

## **D. BIOTA**

A biological study for the Proposed Project was prepared by Sapphos Environmental, Inc. in September of 1999. This study is attached in full as *Appendix E* (under separate cover) and is on file with the Department of City Planning, Environmental Review Section, Room 1500, 221 N. Figueroa St., Los Angeles. Information from this study is incorporated within this section.

### Regulatory Framework

#### *Federal*

The federal statutes and regulations that pertain to this project include the federal Endangered Species Act (ESA) of 1973, Migratory Bird Treaty Act (MBTA), and Section 404 of the Clean Water Act (CWA).

*Federal Endangered Species Act (ESA):* Section 9 of the federal ESA prohibits the “taking” of wildlife species listed by the United States Fish and Wildlife Service (USFWS) as threatened or endangered. As defined in the ESA, “taking” means, “...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in such conduct.” In recognition that “take” cannot always be avoided, Section 10(a) of the ESA includes provisions for takings that are incidental to, but not the purpose of, otherwise lawful activities.

*Migratory Bird Treaty Act (MBTA):* The MBTA makes it unlawful to pursue, capture, kill, possess or attempt to do the same to any migratory bird or part, nest, or egg of such bird listed in wildlife protection treaties between the United States and Great Britain, United Mexican States, Japan, and the Union of Soviet States. As with the federal ESA, the MBTA also authorizes the Secretary of the Interior to issue permits for take.

*Section 404 of the Clean Water Act:* Section 404 of the CWA, which is administered by the U.S. Army Corps of Engineers (Corps), regulates the discharge of dredge and fill material in the waters of the United States (U.S.). The Corps has established a series of Nationwide Permits that authorize

certain activities in waters of the U.S., provided that the proposed activity can demonstrate compliance with the standard conditions. The Corps has jurisdiction over all projects that result in impacts on waters of the U.S. in excess of 10 acres and discretionary jurisdiction over projects of less than 10 acres.

### *State of California*

The state statutes and regulations that pertain to this project include California Environmental Quality Act, California Endangered Species Act, the Native Plant Protection Act, and Section 1603 of the State Fish and Game Code.

*California Environmental Quality Act:* The California Environmental Quality Act (CEQA) requires a review of the potentially significant impacts of proposed projects on biological resources. The following questions must be answered to determine whether a project may have significant impacts on biological resources:

- 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. Fish and Wildlife Service;
- 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 US Fish and Wildlife Service;
- 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;
- 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 sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

*State Endangered Species Act:* The State ESA is contained in Sections 2070 through 2097 of the State of California Fish and Game Code. Specifically, Section 2080 prohibits the taking, importation, or sale of state-listed species. Sections 2081 and 2053 authorizes the California Department of Fish and Game (CDFG) to enter into a memorandum of understanding with individuals, public agencies, universities, zoological gardens, and scientific or educational institutions to import, export, take, or possess species for scientific, educational or management purposes. Sections 2090 through 2097 of the state ESA require state lead agencies to consult with the CDFG on projects with potential impacts on state-listed species.

*Native Plant Protection Act:* The Native Plant Protection Act includes measures to preserve, protect, and enhance rare and endangered native plants. The definitions of rare and endangered differ from those contained in the state ESA; however, the list of native plants afforded protection pursuant to this act includes those listed as rare and endangered under the state ESA. This act restricts limitations on “take” as follows: “...no person shall import into this state, or take, possess, or sell within this State...” any rare or endangered native plant, except in compliance with provisions of the act. Individual land owners are required to notify the CDFG at least 10 days in advance of changing land uses to allow the CDFG to salvage any rare or endangered native plant material.

*Section 1603 of the State Fish and Game Code:* Under Sections 1600-1607 of the State Fish and Game Code, activities that have the potential to alter the flow, bed, channel, or bank of streams and lakes are subject to Agreement with the CDFG. It is not unusual for the area subject to the jurisdiction of the CDFG to be greater than that subject to jurisdiction of the Corps pursuant to Section 404 of the federal Clean Water Act.

Activities in areas designated as “blue-line” streams on the U.S.G.S. 7.5 minute series quadrangles are likely to require development of a Streambed Alteration Agreement with the CDFG.

### *City of Los Angeles*

The City of Los Angeles Mature Tree Ordinance was established to recognize the significance of oak trees as valuable historical and aesthetic resources. The Ordinance requires consultation prior to impacting any oak trees with a diameter greater than 8 inches measured at breast height. The ordinance requires mitigation in situations where impacts to oak trees are unavoidable.

## Environmental Setting

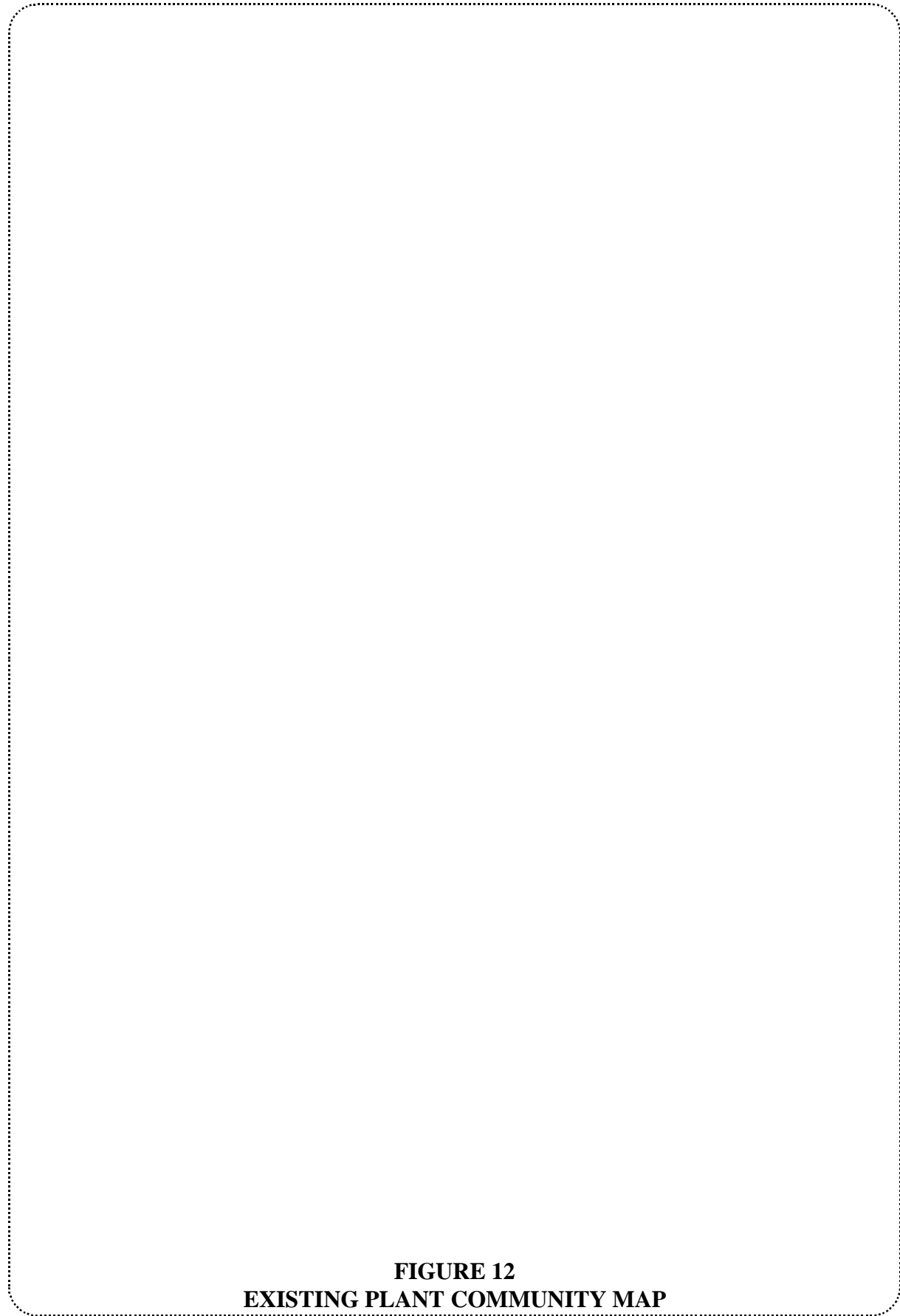
The 44.8 acre subject property is located in the Woodland Hills community of Los Angeles, Los Angeles County, California. The property is bounded by Calabasas Road to the north, Mullholland Drive to the east, Valmar Road to the south, and El Canon Avenue to the west.

No federally- or state-listed endangered or threatened species of plant or wildlife was detected during recent surveys. A complete listing of plant and animal species observed during August 11 and 12, 1999 field surveys is provided in *Appendix E*, Floral/Fuanal Compendium.

### Plant Life

Two natural plant communities were observed on the property: non-native grassland and southern willow scrub. Much of the open space area of the mostly flat, 44.8 acre property is currently used for agricultural purposes. Approximately 18 acres (40 percent) of the site is currently developed, with the bulk of this development occurring on the northernmost portion of the property. Currently, 130,000 square feet of residential use is under construction in an approximately 5 acre area which is not assessed as part of the Project (see Related Project No. 11). The southernmost area of the property is characterized by a small man-made mound and a larger natural knoll, which descend to a riparian woodland to the south. The knoll supports a non-native grassland community on its easternmost flank. Several mature valley oaks are also found on the knoll. Cultivated agricultural land occupies the rest of the knoll and most of the mound, as well as the remainder of the site. As is shown in **Figure 12, Existing Plant Community Map**, page 80, the approximate extent of each plant community onsite is as follows: non-native grassland—2.91 acres (7 percent), agricultural land—16.31 acres (38 percent), and southern willow scrub—2.24 acres (5 percent).

The northernmost portion of the site is occupied by residential buildings and a hospital, interspersed with gardens. Most of the plants in the developed portion consist of ornamental species: jacaranda trees (*Jacaranda mimosifolia*), Chinese elms (*Ulmus parvifolia*), carrotwood (*Cupaniopsis anacardioides*), juniper (*Juniperus* sp.), Mexican fan palm (*Washingtonia robusta*), pittosporum (*Pittosporum* sp.), gazania (*Gazania* sp.), sweet gum (*Liquidambar styraciflua*), deodar cedar (*Cedrus deodara*), bottlebrush (*Callistemon* sp.), boxwood (*Buxus* sp.), magnolia (*Magnolia* sp.), roses (*Rosa* sp.), azaleas (*Azalea* sp.), sago palm (*Cycas revoluta*), Australian tree fern (*Cyathea cooperi*), acacia (*Acacia* sp.), ice plant (*Carprobrotus edulis*), olive trees (*Olea europaea*), agapanthus (*Agapanthus* sp.), hibiscus (*Hibiscus rosa-sinensis*), heavenly bamboo (*Nandina domestica*), melaleuca (*Melaleuca lineariifolia*), oleander (*Nerium oleander*), and ginkgo (*Ginkgo biloba*). In addition, there are four valley oaks (*Quercus lobata*) and one coast live oak (*Quercus agrifolia*) occurring within the developed area.



**FIGURE 12**  
**EXISTING PLANT COMMUNITY MAP**

### *Agricultural Land*

Agricultural land occupies approximately 16.31 acres of the property. The agricultural land lies in the middle portion of the site, and is currently leased on an annual basis to an organic farmer. At the time of the survey several crops were observed being cultivated: several varieties of tomatoes, corn, strawberries, and several types of herbs, including rosemary, oregano, sage and chives.

Areas of the central raised portion of the property, which once supported a coastal sage scrub, currently supports disced agricultural fields on top and down the front, with large coast live oaks and valley oaks on the sides of the knoll. Only a few California sagebrush (*Artemisia californica*) and one buckwheat bush (*Eriogonum fasciculatum*), both remnant coastal sage scrub community plants, currently exist on the property, in oak understory on the eastern side of the knoll.

At the northern end of these agricultural fields, is a small patch of non-cultivated vegetation, which consists of: a multiple-trunked California walnut tree (*Juglans californica*), several plants of tree tobacco (*Nicotiniana glauca*), Russian thistle (*Salsola traegus*), black mustard (*Brassica nigra*), annual sunflower (*Helianthus annuus*), prickly lettuce (*Lactuca serriola*), and horseweed (*Conyza canadensis*). A mulefat (*Baccharis salicifolia*) seedling was observed growing in the middle of a cultivated rosemary patch. The edges of the fields are characterized by non-native species including: horehound (*Marrubium vulgare*), Italian thistle (*Carduus pycnocephalus*), and greater periwinkle (*Vinca major*).

Along the western portion of the property is a landscape buffer between the agricultural section and El Cañon Ave. The vegetation in this section is a mixture of native and non-native plants, consisting primarily of California walnut, sycamore (*Platanus racemosa*), Brazilian pepper (*Schinus terebinthifolius*), Mexican elderberry (*Sambucus mexicana*), castor bean (*Ricinis communis*), Jimson weed (*Datura stramonium*), tree of heaven (*Ailanthus altissima*), pampass grass (*Cortaderia selloana*), and sedge (*Cyperus* sp.). The southern portion of this vegetation band is dominated by dense stands of acacia. One coast live oak was observed within this buffer, although it appeared to occur off of the property. A dense hedge of oleander creates a buffer between the edge of the property and Park Sorrento.

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#### *Southern Willow Riparian Scrub*

Southern Willow Riparian Scrub occupies approximately 2.24 acres of the property running from west to east near the southern boundary. This plant community consists of dense, broadleafed, winter-deciduous riparian thickets dominated by several *Salix* species, with scattered emergent cottonwood (*Populus fremontii*) and sycamore. Most stands are too dense to allow much understory development. This community type was formerly distributed extensively along the major rivers of coastal southern California, but is now much reduced by urban expansion, and flood control.

Riparian vegetation on the property is found along Dry Canyon Creek, a small perennial stream, which flows in an “S” pattern across the property, within a steep banked ravine. This stream is depicted on the U.S. Fish and Wildlife Service National Wetlands Inventory. The area is described on the National Wetlands Inventory map as palustrine, forested, open water feature with an unknown bottom. The species in this drainage include a predominance of arroyo willows (*Salix lasiolepis*) and large red willows (*S. laevigata*), with an understory of mugwort (*Artemisia douglasiana*), western ragweed (*Ambrosia psilostachya*), virginia creeper (*Parthenocissus vitacea*), Johnsongrass (*Sorghum halepense*), one fig (*Ficus carica*) seedling, canary grass (*Phalaris canariensis*), and cattails (*Typha latifolia*). A dense stand of giant reed (*Arundo donax*) is present in the central area of the stream’s reach on the property. California black walnut, coast live oak and valley oak line the upper portions of the stream banks.

The project site supports wetlands along Dry Canyon Creek that are subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act and the California Department of Fish and Game (CDFG) under Section 1603 of the State Fish and Game Code. Jurisdictional wetlands under the Clean Water Act are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. In addition, the Corps exerts jurisdiction over “waters of the United States,” or areas which are within the ordinary high water of a stream. A formal delineation of the jurisdictional wetlands on the site would be required to determine the precise extent of Corps jurisdiction. However, it is anticipated that Corps jurisdiction extends roughly to the toe of the slope on either side of the drainage. Impacts that result in the discharge of fill material within areas subject to the Corps would require a permit from the Corps under Section 404 of the Clean Water Act.

Section 1603 of the State Fish and Game Code states that the CDFG has jurisdiction over the stream bed, channel, and bank. In addition, the CDFG typically exerts jurisdiction over associated riparian vegetation. On the project site, it can be assumed that all areas supporting southern willow scrub would likely be considered within the jurisdiction of the CDFG. Any impacts in these areas would require a Streambed Alteration Agreement from the CDFG.

#### *Non-Native Grassland*

The non-native grassland occupies approximately 2.91 acres and is found primarily on sides of the knoll in the center of the southern portion of the site. Non-native grassland consists of a dense to sparse cover of annual grasses. They are often associated with numerous species of native annual wildflowers, especially in years of favorable rainfall. Germination occurs with the onset of the late fall rains, with growth, flowering, and seed-set occurring from winter through spring. With a few exceptions, the plants are dead through the summer-fall dry season. This habitat type is distributed along valleys and foothills of most of California, except for the north coastal and desert regions.

The species composition of non-native grasslands varies in response to local variation in soil nutrients, moisture and slope difference. Characteristic species include *Avena barbata*, *A. fatua*, *Bromus mollis*, and *Erodium botrys*. These grasslands are also characterized by a sizable ruderal population.



Most common among ruderal plants on the project site are yellow mustard (*Brassica nigra*), tumbling pigweed (*Amaranthus albus*) and horseweed. These ruderal species are also found along the edges of both the riparian area and agricultural land.

The southernmost tip of the property is disced, with scattered California walnut trees. This area was previously mapped as annual grassland. It is assumed that this area continues to support non-native grassland which is disced annually for fire prevention.

A query of the CNDDDB, together with the information provided in the previous survey of habitats on the property by Michael Brandman Associates, Inc. (1984), indicated the following plant species had potential to occur on the subject property: Braunton's milk-vetch (*Astragalus brauntonii*) Lyon's pentachaeta (*Pentachaeta lyonii*), Southern tarplant (*Hemizonia parryi* ssp. *australis*), San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*), Catalina mariposa lily (*Calochortus catalinae*), Slender Mariposa lily (*Calochortus clavatus* var. *gracilis*), and Plummer's mariposa lily (*Calochortus plummerae*). Descriptions of species that are listed under the federal or state Endangered Species Acts and have potential to occur on the property is provided below. Other sensitive species that have potential to occur on the property are also listed below.

Braunton's milk-vetch is a federal-listed endangered species. It is also a CNPS 1B species, a species which is considered by the California Native Plant Society (CNPS) to be rare, threatened, or endangered in California and elsewhere. The species is typically associated with chaparral and coastal sage scrub habitats, especially areas which have burned recently. The plant prefers carbonate soils. This species was not observed on the property during surveys of the site, and no suitable habitat was observed.

Lyon's pentachaeta is a federal- and state-listed endangered species. It is also a CNPS 1B species. It is an annual species which occurs in openings in chaparral and grassland habitats. The species is known from fewer than twenty occurrences. This species is known to occur at the intersection of Kanan Road and Mulholland Highway, approximately one mile from the project site. This species was not observed on the property during the surveys, and is not expected to occur due to the regular discing of areas that might support suitable habitat.

Southern tarplant is a CNPS 1B species. This is a plant species which is considered by the CNPS to be rare, threatened, or endangered in California and elsewhere. This plant is known to occur in disturbed areas. However, this species is typically associated with marshy and saline habitats. There are no known occurrences for this species in the vicinity of the project site. Based on the results of general surveys of the project site, and the lack of suitable habitat, this species is not believed to be present on the subject property.

San Fernando Valley spineflower is a CNPS 1A species. This is a species which is considered to be extinct. This species was recently rediscovered on bluffs in clearings in coastal sage scrub and non-native grassland habitats. The species was rediscovered approximately three-and-a-half miles northwest from the project site. Observations of the species and the specific habitats on which it was found were conducted to determine the potential for the species to occur on the subject property. Based on observations of San Fernando Valley spineflower and surveys of the subject property, there is a lack of suitable habitat on the property. The species was not observed on the subject property and is not expected to occur.

Catalina mariposa lily is a CNPS 4 species. This is a species which is considered by the CNPS to be of limited distribution, but its vulnerability is low at the current time. This species is found in association with heavy soils in open grasslands and shrublands. It was not observed during surveys of the property, and because of agricultural practices and other human disturbance, suitable habitat is not considered to be present on the property.

Slender mariposa lily is a CNPS 1B species. It is typically associated with chaparral and coastal sage scrub habitats in shaded foothill canyons. This species was not observed during surveys of the property, and due to the regular discing of open areas on the property, it is not expected to occur on the property.

Plummer's mariposa lily is a CNPS 1B species. It typically occurs on sandy, gravelly alluvium in coastal sage scrub and chaparral habitats. It is also an annual bulbiferous species which typically blooms in May through July. This species is not currently known to occur in the vicinity of the project site, and suitable habitat for this species does not occur on the project site. The species was not observed during surveys of the project site.

## Animal Life

Two species of butterfly were observed on the project site; individuals of marine blue butterfly (*Leptotes marina*) were observed on the western edge of the agricultural area, and a single western tiger swallowtail (*Papilio eurymedon*) was observed flying under the oak trees. Numerous individuals of one species of amphibian, Pacific tree frog (*Hyla regilla*), were observed in the stream of the riparian area. Side-blotched lizards (*Uta stansburiana*) were observed along the fence which runs along the western edge of the agricultural area. Western fence lizards (*Sceloporus occidentalis*) were observed throughout the riparian area. Twenty-one bird species were observed on the project site. The following bird species were observed in the riparian areas on the property: least bittern (*Ixobrychus exilis*), great egret (*Casmerodius albus*), acorn woodpecker (*Melanerpes formicivorus*), northern flicker (*Colaptes auratus*), black phoebe (*Sayornis nigricans*), bushtit (*Psaltriparus minimus*), Bewick's wren (*Thryomanes bewickii*), northern mockingbird (*Mimus polyglottos*), common yellowthroat (*Geothlypis trichas*), California towhee (*Pipilo crissalis*), and song sparrow (*Melospiza melodia*). Bird species observed in the agricultural areas on the property included: American kestrel (*Falco sparverius*), killdeer (*Charadrius vociferus*), mourning dove (*Zenaida macroura*), black-chinned hummingbird (*Archilochus alexandri*), Anna's hummingbird (*Calypte anna*), black phoebe, western kingbird (*Tyrannus verticalis*), western scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), European starling (*Sturnus vulgaris*), and house finch (*Carpodacus mexicanus*). Four mammal species were observed, including: desert cottontail (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), and desert woodrat (*Neotoma lepida*).

A query of the CNDDDB, together with the information provided in the previous survey of habitats on the property by Michael Brandman Associates, Inc. (1984), indicated the following animal species had potential to occur on the subject property: Tidewater Goby (*Eucyclogobius newberryi*), Southern steelhead (*Oncorhynchus mykiss irideus*), Bank Swallow (*Riparia riparia*), Coastal California Gnatcatcher (*Poliophtila californica californica*), Least Bell's Vireo (*Vireo bellii pusillus*), Monarch butterfly (*Danaus plexiopus*), Southwestern pond turtle (*Clemmys marmorata pallida*), Coast Horned lizard (*Phrynosoma coronatum*), California horned lizard (*Phrynosoma coronatum frontale*), Coastal western whiptail (*Cnemidophorus tigris multiscutatus*), Two-striped garter snake (*Thamnophis hammondi*), San Diego Mountain kingsnake (*Lampropeltis zonata pulchra*), Burrowing owl (*Athene cunicularia*), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), San Diego woodrat (*Neotoma lepida intermedia*).

Tidewater Goby is listed as Endangered under the federal Endangered Species Act, but is proposed for delisting. The species requires brackish water habitats along the coast and shallow lagoons. This species was not present on the project site during the surveys, and there is no suitable habitat present on the site.

Southern steelhead is listed as Endangered under the federal Endangered Species Act. The species requires well-oxygenated streams, riparian woodland, and thickets of herbaceous understory. This species was reported from Malibu Creek, approximately 10 miles northwest of the project site. However, the species was not present on the project site during the surveys, and there is no suitable habitat present on the site.

Bank swallow is listed as Threatened by the State of California. The species nests in riparian and lowland habitats, vertical banks and cliffs, and sandy soils near streams, rivers, lakes and oceans. This species was not present on the project site during the surveys. The vegetated slopes along Dry Canyon Creek are not considered to provide suitable nesting habitat for this species, and it is therefore not expected to occur on the site.

Coastal California gnatcatcher is listed as Threatened under the federal Endangered Species Act. The species is found in association with coastal sage scrub habitat. This habitat type was observed on the property during previous surveys. During recent surveys, it was observed that areas previously mapped as supporting coastal sage scrub were now being utilized for agricultural purposes. Based on the lack of suitable habitat on the site, coastal California gnatcatcher is not expected to occur on the project site.

Least Bell's vireo is listed as Endangered under the federal Endangered Species Act. The species is found in association with riparian and woodland habitats. This species was not present on the project site during the field visit, but potential habitat exists within the riparian area of the project site.

Monarch Butterfly is considered to be of special concern due to their existence at the limit or beyond their normal range. The food plant of the species is *Asclepia californica* and *Asclepia fascicularis*, and it requires eucalyptus groves for breeding. The species may potentially occur in the project area as a fly-by occurrence, but no suitable breeding habitat exists on site.

Southwestern pond turtle is considered to be of special concern due to their existence at the limit or beyond their normal range. The species requires permanent to near permanent bodies of water along foothill streams, ponds, lakes, irrigation ditches, and rivers. The species was not present on the project site during the surveys, and no suitable habitat exists on site.

Coat horned lizard is considered to be of special concern due to their existence at the limit or beyond their normal range. The species requires coastal sage scrub and chaparral in arid and semi-arid areas with friable, rocky, shallow sandy soils. The species was not present on the project site during the surveys, and is not expected to occur due to the lack of suitable habitat on site.

California horned lizard is considered to be of special concern due to their existence at the limit or beyond their normal range. The species requires foothills and mountains with areas of open vegetation and short grasses, where soils are sand or gravelly. The species was not present on the project site during the surveys, and is not expected to occur due to the lack of suitable habitat on site.

Coastal western whiptail is considered to be of special concern due to their existence at the limit or beyond their normal range. The species requires arid to semi-arid areas with sparse vegetation and open areas, including woodland and riparian areas. The species was not present on the project site during the surveys, and no suitable habitat exists on site.

Two-striped garter snake is a California native species or subspecies considered to be of special concern due to their existence at the limit or beyond their normal range. The species requires permanent fresh water, typically along streams with rocky beds bordered by willows or other streamside growth. The species was not present on the project site during the surveys, but potential habitat occurs within the riparian areas.

San Diego Mountain kingsnake is a California native species or subspecies considered to be of special concern due to their existence at the limit or beyond their normal range. The species requires valley-foothills hardwood, coniferous, chaparral, riparian (creeks), and wet meadows. The species was not present on the project site during the surveys, and no suitable habitat exists on site.

Burrowing owl is a California native species or subspecies considered to be of special concern due to their existence at the limit or beyond their normal range. The species requires open dry annual or perennial grasslands, and scrublands characterized by low-growing vegetation. The species was not present on the project site during the surveys, and no suitable habitat exists on site.

Southern California rufous-crowned sparrow is a California native species or subspecies considered to be of special concern due to their existence at the limit or beyond their normal range. The species requires coastal sage scrub and sparse mixed chaparral. The species was not present on the project site during the surveys, and no suitable habitat exists on site.

San Diego woodrat is a California native species or subspecies considered to be of special concern due to their existence at the limit or beyond their normal range. The species requires coastal sage scrub and chaparral, moderate to dense canopies, rock outcrops, rocky cliffs and slopes. A woodrat nest was observed in the riparian woodland during the August 12, 1999 field visit.

### **Significance Criteria**

A significant affect on biological resources will occur if a project substantially affects a rare or endangered species of animal or plant or the habitat of the species; interferes substantially with the movement of any resident or migratory fish or wildlife species; or substantially diminishes habitat for fish, wildlife, or plants. Therefore, impacts to biological resources would be significant if the Proposed Project resulted in impacts to endangered, threatened, or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds), locally designated species, locally designated natural communities, wetland habitat, or wildlife dispersal and migration corridors.

### **Environmental Impacts**

The majority of the potential impacts would occur in agricultural areas on the property, and are therefore not considered to be significant to existing biological resources. No federally- or state-listed endangered, threatened, or sensitive plant or wildlife species were observed on the property, and limited habitat was observed on the property for supporting such species. However, the Proposed Project may result in impacts to mature oak trees extant on the property, and may impact riparian areas considered to be wetlands. Anticipated impacts on these areas are discussed below.

The proposed development would not impact any of the oak trees within the existing developed area. Nine (9) coast live oak trees and sixteen (16) valley oak trees found in the open space area south of the agricultural lands are of sufficient diameter to be protected under the City of Los Angeles Mature Tree Ordinance. A review of the existing plans for the proposed development indicates that one (1) coast live oak and eleven (11) valley oak trees may be removed as a result of the project. All trees located in the southern willow scrub community would be preserved.

Phase Two development of the Proposed Project includes a bridge across Dry Canyon Creek, and may include bank stabilization. An equestrian trail would be located along the southernmost boundary of the MPTF campus, linking an existing trail on Mulholland Drive with an existing trail running along the westernmost boundary of the MPTF campus. This trail would have a wet bed crossing through Dry Canyon Creek.

The development of an equestrian trail across Dry Canyon Creek has potential to cause erosion along the banks of the creek. Erosion associated with the equestrian trail has potential to have a negative but less than significant effect on the water quality in Dry Canyon Creek as a result of increased turbidity. In addition, nutrient input to the creek from associated equine waste has potential to have a negative but less than significant effect on water quality in Dry Canyon Creek.

Any development in a federal and state jurisdictional area has potential to result in impacts which would require a permit from the Corps under Section 404 of the Clean Water Act as well as a Streambed Alteration Agreement. It is understood that, as currently proposed, the bridge, pedestrian trail and bank stabilization would not be within, and therefore would not result in impacts to, areas of Corps jurisdiction. A formal wetland delineation would be required to ensure that impacts resulting from installation of the bridge structure, pedestrian trail, and bank stabilization are outside of areas subject to Corps jurisdiction. The equestrian trail would be within the area of Corps jurisdiction, and therefore could require a permit.

Impacts to riparian vegetation and stream banks resulting from installation of the bridge, trails and bank stabilization would likely require a Streambed Alteration Agreement from the CDFG. Because the impacts due to the proposed development would only cause minimal impacts to riparian vegetation and the stream banks, it is anticipated that mitigation for these impacts can be accomplished onsite.

Construction and operation of the Proposed Project would not have any substantial adverse effects, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species. In addition, the Proposed Project would not adversely affect the movement of any native, resident, or migratory fish or wildlife species or with any known wildlife corridors, nor would it impede the use of known native wildlife nursery sites.

### **Cumulative Impacts**

The related projects do not share biological resources with the Proposed Project. The removal or relocation of plant life on a particular related project site may result in a significant impact on animal life. These impacts could include impacts to wildlife corridors in the form of construction activity and increased nighttime lighting, as well as the displacement of animal habitats due to removal of vegetation during construction.

### **Mitigation Measures**

The following mitigation measures are recommended to address potentially significant impacts on oak trees, riparian resources, nesting birds, and water quality, resulting from the Proposed Project:

#### *Oak Trees*

- ! Prior to issuance of a grading permit, the applicant shall submit a tree report and landscape plan prepared by a Municipal Code-designated oak tree expert as designated by LAMC Ordinance No. 153,478, for approval by the City Planning Department and the Street Tree Division of the Bureau of Street Services.
  
- ! A minimum of two oak trees (a minimum of 48 inch box in size) shall be planted for each one that is removed. The canopy of the oak trees planted shall be in proportion to the canopies of the oak trees removed, per Ordinance No. 153,478, and to the satisfaction of the Street Tree Division of the Bureau of Street Services and the Advisory Agency.
  
- ! The developer shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Street Tree Division and Advisory Agency (or other decision-maker) guaranteeing the survival of trees required to be maintained, replaced or



relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership will require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.

! The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Street Tree Division that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

! Appropriate measures should be taken to protect existing oak trees that are not scheduled for removal as a result of the Proposed Project, but which are within 50 feet of construction activities. Fencing should be placed around the dripline of avoided oak trees within 50 feet of construction activities to protect them from damage to limbs and compaction or deposition of soil around the root ball.

! In order to mitigate impacts to trees other than oaks due to the implementation of the project, prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert indicating the location, size, type, and condition of all existing trees shall be submitted for approval by the Department of City Planning and the Street Tree Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per current Street Tree Division standards.

### *Riparian Resources*

! Loss of riparian vegetation on the property resulting from installation of bridges across Dry Canyon Creek can be mitigated through revegetation of areas impacted by construction. In addition, removal of large stands of invasive, non-native species from the property will benefit existing native habitats and the species that utilize those habitats.

! Silt fencing shall be installed along the top of the creek bank prior to commencing construction activities within 50 feet of the drainage course to protect riparian and aquatic resources on the property. Though no permanent impacts to these resources is anticipated

from implementation of the Proposed Project, temporary impacts could result from the inadvertent movement of cut or fill material into the waterway during construction, or erosion of these materials during storm events. Similarly, appropriate fencing shall be installed during construction of the bridge elements to ensure no soil or construction materials are washed into Dry Canyon Creek.

#### *Nesting Birds*

- ! Between March 1 and August 15, removal of vegetation containing active bird nests from the proposed construction site shall not occur, to avoid impacts to nesting birds on the property.

#### *Water Resources*

- ! The installation of an equestrian trail with a wet bed crossing on Dry Canyon Creek shall require development of bank stabilization features to mitigate for impacts that may result from increased erosion caused by degradation of stream banks.
- ! An analysis of existing water quality in Dry Canyon Creek is required to determine the significance of additional nutrient input to the stream from equine waste. Following construction of the trail, water quality monitoring shall be conducted upstream and downstream of the wet bed crossing to determine impacts associated with the trail. A program for remediation of impacts shall be developed in conjunction with the water quality monitoring program to remediate impacts to water quality related to the equestrian trails, should they occur.

#### **Impacts after Mitigation**

Implementation of mitigation measures would reduce potentially significant impacts to biological resources on the property to a less than significant level.