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**Biological Resource Evaluation
and
Special-Status Plant Survey Results**

**Crummer Project Site,
City of Malibu, California**

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1.0

SUMMARY

One CNPS List 4 plant species (Catalina mariposa lily [Calochortus catalinae]) was observed on the site during the focused plant survey. No other special-status plant species were observed on site. Native chaparral and sage scrub habitat occurs on the project site for potentially supporting six special-status animal species: California mountain kingsnake (Lampropeltis zonata pulchra), coast (San Diego) horned lizard (Phrynosoma coronatum blainvilli), coast patch-nosed snake (Salvadora hexalepis virgultea), Southern California rufous-crowned sparrow (Aimophila ruficeps canescens), Bell's sage sparrow (Amphispiza belli belli), and San Diego Desert woodrat (Neotoma lepida intermedia). However, no special-status wildlife species were observed on site during the time of the surveys.

The extent of the site has the potential to host many breeding bird species, including raptors; therefore, a qualified biologist should conduct a pre-construction nesting bird survey no later than three days prior to the commencement of ground disturbing activities on the site. Two ephemeral drainages, flowing generally north to south directly through the project, drain to the Pacific Ocean. Prior to any activities that may impact the on-site ephemeral drainages, a jurisdictional delineation should be conducted to determine whether on-site ephemeral drainages are considered jurisdictional and, if so, the exact extent/boundary of agency jurisdiction.

2.0

INTRODUCTION

The purpose of this report is to identify those biological resources that may pose a constraint to the development of the Crummer site (site), and to disclose whether any special-status plant species occur on the site or have the potential to occur on the site based on a focused plant survey that was conducted by Impact Sciences in May 2006. Impact Sciences biologists evaluated the potential of on site and adjacent habitats for supporting special-status plant and/or animal species, and whether any trees under the protection of the City of Malibu are located on the site. In addition, biologists identified whether the site could serve as an important regional wildlife movement corridor or habitat linkage to other open space areas, and whether any potential jurisdictional resources under the protection of the ACOE, the CDFG, the City of Malibu, and/or the RWQCB potentially occur on the site.

A preliminary biological resource evaluation formed the basis of identifying whether any focused surveys should be conducted on the site. As a result of conducting this evaluation, several potentially occurring special-status plant species were identified; therefore, Impact Sciences conducted a subsequent presence/absence plant survey on the site. Thus, this report also includes the methods and findings of the focused plant survey conducted on the site. It should be noted that as a result of conducting the initial biological constraints evaluation, the preparation of a formal jurisdictional delineation report (JDR) was recommended; however, the JDR is provided in a separate report. As indicated in **Section 6.0, Potential Constraints/Recommendations**, no other focused surveys or reports were suggested.

3.0 EXISTING CONDITIONS

3.1 General

The Crummer site is located in the City of Malibu, at the junction of the Pacific Coast Highway and Malibu Canyon Road (**Figure 1, Site Vicinity and Project Location**). Native chaparral and sage scrub plant communities are located on the steep downward slopes along the northern, southern and eastern boundaries of the site. Pacific Coast Highway borders the site to the north, an automobile towing facility occurs to the east, and residences and Amarillo Beach occur to the south. Immediately to the west is Winter Mesa Drive, beyond which is the Malibu Bluffs State Recreational Area.

The topography of the site is generally flat, with steep downward slopes to the south and east. Soils on the site are sandy and friable. The site is considered disturbed due to previous weed abatement activities. In addition, there are two ephemeral drainages located along the southern portion of the site that extend in a north to south direction and drain downward to the south. Photographs of the project site and these drainage features are provided in **Figure 2, Site Photos 1 & 2**.



SOURCE: Google Earth – 2006, Impact Sciences, Inc. – June 2006

FIGURE 1

Site Vicinity and Project Location



Photo 1 – View to the south from top of westernmost drainage



Photo 2 – View to the south from top of easternmost drainage

SOURCE: Impact Sciences, Inc. – June 2006

FIGURE 2



Site Photos 1 & 2

3.2 On-Site Plant Communities

Vegetation nomenclature used to describe plant communities is based on the CDFG's *List of California Terrestrial Natural Communities* (CDFG 2003) where applicable. Common plant names are taken from J.C. Hickman (1993).

Vegetation on the site can be characterized as Non-native Grassland, dominated by non-native grass and weed species. Dominant plants observed within this community include: wild oats (*Avena fatua*), ripgut brome (*Bromus diandrus*), foxtail fescue (*Vulpia myuros*), black mustard (*Brassica nigra*), totalote (*Centaurea melitensis*), and sweet fennel (*Foeniculum vulgare*). A few scattered native plant species were observed within this community as well, which include: telegraph weed (*Heterotheca grandiflora*), purple needlegrass (*Nassella pulchra*), and narrow-leaved milkweed (*Asclepias fascicularis*).

Within the two ephemeral drainages on the site, the vegetation is primarily Coastal Sage Chaparral Scrub, dominated by laurel sumac (*Malosma laurina*), coyote brush (*Baccharis pilularis*), black sage (*Salvia mellifera*), purple sage (*Salvia leucophylla*), and California sagebrush (*Artemisia californica*). Several small Mexican elderberry (*Sambucus mexicana*) and willow (*Salix* sp.) trees were observed within the drainages as well. This plant community forms a dense canopy, allowing for few plants to grow in the understory.

Furthermore, a number of toyon and California walnut trees were observed within the on-site ephemeral drainages that occur on the site.

3.3 Wildlife Movement Corridors

Wildlife movement corridors are linear landscape elements that serve as linkages between historically connected habitat/natural areas, thereby facilitating wildlife movement between these natural areas. Because the site occurs in an area of urban development to the south, with a tow yard to the east, as well as the Pacific Coast Highway to the north, migration or movement of mammalian species to and from large open space areas in the region is not expected to occur through the project site.

4.0 METHODOLOGY

In order to assess all habitat areas on the site, Impact Sciences biologists walked the extent of the site from Pacific Coast Highway to the north and Malibu Canyon Road to the west, to the southern and eastern boundaries of the site. Prior to visiting the site, a query of the CDFG's California Natural Diversity Database (CNDDDB) (CDFG 2006) and California Native Plant Society database (CNPS 2006) was conducted to identify special-status plant or animal species previously recorded in the area. The CNDDDB lists historical and recently recorded occurrences of both special-status plant and animal species, and the

CNPS database lists historical and recent occurrences of special-status plant species. The areas searched include the U.S. Geological Survey (USGS) 7.5-minute quadrangle for Malibu Beach (project location), as well as the surrounding eight USGS quadrangles.

The potential for special-status species to occur on the project site is based on the proximity of the site to recorded occurrences in the CNDDDB and CNPS databases, on-site vegetation and habitat quality, topography, elevation, soils, surrounding land uses, habitat preferences, and geographic ranges of special-status plant and animal species known to occur in the region, as well as a 1999 Biological Due Diligence Survey conducted on the site by BonTerra Consulting.

To accurately determine whether potentially occurring special-status plants are present on the site (see, **Table 1, Special-Status Plant Species With Potential to Occur on the Crummer Project Site**, which appears later in this document), presence/absence surveys were conducted during the appropriate blooming period for each plant species with the potential to occur. The methodology used for performing focused surveys followed the CDFG's 2000 *Guidelines For Assessing The Effects Of Proposed Projects on Rare, Threatened, and Endangered Plants and Plant Communities (Guidelines)*, and the CNPS 2001 Policy on *Botanical Survey Guidelines of the California Native Plant Society*.

Two qualified biologists performed the presence/absence plant survey on May 3, 2006. Biologists walked transects spaced at approximately 20 feet apart for 100 percent visual coverage in areas where special-status plants may occur.

5.0 RESULTS

5.1 Special-Status Plant Survey

No special-status plants previously recorded in the project vicinity were observed on the Crummer site during focused surveys conducted during the appropriate blooming periods. **Table 1** lists those special-status plant species that have been previously recorded in the project vicinity based on a review of the CNDDDB and CNPS databases and have the potential to occur on the site. The non-native grassland that covers the majority of the site, as well as the general disturbed condition of the site are not considered suitable habitat for supporting potentially occurring special-status plant species; however, the slopes covered with native chaparral and sage scrub plant communities along the northern, eastern and southern boundaries of the site contain suitable habitat for several potentially occurring special-status plant species. Several Catalina mariposa lilies (*Calochortus catalinae*) were observed in the Mixed Sage Scrub vegetation located along the eastern boundary of the site. Catalina mariposa lily is a CNPS list 4 plant species (i.e., plants of limited distribution – watch list), which does not have a recorded occurrence

by CNDDDB or CNPS within the vicinity of the site. The plants were observed in association with purple sage, black sage, California buckwheat, and purple needlegrass.

Table 1
Special-Status Plant Species with Potential to Occur on the Crummer Project Site

Common Name and Scientific Name	Status			Habitat Requirements	Potential for Occurrence and Survey Results
	Federal	State	CNPS		
Braunton's milk-vetch <i>Astragalus brauntonii</i>	FE	--	1B.1	Occurs in chaparral, coastal sage scrub, valley and foothill grasslands, recent burns, or disturbed areas. Found on stiff gravelly soils overlying granite and limestone, below 1,500 feet above mean sea level (msl).	Suitable coastal sage scrub, grassland, and chaparral habitat exists along the southern and eastern boundaries (including the ephemeral drainages), and disturbed grassland occurs on the site. This species was not observed during focus surveys conducted on the proposed development portions of the site.
Plummer's mariposa lily <i>Calochortus plummerae</i>	--	--	1B.2	Rocky and sandy sites, usually of granitic or alluvial material, within coastal sage scrub, chaparral, valley and foothill grassland, and forests and woodlands; between approximately 295–5,280 feet msl.	Suitable coastal sage scrub, grassland, and chaparral habitat exists within the southern and eastern boundaries (including the ephemeral drainages, and disturbed grassland occurs on the site. This species was not observed during focus surveys conducted on the proposed development portions of the site.
San Fernando Valley spineflower <i>Chorizanthe parryi</i> var. <i>fernandina</i>	FSC	SE	1B.1	Sandy soils within coastal sage scrub between approximately 1,000–3,600 feet msl.	Although the site is just out of this plant's elevation range, suitable coastal sage scrub habitat exists within the southern and eastern boundaries (including the ephemeral drainages). This species was not observed during focus surveys conducted on the proposed development portions of the site.

Common Name and Scientific Name	Status			Habitat Requirements	Potential for Occurrence and Survey Results
	Federal	State	CNPS		
Parry's spineflower <i>Chorizanthe parryi</i> var. <i>parryi</i>	FSC	--	3.2	Occurs in coastal sage scrub and chaparral (flat dry slopes and sandy soils).	Suitable coastal sage scrub and chaparral habitat exists within the southern and eastern boundaries (including the ephemeral drainages. This species was not observed during focus surveys conducted on the proposed development portions of the site.
Dune larkspur <i>Delphinium parryi</i> ssp. <i>blochmaniae</i>	--	--	1B.2	Occurs on sandy and rocky soils in chaparral and coastal maritime dune habitats.	Suitable chaparral habitat exists within the southern and eastern boundaries (including the ephemeral drainages. This species was not observed during focus surveys conducted on the proposed development portions of the site.
Chaparral nolina <i>Nolina cismontana</i>	--	--	1B.2	Occurs in chaparral and coastal sage scrub habitats on sandstone, shale, and gabbro substrates.	Suitable coastal sage scrub and chaparral habitat exists within the southern and eastern boundaries (including the ephemeral drainages. This species was not observed during focus surveys conducted on the proposed development portions of the site.

STATUS KEY:

Federal

FE = Federally Endangered

FSC = Federal Species of Concern

State

SE = State Endangered

CNPS

List 1B = plants Rare, Threatened, Endangered in California and elsewhere

List 3 = more information is needed about this species

.1 = seriously Endangered in California

.2 = fairly Endangered in California

.3 = not very Endangered in California

Table 2, Plant Species Observed on and Adjacent to the Crummer Project Site, is a cumulative list of plant species observed on the Crummer project site.

Table 2
Plant Species Observed On and Adjacent to the Crummer Project Site

Scientific Name	Common Name	Native (Yes/No)
AIZOACEAE	FIG-MARIGOLD FAMILY	
<i>Carpobrotus edulis</i>	Iceplant	No
ANACARDIACEAE	CASHEW FAMILY	
<i>Malosma laurina</i>	Laurel sumac	Yes
<i>Rhus ovata</i>	Sugarbush	Yes
APIACEAE	CARROT FAMILY	
<i>Foeniculum vulgare</i>	Sweet fennel	No
ASCLEPIADACEAE	MILKWEED FAMILY	
<i>Asclepias fascicularis</i>	Narrow-leaved milkweed	Yes
ASTERACEAE	SUNFLOWER FAMILY	
<i>Ambrosia psilostachya</i>	Western ragweed	Yes
<i>Artemisia californica</i>	California sagebrush	Yes
<i>Baccharis pilularis</i>	Coyote brush	Yes
<i>Baccharis salicifolia</i>	Mulefat	Yes
<i>Carduus pycnocephalus</i>	Italian thistle	No
<i>Centaurea meliensis</i>	Star thistle	No
<i>Conyza canadensis</i>	Horseweed	Yes
<i>Coreopsis gigantea</i>	Giant coreopsis	Yes
<i>Encelia californica</i>	California brittlebush	Yes
<i>Eriophyllum confertiflorum</i>	Golden Yarrow	Yes
<i>Gnaphalium californica</i>	Cudweed	No
<i>Hazardia squarrosa</i>	Common hazardia	Yes
<i>Heterotheca grandiflora</i>	Telegraph weed	Yes
<i>Stephanomeria virgata</i>	Twiggy wreath plant	Yes
BRASSICACEAE	MUSTARD FAMILY	
<i>Brassica nigra</i>	Black mustard	No
<i>Raphanus sativus</i>	Wild radish	No
CAPRIFOLIACEAE	HONEYSUCKLE FAMILY	
<i>Sambucus mexicana</i>	Mexican elderberry	Yes
CHENOPODIACEAE	GOOSEFOOT FAMILY	
<i>Chenopodium album</i>	Pigweed	No
CONVOLVULACEAE	MORNING-GLORY FAMILY	
<i>Ipomoea purpurea</i>	Common morning-glory	No
CUCURBITACEAE	GOURD FAMILY	
<i>Marah macrocarpus</i>	Wild cucumber	Yes
FABACEAE	LEGUME FAMILY	
<i>Lotus scoparius</i>	Deerweed	Yes
<i>Melilotus officinalis</i>	Yellow sweet clover	No
GERANIACEAE	GERANIUM FAMILY	
<i>Erodium cicutarium</i>	Red-stemmed filaree	Yes
HYDROPHYLLACEAE	WATERLEAF FAMILY	
<i>Phacelia</i> sp.	<i>Phacelia</i> sp.	Yes
JUGLANDACEAE	WALNUT FAMILY	
<i>Juglans californica</i> var. <i>californica</i>	Southern California black walnut	Yes

Scientific Name	Common Name	Native (Yes/No)
LAMIACEAE	MINT FAMILY	
<i>Marubrium vulgare</i>	Horehound	No
<i>Salvia leucophylla</i>	Purple sage	Yes
<i>Salvia mellifera</i>	Black sage	Yes
MYRTACEAE	MYRTLE FAMILY	
<i>Eucalyptus</i> sp.	Eucalyptus species	No
ONAGRACEAE	EVENING PRIMROSE FAMILY	
<i>Clarkia purpurea</i> ssp. <i>quadrivulnera</i>	Winecup fairyfan	Yes
PLANTAGINACEAE	PLANTAIN FAMILY	
<i>Plantago lanceolata</i>	English plantain	No
POLYGONACEAE	BUCKWHEAT FAMILY	
<i>Eriogonum cinereum</i>	Ashy-leaved buckwheat	Yes
<i>Eriogonum fasciculatum</i>	California buckwheat	Yes
PRIMULACEAE	PRIMROSE FAMILY	
<i>Anagallis arvensis</i>	Scarlet pimpernel	No
ROSACEAE	ROSE FAMILY	
<i>Heteromeles arbutifolia</i>	Toyon	Yes
SALICACEAE	WILLOW FAMILY	
<i>Salix</i> sp.	Willow species	Yes
SCROPHULARACEAE	SNAPDRAGON FAMILY	
<i>Mimulus aurantiacus</i>	Bush monkey flower	Yes
SOLANACEAE	NIGHTSHADE FAMILY	
<i>Nicotina glauca</i>	Tree tobacco	No
<i>Solanum xanti</i>	Purple nightshade	Yes
ANGIOSPERMS		
MONOCOTYLEDONS		
IRIDACEAE	IRIS FAMILY	
<i>Sisyrinchium bellum</i>	Blue-eyed grass	Yes
LILIACEAE	LILY FAMILY	
<i>Bloomeria crocea</i>	Goldenstars	Yes
<i>Calachortus catalinae</i> *	Catalina mariposa lily	Yes
<i>Yucca whipplei</i>	Chaparral yucca	Yes
POACEAE	GRASS FAMILY	
<i>Avena fatua</i>	Wild oats	No
<i>Bromus diandrus</i>	Rippgut brome	No
<i>Bromus hordeaceus</i>	Soft brome	No
<i>Bromus madritensis</i> ssp. <i>rubens</i>	Red brome	No
<i>Leymus cinereus</i>	Giant wild rye	Yes
<i>Nassella pulchra</i>	Purple needle-grass	Yes
<i>Piptatherum miliaceum</i>	Smilo grass	No
<i>Vulpia myuros</i>	Foxtail fescue	No

*CNPS list 4 species

5.2 Native Trees

No native trees that are protected under the City of Malibu’s Native Tree Protection Ordinance were observed on the proposed development portions of the Crummer site. However, a number of toyon and California walnut trees were observed within the on-site ephemeral drainages that occur on the site.

5.3 Wildlife

No mammal species were observed during the site visits; however, the scat of a canine species, likely from a coyote (*Canis latrans*), was observed in the area of non-native grassland, and the following bird species were observed on the site: western scrub-jay (*Aphelocoma californica*), California quail (*Callipepla californica*), Anna’s hummingbird (*Calypte anna*), house finch (*Carpodacus mexicanus*), American crow (*Corvus brachyrhynchos*), song sparrow (*Melospiza melodia*), black phoebe (*Sayornis nigricans*), Say’s phoebe (*Sayornis saya*), European starling (*Sturnus vulgaris*), Bewick’s wren (*Thryomanes bewickii*), California thrasher (*Toxostoma redivivum*), and mourning dove (*Zenaida macroura*).

As previously described, the site visit did not include focused surveys for special-status animal species. A list of special-status animal species that have the potential to occur on site is provided below in **Table 3, Special-Status Animal Species with the Potential to Occur on the Site**. As previously indicated, the potential for special-status species to occur on the project site is based on the proximity of the site to recorded occurrences in the CNDDDB and CNPS databases, on-site vegetation and habitat quality, topography, elevation, soils, surrounding land uses, habitat preferences, geographic ranges of special-status plant and animal species known to occur in the region, as well as a 1999 Biological Due Diligence Survey conducted on the site by BonTerra Consulting.

**Table 3
Special-Status Animal Species with the Potential to Occur on the
Crummer Project Site**

Common Name Scientific Name	Status		Habitat	Development Constraint
	Federal	State		
California Mountain Kingsnake <i>Lampropeltis zonata pulchra</i>	None	SC	Occurs in coniferous forest, oak-pine woodlands, riparian woodland, chaparral, and coastal sage scrub; near sea level to 7,000 ft.	If present, potential significant impact under CEQA
Coast (San Diego) Horned Lizard <i>Phrynosoma coronatum blainvilli</i>	None	SC	Occurs in coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland, and coniferous forest on sandy soils, often in association with harvester ants. This species is commonly found on open ground within its habitat.	If present, potential significant impact under CEQA

Common Name <i>Scientific Name</i>	Status		Habitat	Development Constraint
	Federal	State		
Coast Patch-nosed Snake <i>Salvadora hexalepis virgultea</i>	None	SC	Occurs in coastal sage scrub and chaparral with open ground and rocky outcrops, often in sandy soils.	If present, potential significant impact under CEQA
Southern California Rufous-crowned Sparrow <i>Aimophila ruficeps canescens</i>	None	SC	Sparsely vegetated hillsides in coastal sage scrub, rocky slopes; often in association with California sagebrush (<i>Artemisia californica</i>).	If present, potential significant impact under CEQA
Bell's Sage Sparrow <i>Amphispiza belli belli</i>	None	SC	Occurs in shrublands near the coast, most often coastal sage scrub and chaparral.	If present, potential significant impact under CEQA
San Diego Desert Woodrat <i>Neotoma lepida intermedia</i>	None	SC	Coastal scrub with moderate to dense canopies, especially with rock outcrops and rocky cliffs and slopes.	If present, potential significant impact under CEQA

SC = California Species of Special Concern

Based upon the review of the CNDDDB database, our knowledge of both common and special-status animal species occurring in the project region, and our evaluation of habitats on the project site, Impact Sciences has determined that following six California Species of Special Concern have a low potential to occur on site: California mountain kingsnake (*Lampropeltis zonata pulchra*), coast (San Diego) horned lizard (*Phrynosoma coronatum blainvilli*), coast patch-nosed snake (*Salvadora hexalepis virgultea*), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Bell's sage sparrow (*Amphispiza belli belli*), and San Diego desert woodrat (*Neotoma lepida intermedia*).

Because the site has been previously disked and is predominantly covered with non-native weed species, the habitat quality on the site for supporting the aforementioned special-status animal species is considered low. However, the native chaparral and age scrub habitats located along the northern eastern and southern slopes are suitable for potentially supporting the six aforementioned species. The coast horned lizard and coast patch-nosed snake prefer loose sandy soils; therefore, habitat on the site for supporting these two species is considered poor, however, the habitat within the native plant communities has the potential to support these special-status species. The range of the coast patch-nosed snake has been greatly reduced due to disking operations and urban development (Online, <http://www.californiaherps.com/>, reviewed on 7/05/06); therefore, its presence on the site is unlikely, although, suitable habitat within the adjacent native plant communities is present.

Additionally, the slopes on the site that contain native vegetation have the potential to support the desert woodrat, California mountain kingsnake, Southern California rufous-crowned sparrow, and Bell's sage

sparrow. The habitat quality on the Crummer site for supporting these species is very low. The Southern California rufous-crowned sparrow and the Bell's sage sparrow could occur within areas of mixed chaparral and within the trees located on the northern boundary of the site; however, measures to avoid direct impacts on these avian species can be easily implemented (see, **Section 6.3 Raptor and Bird Nests**). The potential for the California mountain kingsnake to occur on or adjacent to the site is low, because the location of the site is within the edge of its known range and this species typically occurs at higher elevations within the Santa Monica Mountains.

6.0 POTENTIAL CONSTRAINTS/RECOMMENDATIONS

6.1 Special-Status Plant Species

Because the 2006 presence/absence plant survey was conducted during the appropriate blooming period for those special-status plant species previously recorded in the area, and because the extent of the site was traversed by foot in appropriate habitats for supporting special-status plant species; no special-status plant species are expected to occur on the project site. The Catalina mariposa lily was the only special-status plant species observed during the focused plant survey.

Development Constraint: No special-status plant species were observed on the site during the focused plant surveys conducted during the blooming period. As indicated above, several Catalina mariposa lilies (*Calochortus catalinae*) were observed in the Mixed Sage Scrub vegetation located along the eastern bluffs of the site. The Catalina mariposa lily is a CNPS list 4 species, a watch list for plants of limited distribution.

Recommendation: A qualified biologist should conduct a focused plant survey to determine if any special-status plant would be impacted. In some cases, if a CNPS list 4 species would be impacted by the proposed project, the plants and their plant parts (bulbs) may be relocated to an on-site mitigation area and maintained for a minimum of two years. In some cases, a minimum 2 to 1 mitigation ratio (two plants introduced for every plant impacted) may be utilized to offset impacts to such sensitive plants. Such on-site mitigation area(s) should be protected from potential direct or indirect impacts (i.e., domestic animals, hikers, etc.), and informative signage should be posted within public vantage points.

Furthermore, during construction activities, the ephemeral drainages and bluffs along the northern eastern and southern boundaries should be delineated with orange construction fencing to avoid potential construction impacts to native vegetation. A qualified biologist should approve installation of fencing and monitor construction activities to assure that no impacts occur within the areas containing native vegetation during grading and construction operations.

6.2 Special-Status Animal Species

No special-status animal species were observed during the site visits. As previously indicated, the slopes located along the northern, eastern and southern boundaries of the site contain suitable habitat for supporting six of the special-status animal species that have been previously recorded in the region of the towing site.

Development Constraint: As stated in **Table 3**, if a special-status animal species is determined to be present on the site, there may be a significance determination during the CEQA process. During that time, mitigation requirements would be established by the appropriate regulating agency (Lead Agency or Trustee Agency).

Recommendation: If special-status animals are determined to be present, a potential mitigation option may be to purchase mitigation credits from the Santa Monica Mountains Conservancy, if such credits are available.

Exclusionary fencing (e.g., silt fencing) should be installed between the development portions of the site and the southern and eastern slopes that contain native vegetation and suitable habitat for potentially occurring special-status species to reduce the potential for impacting an animal during construction activities. Prior to construction activities, a qualified biologist should perform a presence/absence survey within the proposed development areas to assure that no special-status animals are present on the project site. If a Species of Special Concern is observed on the site, it shall be relocated to adjacent suitable habitat areas by a biologist that has possession of a Scientific Collection Permit issued by the CDFG, and a Memorandum of Understanding with the CDFG. Weekly monitoring should be performed during the duration of ground disturbing activities to inspect whether any special-status animal species have moved onto the site. Furthermore, to avoid impacts to special-status bird species, a preconstruction survey should occur during the nesting season if construction would occur during such time. See **Section 6.3, Raptor and Native Bird Nests**, for further discussion of impacts to breeding birds.

6.3 Raptor and Native Bird Nests

The large eucalyptus trees that occur near the northwest and northeast boundaries of the site have the potential to host several breeding native bird and raptor species known to nest in the region. However, during the time of the site visits, no active nests or nesting raptors were observed.

Development Constraint: Breeding birds and their active nests are protected under the Fish and Game Code of California, the federal Migratory Bird Treaty Act, and the California Coastal Commission; therefore, impacts from grading and/or construction-related activities shall be avoided. As stated in the

Local Coastal Plan (LCP), the California Coastal Commission requires a formal raptor survey in areas with nesting habitat adjacent to an ESHA, if construction activities are to occur during the breeding season of February 1 to August 30.

Recommendation: Where an active bird nest is identified, CDFG *Guidelines* indicate that a 300-foot buffer (or 500-foot buffer for raptors and special-status bird species) should be established around an active nest until the nest is deemed inactive and there is no evidence of a second attempt of using the nest, as determined by a qualified biologist. The buffer area should be delineated with orange construction fencing, and a qualified biologist should verify installation.

The applicant shall have nest surveys conducted by a qualified biologist (e.g., experienced with the nesting behavior of bird species of the region) within 30 days of ground disturbances associated with construction or grading that would occur during the nesting/breeding season of a native bird species potentially nesting on site. The intent of the surveys would be to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 500 feet of the construction zone. The surveys shall be timed such that the last survey is concluded no more than three days prior to the initiation of vegetation clearance or construction work.

6.4 Native Tree Protection Ordinance

The City of Malibu protects the following native tree species: native oaks (*Quercus* sp.), California walnut (*Juglans californica*), western sycamore (*Platanus racemosa*), alder (*Alnus rhombifolia*), and toyon (*Heteromeles arbutifolia*). Native trees proposed for removal or impacts that have a diameter of 6 inches or greater when measured at 4.5 feet above the mean natural grade are protected by the City. In some cases, protected trees that are proposed for removal may be mitigated with replacement trees of the same species at a ratio of 10 to 1. As previously indicated, a number of toyon and California walnut trees were observed within the on-site ephemeral drainages; however, these drainages would not be impacted by the proposed project. No other native trees of the appropriate size and species were observed on site; therefore, a formal tree survey and protection plan may not be required.

6.5 Jurisdictional Resources

Two ephemeral drainages flow north to south directly through the project and drain to the Pacific Ocean. A jurisdictional delineation should be conducted to map the extent of the drainages to determine whether these drainages are under the jurisdictional of regulating agencies (i.e., CDFG, ACOE, or RWQCB). If development would impact the drainage, then pre-permit consultation with the regulating agencies is recommended to identify potential permitting issues and acceptable mitigation.

Development Constraint: Impacts to streams, drainages, and wetlands are regulated by Section 404 of the Clean Water Act, which provides jurisdiction over such waters to the ACOE. Streams, drainages, and wetlands are also protected by Section 1600 of the Fish and Game Code, which provides jurisdiction over streambeds and riparian corridors to the CDFG. Waters that fall under the jurisdiction of the ACOE are also regulated by the RWQCB, by Section 401 of the Clean Water Act. Additionally, impacts to jurisdictional water resources are considered potentially significant under CEQA and any impact to the waters or streambeds require the appropriate permits from the CDFG and/or, the ACOE, the RWQCB, and the City of Malibu.

Recommendation: Where it is determined that project activities will impact jurisdictional waters or streambeds, and that permits from the CDFG, ACOE, RWQCB, and City of Malibu are required, appropriate mitigation is determined by the permitting agency. Often mitigation will involve on-site restoration of disturbed jurisdictional waters and associated vegetation, or, where impacts to jurisdictional waters are permanent, additional mitigation may be required. Payment into an in-lieu fee payment program may also be an option for mitigation, if on-site mitigation is not possible and determined to be appropriate by the agencies.

6.6 Environmentally Sensitive Habitat Areas

No mapped ESHA's occur on the project site as designated by the Local Coastal Plan and Land Use Plan (LUP). As stated in the LUP, focused studies should occur in areas that have the potential to support special-status species to determine if such areas should be considered an ESHA.

Constraint: Development occurring adjacent to an ESHA requires a 100-foot buffer between native vegetation and the ESHA in order to assure that the biological resources within the ESHA are protected.

Recommendation: Conduct focused surveys for special-status species within the native vegetation located along the northern, eastern and southern boundaries of the site and conduct a jurisdictional delineation of the ephemeral drainage to provide information to the city necessary to determine whether such areas would be considered an ESHA.

7.0 REFERENCES

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