

**CITY OF CALABASAS GENERAL PLAN:**

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**COMMUNITY PROFILE**

# **BIOLOGICAL RESOURCES**

**May 6, 1993**

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### APPENDIX B BIOLOGICAL RESOURCES

LSA Associates, Inc. conducted an archival research of the biological resources of Calabasas. This work was done as part of the environmental documentation for the General Plan being prepared by the City. LSA also prepared a habitat map based on the interpretation of aerial photos and the information provided from the documentation review.

#### DEFINITIONS OF LEGAL STATUS CATEGORIES FOR SENSITIVE BIOLOGICAL ELEMENTS

Sensitive species are those plants and animals occurring or potentially occurring on the project site which are endangered, threatened, rare or declining rapidly at a local, regional, State or national level. Legal protection for these species varies widely, from the comprehensive protection extended to federally endangered species to no legal status at present.

##### Federal Categories

There are five categories of federal listings:

- Listed Endangered
- Listed Threatened
- Proposed as Endangered
- Proposed as Threatened
- Category 1 Candidate for Listing.

The U.S. Fish and Wildlife Service has determined that species in the "Proposed" categories meet requirements similar to those for listed threatened/endangered species. Three classes of candidates for federal status are used, as explained below.

The Category 1 Candidate category is defined as including species "for which the Service presently has substantial information on hand to support the biological appropriateness of proposing to list as endangered or threatened" (USFWS, 1989, p. 554).

The Category 2 Candidate category "comprises taxa for which information now in possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support proposed rules" (USFWS, 1989, p. 554). In other words, further studies may support a finding that the species should be classified as threatened/endangered.

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Category 3 includes species previously considered to be candidates for listing, but which are being dropped from further consideration. The three subcategories of Category 3 include species no longer considered to be valid taxa, species found to be too common and widespread to warrant listing, and species presumed to be extinct.

### State Categories

There are four categories of State listings:

- Endangered
- Threatened
- Rare
- Candidate for Threatened or Endangered.

The first two are equivalent to the federal endangered and threatened definitions, and the "Rare" classification is defined in a similar manner as "Threatened" warrant consideration under CEQA per the CEQA definition. The fourth category is equivalent to Category 1 Candidate in the federal system.

### CNPS Categories

The California Native Plant Society (CNPS) has four basic categories of listed plants: 1) plants of the highest priority, which is divided into subcategories of plants that are presumed extinct in California (1A) and plants that are rare and endangered in California and elsewhere (1B); 2) plants which are rare and endangered in California but more common elsewhere; 3) plants about which more information is needed; and 4) a "watch list" of plants of limited distribution.

### Sensitive Habitats

Sensitive habitats are plant communities of special value to the local ecosystem. Impacts to these habitats may be found to be significant under CEQA and/or by local agencies. Regulatory status of sensitive habitats is not presented in tabular form, since this information is often not readily summarized in this manner.

## REVIEW OF DOCUMENTATION

LSA reviewed the following documents supplied by the City of Calabasas for information on biological resources:

- Ahmanson Ranch Specific Plan
- Malibu/Santa Monica Mountains Area Planning Program

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- Calabasas Promenade Final Environmental Impact Report
- Shopping Center Northwest Corner, Las Virgenes Road/Lost Hills Road Supplemental Environmental Impact Report
- The Enclave at Calabasas Draft Environmental Impact Report
- City of Calabasas - California State Polytechnic University class project
- Calabasas Park West Draft Environmental Impact Report
- The Enclave at Calabasas Final Environmental Impact Report

The information provided by these documents varied from highly detailed maps and text information as in The Enclave at Calabasas environmental documents to no biological resources for the shopping center project.

Other documents included local references such as *The Flora of the Santa Monica Mountains* (Raven, et al., 1986), *A Flora of Southern California* (Munz, 1974) and other standard references and species lists.

### SENSITIVE SPECIES

The following descriptions of sensitive plant species were taken from Munz (1974), the reptile species from Stebbins (1985), the bird species from Garrett and Dunn (1981), and the mammal species from Hall (1981). Information from documents prepared by Impact Sciences (1982a, 1982b) was also used. The plant community descriptions were taken from Raven, et al. (1986). It should be noted that the following species are not necessarily found in Calabasas; rather, the Calabasas General Plan study area contains habitats that could potentially be utilized by the individual sensitive species. If development were to be proposed in areas of suitable habitat, the presence or absence of the sensitive species would be determined at that time.

#### **San Fernando Valley Spineflower (*Chorizanthe parryi* var. *fernandina*)**

San Fernando Valley spineflower is a Category 1 candidate species and is on the CNPS List 1A. It may be extinct. Its historical habitat extended from the San Fernando Valley to Orange County and Del Mar in San Diego County. It is recorded from the Santa Susana Mountains near Chatsworth.

San Fernando Valley spineflower grows in dry sandy places below 2,500 feet, mostly in the coastal sage scrub habitat in the Calabasas General Plan study area. It is an annual that blooms between April and June.

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### **Santa Monica Mountains dudleya (*Dudleya cymosa marcescens*)**

Santa Monica Mountains dudleya is a Category 2 candidate species and is on the CNPS List 1B. It is endemic to Little Sycamore Canyon and upper Malibu Creek, in the Calabasas General Plan study area.

Santa Monica Mountains dudleya is found on rocky, north-facing cliffs and slopes, often in shade. It is a perennial that blooms between May to June.

### **Many-stemmed Dudleya (*Dudleya multicaulis*)**

This species is a federal Category 2 candidate and has been placed on CNPS List 1B. These plants are found only in southwestern California, and may be found on poor soils in the coastal sage scrub and grassland communities found in the Calabasas General Plan study area. CNPS, 1988, lists all of the reported locations of this species by USGS quadrangle; this list indicates that most Los Angeles County records are from the foothills of the San Gabriel Mountains.

Many-stemmed dudleya grows from a corm (an underground stem) that is found in heavy, often clayey soils. It occurs in chaparral, coastal sage scrub and annual grasslands concentrated around rock outcrops and under shrubs in chaparral. It is only visible aboveground during the months of May to June.

### **Blochman's dudleya (*Dudleya blóchmanae* ssp. *blóchmanae*)**

This species is on CNPS List 1B. This species is associated with rocky outcrops in coastal sage scrub habitat and occurs at low elevations (<1500 feet) near the coast from San Luis Obispo south. It may occur in the Calabasas General Plan study area.

### **Braunton's Milkvetch (*Astragalus brauntonii*)**

This species is a Category 2 candidate for federal listing. Braunton's milkvetch occurs in disturbed soil areas below approximately 1,500 feet elevation in portions of Ventura, Los Angeles and Orange counties. The seeds lie dormant in the soil and will germinate following burns or other disturbances for up to a five-year period.

Although there are relatively few records to judge from, most populations of Braunton's milkvetch have been found in limestone deposits, marine terraces and other calcareous soils (Fred Roberts, pers. comm.). The Data Base lists eight records of Braunton's milkvetch from the eastern Santa Monica Mountains and Baldwin Hills, and all of these records are in geologic formations that include pockets of limestone or are likely to lead to development of calcareous soils (e.g., the Topanga Canyon, Tuna Canyon and Coal Canyon formations).

Braunton's milkvetch is a perennial found on brushy hillsides, usually in firebreaks, in burned and other disturbed areas in the chaparral habitat located in the Calabasas General Plan study area. It is a perennial that blooms from February to June.

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### **Santa Susana Tarweed (*Hemizonia minthornii*)**

Santa Susana tarweed is a Category 2 candidate species, a state listed rare species, and is on the CNPS List 1B. It is only recorded from the Santa Susana Mountains, Castro Crest and Charmlee County Park, and Simi Hills, and within the Calabasas General Plan study area, Saddle Peak, and Calabasas Peak.

The tarweed is a stiff woody shrub found in rocky outcrops, in chaparral and coastal sage scrub. These outcrops are usually made of sandstone. It is a perennial that blooms from July to October.

### **Lyon's Pentachaeta (*Pentachaeta lyonii*)**

Lyon's pentachaeta is a Category 2 candidate species and is on the CNPS List 1B. Its historic range is along the coast of Los Angeles County and Santa Catalina Island; the current known distribution is in the Santa Monica Mountains within the Calabasas General Plan study area, and the Palos Verdes Peninsula.

The pentachaeta is a small composite growing in clayey soils in valley grassland and chaparral habitats. It is an annual that blooms in March through April.

### **Southwestern Pond Turtle (*Clemmys marmorata pallida*)**

This turtle is a federal Category 1 Candidate and is considered a California Species of Special Concern (CSC) by the California Department of Fish and Game (CDFG). This thoroughly aquatic species ranges from San Francisco Bay to northern Baja California, but is now gone from many former localities. Uplands adjacent to water sources are used for nesting. Preferred areas include ponded sites containing cattail stands and flat rocks for basking. Within the Calabasas General Plan study area, this turtle may occur in various riparian habitats.

### **Coastal Western Whiptail (*Cnemidophorus tigris multiscutatus*)**

The coastal western whiptail lizard is listed as a federal Category 2 candidate species. It is generally limited to the coastal and cismontane areas of southwestern California, extending from the coast inland to the Tejon, Cajon and San Gorgonio passes, and southward along the coast to northwestern Baja California.

The whiptail occupies arid and semiarid habitats where plants are sparse and open areas provide space for running. This lizard is also found in woodland, riparian vegetation and in the warmer, drier parts of forests. It feeds on insects, spiders, scorpions and other lizard species. In the Calabasas General Plan study area, the whiptail could occur in the riparian woodland, southern oak woodland, valley oak woodland, chaparral, coastal sage scrub, annual grasslands, disturbed or ruderal weedy, and rock outcrop habitats.

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**San Diego Horned Lizard (*Phrynosoma coronatum blainvilli*)**

The San Diego horned lizard has been listed by the federal government as a Category 2 candidate species and is a CSC. This subspecies of the *Phrynosoma coronatum* taxa ranges from northern Baja California, north to Santa Barbara County. Historically, these lizards have been found along the coast and inland to the upper elevations of the Mojave and Colorado deserts. Development over most of the coastal and inland regions of southern California, however, has extirpated this lizard from those areas. The lizard can be found in various patches of undeveloped land and, in some cases, quite disturbed areas (i.e., grape vineyards).

Based on recent available data, the horned lizards have been found on sandy loamy soils with a zero percent slope, to thick chaparral with 50 percent slopes, and may be located in the Calabasas General Plan study area. The detailed population biology and spatial requirements for the San Diego horned lizard, however, are all but unknown.

**Coastal Patch-nosed Snake (*Salvadora hexalepis virgulata*)**

The coastal patch-nosed snake is a Category 2 candidate species. This snake is active during the day, and inhabits a range of relatively open sandy and rocky habitats from Santa Barbara County to northern Baja California. Coastal patch-nosed snakes could inhabit habitats that are similar to those where the coastal western whiptail occurs (i.e., chaparral communities) such as those in the Calabasas General Plan study area.

**San Bernardino Ringneck Snake (*Diadophis punctatus modestus*)**

This small snake is a Category 2 candidate species that inhabits moist areas of southwestern California from about Ventura to Orange counties. Ringneck snakes are seldom seen in the open. This species may occur along drainage courses, in riparian habitats, and in mesic chaparral and oak and walnut woodland habitats in the Calabasas General Plan study area.

**San Diego Mountain Kingsnake (*Lampropeltis zonata pulchra*)**

The San Diego mountain kingsnake is a Category 2 candidate and is a CSC. It is found in the cismontane ranges of California. It could occur locally along the coastal side of the Santa Monica Mountains; less commonly on the inland slope, in oak woodland habitats in the Calabasas General Plan study area. The San Diego mountain kingsnake feeds on lizards, snakes, bird eggs and nestlings, and small mammals.

**Two-striped Garter Snake (*Thamnophis hammondi hammondi*)**

This Category 2 federal Candidate species is very similar to the western aquatic garter snake (*Thamnophis couchii*), and was formerly considered a race of that species. It is highly aquatic and, thus, is only found in or near permanent sources of water. It ranges from Monterey County to northwestern Baja California. Streams with rocky beds supporting willows or other riparian vegetation would be the preferred habitat in the Calabasas General Plan study area.



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**Black-shouldered Kite (*Elanus leucurus*)**

The black-shouldered kite is a California Fully Protected Species. Its range in southern California extends from San Luis Obispo County south to San Diego County. The range of this species extends inland to the cismontane valleys of the interior.

This raptor occurs in lower elevations, particularly in the coastal valleys and plains of Orange and San Diego counties. It may also breed in sites with riparian trees such as oaks, willows and cottonwoods in the Calabasas General Plan study area. It is generally a non-breeding visitor in the interior, away from the coast.

**Northern Harrier (*Circus cyaneus*)**

The northern harrier is a CSC found circumpolar. It is found over grassland and marshy (riparian) habitats in all parts of southern California, and could be found in the Calabasas General Plan study area. It also occurs uncommonly over open desert and brushlands.

This species forages over a wide range of open habitats and can be expected to occur throughout most of southern California. Suitable foraging and nesting habitat in the grassland areas exist in the City and the Sphere of Influence.

**Cooper's Hawk (*Accipiter cooperii*)**

The Cooper's hawk is considered a CSC by the CDFG. In southern California, Cooper's hawk is an uncommon permanent resident except in the Salton Sea and Colorado River areas. These areas are now only used in winter.

Cooper's hawk would prefer lower elevation woodlands in the Calabasas General Plan study area, composed of such tree species as willow, cottonwood, sycamore or oak. Nesting is mainly restricted to woodlands and open forests of the montane areas of southern California.

**Swainson's Hawk (*Buteo swainsoni*)**

Swainson's hawk is a state listed threatened species. This species formerly occurred in abundance as a breeding species in California. They were once found throughout lowland California and were absent only from the Sierra Nevada, north coast ranges, Klamath Mountains, and portions of the desert regions. They are currently restricted to portions of the Central Valley and Great Basin regions of the state.

The Swainson's hawk requires large open grasslands with abundant prey in association with suitable nest trees. Preferred foraging habitat includes native grasslands or lightly grazed pasture, alfalfa and other hay crops and certain grain and row croplands. Suitable nest sites are found in mature riparian forest, such as those found in the Calabasas General Plan study area, lone trees or groves of oaks and other species in agricultural fields, as well as mature roadside trees.

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**Sharp-shinned Hawk (*Accipiter striatus*)**

The sharp-shinned hawk is listed as a CSC. It is a winter visitor and migrant to coastal southern California. During the winter months, sharp-shinned hawks forage over a variety of habitats, that would include several habitats in the Calabasas General Plan study area. Birds make up the vast majority of its prey, with rodents and insects also being taken.

**Golden Eagle (*Aquila chrysaetos*)**

The golden eagle is not listed as rare or endangered; it is a California Fully Protected Species, making it illegal to capture or collect individuals. It was recently listed as a CSC. In southern California, the golden eagle is an uncommon resident in most habitats, except on the Colorado Desert and the Colorado River, where it is a winter visitor. Golden eagles avoid heavily forested mountain areas and are not generally found in the immediate coast or urbanized areas. The golden eagle is mainly a winter visitant in interior valleys such as the Antelope Valley, Cuyama Valley and Carrizo Plain, and some coastal plains such as the Tijuana River Valley.

The golden eagle prefers rocky canyons and hillsides for nesting but forages over wide areas and many types of habitats, including grasslands, brushlands, deserts, oak savannahs, open coniferous forests and the montane valleys of southern California. Thus, the grasslands and oak savannah habitats in the Calabasas General Plan study area could provide foraging areas for the golden eagle.

**Merlin (*Falco columbarius*)**

This species is a CSC due primarily to reproductive failure in parts of its breeding range (which is outside of California) and the taking of birds for falconry. This small falcon is a rare fall migrant and winter visitor.

The merlin frequents a number of habitats, including the coastal sage scrub and annual grassland habitats such as those found in the Calabasas General Plan study area. Foraging occurs along the coast, as well as over broken habitats such as montane valleys and open deserts with scattered clumps of trees.

**Prairie Falcon (*Falco mexicanus*)**

The prairie falcon is a CSC. Its range extends from the interior deserts of southern California to the coastal areas. It is an uncommon resident of the arid regions and a rare visitant, primarily in winter, to the coastal slopes.

Prairie falcon forages over open terrain and nests on rocky cliffs. Foraging habitat for prairie falcon includes grasslands and open desert scrub of the type that occur in the Calabasas General Plan study area, with some shifting into agricultural areas during the winter months.

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### Peregrine Falcon (*Falco peregrinus*)

The peregrine falcon is listed as endangered by both the federal and State governments due to reduced populations across the nation. Rigorous recovery efforts in recent years have resulted in significant population increases in many regions. It is a cosmopolitan species, occurring throughout nearly all habitats and regions.

Peregrine falcon forage over extensive areas and can be expected to occur almost anywhere in California, including the Calabasas General Plan study area, and especially along the coast. Foraging is generally concentrated in marine or aquatic environments.

### Yellow-billed cuckoo (*Coccyzus americanus occidentalis*)

The yellow-billed cuckoo is listed as a State endangered species. This species typically nests in willow trees in a location hidden from view from the ground or adjacent trees. They prefer habitats such as deciduous riparian forest and woodland containing cottonwoods and tree willows, such as those found in the Calabasas General Plan study area. The loss of these habitats has contributed to the decline of this species in California.

The cuckoo historically bred in all regions of California except the central and northern Sierra Nevada, the Great Basin and the Colorado Desert. A survey conducted in 1977 found cuckoos in the following six areas: Sacramento Valley, Kern River, Owens Valley, Amargosa River, Santa Ana River and lower Colorado River. Breeding pairs are now restricted to Sacramento River in Butte, Glenn and Colusa Counties; Feather River in Sutter County; south fork of the Kern River; and along the Santa Ana, Amargosa and lower Colorado rivers.

### Burrowing Owl

The burrowing owl is a CSC. It is widespread in the western hemisphere, but numbers have declined throughout California. This is primarily due to habitat loss and the destruction of ground squirrel colonies, which the owls use for nesting (Remsen, 1978). The burrowing owl could utilize open, flat grassland habitats that are found in the Calabasas General Plan study area.

### Long-eared Owl (*Asio otus*)

The long-eared owl is a CSC. It is a rare resident in coastal southern California and is an uncommon resident in desert areas. The long-eared owl was formerly more common in the coastal areas. The long-eared owl is most commonly found in dense willow-riparian woodland and oak woodland habitats, such as those found in the Calabasas General Plan study area.

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**Willow Flycatcher (*Empidonax traillii*)**

The willow flycatcher is listed as endangered by the state of California. This species has declined in numbers as a nesting species in California and in the west. The southern California breeding race, *E.t. extimus*, is a federal Category 1 candidate.

This flycatcher formerly nested in lowland riparian habitat throughout much of the State and probably bred in Los Angeles County, as well as the Calabasas General Plan study area. The southwestern willow flycatcher is widespread during migration and occurs regularly throughout southern California, generally favoring riparian areas. Substantially greater numbers of willow flycatchers pass through coastal southern California during fall migration, when the species is uncommon to fairly common, than during spring migration, when the species is rare, but regular.

**Bank Swallow (*Riparia riparia*)**

The bank swallow is listed as a threatened species by the State. It is a fairly common spring and fall transient through the interior areas of southern California, and a very uncommon spring transient and rare fall transient along the coast.

The preferred nesting habitat of the swallow is vertical banks consisting of fine-textured soils, with the nest being burrowed into the soil. These habitats most commonly occurred in vertical bluffs along streams and rivers. Due to development and channelization, most of these areas have been altered or removed. It is estimated that the range of the bank swallow has been reduced by 50 percent since 1900.

The bank swallow once bred locally throughout much of the lowland habitats of California, along the coast from Santa Barbara County to San Diego County, including the Calabasas General Plan study area. In southern California, the bank swallow was once widespread and numerous as a breeder; they have since been virtually extirpated. The population has also declined inland from the coast. Overall this species has undergone a decline in numbers and several breeding sites are no longer used.

**California Horned Lark (*Eremophila alpestris actia*)**

The California horned lark is a federal Category 2 Candidate species. It is found from Humboldt County south to northwestern Baja California. It is found along the coast of northern California, in the San Joaquin Valley, in the Coast Ranges south of San Francisco Bay, and in southern California west of the deserts. Horned larks are resident in grasslands, and nest in this habitat, and thus, could occur in the Calabasas General Plan study area.

**Coastal Cactus Wren (*Campylorhynchus brunneicapillus*)**

The southern California coastal population of this species is considered a federal Category 2 Candidate and a California Special Animal. The population extends from Ventura County south to San Diego and inland to San Geronio Pass. This sedentary species is found in coastal sage scrub containing prickly pear cactus, and also could occur in the Calabasas General Plan study area.

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**California Gnatcatcher (*Polioptila californica*)**

The California gnatcatcher is proposed for federal listing as endangered and is a California Species of Special Concern. California gnatcatchers historically occupied coastal sage scrub from Ventura and San Bernardino counties south to northwestern Baja California, but they no longer occur in much of the northern and eastern portions of their range. Theoretically, they could occupy the coastal sage scrub in the Calabasas General Plan study area.

**Loggerhead Shrike (*Lanius ludovicianus*)**

This small carnivorous bird is a federal Category 2 candidate species. The loggerhead shrike is widespread in North America from southern Canada to southern Mexico, but has declined in many areas. Loggerhead shrikes favor ~~expansive grasslands and other~~ relatively flat, open country that occurs in the Calabasas General Plan study area, where they feed primarily on large insects and occasionally vertebrate prey.

**Least Bell's Vireo (*Vireo bellii pusillus*)**

This species is listed as endangered by both State and federal agencies. This small insectivorous songbird was once a common nesting species throughout much of lowland California. It is now nearly extirpated from all of the northern and central portions of the State, and is essentially restricted to coastal riverine systems in southern California and northwestern Baja California. Approximately 300 pairs are estimated to nest in California. Thus, it is possible that some vireos nest in the riparian habitats in the Calabasas General Plan study area. Most birds winter in southern Baja California. Habitat loss and nest parasitism by brown-headed cowbirds are generally believed responsible for the decline.

**Yellow-Breasted Chat (*Icteria virens*)**

This species nests in riparian woodland throughout much of western North America and winters in Central America. Thus, it is possible that this bird nests in the riparian woodland habitat found in the Calabasas General Plan study area. The State's breeding population has declined significantly, especially in southern California, and this species is now a California Species of Special Concern.

**California Yellow Warbler (*Dendroica petechia morcomi*; includes *D.p. brewsteri*)**

The California yellow warbler is a California Species of Special Concern because the breeding population has declined markedly in California. The yellow warbler is patchily distributed throughout southern California, occurring in riparian woodlands of the lowland and foothill canyons and across the foothills of the Transverse ranges. Riparian areas are exclusively used for nesting in the lowlands, but migrants are widespread and common. Thus, this species could utilize the riparian habitats found in the Calabasas General Plan study area.

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**Purple Martin (*Progne subis*)**

This species is listed a CSC, second priority. It is a rare nester and summer resident. It has been extirpated from much of California by the introduced European starling, which has successfully competed with it for nesting sites. This species is not known to nest in the Santa Monica Mountains, but there is a slight potential for the bird to utilize the oak and sycamore woodlands found in the study area.

**Southern California Rufous-crowned Sparrow (*Aimophila ruficeps canescens*)**

This sub-species of rufous-crowned sparrow, found from Santa Barbara County to northwestern Baja California, is a federal Category 2 candidate species. In the Santa Monica Mountains, rufous-crowned sparrows primarily occur from Topanga Canyon and areas to the west (Kimball Garrett, pers. comm). Rufous-crowned sparrows typically occur in steep, rocky coastal sage scrub and open chaparral habitats in the Calabasas General Plan study area, particularly favoring scrubby areas mixed with grasslands; road cuts often provide suitable habitat for this species.

**Tricolored Blackbird (*Agelaius tricolor*)**

This federal C2 Candidate is currently proposed for listing by the California Department of Fish and Game. The species is almost endemic to cismontane California. The extremes of the range reach Oregon and northwestern Baja California. These birds frequent open country throughout the year. They nest in huge colonies and are especially vulnerable at that stage in their life cycle. It is possible that this blackbird could forage the grasslands in the Calabasas General Plan study area during the winter months.

**Bell's Sage Sparrow (*Amphispiza bellii bellii*)**

Bell's sage sparrow is listed as a federal Category 2 candidate species. This coastal race of the sage sparrow is an uncommon to fairly common but local resident in dense, dry chaparral in interior foothills along the coast. It also occurs locally close to the coast, such as in the coastal ridges of the Santa Barbara region and in the western Santa Monica Mountains. Bell's sage sparrow breeds in low dense chamisal chaparral and in the dry coastal sage scrub habitat, such as that occurring in the Calabasas General Plan study area.

**San Diego Black-tailed Jackrabbit (*Lepus californicus bennettii*)**

The San Diego black-tailed jackrabbit is listed as a federal Category 2 candidate species. Other races are common throughout all of California and occur in every habitat except at higher elevations in the mountain ranges. The coastal race is restricted to the cismontane areas of southern California, extending from the coast to the Santa Monica, San Gabriel, San Bernardino and Santa Rosa Mountain ranges.

Jackrabbits inhabit a variety of habitats but are most common in relatively open situations, such as the coastal sage scrub, grasslands and open chaparral habitats found in the Calabasas General Plan study area.

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**Los Angeles Pocket Mouse (*Perognathus longimembris brevinasus*)**

The Los Angeles pocket mouse is a Category 2 candidate and a California Species of Special Concern. Its historic range is from Los Angeles County to western Riverside County.

It is found in loose soils in dry areas of low elevation grasslands and coastal sage scrub habitats such as those occurring in the Calabasas General Plan study area. According to Williams (1986), this species may still exist in isolated parts of the historic range.

**Southern Grasshopper Mouse (*Onychomys torridus ramona*)**

The southern grasshopper mouse is a federal Category 2 Candidate. It occurs from northern Los Angeles County south to northwestern Baja California. The grasshopper mouse frequents low elevation grasslands in the cismontane areas of southern California, and thus could occur in the Calabasas General Plan study area.

**San Diego Desert Woodrat (*Neotoma lepida intermedia*)**

The San Diego desert woodrat is a federal Category 2 Candidate. It is found along the Pacific slope from about San Luis Obispo to northwestern Baja California. Desert woodrats frequent poorly vegetated arid lands and are especially associated with cactus patches. Thus, this species could utilize the drier habitats found in the Calabasas General Plan study area.

**Pallid Bat (*Antrozous pallidus*)**

Pallid bat is a California Species of Special Concern. It is relatively widespread, occurring in most of the western states, from southern British Columbia to northwestern Mexico. Pallid bats are found in a variety of habitats; but in southern California, they are principally known from deserts and semi-arid habitats that contain rock outcrops. In the daytime, these bats roost in tight crevices, while night roosts are in open shelters, such as rock outcrops, and in hollows in mature trees, open buildings, bridges and mines. Development of roosting sites has resulted in rapid population declines in some populations in recent years. Pallid bats are unique among North American bats in that they forage on the ground, taking scorpions, grasshoppers, beetles and other insects. They also apparently forage for insects in shrubs and trees.

This species could potentially roost within the City limits and Sphere of Influence. Riparian corridors, buckwheat scrub and the small patches of open grass and scrub located within the chaparral communities in the Calabasas General Plan study area appear to offer the best foraging opportunities for this species. Extensive rock outcrops provide the best potential roosting habitat for pallid bat; but this medium-sized bat can also roost in mature oak, sycamore and walnut trees, or minor, as well as extensive rock outcrops, found within the Calabasas General Plan study area.

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**Townsend's Big-eared Bat (*Plecotus townsendii*)**

Two subspecies of this bat occur in California, *P.t. townsendii* and *P.t. pallescens*. Each of these subspecies is considered to be a California Species of Special Concern, and *P.t. townsendii* is a Category 2 Candidate for federal listing. *P.t. townsendii* occurs primarily on the west side of the Sierra Nevada Mountains, while *P.t. pallescens* occurs to the east and south. There is a large zone of overlap covering much of the State, and the City of Calabasas lies within this zone. Williams (1986) does not list distributional records for this species; but according to Dr. Elizabeth Pierson (pers. comm.), the nearest records of *P.t. townsendii* are from the San Gabriel Mountains, the Acton area and Santa Catalina Island.

This bat roosts in caves and other similar situations, including lava tubes and mine tunnels; buildings and other human-made structures are also utilized. This species forages in a variety of habitats within a five to seven mile radius around their roosting colonies and could conceivably forage in the City limits and Sphere of Influence. However, since active roosts for Townsend's big-eared bat are not known to exist in the Santa Monica Mountains, foraging is considered very unlikely in the Calabasas General Plan study area.

**California Mastiff Bat (*Eumops perotis californicus*)**

This bat is a Category 2 candidate for federal listing and a California Species of Special Concern. The California mastiff bat is the largest of all North American bats; it is known historically from north-central California south to northern Baja California, eastward across the southwestern United States and northern Mexico to west Texas and Coahuila. In California, most records are from rocky areas at low elevations, where roosting occurs primarily in crevices. California mastiff bat forages quite differently than the pallid bat, catching insects at very high elevations. This species was "quite commonly encountered in the Los Angeles basin and surrounding mountain ranges as recently as the 1950s and 1960s (Pierson, pers. comm.)." Williams (1986) lists numerous records of California mastiff bat from Los Angeles County, including two from the vicinity of the project site ("Santa Monica," and "Santa Monica Mountains, crest at east end [Vaughan, 1959]"). The statewide population has undergone a significant decline in recent years (Williams, 1986), prompting the CDFG to fund a statewide survey. This bat could potentially forage within the Calabasas General Plan study area.

**Valley Oak Ant (*Proceratium californicum*)**

The valley oak ant originally was only reported from oak woodlands in the Central Valley and, therefore, was listed as a federal candidate for endangered species listing. However, it has since been found in the redwood forest near Felton in northern California and, therefore, may not be as limited in its habitat requirements as originally thought. Therefore, the Federal government has revised its listing to a Category 2 candidate. In the Santa Monica Mountains, this species was found originally described in oak woodland habitat at Tapia Canyon Park located just outside of the Calabasas General Plan study area. No populations have been seen in the Santa Monica Mountains in the recent past.



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**Santa Monica Mountains Hairstreak (*Satyrium auretorum spadix*)**

This subspecies was described by Emmel and Mattoni in 1989-1990. Based on its limited known range, this subspecies was made a Category 2 Candidate for federal listing in 1991. The known range of the Santa Monica Mountains hairstreak consists of only three locales in the western half of the Santa Monica Mountains located within six miles of each other; the easternmost of these colonies is located approximately 13 miles northwest of the Calabasas General Plan study area. The areas known to support this butterfly all contain chaparral that includes scrub oak (*Quercus dumosa*), the primary foodplant for caterpillars of *S. auretorum*. In describing the distribution of this species, Emmel and Mattoni (1989-1990) states, "The eastern part of the mountains have been intensively collected since the 1940s ... without any evidence of the species (p. 103)." This species utilizes chaparral and riparian scrub habitat which do occur in the Calabasas General Plan study area.

**Santa Monica Shieldback Katydid (*Neduba longipennis*)**

This nocturnal insect is a Category 2 candidate species that occurs only in the Santa Monica Mountains. Only one population of Santa Monica shieldback katydid is known. This population was discovered at the mouth of Big Rock Canyon (approximately 7.5 miles west of the project site), on June 19, 1975. A total of 21 katydids were collected and studied. According to Rentz and Weissman (1981), "Most specimens were found on the introduced ice plant (*Mesembryanthemum* sp.), others were heard less commonly in adjacent chaparral (p.97)." This shieldback katydid was considered to be distinct from other, similar species (e.g., *Neduba diminutiva malibu*) based primarily on differences in calling, along with minor physical differences.

Of the 70 taxa of Orthoptera (jumping insects, including grasshoppers, katydids, crickets, etc.) known to occur in the Santa Monica Mountains, nine have never been found elsewhere (Rentz and Weissman, 1981). Of these nine "endemics," three are full species and six are subspecies; however, only the Santa Monica shieldback katydid is recognized as a candidate for listing by the State or federal governments.

According to Dr. David Weissman, one of two authorities on the Orthoptera of the Santa Monica Mountains, streambed and chaparral communities could provide habitat for the Santa Monica shieldback katydid and other local "endemics," such as *N. d. malibu* (pers. comm.). These two communities do occur in the Calabasas General Plan study area.

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SPECIES OF LOCAL CONCERN

The following species are apparently not listed in any state or federal publication but are considered to be of local concern in the environmental documents reviewed.

**Shedding primrose (*Camissonia boothii* ssp. *decorticans*)**

Shedding primrose has a historical distribution away from the immediate coast in Monterey and San Benito Counties to northern Los Angeles and Kern counties. Near the Santa Monica Mountains, it is recorded from Griffith Park.

The primrose could grow on open banks and flats in the Calabasas General Plan study area. It is an annual species that blooms from March to June.

**Wind Poppy (*Stylomecon heterophylla*)**

Wind poppy has a historical distribution in the Coast Ranges from Lake County south to the San Joaquin Valley and the foothills of the southern Sierra Nevada. It has also been found in Baja California and on the Channel Islands. It is found only in the vicinity of Malibu Lake in the Santa Monica Mountains.

The poppy could grow in burns, oak woodlands, chaparral and grassy and brushy slopes in the Calabasas General Plan study area, below 4,000 feet. It is an annual species that blooms from April to May.

**Monolopia (*Monolopia lanceolata*)**

Monolopia has a historical distribution extending from the South Coast Range valleys and San Joaquin Valley from Salinas Valley and San Joaquin County to Riverside County. It extends on the east side of the San Joaquin Valley from Fresno County to Tehachapi and is rarely seen east to Mojave and Kern counties. Locally in the Santa Monica Mountains it is known only from upper Malibu Creek.

Monolopia grows on grassy slopes and valley floors from 500 to 4,000 feet. It commonly occurs in chaparral, grasslands and southern oak woodland habitats, and thus could occur in the Calabasas General Plan study area. It is an annual herb that blooms from March to May.

**Rabbitbrush (*Chrysothamnus nauseosus* ssp. *mohavensis*)**

This subspecies of rabbitbrush is historically distributed from the South Coast Ranges (Mt. Hamilton, Tassajara region to Ventura County) along the southernmost Sierra Nevada (Tulare and Kern counties) to the head of the San Joaquin Valley and western Mojave Desert. It also extends east to Nevada. Its local distribution in the Santa Monica Mountains is in the canyon bottom above Westlake.

Rabbitbrush grows on well-drained scarcely alkaline soils from 2,500 to 6,000 feet in woodlands and creosote bush scrub and could theoretically be located in the Calabasas General Plan study area. It is a perennial shrub that blooms adventitiously.

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### Thread Stem (*Pterostegia drymarioides*)

Thread stem is historically distributed from cismontane California to Oregon, occasionally on the desert. It is known from Baja California. It is found scattered on grassy slopes throughout the Santa Monica Mountains, and may occur in the Calabasas General Plan study area.

Thread stem grows in many plant communities below 5,000 feet. It is an annual that blooms from March to July.

### Small-flowered Fiddleneck (*Amsinckia menziesii*)

Small flowered fiddleneck is historically distributed in cismontane valleys away from the immediate coast from San Diego County north. It is also known from Santa Catalina Island and Washington, Idaho and Utah. It is locally found in upper Decker Canyon.

The fiddleneck grows below 5,000 feet on grassy hillsides, and may occur in the Calabasas General Plan study area. It is an annual that blooms from April to June.

### Hind's Willow (*Salix hindsiana* var. *leucodendroides*)

Hind's willow is historically distributed sparingly from Santa Clara and Tulare counties to Kern County. It is more commonly known from Ventura to San Diego counties and in Baja California. It is found in the Santa Monica Mountains at low elevations from the entire north side of the range, and south along the west end to Point Mugu.

Hind's willow is found in many plant communities, and could occur in the Calabasas General Plan study area. It is common locally along ditches, in sand bars, and other open areas below 3,000 feet. It is an erect shrub or small tree, blooming from March to May.

### Prince's Plume (*Stanleya pinnata*)

Prince's plume is historically distributed from the northern base of the Santa Rosa Mountains north to Cuyama Valley and Inyo County. It also extends east to North Dakota, Kansas and Texas. In the Santa Monica Mountains, it is found only near Malibu Lagoon.

Prince's plume is found in creosote bush scrub, Joshua tree woodland and pinyon juniper woodland from 1,000 to 3,000 feet. It grows on seleniferous soil, desert slopes and washes. In the Santa Monica Mountains, it could utilize coastal sage scrub in the Calabasas General Plan study area on road cuts facing the ocean. It is an annual or sometimes perennial plant that blooms from April to September.

### Big Squirreltail (*Elymus multisetus*)

Big squirreltail is historically distributed from cismontane California (cismontane refers to the area between the coastal and mountain regions, separate from the desert) to the White Mountains in Inyo County. It also is known from Washington, Arizona, Utah and

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Baja California. In the Santa Monica Mountains, it is known from the upper drainage of Malibu Creek in southern oak woodland.

Big squirreltail is found in many plant communities on rocky or brushy slopes and waste places, and could occur in the Calabasas General Plan study area. It is a perennial that blooms from May to July.

### **Santa Monica Mountains Band-winged Grasshopper (*Trimerotropis occidentaliodes*)**

The Santa Monica Mountains band-winged grasshopper is active during the day from June to September. It is found in low grass and bare soil on hillsides, ridges and dirt roads, and on trails and bare ground in chaparral and coastal sage scrub. Thus, it could potentially be present in disturbed areas, grasslands, and coastal sage scrub in the Calabasas General Plan study area.

### **Monarch Butterfly (*Danaus plexippus*)**

This widespread butterfly is a California Special Animal, a broad term used to refer to all the vertebrate and invertebrate taxa of concern to the Natural Diversity Data Base (Data Base), regardless of their legal protection status. This species is of concern primarily because monarchs are colonial, roosting in large concentrations that are often located in groves of large eucalyptus or pine trees; removal of important roost sites may have substantial effects on monarch populations. The monarch butterfly could potentially utilize eucalyptus or pine groves in the Calabasas General Plan study area.

In California, monarchs produce five or more flights, or generations, each year. The caterpillars of the final flight are known to feed on narrow-leaved milkweed (*Asclepias fascicularis*), a plant that occurs as a sub-dominant in the ruderal/native plant association. The field surveys were conducted at an inappropriate time of year to determine whether monarch caterpillars feed on the milkweed plants on the project site.

### **Coast Range Newt (*Taricha torosa torosa*)**

The status of the coast range newt was not provided in any of the documents. Because the status is unknown, it is included in this section.

The coast range newt is found in the Coast Ranges of California from Mendocino County to the western slope of the Peninsular Ranges in San Diego County.

It breeds in ponds, reservoirs and slowly flowing streams. In the Sierra Nevada and the mountains of southern California, it is found in the large rivers and streams where it may enter fast water. Thus, it could theoretically utilize the riparian habitats located in the Calabasas General Plan study area.

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**Silvery legless lizard (*Aniella pulchra pulchra*)**

The silvery legless lizard is identified as locally uncommon in the Santa Monica Mountains. This species is found throughout southern California in a variety of habitats. It ranges from near Antioch south to the Coast Ranges, Transverse Mountains and Peninsular Ranges into northwestern Baja California.

The silvery legless lizard needs loose soil for burrowing, moisture, warmth and plant cover. It would prefer the sparse vegetation of beaches, chaparral pine-oak woodland and streamside growth of sycamores, cottonwoods, and oaks located in the Calabasas General Plan study area.

**Rock Wren (*Salpinctes obsoletus*)**

The range of rock wren extends from Canada through the western U.S. and into Mexico; this species is generally an uncommon to fairly common resident in rocky, often mountainous areas throughout most of the southern portion its range. However, according to Kimball Garrett, Ornithologist at the Los Angeles County Museum of Natural History, rock wren is quite rare as a resident in the Santa Monica Mountains, with higher density in the western half of the range, away from the coast (pers. comm.). In the eastern half of the range and near the coast, migrants and winter visitors (birds that nest elsewhere) are encountered more regularly than resident pairs, often in habitats that would not be suitable for nesting. On the basis of their overall rarity as a nesting species in the Santa Monica Mountains, rock wren is considered to be a species of local interest, and it could occur in the Calabasas General Plan study area or rock outcrops (although it is a very rare resident of the Santa Monica Mountains).

**Grasshopper sparrow (*Ammodramus savannarum perpallidus*)**

The grasshopper sparrow has no official status but is of local interest. These sparrows breed in grasslands from southwestern Canada through the western U.S. to northwestern Mexico and winter from the southern U.S. to Central America. Theoretically it could occur in the Calabasas General Plan study area in grassland habitats.

**Ringtail (*Bassariscus astutus*)**

The ringtail is identified as locally rare in the Santa Monica Mountains. It prefers rocky outcrops and cliffs near water in chaparral habitat. The ringtail makes dens in caves or crevices along cliffs, in hollow trees, unused buildings and rock piles (Burt & Grossenheider, 1976). Thus, it is potentially present in the Calabasas General Plan study area location.

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### Badger (*Taxidea taxus*)

The badger is identified as locally uncommon in the Santa Monica Mountains. This species prefers open grassland and desert areas, where they establish burrows and territories. They also are found in valley oak woodland habitats with an open understory. Small rodents are the common prey item for this species. The badger is potentially present in several habitats occurring in the Calabasas General Plan study area.

### Long-tailed weasel (*Mustela frenata*)

The long-tailed weasel is identified as locally uncommon in the Santa Monica Mountains. It is found in all land habitats near water. The long-tailed weasel feeds mostly on small mammals up to the size of a rabbit, and also takes a few birds and other animals. It is potentially present in riparian habitats of the Calabasas General Plan study area.

### Mountain Lion (*Felis concolor*)

The mountain lion is not listed or considered a candidate for listing as threatened or endangered by any state or federal agency. It is a species of local interest that likely occurs in the Calabasas General Plan study area. This species ranges over a very large area, and in the Calabasas General Plan study area, utilizes wildlife corridors to travel between the Santa Monica Mountains and the Simi Hills.

## REGULATORY PROCESSES/PERMITTING ISSUES/MITIGATION COMPLIANCE

### Army Corps of Engineers

The Army Corps regulatory jurisdiction pursuant to Section 404 of the Clean Water Act is founded on a connection or nexus between the water body in question and interstate commerce. This connection may be direct, through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce, or may be indirect, through a nexus identified in the Corps regulations.

Examples given in the regulations of interstate commerce connections for isolated (non-tributary) waters, the presence of which would establish the required nexus, include: waters that are or would be used as habitat by birds protected by Migratory Bird Treaties; waters that are or would be used as habitat by other migratory birds that cross state lines; waters that are or would be used as habitat for endangered species; or waters that are or would be used to irrigate crops sold in interstate commerce.

In order to be considered a jurisdictional wetland under Section 404, an area must possess three wetland characteristics:

**Hydrophytic vegetation** is plant life that grows, and is typically adapted for life, in permanently or periodically saturated soils.

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**Hydric soils** are saturated or inundated long enough during the growing season to develop anaerobic conditions that favor growth and regeneration of hydrophytic vegetation.

**Wetland Hydrology** exists when the presence of water has an overriding influence on vegetation and soil characteristics due to anaerobic and reducing conditions.

Determination of wetland limits may be obfuscated by a variety of natural environmental factors, including cyclic periods of drought and flooding or highly ephemeral stream systems. During periods of drought, for example, bank return flows are reduced and water tables lowered. This results in a corresponding lowering of ordinary high water and invasion of upland plant species into wetland areas. Conversely, extreme flooding may create physical evidence of high water well above what might be considered ordinary, and may allow temporary invasion of hydrophytic species into non-wetland areas. In highly ephemeral systems, typical of Southern California, these problems are encountered frequently. In these situations, professional judgement and knowledge of local ecological conditions come into play in delineating wetlands.

In the case of small impact areas, i.e., less than one acre, a project is generally included under the existing Nationwide Permit 26. However, inclusion in this permit is subject to a number of conditions. One of these conditions is that if a federally listed endangered or threatened species is affected by a project, such as the least Bell's vireo, the Corps consults with the U.S. Fish and Wildlife Service as required by Section 7 of the Endangered Species Act. Based on this consultation and the evaluation of impacts by the U.S. Fish and Wildlife Service the Corps can issue or deny a 404 Permit, or require further studies or require mitigation prior to issuance of a Permit.

### Wetlands Permitting Issues

#### Section 404 Nationwide Permit

Processing a Nationwide Permit through the Corps requires submittal of an application package consisting of a Predischarge Notification and supporting documentation. Recent changes in Nationwide Permit regulations require that Nationwide Permit applicants contact the U.S. Fish and Wildlife Service regarding endangered species issues and the State Historic Preservation Office regarding cultural resources prior to submitting a Predischarge Notification to the Corps. Typically, this requires preparation of a detailed letter describing the resources associated with the property and including appropriate documentation.

Because the State has not yet certified the new (1992) Nationwide Permits, a Section 401 Water Quality Certification or waiver from the Regional Water Quality Control Board must be obtained; the Corps requires evidence of a certification or waiver prior to authorizing an Nationwide Permit. This effort involves preparation of an application package that includes discussion of water quality and wetland issues and potential impacts to beneficial water uses.

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### Section 404 Individual Permit

If an Nationwide Permit is not applicable to the project, or if the Corps determines that an Nationwide Permit is not appropriate, the project will require an individual permit. In addition to the requirements discussed above, the following additional steps are required.

#### Alternatives Analysis

EPA's guidelines state that "...no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem..." This statement is fundamental to the requirement by the Corps for an objective analysis of alternatives as part of the permitting process. An alternative is considered practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes. The Corps requires submittal of a detailed analysis of on-site and off-site project alternatives as part of the submittal package.

#### Response to Public Notice Comments

The Corps public notice typically generates comments regarding various aspects of the project, many of which are related to wetland and alternatives issues. At the end of the public notice period, the Corps will forward any substantive comments to the applicant for their response.

#### Environmental Assessment

The issuance of a permit by the Corps constitutes a "major federal action," which triggers the requirement for review under the National Environmental Policy Act. For permit decisions, the required document typically is an Environmental Assessment prepared according to Corps regulations for permit actions. The Corps can prepare these documents internally; however, permit applicants can greatly expedite the regulatory process by providing a Draft Environmental Assessment to the Corps for their review and adoption. Typically, EIR material can be incorporated into the Nationwide Permit document.

Upon completion of the above, the Corps will review the project for compliance with the 404(b)(1) guidelines and conduct a public interest review. A permit will be issued if the Corps finds that the project complies with the guidelines and is not contrary to the public interest.

#### CDFG Notification of Streambed Alteration

CDFG processing requires submittal of an application package plus processing fee. Because CDFG will not respond to notifications prior to local approval, as evidenced by certification of the final EIR, the CEQA process must be completed prior to submittal of a notification.



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The following information is required in the submittal package:

- Complete drawings, in the appropriate format, showing project vicinity, location and necessary project details in plan and cross section view.
- A detailed project description, which includes the project background and a summary of project impacts, alternatives and mitigation measures.
- The wetland/jurisdictional delineation.
- The completed mitigation plan.
- Evidence of local project approval.

CDFG typically issues an Agreement within 30 days of submittal of a notification. Conditions (mitigation) are usually included for protection of fish and wildlife resources. The applicant can negotiate with CDFG if the conditions are not acceptable.

### **Federal and State Endangered Species Acts Permits and Requirements**

Section 10(a) Permit - Federal Endangered Species. The Section 10(a) permit is concerned with endangered species. This permit allows for incidental take of endangered species. Its purpose is protection of an endangered species while allowing use of the land by the landowner.

Section 10(a) permits are issued by the Secretary of the Interior. Before the Secretary will issue the permit, the applicant must submit a conservation plan that specifies the following:

- The impact likely to result from such taking;
- What steps will be taken to minimize and mitigate such impacts, and available funding to implement those steps;
- Alternative actions to the taking that were considered and the reasons why the alternatives were not utilized; and
- Other measures that may be required by the Secretary as being necessary or appropriate for the purposes of the plan.

The plan and permit application must be made available for public comment. If, after this period, the Secretary finds that the following conditions are met, the Secretary shall issue the permit:

- The taking will be incidental;
- The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;

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- The applicant will ensure that adequate funding will be provided;
- The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild;
- Additional measures as required by the Secretary will be met; and
- Any other requirements or assurances required for implementation.

The outline of steps required for a Section 10(a) permit are as follows:

### Permit Application and Preparation of Conservation Plan

As noted above, the permit application will require the preparation of a conservation plan showing that the proposed project will result in only incidental take and will minimize and mitigate for those impacts, and that the chosen alternative is the only viable one. The conservation plan is prepared by the project proponent, usually in coordination with the local U.S. Fish and Wildlife Service office.

### Preparation of Environmental Assessment

After receipt of the permit application, the U.S. Fish and Wildlife Service will prepare a draft Environmental Assessment on the application. Not infrequently, the U.S. Fish and Wildlife Service will request the assistance of the permit applicant in the preparation of this document.

### Publication of Notice for Section 10(a) Permit, Circulation of Draft Environmental Assessment and Public Review

Upon receipt (and acceptance) of the permit application, the U.S. Fish and Wildlife Service will publish a notice in the Federal Register regarding the Environmental Assessment and permit application. The notice will indicate that, for a minimum of 30 days, the U.S. Fish and Wildlife Service will accept public comments on the application. If there are no insurmountable objections submitted during the public comment period, then the U.S. Fish and Wildlife Service will review the application and any changes made as a result of the comment period, and will make a recommendation to the Secretary.

If the U.S. Fish and Wildlife Service finds that the application is inadequate, or that an Environmental Assessment is insufficient to address the environmental concerns, they may require the preparation of an Environmental Impact Statement. If this document is required, there will be a required circulation of the Environmental Impact Statement and additional public review and comment.

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### Section 7 Consultation

As mentioned earlier, both public and private agencies must consider the potential affect of their actions on federally listed species. This includes the U.S. Fish and Wildlife Service in their review of a Section 10(a) permit application. As part of the evaluation of affect, federal agencies must consult with the U.S. Fish and Wildlife Service for their opinion of the jeopardy of the action. This consultation is required under Section 7 of Federal Endangered Species Act. The U.S. Fish and Wildlife Service will conduct an internal consultation when considering Section 10(a) permits.

For most private sector projects, Section 7 consultation occurs when a federal permit is applied for. The most common permits are the Section 10(a) and Clean Water Act Section 404 permits. Some local highway projects also require Section 7 consultation by the Federal Highway Administration due to the use of Federal Highway Trust Funds. The consultation is held between the federal agencies involved; the private sector applicant may supply information for consideration during the consultation.

The steps required for a formal consultation include the determination of whether a formal consultation is needed at all. This determination is made as part of an informal consultation. If the consultation is needed as part of a permit application, the following steps will be required in addition to those for the permit:

### Biological Assessment and Discussion

A biological assessment is required in order to determine if there will be listed species potentially affected by the project. The biological assessment is usually prepared by the U.S. Fish and Wildlife Service, although the applicant is often asked to supply additional information, as needed.

### Initiation of Formal Consultation

The federal action (e.g., Section 10(a) permit or Section 404 permit) is defined and a description of the manner in which the federal action may affect a listed species is provided.

### Biological Opinion

The biological opinion is a formal opinion issued by the U.S. Fish and Wildlife Service on the project impacts to a federally listed species. As part of this opinion, the U.S. Fish and Wildlife Service will determine jeopardy. "Jeopardy" is when the proposed project or permit will jeopardize the continued existence of any federally listed species or result in the adverse modification or destruction of habitat of these species. The U.S. Fish and Wildlife Service will issue the determination of jeopardy or non-jeopardy after reviewing all the documentation associated with the proposed project.

If the U.S. Fish and Wildlife Service determines that the action will not jeopardize the species, the biological opinion may also include an incidental take authorization.

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Conference

In addition to addressing impacts to listed species, there are recommended procedures for addressing species that are either only proposed for listing or are likely to be listed in the future. These procedures come under the general heading of a "Conference," and are primarily designed to avoid potential delays or stoppage of work if a species is listed during the life of a project.

The steps required for a conference are similar to those for formal consultation. The main differences are that the decision issued by the U.S. Fish and Wildlife Service for a formal consultation is referred to as a formal biological opinion, whereas the decision issued by the U.S. Fish and Wildlife Service for a conference can take the form of a conference opinion or discretionary conservation recommendation. The conference opinion can be converted to a formal biological opinion upon listing of the species, provided there is no new information on the species and the project has not changed since the conference was held.

Section 2081 - State Endangered Species. This permit is similar to the federal Section 10(a) permit, except that it is administered by the state. The following types of information would also need to be submitted with the Section 2081 permit application or memorandum of understanding:

- The impact likely to result from such taking;
- What steps will be taken to minimize and mitigate such impacts, and available funding to implement those steps;
- Alternative actions to the taking that were considered and the reasons why the alternatives were not utilized; and
- Mitigation measures that may be required by the CDFG as being necessary or appropriate for the purposes of the plan.

The plan and permit application or MOU are reviewed by the CDFG. If, after this review, the CDFG finds that the following conditions are met, the CDFG will issue the permit or MOU:

- The taking will be incidental;
- The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
- The applicant will ensure that adequate funding will be provided;
- The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild;
- Additional measures as required by the CDFG will be met; and
- Any other requirements or assurances required for implementation.