



August 28, 2008

Mr. Sam Rojas
Newhall Land and Farming Company
23823 Valencia Boulevard
Valencia, California 91355

Dear Mr. Rojas,

Subject: Results of Focused California Gnatcatcher Surveys on the Valencia Commerce Center SCP Site; Los Angeles County, CA

Dear Mr. Rojas,

This letter report summarizes the methodology and findings of surveys for the federally-listed Threatened California gnatcatcher (*Poliioptila californica*) (CAGN) conducted by Compliance Biology, Inc. on the Valencia Commerce Center SCP site in the County of Los Angeles, California. The site totals approximately 320 acres, including a mosaic of vegetation associations, that includes suitable coastal sage scrub habitats.

The site is not proposed for immediate development. The primary purpose of conducting focused, peak season, protocol surveys is to determine if CAGN identified on site in August and September 2007 have remained on site. As you may recall, Ron Francis, Jr. (who holds a federal recovery permit for CAGN) was monitoring vegetation removal associated with culvert maintenance in this area and heard a California gnatcatcher. The sighting was verified by Dave Crawford of Compliance Biology, as well as Jeff Priest of Dudek (both permitted biologists) during subsequent visits to the site. Following confirmation of identification Mr. Chris Dellith of US Fish and Wildlife Service (FWS), Ventura field office, was notified. All three biologists conducted subsequent surveys and CAGN was identified during each visit. At that point, direction was given by FWS to stop all surveys. It was further suggested that since no further activities were proposed at that time, focused protocol surveys should be completed during the peak activity period for this species to determine if they were residents of the site. This letter report provides the results of those protocol surveys.

SURVEY SITE

The project site is situated in northwestern Los Angeles County (**Exhibit 1**). The project site is situated east of Commerce Center Drive, north of SR-126, adjacent to Castaic Creek. Specifically, the site is situated within T4N, R17W, in the northwest portion of the Rancho San Francisco Land Grant area, south of Section 1 of the Newhall, California U.S.G.S. 7.5-minute quadrangle map (**Exhibit 2**). The entire site totals approximately 320 acres. However, less than 80 acres of suitable to marginally suitable scrub habitat occurs within the boundaries of the subject parcel.

The survey areas support a variety of coastal sage scrub associations. The site is bordered to the west, north and south by existing development associated with the Valencia Commerce Center. Light industrial and agricultural development, as well as the Santa Clara River, occurs to the south across SR-126. Topography on the site is variable with a hill in the northern-central portion of the site and tributary drainages occur east and west of the hill. Elevations at the project sites range from approximately 1,000 feet to approximately 1,170 feet above mean sea level.

VEGETATION

Vegetation associations on site occur as a mosaic of coastal sage scrub, developed and disturbed areas, annual grasslands, oak woodlands, and riparian scrub. Dominant species within the coastal sage scrub areas include deerweed (*Lotus scoparius*), California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), California buckwheat (*Eriogonum fasciculatum*), goldenbush (*Isocoma menziesii*) and coast prickly pear (*Opuntia littoralis*). Additional common native species present include yucca (*Yucca whipplei*) and black sage (*Salvia mellifera*).

METHODOLOGY

Service recommended survey guidelines stipulate a minimum of six surveys shall be conducted at least one week apart between March 15 through June 30, and from July 1 through March 14, a minimum of nine surveys shall be conducted at least two weeks apart. Guidelines also recommend that a) surveys be completed between 6:00 a.m. and 12 p.m.; b) that they shall avoid periods of inclement weather or excessive heat, rain, wind, and fog; and c) the rate of coverage should be no more than 80 acres per day per permitted biologist.

Based on the aforementioned guidelines, six focused surveys were conducted by permitted biologists within and adjacent to potentially suitable on-site scrub habitats with at least a seven-day interval

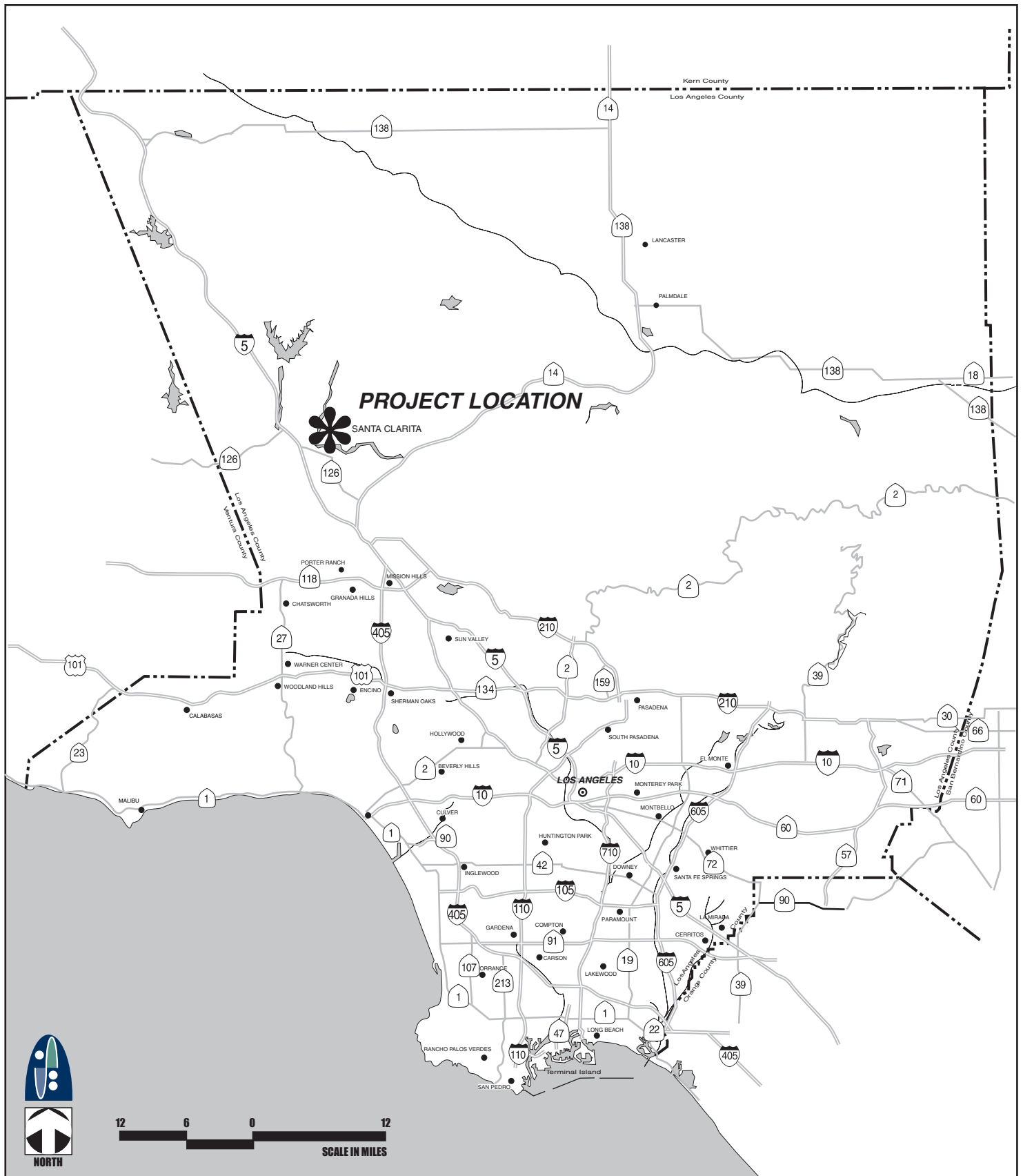
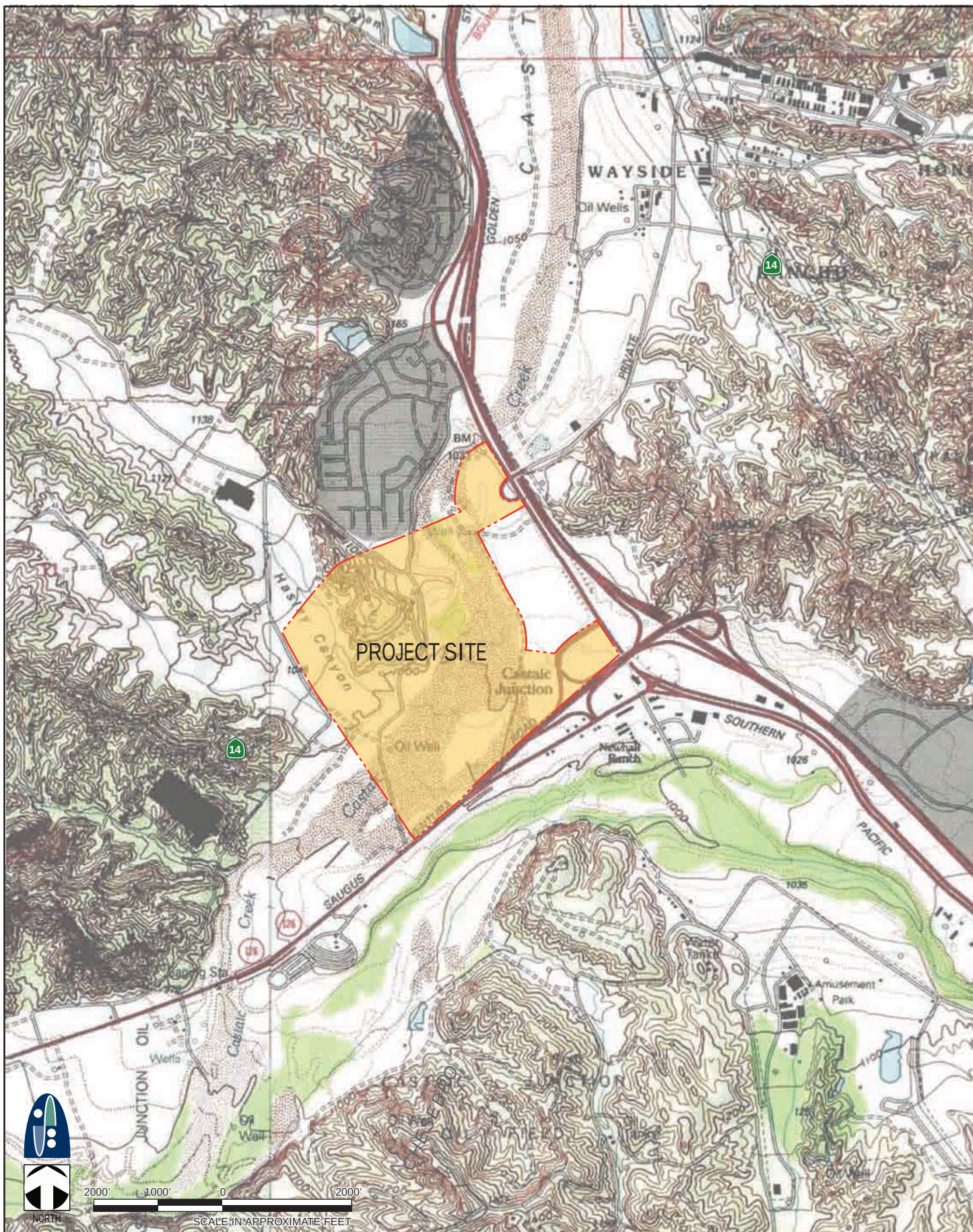


Exhibit 1
REGIONAL LOCATION



SOURCE: USGS Base Copyright © 2006, National Geographic TOPO®.

between surveys. All surveys were performed by David Crawford and/or Ron Francis Jr. under the authority of their respective individual Endangered Species Recovery Permits.

Surveys were conducted on March 18, 25, and April 1, 8, 15 and 22, 2008. All suitable habitat on the project site was surveyed each date. All potential habitat areas were systematically surveyed on foot by walking slowly and methodically along random transect routes. The location of transects and survey points along each transect were based on the vegetation and topographic conditions (size, location, and shape of habitat) of the area surveyed to ensure complete coverage. A combination of taped vocalizations (played at 30-60 second increments) and "pishing" sounds were used at each calling point to illicit response from any potentially occurring CAGN.

Weather conditions during the surveys were generally conducive to a high level of bird activity. All surveys were conducted between the hours of about 6:00 a.m. and approximately 11:00 a.m. Temperatures varied from approximately 50 degrees Fahrenheit (F) to a maximum of about 75 F. Wind speed ranged from 0 to 15 mph during the surveys and typically averaged less than 5 mph. Cloud cover varied from partly cloudy to completely clear.

RESULTS

No CAGN or other federal- or state-listed threatened or endangered species were recorded on the project site during the focused protocol surveys. A total of 46 avian species was observed or detected on the subject property. A complete list of all vertebrate species observed during the survey efforts is included as **Attachment A**.

One avian species included on the CDFG Watch List, and six with no designated status, but included on the CDFG Special Animals List were observed during the survey efforts. Each is described in the following text.

Southern California rufus-crowned sparrow (*Aimophila ruficeps canescens*); **CDFG Watch List**. This species most commonly nests and forages in mixed chaparral and coastal sage scrub habitats that occur on relatively steep, often rocky hillsides. Rufus-crowned sparrow was observed in scrub habitats during four of the six surveys. Due to its frequent occurrence, it is likely a resident on or adjacent to the subject property. No nests were directly observed; however, suitable nesting habitat does exist on the scrub vegetated slopes.

Six additional species occurring on the CDFG Special Animals List were also observed or detected; Great egret (*Casmerodius albus*), Nuttall's woodpecker (*Picoides nuttallii*), Costa's hummingbird (*Calypte costae*), lark sparrow (*Chondestes grammacus*), oak titmouse (*Parus inornatus*), and Lawrence's goldfinch (*Carduelis tristis*). These species are not afforded any legal protection FWS or by CDFG, but are

considered to be declining in California by other agencies and/or organizations. As such, these organizations track them in order to collect more data on their disposition. In the case of these six, as well as most of the “special animal” category species, the tracking agencies are most interested in nesting locations. All six of these species are still relatively common in the region. The open grassland on site provides foraging opportunities for the great egret, but this species is not expected to nest on site. The other species are likely either seasonal or perennial residents on site.

CONCLUSIONS

Despite previous confirmed sighting of CAGN on this site five months ago, no CAGN or other listed threatened or endangered species were observed or detected within or immediately adjacent to the subject survey reach. Based on the results of survey efforts and the level of surrounding development and disturbance associated with the Valencia Commerce Center, CAGN are now considered to be absent from the site and, as such, are not expected to be significantly impacted by alteration of the area surveyed.

Further, although only one of the 46 individual bird species observed on the project site are afforded protection by state regulatory agencies, most of the species occurring on site are protected under the federal Migratory Bird Species Treaty Act and Fish and Game Code while actively nesting. As such, grading and/or any other activity resulting in the removal of vegetation should be conducted outside the typical nesting season (February 1 through July 30). Should such activities be required during this period of time, it is recommended that nesting bird surveys be conducted consistent with California Department of Fish and Game guidelines.

Please feel free to contact me if you have any questions regarding the contents of this report.

Sincerely,

Dave Crawford
Compliance Biology, Inc.
President/Principal Biologist

I certify that the information in this survey report and attached exhibits, fully and accurately reflects my work.

Dave Crawford; Permit # TE-821229-5

I certify that the information in this survey report and attached exhibits, fully and accurately reflects my work.

Ron Francis Jr.; Permit # TE-085880-0

Cc: Chris Dellith; US Fish and Wildlife Service, Ventura Field Office

REFERENCES

- California Department of Fish and Game. 2008. "Special Animals (670 taxa)." February 2008 update. Prepared by the Wildlife and Habitat Data Analysis Branch. California Natural Diversity Database.
- California Natural Diversity Data Base (CNDDDB). Wildlife & Habitat Data Analysis Branch, Department of Fish and Game. March 2008 update. Newhall and Vel Verde, CA 7.5-minute USGS quadrangle maps.
- Hickman, J.C. (Editor). 1993. *The Jepson Manual, Higher Plants of California*. University of California Press, Berkeley, California.
- Holland, R.F. 1986. "Preliminary Descriptions of the Terrestrial Natural Communities of California." Unpublished Report. State of California, The Resources Agency, Department of Fish and Game, Natural Heritage Division, Sacramento, California.
- U.S. Fish and Wildlife Service. 1997. "*Survey Protocol for the Coastal California Gnatcatcher*." February 28, 1997.
- U.S. Fish and Wildlife Service. 1996. *Endangered and Threatened Wildlife and Plants; Animal Candidate Review for Listing as Endangered or Threatened Species; Proposed Rule* Federal Register 50, CFR Part 17. U.S. Department of the Interior. Washington, D.C.
- U.S. Fish and Wildlife Service. 1985. *Migratory Bird Treaty Act*. 16 U.S.C. 703-712.