sub-dominant shrub. The invasive, non-native species include short-podded mustard, Italian thistle, and sweet fennel (*Foeniculum vulgare*). These stands are mapped as Disturbed/Chamise Shrubland Alliance and comprise 1.63 acres.

4.2.5 Disturbed

A disturbed category consists of the graded building pads and driveways, often the largest area of each parcel. The only species found within these areas are disturbance promoted species. Within the Project site, these usually non-native, weedy species include tocalote, short-podded mustard, red brome, prickly lettuce, common sow-thistle, and red-stemmed filaree. Also occurring are rigid bird's beak, white plume wirelettuce (*Stephanomeria exigua* ssp. *coronaria*), and cliff aster (*Malacothrix saxatilis* var. *tenuifolia*). Disturbed areas comprise 4.52 acres of the Project site.

4.2.6 Ruderal

Ruderal vegetation is found in areas previously disturbed by human activities, such as grading for building pads and manufactured slopes, and often the plants are established as a consequence of the activity. These areas are all adjacent to the Disturbed building pads. Within the Project site, typical species of these areas include short-podded mustard, red brome, tocalote, tree tobacco (*Nicotiana glauca*), white plume wirelettuce California buckwheat, and wild oats. Ruderal areas comprise 2.81 acres of the Project site.

4.2.7 Developed

The Developed category exists only on the Parcel 5, which is "Not A Part" of the Project and the lot is located between Parcels 4 and 6. A single family residence occurs on this property as well as a stormdrain infrastructure. The property is included in this report because of the area of coast live oak woodland in the southwestern portion of the parcel adjacent to Parcel 4. In addition, the stormdrain occurring on Parcel 5 outlets to the northeast of the graded building pad on Parcel 4, which then flows northwest over the northern portion of parcel and off-site to neighboring residential properties. The Developed category comprises 0.52 acre of the 0.93-acre Parcel 5.

4.3 GENERAL PLANT INVENTORY

The plant communities discussed above are composed of a variety plant species, both native and non-native. Observations regarding the plant species present were made during the field visits to the Project site, and a list of all plant species observed is provided in **Appendix A**. Sensitive plant species occurring or potentially occurring within the Project site are discussed below in Section 4.8.3, *Sensitive Plant Species*.

4.4 GENERAL WILDLIFE INVENTORY

The plant communities discussed above provide habitat for various common wildlife species. Observations regarding the wildlife species present were made during the field visits to the Project site, and a list of all species observed is provided in **Appendix A**. Both non-native habitats, such as the ruderal community, in addition to the native habitats, including the chamise chaparral, birch leaf mountain mahogany/greenbark ceanothus chaparral, and coast live oak woodland, can provide habitat for these species. Sensitive wildlife species occurring or potentially occurring are discussed below in Section 4.8.4, *Sensitive Wildlife Species*.

4.5 WILDLIFE MOVEMENT

4.5.1 Overview

Wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated "islands" of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, will not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new individuals and genetic material (MacArthur and Wilson, 1967; Soulé, 1987; Harris and Gallagher, 1989; Bennet, 1990).

Corridors effectively act as links between different populations of a species. A group of smaller populations (termed "demes") linked together via a system of corridors is termed a "metapopulation." The long-term health of each deme within the metapopulation is dependent upon its size and the frequency of interchange of individuals (immigration vs. emigration). The smaller the deme, the more important immigration becomes, because prolonged inbreeding with the same individuals can reduce genetic variability. Immigrant individuals that move into the deme from adjoining demes mate with individuals and supply that deme with new genes and gene combinations that increases overall genetic diversity. An increase in a population's genetic variability is generally associated with an increase in a population's health and long-term viability.

Corridors mitigate the effects of habitat fragmentation by: (1) allowing animals to move between remaining habitats, which allows depleted populations to be replenished and promotes genetic diversity; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fires or disease) will result in population or local species extinction; and (3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other needs (Noss, 1983; Fahrig and Merriam, 1985; Simberloff and Cox, 1987; Harris and Gallagher, 1989).

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions); (2) seasonal migration; and, (3) movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as "wildlife corridor," "travel route," and "wildlife crossing" to refer to areas in which wildlife move from one area to another. To clarify the meaning of these terms and facilitate the discussion on wildlife movement in this study, these terms are defined as follows:

Travel Route: A landscape feature (such as a ridgeline, drainage, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g., water, food, cover, den areas). The travel route is generally preferred because it provides the least amount of topographic resistance in moving from one area to another; it contains adequate food, water, and/or cover while moving between habitat areas; and provides a relatively direct link between target habitat areas.

Wildlife Corridor: A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bounded by urban land areas or other areas unsuitable for wildlife. The corridor generally contains suitable cover, food, and/or water to support species and facilitate movement while in the corridor. Larger, landscape-level corridors (often referred to as "habitat or landscape linkages") can provide both transitory and resident habitat for a variety of species.

Wildlife Crossing: A small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels to provide access across or under roads, highways, pipelines, or other physical obstacles. These are often "choke points" along a movement corridor.

4.5.2 Wildlife Movement Within the Project Site

As previously described, wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, or individuals extending range distributions); (2) seasonal migration; and (3) movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). Although the nature of each of these types of movement is species specific, large open spaces will generally support a diverse wildlife community representing all types of movement. Each type of movement may also be represented at a variety of scales from non-migratory movement of amphibians, reptiles, and some birds on a "local" level to home ranges encompassing many square-miles for large mammals moving on a "regional" level.

The Project site is bordered by development to the north and west, with mostly open space to the east and south, including Malibu Creek State Park property. The undeveloped areas to the south and east of the Project site provide regional wildlife movement in the project vicinity, primarily in the west-east direction. Some wildlife movement restrictions are likely north and west of the Project site as a consequence of the Monte Nido rural residential community. Specifically, the closest development is located adjacent to the northern and western border of the Project site, with additional development in the same directions associated with the Monte Nido community. Piuma Road bisects the Project site and the on-site drainages all flow downstream to residential areas.

The Project site is not within or near any linkages identified by the South Coast Missing Linkages document (South Coast Wildlands, 2008). Since the Project site is not identified as a linkage by the South Coast Wildlands, and it does not support habitat that connects two or more habitat patches that would otherwise be fragmented or isolated from one another, the site is not considered a wildlife corridor. The Project site likely provides limited opportunities for wildlife movement, more likely for local wildlife movement.

Movement on a smaller or "local" scale could occur within the Project site for species that are less restricted in movement pathway requirements or are adapted to more disturbed areas (e.g., raccoon, skunk, coyote, birds). The Project site was disturbed by grading activities, although habitat exists on-site that likely supports some wildlife movement within the Project site for foraging. Data gathered from the biological survey indicates that the Project site contains habitat that supports common species of reptiles, birds, and mammals. The home range and average dispersal distance of many of these species could entirely be contained within the Project site and immediate vicinity, while bird species in the vicinity may utilize the Project site for foraging and some nesting. Populations of animals such as insects, reptiles, small mammals, and a few bird species may find all their resource requirements without moving far or outside of the Project site at all. Occasionally, individuals expanding their home range or dispersing from their parental range will attempt to move outside of the Project site, if feasible based on the surrounding restrictions to movement from development (see above).

Although the Project site supports live-in and movement habitat for species on a local scale (i.e., some limited live-in and at least marginal movement habitat for reptile, bird, and mammal species), it likely provides little function to facilitate wildlife movement for wildlife species on a regional scale, and is not identified as a regionally important dispersal or seasonal migration corridor. The drainages resources are not proposed for development and the limited wildlife movement functions on the Project site are expected to continue.

4.6 JURISDICTIONAL WATERS AND WETLANDS

The potential for USACE/RWQCB, and/or CDFG jurisdictional waters associated with the Project site was assessed based primarily on the presence or absence of jurisdictional field indicators such as an ordinary high water mark (OHWM) and defined bed-and-bank, respectively, given the nature of the jurisdictional features examined (i.e. secondary indicators of hydrology such as erosion, the deposition of debris, scour, sediment sorting, and changes in vegetation did not apply). If these criteria were met, data was collected to estimate the channel width of jurisdictional waters potentially regulated by the resource agencies. Downstream surface connections to known USACE jurisdictional waters were also evaluated using satellite imagery and mapping, for the purpose of establishing "waters of the U.S."

As described in Section 4.1 above, the Project site supports two jurisdictional drainage systems, in addition to two smaller non-jurisdictional swales associated with the tract map stormdrain system (see **Figure 5** *Preliminary Jurisdictional Features*). No jurisdictional wetlands were determined present on-site following USACE guidelines for field surveying. A complete jurisdictional delineation will be required at the time the bridge over the western drainage is designed. Coastal development permit requirements require the bridge to span the width of the drainage.

The jurisdictional drainages on the Project site total 0.115 acres of USACE/RWQCB non-wetland "waters of the U.S.", and 0.694 acres of CDFG jurisdiction. The following table provides a summary of the jurisdictional drainage features assessed as part of the Project site, including acreages (**Table 3**, *Preliminary Jurisdictional Features*).

Table 3

Preliminary Jurisdictional Features[a]

	Area (acres)	
Drainage	**USACE/RWQCB**	**CDFG**
A	0.093	0.536
A1	0.017	0.149
B	0.005	0.009
Total	**0.115**	**0.694**

[a] *Jurisdictional acreages overlap and are not additive (e.g., USACE acreages are included in the total RWQCB and CDFG jurisdictional acreages).*

PCR Services Corporation, 2012.

4.7 SENSITIVE BIOLOGICAL RESOURCES

The following discussion describes the plant and wildlife species present, or potentially present, within the study area that have been afforded special recognition by Federal, State, or local resource conservation agencies and organizations. These species have declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by either Federal or State resource management

agencies, or both, as threatened or endangered, under provisions of the Federal and State Endangered Species Acts (FESA and CESA, respectively).

4.7.1 Sensitive Resource Classification

Federal Protection and Classifications

The FESA of 1973 defines an endangered species as "any species which is in danger of extinction throughout all or a significant portion of its range." A threatened species is defined as "any species which is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA, unless properly permitted, it is unlawful to "take" any listed species. "Take" is defined in Section 3(18) of FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification as forms of "take." These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species.

All references to Federally-protected species in this report include the most current published status or candidate category to which each species has been assigned by USFWS.

For purposes of this assessment the following acronyms are used for Federal status species, as applicable:

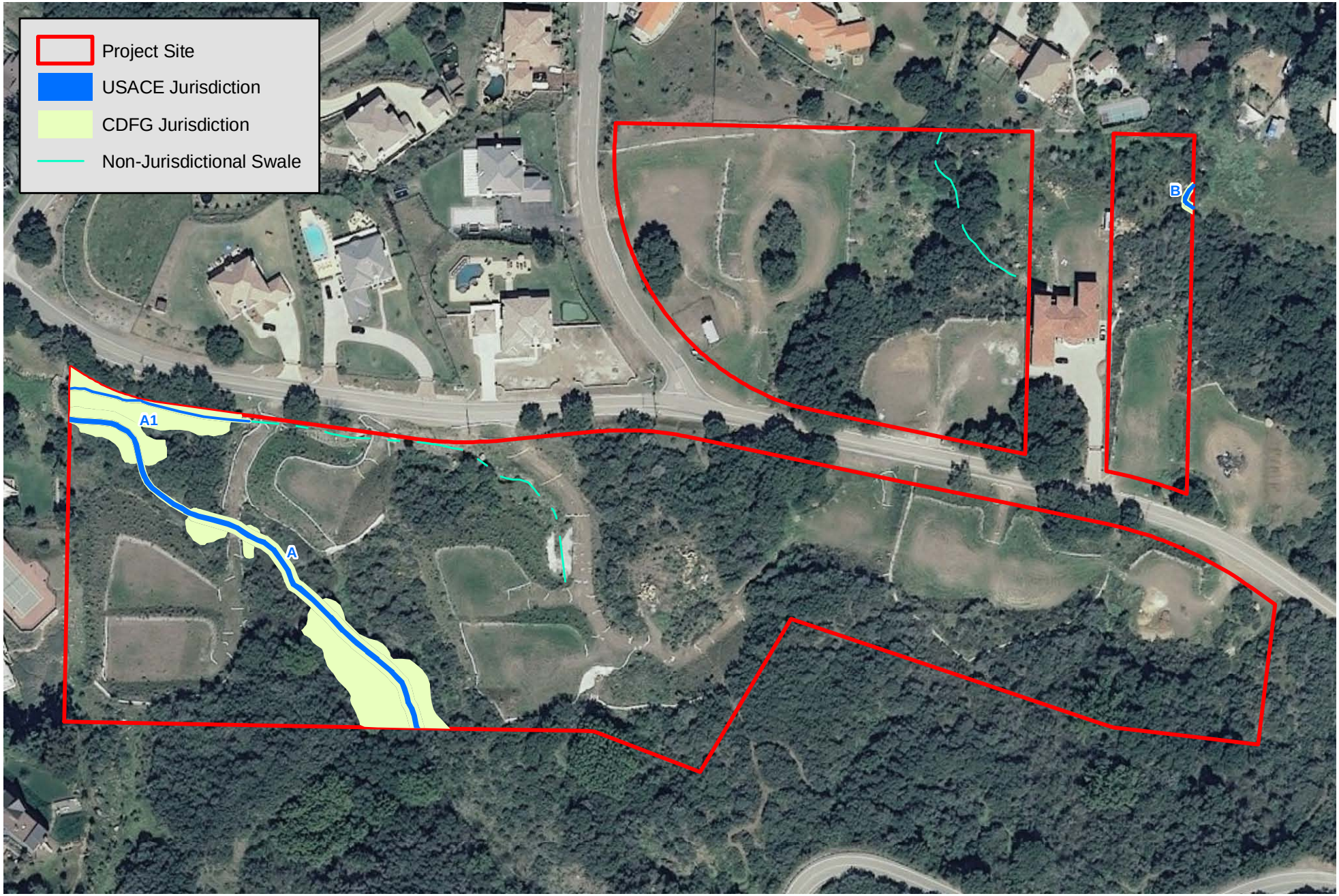
- FE Federally-listed as Endangered
- FT Federally-listed as Threatened
- FPE Federally proposed for listing as Endangered
- FPT Federally proposed for listing as Threatened
- FPD Federally proposed for delisting
- FC Federal candidate species (former C1 species)

The Migratory Bird Treaty Act (MBTA) protects individuals as well as any part, nest, or eggs of any bird listed as migratory. In practice, Federal permits issued for activities that potentially impact migratory birds typically have conditions that require pre-disturbance surveys for nesting birds. In the event nesting is observed, a buffer area with a specified radius must be established, within which no disturbance or intrusion is allowed until the young have fledged and left the nest, or it has been determined that the nest has failed. If not otherwise specified in the permit, the size of the buffer area varies with species and local circumstances (e.g., presence of busy roads, intervening topography, etc.), and is based on the professional judgment of a monitoring biologist.

State of California Protection and Classifications

California's Endangered Species Act (CESA) defines an endangered species as:

> "…a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or



P C R

N

0 100 200 Feet

Preliminary Jurisdictional Features

Monte Nido

Source: Aerial Express, 2010; PCR Services Corporation, 2012.

FIGURE

5

This page is intentionally blank.

> more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease."

The State defines a threatened species as:

> "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species."

Candidate species are defined as:

> "…a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list."

Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the FESA, CESA does not include listing provisions for invertebrate species.

Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened or endangered species by stating:

> "no person shall import into this State, export out of this State, or take, possess, purchase, or sell within this State, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided."

Under the CESA, "take" is defined as, "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Additionally, some sensitive mammals and birds are protected by the State as Fully Protected Mammals or Fully Protected Birds, as described in the California Fish and Game Code, Sections 4700 and 3511, respectively.

California Species of Special Concern are species designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. Informally listed species are not protected per se, but warrant consideration in the preparation of biological assessments. For some species, the CNDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest areas.

For the purposes of this assessment, the following acronyms are used for State status species, as applicable:

- SE State-listed as Endangered
- ST State-listed as Threatened

- SR State-listed as Rare
- SCE State candidate for listing as Endangered
- SCT State candidate for listing as Threatened
- SFP State Fully Protected
- SSC California Species of Special Concern

California Native Plant Society

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in California. CNPS has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of Rare, Threatened, or Endangered vascular plant species of California (CNPS, 2012). The list serves as the candidate list for listing as Threatened and Endangered by CDFG. CNPS has developed five categories of rarity, of which Lists 1A, 1B, and 2 are particularly considered sensitive:

- List 1A Presumed extinct in California.
- List 1B Plants Rare, Threatened, or Endangered in California and elsewhere.
- List 2 Plants Rare, Threatened, or Endangered in California, but more common elsewhere.
- List 3 Plants about which we need more information – a review list.
- List 4 Plants of limited distribution – a watch list.

The CNPS recently added "threat ranks" which parallel the ranks used by the CNDDB. These ranks are added as a decimal code after the CNPS List (e.g., List 1B.1). The threat codes are as follows:

- .1 – Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat);
- .2 – Fairly endangered in California (20-80% occurrences threatened);
- .3 – Not very endangered in California (<20% of occurrences threatened or no current threats known).

Sensitive species that occur or potentially could occur within the study area are based on one or more of the following: (1) the direct observation of the species within the study area during any field surveys; (2) a record reported in the CNDDB; and (3) the study area is within known distribution of a species and contains appropriate habitat.

4.7.2 Sensitive Plant Communities

None of the native plant communities that occur on-site are considered sensitive by the CDFG (2010). Those communities that are considered sensitive by CDFG are listed in their *List of California Terrestrial Natural*

Communities[1]. The CDFG considers any plant alliance with a State rank of S1-S3 to be considered a sensitive community. The three native communities on the Monte Nido Estates Project site are either S4 (Coast Live Oak Woodland/Forest Alliance and Birch Leaf Mountain Mahogany/Greenbark Ceanothus Shrubland Alliance) or S5 (Chamise Shrubland Association).

The County of Los Angeles ordinance requires protection of all members of the genus *Quercus* (oaks) greater than 8 inches in diameter at breast height. Therefore, the coast live oak that occurs within the Project site require an oak tree report would be prepared to map and document these trees in any trees would be removed or would have impacts within the canopy or protected zones of qualifying oak trees. Oak trees requiring permit approval based on the oak tree ordinance are processed separately from this BRA.

In 2011, the County of Los Angeles adopted the Los Angeles County Oak Woodlands Conservation Management Plan to encourage the preservation of oak woodlands through the County. It is the intent of the County to maintain and expand the oak woodland habitat by requiring development designs to avoid impacts to oak woodlands and require appropriate compensatory mitigation where oak woodland impacts remove such habitat.

4.7.3 Sensitive Plant Species

Sensitive plants include those listed, or candidates for listing, by the USFWS and CDFG, and species considered sensitive by the CNPS (particularly Lists 1A, 1B, and 2). Several sensitive plant species were reported in the vicinity based on CNDDB and CNPS within the 6-quadrangle search area. From this search, a total of 35 species were identified as having a potential to occur within the Project site based on the literature review and habitat anticipated within the Project site, as listed in Table B-1 of Appendix B. Following the late-season focused plant survey, no sensitive species was observed on-site. However, Fish's milkwort (*Polygala cornuta* ssp. *fishiae*) was observed along the edge of the oak woodland habitat in one location. This species is a CNPS List 4.3. List 4 species are classified as 'Plants of limited distribution – a watch list', and a threat rank of .3 is classified as 'Not very threatened in California (less than 20% occurrences threatened / low degree and immediacy of threat or no current threats known)'. Only a single specimen of Fish's milkwort was observed, in the central portion of the Project site. This species is considered rare within the Santa Monica Mountains flora (Raven, Thompson and Prigge, 1986), "on shaded slopes, chaparral or dense southern oak woodland; Triunfo Canyon, Topanga Canyon, Cold Creek Canyon, Tapia Park, Crater Camp." No other sensitive plant species were observed on-site.

4.7.4 Sensitive Wildlife Species

Sensitive wildlife include those species listed as Endangered or Threatened under the FESA or CESA, candidates for listing by the USFWS or CDFG, and species of special concern to the CDFG. In addition, the Los Angeles Chapter of the Audubon Society has published a list of sensitive bird species occurring in Los Angeles County (Los Angeles County Sensitive Bird Species Working Group, 2009). Forty-two (42) sensitive wildlife species were reported in the vicinity based on CNDDB within the 6-quadrangle search area. From this search, a total of 20 species were identified as having some potential to occur within the Project site or use the Project site based on the literature review and habitat anticipated within the Project site, and two

[1] *Available online at: http://www.dfg.ca.gov/biogeodata/vegcamp/natural_comm_list.asp. Sensitive (also referred to by CDFG as 'rare' or 'special status') natural communities are asterisked on the list.*

species were observed on-site (turkey vulture/*Cathartes aura and* oak titmouse/*Baeolophus inornatus*) following the field surveys, as listed in Appendix C. In addition, species observed or with a potential to occur on-site, as listed in **Appendix C**, are also analyzed in more detail below.

Sensitive Species Observed On-site

Oak titmouse (*Baeolophus inornatus*): This bird species is an Audubon Society Watch List species and is primarily associated with oaks. The species occurs in montane hardwood-conifer, montane hardwood, blue, valley, and coastal oak woodlands, and montane and valley foothill riparian habitats in cismontane California.

Oak titmouse was observed on-site during the general field surveys within the oak woodland.

Turkey vulture (*Cathartes aura*): This bird species is a Los Angeles County Audubon Society sensitive species and nesting birds require remote, rocky locations with caves, cliff ledges, and piles of large boulders. The species occurs in a wide variety of habitats over much of California, although breeding within Los Angeles County occurs in a limited range of the San Gabriel Mountains.

Turkey vulture was observed flying over the Project site during the general field.

Sensitive Species with a Potential to Occur

Santa Monica shieldback katydid (*Aglaothorax longipennis*): This nocturnal insect species is a CDFG Special Animal species and occurs in chaparral and canyon stream bottom vegetation in the Santa Monica Mountains.

The potential for this species to occur on the Project site was considered low due to the presence of drainage habitat in the southwestern portion of the Project site.

Santa Monica grasshopper (*Trimerotropis occidentiloides*): This insect species is a CDFG Special Animal species and is known only from the Santa Monica Mountains and found on bare hillsides and along dirt trails in chaparral.

The potential for this species to occur on the Project site was considered moderate due to the presence of suitable chaparral habitat within the undisturbed portions of the Project site.

San Bernardino ringneck snake (*Diadophis punctatus modestus*): This reptile species is a Forest Service sensitive species and occurs within surface litter or herbaceous vegetation in open, relatively rocky areas, often in somewhat moist areas near intermittent streams.

The potential for this species to occur on the Project site was considered low due to the marginal presence of drainage habitat in the southwestern portion of the Project site.

San Diego mountain kingsnake (*Lampropeltis zonata pulchra*): This reptile species is a state species of special concern and is common in the vicinity of rocks or boulders near streams or lake shores. The species may also utilize rotting logs and seek cover under dense shrubs. The species occurs in a variety of habitats including valley-foothill hardwood, and hardwood-conifer, mixed and montane chaparral, valley-foothill riparian, coniferous forests, and wet meadows.

The potential for this species to occur on the Project site was considered low due to the marginal presence of drainage habitat in the southwestern portion of the Project site.

Coast horned lizard (*Phrynosoma blainvillii*): This reptile species is a state species of special concern and prefers sandy riparian and sage scrub habitats, but also occurs in valley-foothill, hardwood, conifer, pine-cypress, juniper and annual grassland habitats below 6,000 feet. Habitats include open country, especially sandy areas, washes, flood plains, and windblown deposits.

The potential for this species to occur on the Project site was considered low due to the marginal presence of shrubland habitat with sandy soils.

Coastal western whiptail (*Aspidoscelis tigris stejnegeri*): This reptile species is a state CDFG Special Animal and prefers sparse vegetation, open areas, woodlands and riparian communities of deserts and semi-arid areas.

The potential for this species to occur on the Project site was considered high due to the presence of shrublands, and oak woodland habitat. However, the site lacks riparian areas although such habitats are not far from the Project site.

Cooper's hawk (*Accipiter cooperii*): This raptor species is a state Special Animal Watch List species and nests in open forests, groves, or trees along rivers, or low scrub of treeless areas.

The potential for this species to occur on the Project site was considered high for foraging due to the presence of oak woodlands and some open grassland areas.

Southern California rufous-crowned Sparrow (*Aimophila ruficeps canescens*): This bird species is a state Special Animal Watch List species and prefers chamise or coastal sage shrublands.

The potential for this species to occur on the Project site was considered moderate for nesting because suitable shrubland habitat areas are present in the southern portion of the Project site.

Bell's Sage Sparrow (*Amphispiza belli belli*): This bird species is a state Special Animal Watch List species and is a resident in coastal sage shruband chaparral habitats.

The potential for this species to occur on the Project site was considered moderate for nesting because suitable shrubland habitat areas are present in the southern portion of the Project site.

Western mastiff bat (*Eumops perotis californicus*): This bat species is a state species of special concern and occurs in many open, semi-arid to arid habitats including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Western mastiff bats roost primarily in crevices in cliff faces, and occasionally in high buildings and tunnels.

The potential for this species to occur on the Project site was considered low for foraging due to the presence of woodland habitats. Cliffs required for roosting were absent.

Pallid bat (*Antrozous pallidus*): This bat species is a state species of special concern and occurs in wide variety of habitats but most common in open, dry habitats with rocky areas for roosting.

The potential for this species to occur on the Project site was considered low for foraging and roosting due to the presence of potential habitat among oak trees.

Western yellow bat (*Lasiurus xanthinus*): This bat species is a state species of special concern and inhabits desert washes, savannas, secluded woodlands, regions dominated by pasture or croplands, and even tolerates residential areas.

The potential for this species to occur on the Project site was considered low to moderate for foraging only. The site does not support suitable roosting habitat.

Yuma myotis (*Myotis yumaensis*), western small-footed a myotis (*Myotis ciliolabrum*), western red bat (*Lasiurus blossevilli*), and hoary bat (*Lasiurus cinereus*): These bat species are all Western Bat Working Group of medium to high priority species and are general common species that may roost in trees.

The potential for this species to occur on the Project site was considered low for breeding due to the presence of woodland habitats as trees are present for roosting.

San Diego desert woodrat (*Neotoma lepida intermedia*): This mammal species is a state species of special concern and occurs in chaparral, and coastal sage scrub.

The potential for this species to occur on the Project site was considered high due to the presence of suitable habitat for this species within upland portions of the Project site. Woodrat nest were observed on the Project site.

American badger (*Taxidea taxus*): This mammal species is a state species of special concern and occurs in drier, open stages of shrubland, forest, and herbaceous habitats with friable soils.

The potential for this species to occur on the Project site was considered low due to the presence of some open habitats on-site including shrubland and grasslands but friable soils are not present.

Other Migratory Bird and Raptor Species: The Project site supports potential nesting and foraging habitat for migratory birds (including shrubs and trees), and also potential foraging habitat for birds including raptors (primarily in the open areas such as non-native grassland and ruderal areas). Several species of birds were observed on-site (see Appendix A) and were identified by CNDDB as potentially occurring within the 6-quadrangle search area (see Appendix C and described above).

5.0 APPROACH TO THE ANALYSIS

5.1 REGULATORY SETTING

Sensitive species are provided protection by either Federal or State resource management agencies, or both, under provisions of the FESA and CESA. The following provides a discussion of Federal Regulations, State of California Regulations, CNPS, and Local Regulations including the Western Riverside County MSHCP (Dudek and Associates, 2004).

There are a number of performance criteria and standard conditions that must be met as part of any review and approval of the proposed project. These include compliance with all of the terms, provisions, and requirements with applicable laws that relate to Federal, State, and local regulating agencies related to potential impacts to sensitive plant and wildlife species, wetlands, riparian habitats, and blue lined stream courses.

5.1.1 Federal Regulations

As previously discussed in Section 4.8.1, *Sensitive Resource Classification*, under provisions of Section 9(a)(1)(B) of the FESA, unless properly permitted, it is unlawful to "take" any listed species. In a case where a property owner seeks permission from a Federal agency for an action which could affect a Federally-listed plant and animal species, the property owner and agency are required to consult with USFWS to obtain appropriate permits. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants.

The North Fontana MSHCP, once adopted, will likely provide permits for the take of all species identified in the MSHCP as covered and conditionally covered, so long as the conditions imposed are satisfied.

5.1.2 State of California Regulations

As previously discussed in Section 4.8.1, Sensitive Resource Classification, Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened or endangered species. Exceptions authorized by the State to allow "take" require permits or memoranda of understanding and can be authorized for "endangered species, threatened species, or candidate species for scientific, educational, or management purposes." Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required by an initiator prior to disturbance.

5.1.3 California Native Plant Society

As previously discussed in Section 4.8.1, Sensitive Resource Classification, the CNPS has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California which classifies plant species into categories of rarity. Informally listed species are not protected per se, but warrant consideration in the preparation of biological assessments.

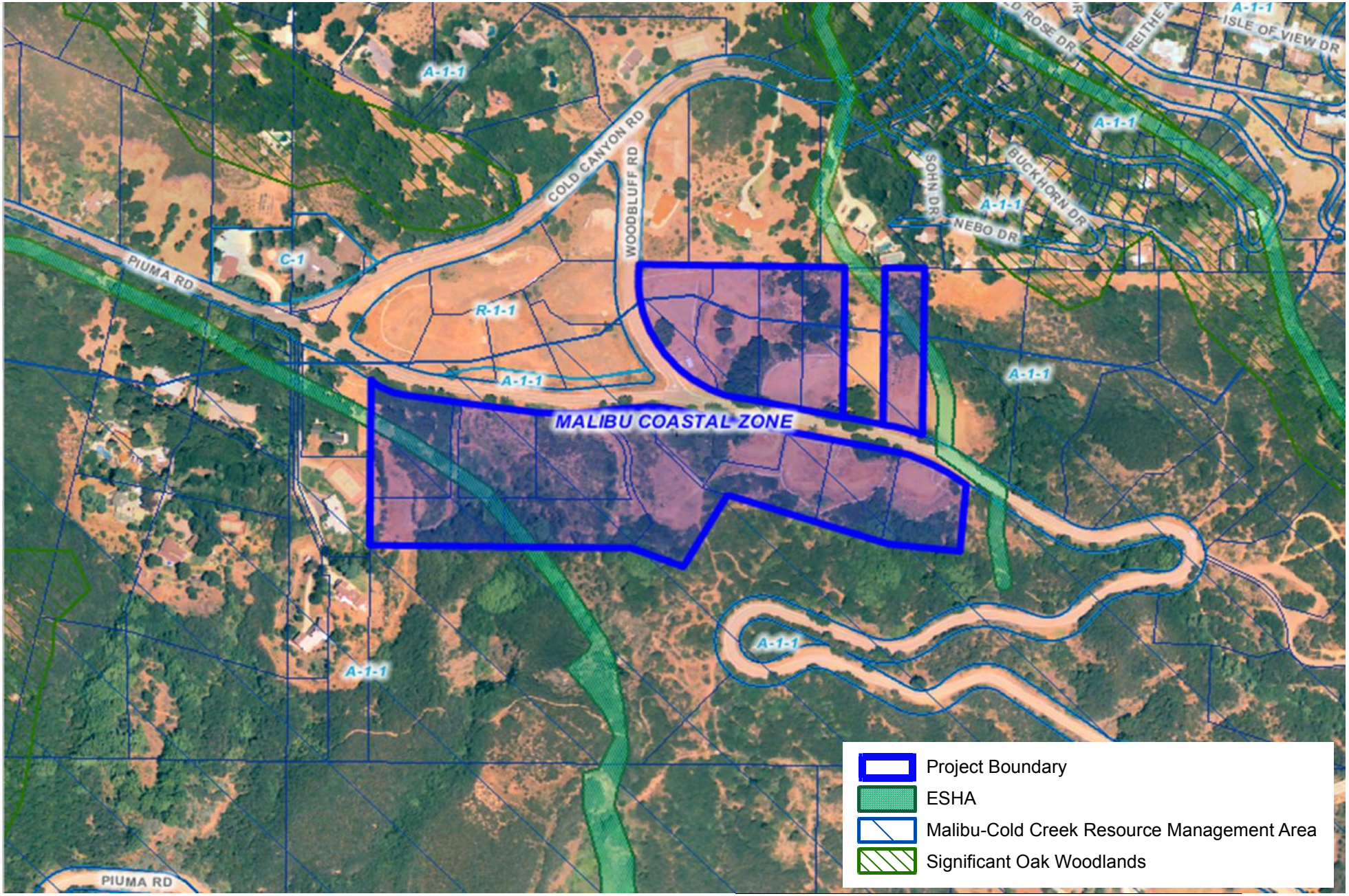
5.1.4 Local Regulations

5.1.4.1 Malibu Coastal Land Use Plan

The County of Los Angeles, Malibu Local Coastal Program was certified by the California Coastal Commission in 1986. The Land Use Plan includes a number of policies for the protection of coastal resources. In addition, the County's Land Use Plan identifies a number of sensitive environmental resource areas (SERAs) including environmentally sensitive habitat areas (ESHAs), significant watersheds, significant oak woodlands, wildlife migration corridors and the Malibu/Cold Creek Resource Management Area. The Malibu/Cold Creek Resource Management Area has been delineated as a buffer to protect the exceptional biological values of Malibu Canyon and lagoon and to preserve the relationship between the integrity of the canyon/lagoon system and the activities in the adjacent watershed extending far upstream. The area encompasses sensitive riparian woodlands and is an inherent component of the Malibu canyon/lagoon ecosystem.

The Project site is almost completely within the Malibu/ cold Creek Resource Management Area and is overlain with two ESHAs (**Figure 6**, *Sensitive Environmental Resource Areas*). The western ESHA is roughly co-terminus with the on-site drainage that flows from east to west in the southwestern portion of the Project site. The second ESHA is located in the northeastern portion of the Project site, occurring on Parcel 6. It appears to be intended to follow the drainage that is chiefly off-site to the east of the Project site. However, there is a mapping error for this ESHA as there is no obvious resource associated with the ESHA, while the drainage course to the east carries flows in what has been called Little Dark Creek, which eventually joins Dark Canyon creek to the north of the Project site within the Monte Nido community.

Permitted uses within ESHA are resource-dependent uses only, such as nature observation and passive recreation. Permitted uses with the Malibu/Cold Creek Resource Management Area include resource-dependent uses as for ESHA but also residential uses at existing parcel densities. Residential structures should be located in proximity to existing roadways and services.



PCR

N

0 400 Feet

Sensitive Environmental Resource Areas

Monte Nido

Source: County of Los Angeles, Malibu Coastal Land Use Plan, 1986
(Online GIS Data accessed October, 2012).

FIGURE
6

This page is intentionally blank.

6.0 THRESHOLDS OF SIGNIFICANCE

The environmental impacts relative to biological resources are assessed using impact significance threshold criteria which mirror the policy statement contained in the CEQA, Section 21001(c) of the California Public Resources Code. Accordingly, the State Legislature has established it to be the policy of the State to:

> "Prevent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities..."

Determining whether a project may have a significant effect, or impact, plays a critical role in the CEQA process. According to CEQA, Section 15064.7, Thresholds of Significance, each public agency is encouraged to develop and adopt (by ordinance, resolution, rule, or regulation) thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. In the development of thresholds of significance for impacts to biological resources CEQA provides guidance primarily in Section 15065, Mandatory Findings of Significance, and the State CEQA Guidelines, Appendix G, *Environmental Checklist Form*. Section 15065(a) states that a project may have a significant effect where:

> "The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species..."

Appendix G of the State CEQA Guidelines is more specific in addressing biological resources and encompasses a broader range of resources to be considered, including: candidate, sensitive, or special status species; riparian habitat or other sensitive natural communities; Federally protected wetlands; fish and wildlife movement corridors; local policies or ordinances protecting biological resources; and, adopted HCPs. This is done in the form of a checklist of questions to be answered during the Initial Study leading to the preparation of the appropriate environmental documentation for a project [i.e., Negative Declaration, Mitigated Negative Declaration, or Environmental Impacts Report (EIR)]. Because these questions are derived from standards in other laws, regulations, and other commonly used thresholds, it is reasonable to use these standards as a basis for defining significance thresholds in an EIR. Therefore, for the purpose of this analysis, impacts to biological resources are considered potentially significant (before considering offsetting mitigation measures) if one or more of the following conditions would result from implementation of the proposed project.

Threshold BIO-A Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Wildlife Service.

Threshold BIO-B Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service.

Threshold BIO-C Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Threshold BIO-D Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery areas.

Threshold BIO-E Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Threshold BIO-F Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

For the purposes of this impact analysis the following definitions apply:

- "Substantial adverse effect" means loss or harm of a magnitude which, based on current scientific data and knowledge would: (1) substantially reduce population numbers of a listed, candidate, sensitive, rare, or otherwise special status species; (2) substantially reduce the distribution of a sensitive natural community/habitat type; or (3) eliminate or substantially impair the functions and values of a biological resource (e.g., streams, wetlands, or woodlands) in a geographical area defined by interrelated biological components and systems. In the case of this analysis the prescribed geographical area is considered to be the region that includes the USGS topographic quadrangles for the Project site, namely Yorba Linda. For some species, the geographic area may extend to the vicinity of the study area based on known distributions of the species. The vicinity of the Project site is considered to comprise the following USGS topographic quadrangles: Baldwin Park, San Dimas, Ontario, Prado Dam, Black Star Canyon, Orange, Anaheim, La Habra.

- "Conflict" means contradiction of a magnitude, which based on foreseeable circumstances, would preclude or prevent substantial compliance.

- "Rare" means: (1) that the species exists in such small numbers throughout all, or a significant portion of, its range that it may become endangered if its environment worsens; or (2) the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the FESA.

7.0 PROJECT RELATED IMPACTS

7.1 APPROACH TO THE ANALYSIS

The following discussion examines the potential impacts to plant and wildlife resources that may occur as a result of implementation of the Project site. For the purpose of this assessment, project-related impacts take two forms, direct and indirect. Direct impacts are considered to be those that involve the loss, modification or disturbance of natural habitats (i.e., vegetation or plant communities), which in turn, directly affect plant and wildlife species dependent on that habitat. Direct impacts also include the destruction of individual plants or wildlife, which is typically the case in species of low mobility (i.e., plants, amphibians, reptiles, and small mammals). The collective loss of individuals in these manners may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and, hence, population stability.

Indirect impacts are considered to be those that involve the effects of increases in ambient levels of sensory stimuli (e.g., noise, light), unnatural predators (e.g., domestic cats and other non-native animals), and competitors (e.g., exotic plants, non-native animals). Indirect impacts may be associated with the construction and/or eventual habitation/operation of a project; therefore, these impacts may be both short-term and long-term in their duration. These impacts are commonly referred to as "edge effects" and may result in changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to study areas.

The determination of impacts in this analysis is based on both the proposed Project development plan and the biological values of the habitat and/or sensitivity of plant and wildlife species to be affected. Any recommended mitigation measures and conditions of approval are discussed in Section 8.0 below.

The biological values of resources within, adjacent to, and outside the area to be affected by the proposed Project were determined by consideration of several factors, as applicable. These included the overall size of habitats to be affected, the Project site's previous land uses and disturbance history, the Project site's surrounding environment and regional context, the on-site biological diversity and abundance, the presence of sensitive and special-status plant and wildlife species, the Project site's importance to regional populations of these species, and the degree to which on-site habitats are limited or restricted in distribution on a regional basis and, therefore, are considered sensitive in themselves. Whereas this assessment is comprehensive, the focus is on sensitive plant communities/habitats, resources that play an important role in the regional biological systems, and special-status species.

7.2 IMPACT ANALYSIS

7.2.1 Impacts to Sensitive Species

Threshold BIO-A: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Wildlife Service?

Less than Significant

7.2.1.1 Sensitive Plant Species

Development of the Project site would result in the direct removal of numerous common plant species; a list of plant species observed within the Project site is included in **Appendix A**. Common plant species present within the Project site occur in large numbers throughout the region and their removal does not meet the significance thresholds defined in Section 6.0, *Thresholds of Significance* above. Therefore, impacts to common plant species would be considered a less than significant impact and no mitigation measures would be required.

As discussed in Section 4.8.3, *Sensitive Plant Species*, only one species with sensitivity was observed on the Project site, Fish's milkwort. This species is a CNPS List 4.3. List 4 species are classified as 'Plants of limited distribution – a watch list', and a threat rank of .3 is classified as 'Not threatened in California very threatened in California (less than 20% occurrences threatened/low degree and immediacy of threat or no current threats known)'. Only a single specimen of Fish's milkwort was observed, in the central portion of the Project site outside of any building pad but within the Zone C fuel modification area. This species is considered locally rare within the Santa Monica Mountains. Based on the minimal on-site impacts and the CNPS listing of 4.3, impacts to one Fish's milkwort would be considered a less than significant impact and no mitigation measures would be required. No other sensitive plant species were observed on-site.

7.2.1.2 Sensitive Wildlife Species

Development of the Project site would result in the disruption and removal of habitat and the loss and displacement of non-sensitive common wildlife species. A list of wildlife species observed within the Project site is included in **Appendix A**. Due to the high level of existing disturbance from existing graded building pad activities on-site, and the preservation of habitat within open space areas adjacent to the Project site, these impacts would not be expected to reduce the general wildlife populations below self-sustaining levels within the region, and impacts to non-sensitive wildlife species do not meet the significance thresholds defined in Section 6.0, *Thresholds of Significance* above. Therefore, impacts to common wildlife species would be considered less than significant impact and no mitigation measures would be required.

Threatened and Endangered Species: None of the threatened and endangered wildlife species discussed in Section 4.8.4, *Sensitive Wildlife Species* and/or listed in **Appendix C**, are expected to occur within the Project site due to the lack of suitable habitat.

Species of Special Concern and Other Sensitive Species: Two sensitive species of special concern, the turkey vulture and oak titmouse, were observed on-site. Several other species were considered to have

potential to occur, including a low potential for 11 species (Santa Monica shieldback katydid, San Bernardino ringneck snake, San Diego mountain kingsnake, coast horned lizard, pallid bat, western mastiff bat, western red bat, hoary bat, western small-footed myotis, Yuma myotis, and American badger), a moderate potential for three species (Santa Monica grasshopper, Southern California rufous-crowned, and Bell's sage sparrow), and a high potential for two species (coastal western whiptail, Cooper's hawk and San Diego desert woodrat). The habitat loss for these species as a result of the Project would not be expected to impact their continued existence on the site. This is due to the avoidance of direct habitat impacts on-site and the presence of open space areas adjacent to the Project site. For the species of special concern, namely San Diego mountain kingsnake, coast horned lizard, pallid bat, western mastiff bat, San Diego desert woodrat and American badger, impacts would be considered adverse but less than significant with the proposed direct habitat avoidance, exclusive of fuel modification, and no mitigation measures would be required.

Of the six bat species documented in CNDDB, all have low probability for the potential to roost on the Project site based on the presence of suitable habitat. The Project will avoid all potential impacts to any roosts because no trees will be removed. Species such as the western mastiff bat, western yellow bat, and other species have the potential to forage over the open areas of the site, but not roost. As discussed above, the habitat loss as a result of the Project would not be expected to impact continued foraging on-site by bats due to the proposed direct habitat avoidance.

Migratory Birds: As previously discussed in Section 4.8.4, *Sensitive Wildlife Species*, the site supports potential nesting and foraging habitat for migratory birds, in addition to potential open foraging habitat for raptors. Nesting habitat consists primarily of woodland and shrub areas totaling approximately 6.9 acres or 45 percent of the total site acreage (including 0.93 acre of Parcel 5), consisting of 3.01 acres of coast live oak woodland, 3.39 acres of chamise chaparral, and 0.47 acre of birchleaf mountain mahogany/greenbark ceanothus chaparral. Of this, approximately 6.74 acres, or 98 percent, of the total woodland and scrub habitat will avoid direct impact but will be impacted by the fuel modification plan.

Foraging habitat consists primarily of disturbed/chamise shrubland association and ruderal areas totaling approximately 4.2 acres or 27 percent of the total site. Of this, approximately 3.8 acres, or 90 percent, of the total grassland and ruderal areas will be impacted by Project implementation.

Based on the proposed direct avoidance of approximately 98 percent of potential nesting habitat that is contiguous with off-site open space areas, the loss of habitat as a result of the Project would not be expected to impact migratory bird species. However, fuel modification will impact nearly all of the on-site birch leaf mountain mahogany/greenbark ceanothus chaparral (0.45 acre) and chamise chaparral (3.25 acres), and most (2.7 acres) of the coast live oak woodland, even if components of these habitats will remaining within the Zone C of the fuel modification plan. Therefore, impacts to foraging habitat would be considered significant without consideration for compliance with the requirements of MBTA and California Fish and Game Code Section 3503, 3503.5 and 3513. Direct impacts to the migratory and nest bird species would be avoided through compliance with the MBTA and the Fish and Game Code.

7.2.2 Impacts to Sensitive Plant Communities

Threshold BIO-B: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?

Less than Significant

The Project site does support sensitive plant communities. Therefore, no impacts to sensitive plant communities would occur. are proposed to the walnut woodland on-site, which will be avoided within open space areas, as summarized in **Table 4**, *Permanent Impacts to Natural Plant Communities and Disturbed Areas* and depicted in **Figure 7**, *Impacts to Plant Species*. Impacts to sensitive plant communities would be considered adverse but less than significant with the proposed direct habitat avoidance, exclusive of fuel modification, and no mitigation measures would be required.

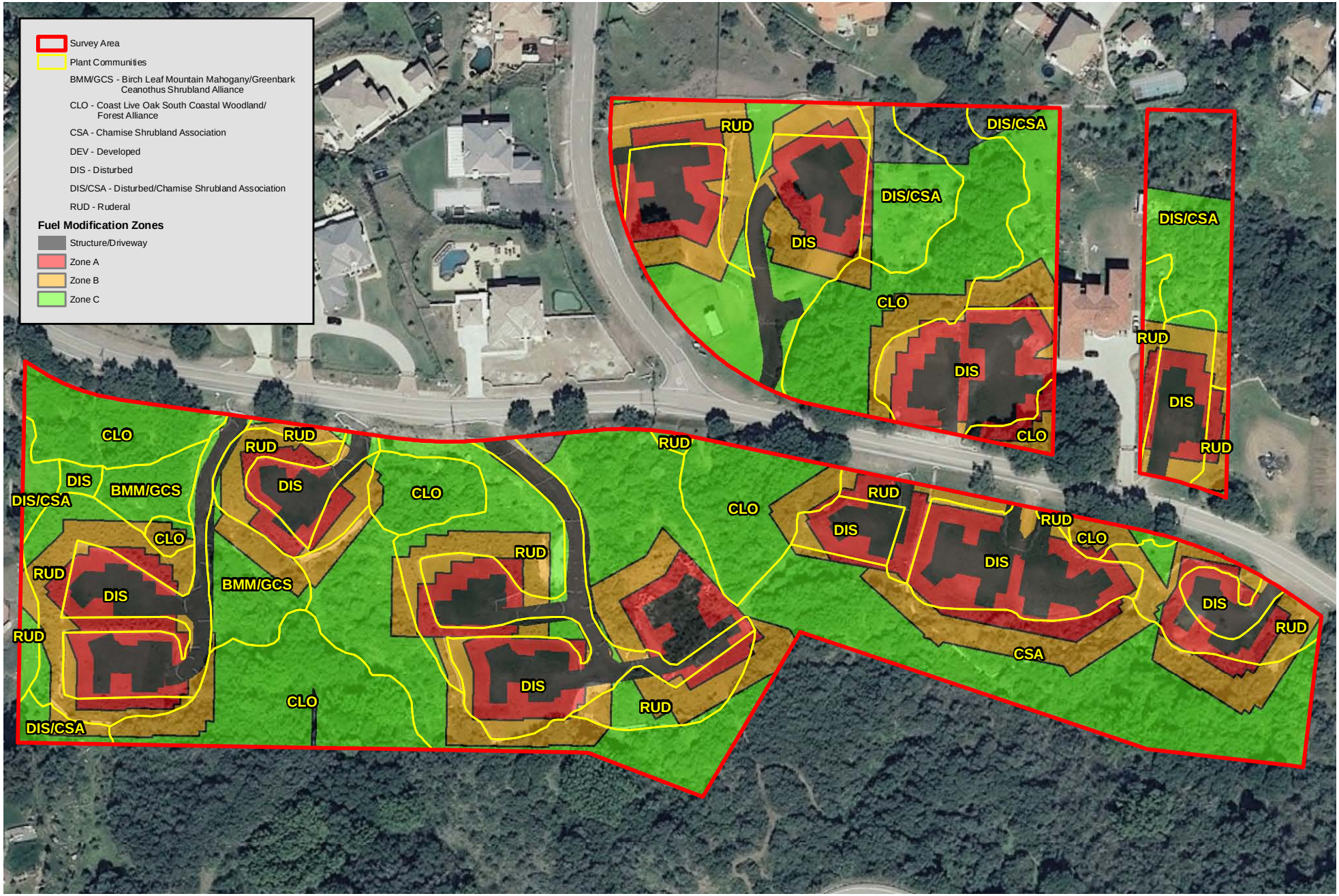
Table 4

Permanent Impacts to Natural Plant Communities and Disturbed Areas

Plant Community	Direct Impacts (Acres)	Fuel Mod Impact (Acres)
Coast Live Oak South Coastal Woodland/ Forest Alliance	0.004	2.74
Birch Leaf Mountain Mahogany/Greenbark Ceanothus Shrubland Alliance	0.015	0.46
Chamise Shrubland Association	0.113	3.25
Disturbed/Chamise Shrubland Association	0.0	1.04
Disturbed	1.99	2.52
Ruderal	0.116	2.69
Developed	0.52	0.0
Total	**2.645**	**12.70**

Source: PCR Services Corporation, 2012.

The Project site does not support riparian habitat, but does support drainages that are considered jurisdictional pursuant to CDFG. No direct impacts are proposed to these jurisdictional drainages, although compliance with permit requirements maybe necessary depending on the design of the bridge to access driveways for Parcels 21 and 22. The Project proposes to avoid direct impacts by placing the footing of the bridge outside of both USACE and CDFG jurisdictional areas.



PCR

N

0 150 300 Feet

Impacts to Plant Communities

Monte Nido

Source: Aerial Express, 2010; PCR Services Corporation, 2012.

FIGURE

7

This page is intentionally blank.

7.2.3 Impacts to Wetlands

Threshold BIO-C: Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant

No federally protected wetlands occur on-site. The Project site does, however, support non-wetland, ephemeral USACE/RWQCB "waters of the U.S." that are regulated pursuant to Section 404 and 401 of the Clean Water Act. No direct impacts are proposed to USACE jurisdictional areas. Because impacts are considered to not occur through avoidance, impacts would be less than significant.

7.2.4 Impacts to Wildlife Movement and Migratory Species

Threshold BIO-D: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery areas?

Less than Significant

7.2.4.1 Wildlife Movement

As described in Section 4.5.2 above, the Project site supports potential live-in and movement habitat for species on a local scale (i.e., some limited live-in and at least marginal movement habitat for reptile, bird, and mammal species), but it likely provides little to no function to facilitate wildlife movement for wildlife species on a regional scale, and is not identified as a regionally important dispersal or seasonal migration corridor. Movement on a local scale likely occurs with species adapted to more disturbed environments due to the high level of cattle ranching activity on-site and development in the vicinity of the Project site. Although implementation of the Project would result in disturbances to local wildlife movement within the Project site, those species adapted to disturbed areas would be expected to persist on-site following construction, particularly within the proposed open space areas. As such, impacts would be less than significant and no mitigation measures would be required. Since the Project site does not function as a regional wildlife corridor and is not known to support wildlife nursery area(s), no impacts would occur and no mitigation measures would be required.

7.2.4.2 Migratory Species

The Project site has the potential to support songbird nests due to the presence of shrubs and trees. Nesting activity typically occurs from February 15 (January 15 for raptors) to August 31. Disturbing or destroying active nests is a violation of the MBTA (16 U.S.C. 703 et seq.). In addition, nests and eggs are protected under Fish and Game Code Section 3503. The removal of vegetation during the breeding season is considered a potentially significant impact as defined by the thresholds of significance (Threshold BIO-D) in Section 6.0 above. Any potential impacts to raptor and songbird nests would be considered potentially significant. Compliance with the MBTA would reduce impacts to a less than significant level.

7.2.5 Consistency with Local Policies and Ordinances

Threshold BIO-E: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant

The Project site lies within the Coastal Zone and must comply with the requires of the project Coastal Development Permit (CDP 5-83-4). In addition, the individual residences must comply with the policies of the Malibu Coastal Land Use Plan and the Table 1 development standards. Setbacks from ESHA will be less than 100 feet in some locations, which is authorized under the special conditions of the CDP 5-83-4, which set a lesser setback of 50 feet for the project. Parcel 6 shows a setback of only 80 feet from the mapped ESHA, which was mismapped in the 1986 plan. The residence on Parcel 6 is proposed to be located 150 feet from the drainage to the east of the property and flows within the northeast corner of the parcel. Similarly, Parcel 13 development would be setback only 60 feet of the mapped ESHA, which in this location is mapped over Piuma Road. The actual development setback for Parcel 13 from the drainage course to the east is 180 feet. Parcel 19 will have development setback about 130 feet from the mapped ESHA on the western portion of the project site. Parcel 18 development will be setback about 120 feet from the mapped ESHA. Parcel 20 proposes a development setback of 85 feet from the mapped ESHA, which is in compliance with the CDP Special Condition. Parcel 21 proposed a building development setback of 90 feet. Parcel 22 will have a building setback of approximately 35 feet from the mapped ESHA. Compliance with the Special Conditions of CDP 5-83-4 and the general provisions of the policies of the Malibu Coastal Land Use Plan would reduce impacts to a less than significant level.

7.2.6 Consistency with Adopted Natural Community Conservation Plan

Threshold BIO-F: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact

The Project does not occur within the limits of any adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan. As such, no impacts will occur.

8.0 MITIGATION MEASURES AND CONDITIONS OF APPROVAL

8.1 APPROACH

Mitigation measures are recommended for those impacts determined to be significant to sensitive biological resources. Mitigation measures for impacts considered to be "significant" were developed in an effort to reduce such impacts to a level of "insignificance," while at the same time allowing an opportunity to realize development goals under the Westgate Specific Plan. As stated in CEQA Guidelines Section 15370 mitigation includes:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments.

Where compliance with existing regulations and the issuance of permits by regulatory agencies would reduce impacts to a less than significant level, those measures are proposed as conditions of approval.

8.2 MITIGATION MEASURES AND CONDITIONS OF APPROVAL FOR SIGNIFICANT IMPACTS

The following mitigation measures address potentially significant impacts from the proposed Project.

8.2.1 Measures to Mitigate Potentially Significant Impacts to Jurisdictional Features

COA BIO-4 Prior to the issuance of any grading permit for permanent impacts in the areas designated as jurisdictional features, the project applicant shall obtain a CWA Section 404 permit from the USACE, a CWA Section 401 permit from the RWQCB, and Streambed Alteration Agreement permit under Section 1602 of the California Fish and Game Code from the CDFG, where the project warrants. The only portion of the project considered to fall within this possibility is the proposed bridge to access Parcels 21 and 22 in the southwestern portion of the Project site..

8.2.2 Measures to Mitigate Potentially Significant Impacts to Migratory or Nesting Birds

MM BIO-5 Prior to the issuance of any grading permit that would require removal of potential habitat for raptor and songbird nests, the project applicant shall demonstrate to the satisfaction of the County of Los Angeles and the Coastal Commission that either of the following have been or will be accomplished.

1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the greatest extent feasible, to avoid potential impacts to nesting birds.

2. It is recommended that if activities associated with construction or grading are planned during the bird nesting/breeding season, generally January through March for early nesting birds (e.g., Cooper's hawks or hummingbirds) and from mid March through September for most bird species, the applicant have a qualified biologist conduct surveys for any and all active nests. Pre-construction nesting bird surveys should be conducted weekly, within 30 days prior to initiation of ground-disturbing activities to determine the presence of active nests. The surveys should continue on a weekly basis with the last survey being conducted no more than three days before the start of clearance/construction work. Surveys should include examination of trees, shrubs, and the ground, within grasslands, for nesting birds, as several bird species known to the area are shrub or ground nesters, including mourning doves. If ground-disturbing activities are delayed, additional pre-construction surveys are recommended so that no more than three days will have elapsed between the survey and ground-disturbing activities.

   It is recommended that, if active nests are located during pre-construction surveys, clearing and construction activities within 50 feet of the nest (100 feet for raptors) be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest should be established in the field with flagging, fencing, or other appropriate barriers and construction personnel should be instructed on the sensitivity of nest areas. The biologist should serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. It is recommended that the results of the survey, and any avoidance measures taken, be submitted to the CDFG within 30 days of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

9.0 REFERENCES

American Ornithologists' Union. 1998. *The American Ornithologists' Union Checklist of North American Birds. 7th Edition*. American Ornithologists' Union, Washington, D.C. June.

Baldwin, B. G., Editor. 2012. The Jepson Manual: Vascular Plants of California, Second Edition. University of California Press, Berkeley, California

Bennett, A. F. 1990. *Habitat Corridors and the Conservation of Small Mammals in a Fragmented Forest Environment*. Landscape Ecol. 4:109-122.

California Department of Fish and Game (CDFG) and the California Native Plant Society (CNPS). 2006. *Vegetation Classification of the Santa Monica Mountains National Recreation Area and Environs in Ventura and Los Angeles Counties, California.* Sacramento, California. January 2006.

California Department of Fish and Game (CDFG). 2009. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. State of California, California Natural Resources Agency. November 24, 2009.

California Department of Fish and Game (CDFG). 2010. *List of Vegetation Alliances and Associations*. Vegetation Classification and Mapping Program, California Department of Fish and Game. Sacramento, CA. September 2010.

California Department of Fish and Game (CDFG). 2012. *California Natural Diversity Database* (available by subscription) and *Rarefind*. CDFG: Sacramento, California. July 2012.

California Native Plant Society (CNPS). 2012. *Inventory of Rare and Endangered Plants of California*. California Native Plant Society: available online (http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi).

County of Los Angeles. 1986. Malibu Local Coastal Program, Land Use Plan.

Environmental Laboratory. 1987. *U.S. Army Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.

Fahrig, L. and G. Merriam. 1985. *Habitat Patch Connectivity and Population Survival*. Ecology. 66:1762-1768.

Harris, L. D. and P. B. Gallagher. 1989. New Initiatives for Wildlife Conservation: The Need for Movement Corridors. Pages 11-34 in G. Mackintosh, ed. *Preserving Communities and Corridors*. Defenders of Wildlife. Washington D.C. 96 pp.

Jameson, Jr., E. W., and H. J. Peeters. 1988. *California Mammals*. Berkeley: University of California Press.

Los Angeles County Sensitive Bird Species Working Group. 2009. Los Angeles County's Sensitive Bird Species. Western Tanager 75(3): 1-16. January-February 2009.

MacArthur, R. M. and E. O. Wilson. 1967. *The Theory of Island Biogeography*. Princeton University Press: Princeton, New Jersey.

Munz, P. A. 1974. *A Flora of Southern California*. Berkeley: University of California Press.

Noss, R. F. 1983. *A Regional Landscape Approach to Maintain Diversity*. BioScience. 33:700-706.

Natural Resources Conservation Service (NRCS). 2012. Web Soil Survey. Online: http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.

Raven, Peter, H. Thompson and B. Prigge. 1986. Flora of the Santa Monica Mountains, second edition. Southern California Botanists, Special Publication No. 2.

Sawyer, John O., T. Keeler-Wolf, and J. Evens. 2009. *A Manual of California Vegetation, Second Edition*. Sacramento: California Native Plant Society.

Simberloff, D. and J. Cox. 1987. *Consequences and Costs of Conservation Corridors*. Conserv.Biol. 1:63-71.

Soulé, M. E. 1987. *Viable Populations for Conservation*. Sinaur Associates Inc., Publishers, Sunderland, Massachusetts.

South Coast Wildlands. 2008. *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion*. South Coast Wildlands, Idyllwild, CA. www.scwildlands.org. March 2008.

Stebbins, R. C. 2003. *A Field Guide to Western Reptiles and Amphibians Third Edition.* Boston: Houghton-Mifflin.

U.S. Army Corps of Engineers (USACE). 2008a. *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Unites States*. Technical Report TR-08-12, Ed. R.W. Lichvar, S.M. McColley. Hanover, New Hampshire: Cold Regions Research and Engineering Laboratory. August 2008.

U.S. Army Corps of Engineers (USACE). 2008b. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)*. Ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERCD/EL TR-06-16. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

U.S. Fish and Wildlife Service (USFWS). 2012. Critical Habitat Mapping. Critical Habitat Portal, USFWS. Online: http://criticalhabitat.fws.gov/crithab/

U.S. Fish and Wildlife Service (USFWS). 2000. *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants*. United States Fish and Wildlife Service. January 2000.

PCR Irvine
One Venture
Suite 150
Irvine, California 92618
tel 949.753.7001
fax 949.753.7002
PCRinfo@pcrnet.com

PCR Santa Monica
201 Santa Monica Boulevard
Suite 500
Santa Monica, California 90401
tel 310.451.4488
fax 310.451.5279
PCRinfo@pcrnet.com

PCR Pasadena
80 South Lake Avenue
Suite 570
Pasadena, California 91101
tel 626.204.6170
fax 626.204.6171
PCRinfo@pcrnet.com