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**Subject:** Biological Assessment and Tree Inventory for Reach 103 (Bouquet Canyon Channel) and Reach 108 (Pico Canyon Channel), Los Angeles County, California

Dear Ms. Cruz:

This letter report documents the findings of a biological assessment that includes an inventory of native and non-native trees, as well as a characterization of vegetation communities and wildlife resources that could potentially occur within Reach 103 at Bouquet Canyon Channel and Reach 108 at Pico Canyon Channel (project sites). The report provides an overview of the flora and fauna that may be present within the subject reaches and provides impact avoidance measures and recommendations for additional data collection activities needed prior to vegetation clearing activities.

Reach 103 is a soft bottom channel that comprises approximately 8.9 acres and is located in the City of Santa Clarita (**Figure 1**). Reach 108 is a narrow, soft-bottom channel that comprises approximately 1.5 acres and is located in the community of Stevenson Ranch in unincorporated Los Angeles County (**Figure 2**). The purpose of the assessment was to identify and quantify native and non-native trees, map vegetation communities, and assess the potential for sensitive biological resources to occur within the two reaches.

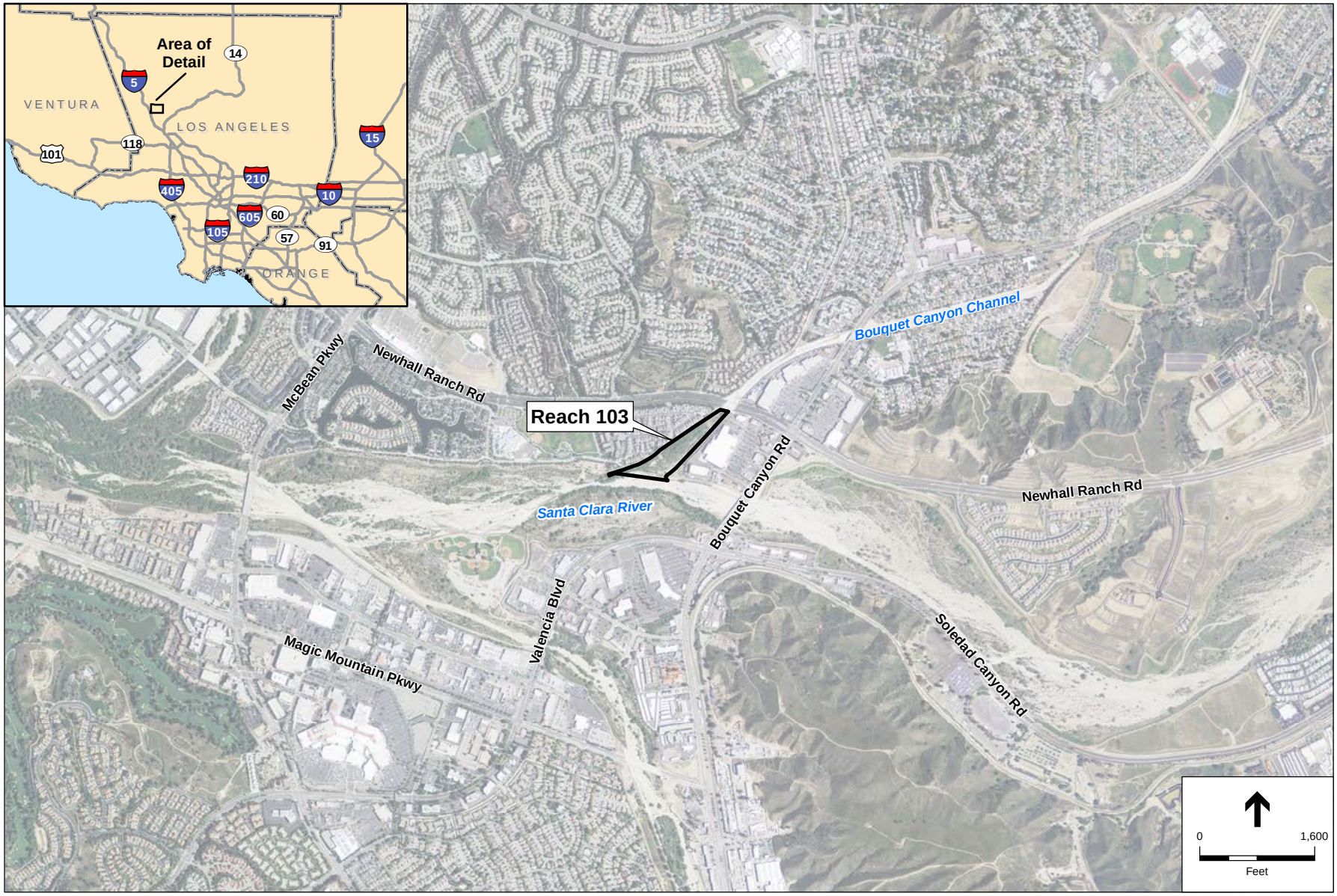
## Project Description

Based on communication with DPW Flood Maintenance personnel, it is our understanding that the proposed project would involve the following activities:

- Removal of invasive and/or non-native vegetation, including mature non-native trees in Reach 103
- Trimming of the lower portion of some native trees in Reach 103
- Removal of all vegetation within Reach 108

## Methods

Prior to conducting the field survey, the California Department of Fish and Wildlife (CDFW) California Natural Diversity Data Base (CNDDB) was queried for special-status resources that could potentially occur within a the United States Geological Survey (USGS) Quadrangle map of the project sites, including the surrounding quadrangles.

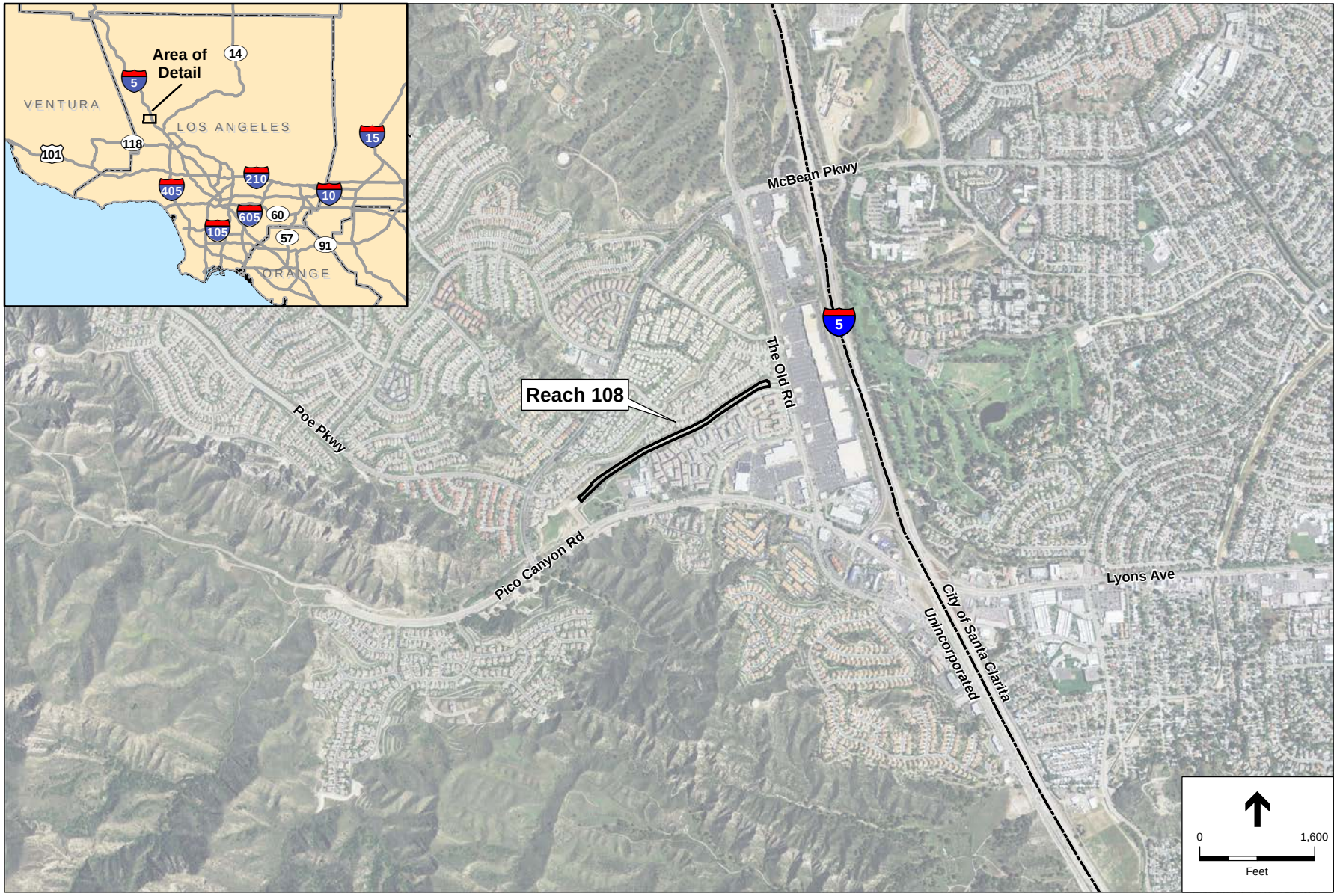



SOURCE: NAIP Imagery; Los Angeles County GIS, 2014.

SBC Reaches 103/108 Biological Assessment . 120810

**Figure 1**

Bouquet Canyon Channel Project Vicinity




SOURCE: NAIP Imagery; Los Angeles County GIS, 2014.

SBC Reaches 103/108 Biological Assessment . 120810

**Figure 2**

Pico Canyon Channel Project Vicinity

The biological assessment was conducted on foot by ESA biologists Greg Ainsworth (certified arborist), Robert Sweet, and Matthew South on February 26-27, 2014 to identify biological resources onsite, including native and non-native trees, vegetation communities, and other biological resources onsite; and to assess the impact area for the potential to support habitat for special-status species. The survey area covered the accessible portions of Reach 103 and Reach 108.

As shown in Photos 1-4 (Appendix A), the riparian forest in both reaches is too dense to collect attribute data for each tree, such as height and canopy spread. Therefore, under the supervision of the certified arborist, all trees with a trunk diameter of two-inches or greater were inventoried. Trunk diameters were approximated at 4.5 feet above the natural grade (also referred to as diameter at breast height [dbh]), and separated into three size classes: 2-5 inches, 6-10 inches and greater than 10 inches. For multiple trunked trees, the largest trunk diameter was measured (**Table 1**).

In Reach 103, the biologists accessed the vegetation within the channel on foot. The inventory consisted of counting each trunk from the base of the tree or from the nearest vantage point when immediate access was not achievable due to dense vegetation. All large non-native trees, such as blue gum (*Eucalyptus globulus*) were mapped and are identified in **Figure 3**.

In Reach 108, access into the riparian woodland was not practical for the entire length of the channel due to density of the vegetation within channel itself. Therefore, the trees in Reach 108 were inventoried from the pedestrian/vehicle path located on either side of the reach.

All native and non-native vegetation communities were characterized and delineated on aerial photographs while on-site. Plant community descriptions were characterized in the field using the *List of Vegetation Alliances and Associations* (CDFW 2010). Details of each plant community occurring onsite and all plant and animal species noted during the field assessment are described in the Results Section below. Within Reach 103 some isolated individual, non-native samplings including tamarisk were identified within the native communities. These individuals were not distributed in sufficient numbers to constitute a separate vegetation community, but their presence was noted in the field.

In addition, the following biological reports were reviewed to identify if any potentially-occurring species have been documented and to determine if additional surveys for special-status species are appropriate:

- BonTerra Consulting. 2004. Los Angeles County Department of Public Works Habitat Assessment Reconnaissance Surveys Debris Basins, Debris Retaining Inlets and Soft-Bottom Channels, May 12.

- Bonterra Consulting. 2005. Los Angeles County Soft Bottom Channels 2005 Focused Survey Results, August 12.

- BonTerra Consulting. 2007a. Results of Biological Reconnaissance Surveys of Eight Flood Control Facilities, Los Angeles County, California, March 28, Revised October 17.

- BonTerra Consulting. 2007b. Los Angeles County Soft Bottom Channels 2007 Focused Survey Results, November 30.

- Bonterra Consulting. 2013. 2013 Focused Survey Results – Los Angeles County Flood Control District Soft-Bottom Channels Maintenance Clearing, September 17.

## Results

### *Vegetation Communities*

#### Reach 103

Reach 103 is a natural soft-bottom channel, and its confluence with the Santa Clara River is at the southern boundary of the project site (Figure 3). Four vegetation communities were characterized and mapped within the Reach 103 project boundary as described below.

***Southern Cottonwood-Willow Riparian Forest (Mixed Willow Series)***. Southern cottonwood and willow riparian habitat is dominated by mixed willow (*Salix* spp.) trees and shrubs and cottonwoods (*Populus* spp.). Understory species may include mugwort (*Artemisia douglasiana*), stinging nettle and wild cucumber (Marah macrocarpus) (Holland 1986). Dominant species observed in this community include red willow (*Salix laevigata*), narrowleaf willow (*Salix exigua*), and Freemont cottonwood (*Populus fremontii*). Other species observed include Pacific willow (*Salix lasiandra*), mulefat (*Baccharis salicifolia*), giant reed (*Arundo donax*), tamarisk (*Tamarix* spp.), and elderberry (*Sambucus mexicana*). Southern cottonwood-willow riparian forest comprises 3.33 acres within the Reach 103 project site (Figure 3).

***Arundo***. The arundo vegetation community is a monoculture of giant reed (*Arundo donax*). Arundo comprises 0.47 acre within the Reach 103 project site (Figure 3).




SOURCE: NAIP Imagery; Los Angeles County GIS, 2014.



**Figure 3**

Bouquet Canyon Reach 103 Vegetation Map

***Mulefat Scrub***. Mulefat scrub is dominated by mulefat, but also may include willows (*Salix* spp.), sedges (*Carex* spp.) and stinging nettle (*Urtica dioica*) (Holland 1986; Sawyer and Keeler-Wolf 1995). In addition to mulefat, other native species found in this community included-red willow, narrowleaf willow, and Fremont cottonwood saplings or small trees; common sagebrush, California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), and mugwort. Non-native species observed included red brome (*Bromus madritensis* ssp. *rubens*), milk thistle (*Silybum marianum*), ripgut brome (*Bromus diandrus*) soft chess (*Bromus hordeaceus*), black mustard (*Brassic nigra*), redstem filaree (*Erodium cicutarium*) and tree tobacco (*Nicotiana glauca*). Tree tobacco saplings consist of a few individuals and are scattered throughout the vegetation community. Mulefat scrub comprises 4.5 acres within the Reach 103 project site (Figure 3).

***River Wash***. River wash includes areas within Reach 103 that are generally void of vegetation. This area includes the active channel that is periodically scoured by seasonal flows. River wash comprises 0.6 acre within the Reach 103 project site (Figure 3).

**Reach 108**

Reach 108 is a soft-bottom channel that drains from the Stevenson Ranch Debris Basin (**Figure 4**). Two vegetation communities were mapped within the Reach 108 project boundary as described below.

***Riparian Forest (Red Willow Series)***. The riparian forest habitat in Reach 108 is dominated by willow species. Dominant species observed include red willow and narrowleaf willow. Other native species observed, but at a much lesser extent, include arroyo willow (*Salix lasiolepis*), Freemont cottonwood, California sycamore (*Platanus racemosa*), Pacific willow, mulefat, and common cattail (*Typha latifolia*). Non-native species observed include tree tobacco, horseweed (*Conyza* spp.). Riparian forest comprises 1.27 acres within the Reach 108 project site (Figure 4).

***Typha***. The typha community is a monoculture of common cattail. Other species observed around the fringes of this community include mulefat, tamarisk, coyote brush (*Baccharis pilularis*), and two small Mexican fan palms (*Washingtonia robusta*). The typha community comprises 0.27 acre within the Reach 108 project site (Figure 4).




SOURCE: NAIP Imagery; Los Angeles County GIS, 2014.



**Figure 4**

Pico Canyon Reach 108 Vegetation Map

### *Tree Inventory*

The tree inventory was performed within the accessible portions of Reach 103 and Reach 108, and the results of the inventory are provided in Tables 1 and 2 below.

**TABLE 1**
**INVENTORY OF NATIVE TREES IN REACH 103 AND REACH 108 BASED ON LARGEST TRUNK DIAMETER**

| | Size Class (dbh) | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Reach 103 | | | | Reach 108* | | | |
| **Native Species** | **2"-5"** | **6"-10"** | **>10"** | **Total** | **2"-5"** | **6"-10"** | **>10"** | **Total** |
| Red willow (*Salix laevigata*) | 342 | 112 | 15 | **469** | 112 | 37 | 0 | **149** |
| Narrowleaf willow (*S. exigua*) | 176 | 0 | 0 | **176** | 147 | 0 | 0 | **147** |
| Fremont cottonwood (*Populus fremontii*) | 55 | 39 | 24 | **118** | 41 | 0 | 0 | **41** |
| Pacific Willow (*Salix lasiandra*) | 2 | 2 | 0 | **4** | 2 | 0 | 0 | **2** |
| Western sycamore (*Platanus racemosa*) | 0 | 0 | 0 | **0** | 1 | 0 | 0 | **1** |
| **Total** | **575** | **153** | **39** | **767** | **303** | **37** | **0** | **340** |

* Total numbers based on visual count of clusters from the edge of channel due to impenetrable vegetation within channel.

**TABLE 2**
**INVENTORY OF NON-NATIVE TREES IN REACH 103 AND REACH 108**

| | Size Class (dbh) | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Reach 103 | | | | Reach 108 | | | |
| **Non-Native Species** | **2"-5"** | **6"-10"** | **>10"** | **Total** | **2"-5"** | **6"-10"** | **>10"** | **Total** |
| Brazilian pepper (*Schinus terebinthifolius*) | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 |
| Blue gum (*Eucalyptus globules*) | 0 | 0 | 3 | 3 | 0 | 0 | 0 | 0 |

## *Common Wildlife*

### Reach 103

Avian species observed in the vicinity of Reach 103 during the biological surveys include red-winged blackbird (*Agelaius phoeniceus*), Anna's hummingbird (*Calypte anna*), common raven (*Corvus corax*), black phoebe (*Sayornis nigricans*), song sparrow (*Melospiza melodia*), house finch (*Haemorhous mexicanus*), red-shouldered hawk (*Buteo lineatus*), lesser gold finch (*Carduelis psaltria*), Oregon dark-eyed junco (*Junco hyemalis*), bushtit (*Psaltriparus minimus*), Bewick's wren (*Thryomanes bewickii*), Nuttall's woodpecker (*Picoides nuttallii*), spotted towhee (*Pipilo maculatus*), yellow-rumped warbler (*Setophaga coronate*), hermit thrush (*Catharus guttatus*), turkey vulture (*Cathartes aura*), common yellowthroat (*Geothlypis trichas*). A coyote (*Canis latrans*) was also observed. No other wildlife was observed.

### Reach 108

Avian species observed in the vicinity of Reach 108 during the biological surveys include Bewick's wren, bushtit, orange-crowned warbler (*Oreothlypis celata*), western scrub-jay (*Aphelocoma californica*), lesser goldfinch, red-winged blackbird, common yellowthroat, mallard (*Anas platyrhynchos*), song sparrow, common raven, oak titmouse (*Baeolophus inornatus*), common raven, white-crowned sparrow (*Zonotrichia leucophrys*), yellow-rumped warbler, Anna's hummingbird, mourning dove (*Zenaida macroura*), and house finch. No other wildlife species were observed.

## *Sensitive Biological Resources*

A total of 65 special-status species are known to occur within the 9 USGS quadrangle query of the project sites. Of these, 45 species do not have the potential to occur on the project sites due to habitat and/or range restrictions and are therefore omitted from discussion in this report. Table 3 provides a list of special-status species and sensitive vegetation communities that have the potential to occur in Reach 103 and/or Reach 108. Of the species listed in Table 3, 14 species have a moderate or high potential of occurring at one or both reaches, and, as shown in Table 3, one sensitive vegetation community, Southern Cottonwood-Willow Riparian Forest, is present in Reach 103. A summary of the sensitive species' and communities' potential of occurrence within each reach is provided in Table 4.

**TABLE 3**
**POTENTIALLY OCCURRING SENSITIVE SPECIES AND COMMUNITIES**

| Common Name | Scientific Name | Status[1] (Federal/State/Other) | Habitat | Potential to Occur |
|---|---|---|---|---|
| **Plants** | | | | |
| Davidson's bush mallow | *Malacothamnus davidsonii* | None/None/1B | Coastal scrub, riparian woodland, chaparral along sandy washes. | **Reaches 103 and 108: Low**. Historical occurrences recorded in formerly suitable habitat near San Fernando which has since been developed and this perennial woody species was not observed during the field assessments. |
| **Birds** | | | | |
| Western yellow-billed cuckoo | *Coccyzus americanus occidentalis* | FC/SE | Riparian forest. | **Reaches 103 and 108: High**. Suitable breeding habitat occurs in the willow-dominated riparian areas. |
| Yellow warbler | *Dendroica petechial brewsteri* | None/SSC | Riparian plant associations – prefers willows, cottonwoods, sycamores, and alders. | **Reaches 103 and 108: High**. Suitable breeding habitat occurs in the willow-dominated riparian areas. |
| White-tailed kite | *Elanus leucurus* | None/FP | Rolling foothills and valleys margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. | **Reach 103: High**. Suitable breeding habitat in riparian woodland. Nesting sites recorded within close proximity to Reach 103.<br>**Reach 108: None.** No suitable habitat in Reach 108. |
| Southwestern willow flycatcher | *Empidonax traillii extimus* | FE/SE | Dense willow thickets. | **Reaches 103 and 108: Medium**. Species is known to migrate through riparian corridors of the Santa Clara River, but is not expected to breed in the vicinity of the project sites. |
| Yellow-breasted chat | *Icteria virens* | None/SSC | Riparian thickets | **Reaches 103 and 108: Medium**. Suitable nesting habitat occurs in the willow-dominated riparian areas; however, no recent occurrences in the vicinity of the project sites. |

| Common Name | Scientific Name | Status[1] (Federal/State/Other) | Habitat | Potential to Occur |
|---|---|---|---|---|
| Least Bell's vireo | *Vireo bellii pusillus* | FE/SE | Riparian. | **Reaches 103 and 108: High**. This species is known to nest in riparian habitat within the Santa Clara River corridor and nesting was documented by ESA in 2013 within 5 miles to the east of Reach 108. |
| **Mammals** | | | | |
| Pallid bat | *Antrozous pallidus* | None/SSC | Grasslands, shrublands, woodlands, and coniferous forests; most common in open, dry habitat with rocky areas for roosting. | **Reach 103 and 108: Low**. Suitable foraging habitat exists, but there have not been any recent recorded occurrences in the project vicinity. No roosting habitat present at either of the reaches. |
| Spotted bat | *Euderma maculatum* | None/SSC | Forages over water and washes. Needs rock crevices in cliffs or caves for roosting. | **Reach 103: Low**. Suitable foraging habitat exists at Reach 103, but there have not been any recent recorded occurrences in the project vicinity. No suitable maternity or day roosts are present.<br>**Reach 108: None**. No suitable habitat in Reach 108. |
| Western mastiff bat | *Eumops perotis californicus* | None/SSC | Many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, chaparral, etc. Roosts in crevices in cliff faces, high buildings, trees and tunnels. | **Reach 103 and 108: Low**. Suitable foraging habitat exists, but there have not been any recent recorded occurrences in the project vicinity. No roosting habitat present at either of the reaches. |
| **Reptiles** | | | | |
| Coastal western whiptail | *Aspidoscelis tigris stejnegeri* | None/S2S3 | Deserts and semiarid areas with sparse vegetation and open areas, woodland and riparian areas. | **Reach 103: Medium**. Mulefat scrub provides suitable habitat.<br>**Reach 108: None**. Riparian vegetation at this reach is too dense and the overall habitat condition for this species to occur is very poor. |
| Southwestern pond turtle | *Emys (=Clemmys) marmorata pallida* | None/SSC | Perennial streams or nearly permanent bodies of water. | **Reach 103: High**. Potential of occurrence is high when water is present.<br>**Reach 108: None**. No suitable habitat in Reach 108. |

| Common Name | Scientific Name | Status[1] (Federal/State/Other) | Habitat | Potential to Occur |
|---|---|---|---|---|
| Two-striped garter snake | *Thamnophis hammondii* | None/SSC | In or near permanent fresh water, often along streams with rocky beds and riparian growth. | **Reach 103: High**. Potential of occurrence is high in Reach 103 when water is present.<br>**Reach 108: None**. No suitable habitat in Reach 108. |
| **Amphibians** | | | | |
| Arroyo toad | *Bufo californicus* | FE/SSC | Washes or intermittent streams. | **Reach 103: High**. Potential of occurrence is high when water is present and/or for aestivation during wet and/or dry periods within the upper terraces of Reach 103.<br>**Reach 108: None**. No suitable habitat in Reach 108. |
| California red-legged frog | *Rana aurora draytonii* | FT/SSC | Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent vegetation. Must have access to estivation habitat. | **Reach 103: Low**. No suitable breeding habitat, but migration is possible through Reach 103 between suitable pools.<br>**Reach 108: None**. No suitable habitat in Reach 108. |
| **Fish** | | | | |
| Santa Ana sucker | *Catostomus santaanae* | FT/SSC | Los Angeles Basin south coast streams. | **Reach 103: High**. Potential of occurrence is high when water is present.<br>**Reach 108: None**. No suitable habitat in Reach 108. |
| Unarmored threespine stickleback | *Gasterostteus aculeatus williamsoni* | FE/SE | Weedy pools, backwaters, and emergent vegetation at the stream edge in small southern California streams. | **Reach 103: High**. Potential of occurrence is high in Reach 103 when water is present.<br>**Reach 108: None**. No suitable habitat in Reach 108. |
| Arroyo chub | *Gila orcutti* | None/SSC | Los Angeles Basin south coastal streams. Slow water stream sections with mud or sand bottoms. | **Reach 103: High**. Potential of occurrence is high in Reach 103 when water is present.<br>**Reach 108: None**. No suitable habitat in Reach 108. |
| **Invertebrates** | | | | |
| Monarch butterfly | *Danaus plexippus* | None/S3 | Roosts in wind-protected tree groves with a nearby water source. | **Reach 103: Low**. Blue gum trees are limited in Reach 103 and do not provide suitable roosting habitat, but could be a stopover site during migration.<br>**Reach 108: None**. No suitable habitat in Reach 108. |

| Common Name | Scientific Name | Status[1] (Federal/State/Other) | Habitat | Potential to Occur |
|---|---|---|---|---|
| | | **Sensitive Habitats** | | |
| Southern cottonwood willow riparian forest | N/A | None/none/S3.2 | N/A | **Reach 103: Present.** This sensitive community occurs in Reach 103.<br>**Reach 108: None**. This community does not occur in Reach 108. |

1 Federal/State/Other Status: FE – federally endangered, FT – federally threatened; SE – State endangered, SSC – State Species of Special Concern; S2– 6-20 element occurrences (Eos) or 1,000-3,000 individuals or 2,000-10,000 acres; S3 – 21-100 Eos or 3,000-10,000 individuals or 10,000-50,000 acres; California Native Plant Society (CNPS) 1B – Plants rare, threatened or endangered in California and elsewhere.

**TABLE 4**
**SUMMARY OF POTENTIALLY OCCURRING SENSITIVE SPECIES AND COMMUNITIES**

| Common Name | Scientific Name | Potential to Occur within Reach 103 | Potential to Occur within Reach 108 |
|---|---|---|---|
| **Plants** | | | |
| Davidson's bush mallow | *Malacothamnus davidsonii* | Low | Low |
| **Birds** | | | |
| Western yellow-billed cuckoo | *Coccyzus americanus occidentalis* | High | High |
| Yellow warbler | *Dendroica petechial brewsteri* | High | High |
| White-tailed kite | *Elanus leucurus* | High | None |
| Southwestern willow flycatcher | *Empidonax traillii extimus* | Medium | Medium |
| Yellow-breasted chat | *Icteria virens* | Medium | Medium |
| Least Bell's vireo | *Vireo bellii pusillus* | High | High |
| **Mammals** | | | |
| Pallid bat | *Antrozous pallidus* | Low | Low |
| Spotted bat | *Euderma maculatum* | Low | None |
| Western mastiff bat | *Eumops perotis californicus* | Low | Low |
| **Reptiles** | | | |
| Coastal western whiptail | *Aspidoscelis tigris stejnegeri* | Medium | None |
| Southwestern pond turtle | *Emys (=Clemmys) marmorata pallida* | High | None |
| Two-striped garter snake | *Thamnophis hammondii* | High | None |
| **Amphibians** | | | |
| Arroyo toad | *Bufo californicus* | High | None |
| California red-legged frog | *Rana aurora draytonii* | Low | None |
| **Fish** | | | |
| Santa Ana sucker | *Catostomus santaanae* | High | None |
| Unarmored threespine stickleback | *Gasterostteus aculeatus williamsoni* | High | None |
| Arroyo chub | *Gila orcutti* | High | None |
| **Invertebrates** | | | |
| Monarch butterfly | *Danaus plexippus* | Low | None |
| **Sensitive Habitats** | | | |
| Southern cottonwood willow riparian forest | N/A | Present | None |

## Regulatory Setting

### *Federal and State Endangered Species Acts*

The Federal Endangered Species Act (FESA) provides guidance for conserving federally listed species and the ecosystems upon which they depend. Section 9 of the FESA and its implementing regulations prohibit the "take" of any federally-listed endangered or threatened plant or animal species, unless otherwise authorized by federal regulations. "Take" includes the destruction of a listed species' habitat. Section 9 also prohibits a number of specified activities with respect to endangered and threatened plants.

The California Endangered Species Act (CESA) mandates that state agencies not approve a project that would jeopardize the continued existence of species if reasonable and prudent alternatives are available that would avoid a jeopardy finding. CESA also prohibits the take of any fish, wildlife, or plant species listed as endangered or threatened, or designated as candidates for listing, under CESA. Similar to the FESA, CESA contains a procedure for the California Department of Fish and Wildlife (CDFW) to issue an incidental take permit authorizing the take of listed and candidate species incidental to an otherwise lawful activity, subject to specified conditions.

#### Migratory Bird Treaty Act/Section 3513 of the California Fish and Game Code

The federal Migratory Bird Treaty Act (MBTA) prohibits the take of native birds "by any means or mannner to pursue, hunt, take, capture (or) kill" any migratory birds except as permitted by regu¬lations issued by the U.S. Fish and Wildlife Service (USFWS). The term "take" is defined by USFWS regulation to mean to "pursue, hunt, shoot, wound, kill, trap, capture or collect" any migratory bird or any part, nest or egg of any migratory bird covered by the conventions, or to attempt those activities. Section 3513 of the California Fish and Game Code prohibits any take or possession of birds that are designated by the Migratory Bird Treaty Act as migratory nongame birds except as allowed by federal rules and regulations promulgated pursuant to the MBTA. Migratory birds include all native birds in the United States, except those non-migratory game species such as quail and turkey that are managed by individual states.

#### Clean Water Act

In accordance with Section 404 of the Clean Water Act (CWA), the United States Army Corps of Engineers (USACE) regulates discharge of dredged or fill material into waters of the U.S. Waters of the U.S. and their lateral limits are defined in 33 CFR 328.3(a) and includes navigable waters of the U.S., interstate waters, all other waters where the use or degradation or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries. Waters of the U.S. are often categorized as "jurisdictional wetlands" (i.e., wetlands over which the USACE exercises jurisdiction under Section 404) and "other waters of the United States" when habitat values and characteristics are being described. "Fill" is defined as any material that replaces any portion of a water of the U.S. with dry land or that changes the bottom elevation of any portion of a water of the U.S. Any activity resulting in the placement of dredged or fill material within waters of the United States requires a permit

from USACE. In accordance with Section 401 of the CWA, projects that apply for a Section 404 permit for discharge of dredged or fill material must obtain water quality certification from the appropriate Regional Water Quality Control Board (RWQCB) indicating that the proposed project would uphold State of California water quality standards.

#### Section 1602 of the California Fish and Game Code

Section 1602 of the California Fish and Game Code requires a Streambed Alteration Agreement for any activity that may alter the bed and/or bank of a lake, stream, river, or channel. Typical activities that require a Streambed Alteration Agreement include, but are not limited to, excavation or fill placed within a channel, vegetation clearing, installation of culverts and bridge supports, and bank reinforcement. As part of the notification process, the CDFW requires documentation of any trees to be removed as part of the project. Trees that have a trunk diameter at breast height (dbh) of at least two inches are subject to regulation by the CDFW via the Streambed Alteration Agreement.

#### Sections 3505 of the California Fish and Game Code

Section 3503 of the California Fish and Game Code prohibits the killing of birds or the destruction of bird nests. Birds of prey are protected under Section 3503.5 of the California Fish and Game Code, which provides that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Red-shouldered hawks and other birds of prey are afforded protection under this code.

## Recommendations

### *Nesting Birds*

Project activities could negatively impact nesting birds and raptors that are protected by the MBTA and Fish and Game Code. Therefore, if work activities occur within the bird nesting season (March 15-September 1), a qualified biologist should conduct a nesting bird survey within two weeks of the anticipated start date to identify any active nests within 300 feet and 500 feet of the impact area, for nesting birds and nesting raptors, respectively. If an active nest is found, then project activities should be conducted as recommended by the biologist (i.e., implementation of suitable buffer zones, waiting until fledging) in order to not interfere with nesting success. Avoidance buffers may be reduced within urban areas, where appropriate, at the discretion of the biologist.

### *Special-Status Wildlife*

#### Reach 103

Suitable habitat is present for least Bell's vireo and southwestern willow flycatcher within Reaches 103. According to the focused surveys reports that have been conducted to date for the LACDPW's soft bottom

channels, focused surveys for both species have been conducted within Reach 103 in 2005, 2007, and 2013 with negative findings (BonTerra Consulting 2005, 2007b, 2013). However, on May 9, 2014, ESA biologist Greg Ainsworth documented a pair of least Bell's vireo in Reach 103. Based on these results, ESA recommends protocol surveys for least Bell's vireo in 2014 to confirm presence and any breeding territories within Reach 103.

Focused surveys for western yellow-billed cuckoo have not been conducted within Reach 103. This species has not been observed during annual monitoring surveys conducted by BonTerra along the reach. Therefore, the potential for this species to occur can be presumed to be low, and no focused surveys are recommended. Preconstruction nesting bird surveys would minimize any potential impacts to this species, if present.

To avoid impacts to coastal western whiptail, arroyo toad, Santa Ana sucker, southwestern pond turtle, unarmored threespine stickleback, arroyo chub, and two-striped garter snake, all vegetation removal and ground disturbance activities should avoid periods when water is present. Within Reach 103, it is recommended that a qualified biologist be present to locate areas that may be suitable for arroyo toad during their aestivation period (August to January). Access routes into the reach for large equipment should be delineated by the biologist to avoid potentially suitable habitat areas for arroyo toad and to minimize overall ground impacts on native habitats to the greatest extent feasible. Non-native vegetation within Reach 103 should be flagged or otherwise identified during vegetation clearing by a qualified biologist prior to removal.

**Reach 108**

No focused surveys for least Bell's vireo or southwestern willow flycatcher have been conducted within Reach 108. However, according to the habitat assessment conducted by BonTerra Consulting (2007a), suitable habitat was not present within the reach at the time of the 2007 assessment, and neither species has been observed during annual monitoring efforts conducted by BonTerra Consulting. Based on annual surveys conducted along the reach by BonTerra, the potential for least Bell's vireo and southwestern willow flycatcher to occur is presumed to be low.

Focused surveys for western yellow-billed cuckoo have not been conducted or recommended within Reach 108. This species has not been observed during annual monitoring surveys conducted along the reach and recorded occurrences in the region are rare. Therefore, the potential for this species to occur can be presumed to be low, and no focused surveys are recommended. Preconstruction nesting bird surveys would minimize any potential impacts to this species, if present.

No other special-status species are expected to occur in Reach 108.

We appreciate the opportunity of working with you on this project. Please do not hesitate to contact me or Tom Barnes if you have any questions or comments regarding this report.

Sincerely,



Greg Ainsworth
Director, Biological Resources and Land Management

Attachments: Appendix A – Representative Site Photos

**References**

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# Appendix A – Representative Site Photographs



**Photo 1.** Facing northwest from an adjacent public walkway, immediately southwest of Newhall Ranch Road. Photo depicts dense willow vegetation present within Bouquet Canyon Creek, along Reach 103.



**Photo 2.** Facing northwest from an adjacent public walkway. Photo depicts dense cottonwood-willow riparian vegetation present within Bouquet Canyon Creek, along Reach 103.



**Photo 3.** Facing northeast from an adjacent public walkway. Photo depicts dense riparian forest vegetation present within the Pico Canyon Channel, along Reach 108.



**Photo 4.** Facing northeast from an adjacent public walkway. Photo depicts dense riparian forest vegetation present within the Pico Canyon Channel, along Reach 108.