

4.4 BIOLOGICAL RESOURCES

4.4.1 Introduction

This section provides a discussion of the biological resources that exist or have the potential to exist within the City of Simi Valley, in addition to an evaluation of the potential effects resulting from implementation of the General Plan Update on special-status species, natural communities, wetland resources, wildlife movement corridors, and local policies or ordinances protecting biological resources.

As the General Plan Update is a broad-level plan and does not include specific projects or details of future developments, formal, site-specific biological surveys have not been performed as part of this analysis. Data for this section were taken from searches of inventory and databases maintained by the California Department of Fish and Game (CDFG), the United States Fish and Wildlife Service (USFWS), the California Native Plant Society (CNPS), and the City of Simi Valley General Plan Update Technical Background Report (2007).

Five comment letters regarding biological resources were received in response to the December 1, 2009, Notice of Preparation (NOP) circulated for the General Plan Update. Full bibliographic entries for all reference materials are provided in Section 4.4.5 (References) of this section.

4.4.2 Environmental Setting

Simi Valley is a crescent-shaped valley surrounded by steep hills. The valley is separated from the San Fernando Valley in Los Angeles County by the rugged Santa Susana Mountains north and east, rising to more than 3,000 feet, which also separate it from the communities of Fillmore and Piru and the Santa Clarita Valley to the north. The Simi Hills, rising to approximately 2,500 feet to the south and west, separate the valley from the Conejo Valley and Coastal Plain of Ventura County.

Development in Simi Valley originally occurred on the flatter areas of the valley floor. When the original General Plan effort was undertaken in 1970–72, substantial land was still undeveloped on the valley floor and there was little pressure to develop in the outlying canyon areas. More recently, ongoing interest in development in the outlying canyon and hillside areas resulted in new policies to guide future development within these areas, such as the adoption of the Hillside Performance Standards (HPS) in 1978 and the adoption of an urban growth boundary line named the Simi Valley City Urban Restriction Boundary (Simi Valley CURB) in 1998. The purpose of the Simi Valley CURB is to protect existing agricultural, open space, viewsheds, wildlife areas, and watershed land surrounding the community from the impact of development and to limit urban sprawl. With stricter standards regarding new development in hillside and habitat areas, additional considerations for biological resources, including sensitive habitat, are being made by the City to ensure preservation/conservation to the extent feasible.

■ Vegetation

The vegetation mapping for the General Plan Update takes a broad-based approach toward delineating habitat types and vegetation communities that occur within the Planning Area (refer to Figure 3-2

[Planning Area] in Chapter 3, Project Description), which is comprised of all properties located within the following boundaries: the City limits of Simi Valley (approximately 27,056 acres [excluding nine unincorporated County areas within the City boundaries]); the Simi Valley City Urban Restriction Boundary (CURB) (3,039 acres beyond the City limits); and the City's SOI (4,001 acres abutting the City limits); and the Simi Valley Area of Interest (total of 32,230 acres). For the purposes of this assessment, vegetation communities are mapped and defined based on overall dominance of trees, shrubs, and herbaceous plants that occur over relatively large areas. As environmental conditions change and more specific analyses are conducted over time, it is likely that deviations from large-scale mapping will occur, and more fine-scale mapping will reveal a greater diversity of habitat types.

Urban/developed areas include land that has been permanently altered due to the construction of aboveground developments such as buildings, roads, and golf courses. Urban/developed areas are often characterized by isolated stands of nonnative vegetation typically associated with landscaping improvements, including ornamental tree- and shrub-vegetated slopes and rights-of-way, and groundcover-vegetated parks.

Urban/developed land occurs primarily in the central portion of the City in the form of surface streets, arterials, residential developments, commercial and retail centers, and parks. This community is the dominant vegetation type within the portions of the Planning Area proposed for land use changes in the General Plan Update.

In addition to urban/developed land, four predominant vegetation communities characterize the Planning Area: annual or nonnative grassland, coastal sage scrub, chaparral, and riparian woodland vegetation types. The names and definitions of these vegetation communities are discussed below and are suggested based on general definitions provided by Holland, Sawyer and Keeler-Wolf, and the CDFG's California Wildlife Habitat Relations (CWHR) natural communities classification system (Holland 1986; Sawyer and Keeler-Wolf 1995; CDFG 1988). Less prevalent vegetation types in the Planning Area include oak woodland, southern riparian scrub, mulefat scrub, southern willow scrub, and saltgrass. Open areas of vegetation are predominantly restricted to the outer portions of northern and southern regions of the Planning Area (PBS&J 2007). Figure 4.4-1 (Vegetation Communities in the Planning Area) illustrates the distribution of the four prevalent communities.

Annual Grassland

Annual grassland, or nonnative grassland, is described as a dense to sparse cover of nonnative annual grasses often associated with numerous ruderal species and native annual forbs (broad-leaved, nongrass herbaceous plants), especially in years with plentiful rain. Seed germination occurs with the onset of winter rains. Some plant growth occurs in winter, but most growth and flowering occurs in the spring. Plants then die in the summer and persist as seeds in the uppermost layers of soil until the next rainy season. Nonnative species typically found in native and nonnative grassland habitats include grasses such as red bromes (*Bromus madritensis* ssp. *rubens*), ripgut (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), cheat grass (*Bromus tectorum*), oats (*Avena* spp.), barleys (*Hordeum* spp.), and rattail fescue (*Vulpia myuros*), and forbs such as black mustard (*Brassica nigra*), shortpod mustard (*Hirschfeldia incana*), filaree (*Erodium* spp.), and sweet fennel (*Foeniculum vulgare*).

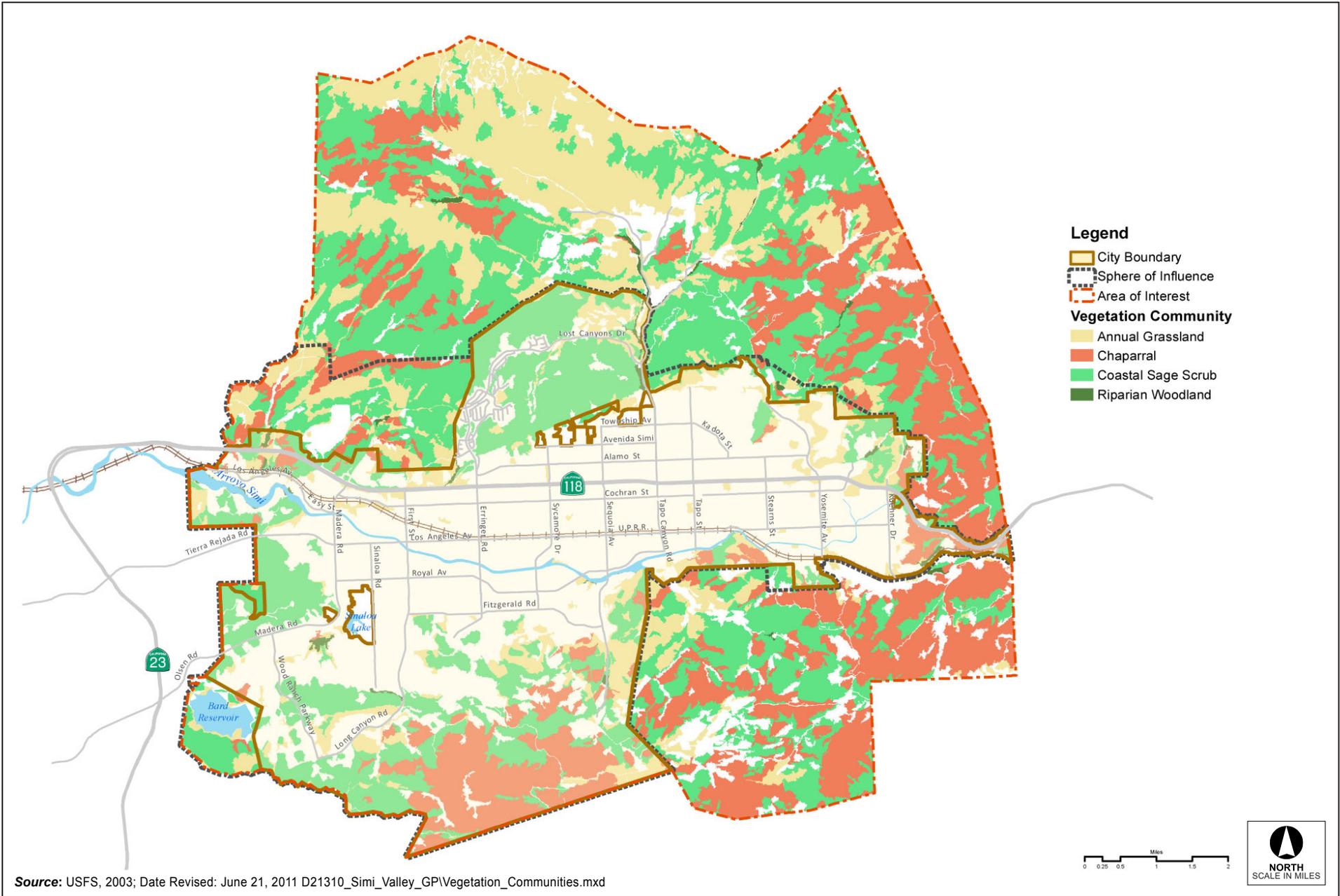


Figure 4.4-1
Vegetation Communities in the Planning Area

Nonnative grassland occurs on the slopes of the foothills of the Santa Susana Mountains and the Runkle Canyon area, located in the northwestern and southern portions of the City, respectively. Smaller, isolated patches of nonnative grassland function as understory extensions to the adjacent scrub and woodland communities and provide foraging and dispersal habitat for wildlife species that commonly occur in the area.

Coastal Sage Scrub

Coastal sage scrub is a native scrub-type community that is widespread throughout the lower elevations of Southern California. Coastal sage scrub vegetation typically consists of low-growing, drought-tolerant deciduous, perennial, and evergreen shrubs adapted to xeric sites (dry habitat) supported by steep and gentle sloping topography with severely drained soils or clays that release stored soil moisture slowly. Coastal sage scrub may occur as a dense scrub-type community of scattered shrubs, sub-shrubs, and herbs generally less than 3 feet tall and often developing considerable cover. Typical stands in the bioregion are relatively dense and dominated by the native shrub, California sagebrush (*Artemisia californica*), with a sub-dominance of one or more native shrubs, and an herbaceous understory consisting of native and nonnative grasses, and annual forbs. Diagnostic species generally include California sagebrush, California buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), white sage (*Salvia apiana*), laurel sumac (*Malosma laurina*), sticky monkeyflower (*Mimulus auranticus*), chaparral yucca (*Yucca whipplei*), and California aster (*Corethrogyne filaginifolia*), among others. This community is fire-adapted, with many constituent species being able to sprout new stems from remnant crowns after a burn. In Southern California, this community typically intergrades with coastal dunes scrub and foredune habitats along the coast, and with grassland, chaparral, and oak woodland habitats at inland locales.

Coastal sage scrub primarily occurs in the canyon areas in the northern portion of the Planning Area, but is also found in the foothill areas in the northern portion of the City. Based on their contiguity and large size, some of the stands within the City may provide habitat for both common and sensitive plant and wildlife species.

Chaparral

Chaparral is one of the most widespread upland vegetation communities in California, with many distinct types or series that are determined by the dominant soils, elevation, rainfall, and other conditions. Chaparrals are generally composed of hard-stemmed shrubs with leathery leaves that avoid desiccation during the dry season. Shrubs are primarily broad-leaved sclerophyll (woody plants of dry areas with thick, leathery evergreen foliage that retains water), deeply rooted, and densely arranged, leaving little opportunity for understory growth. Typical sites are characterized by steep, dry, rocky slopes with little soil development. Characteristic shrub species typically include wild lilac (*Ceanothus* spp.), chamise (*Adenostoma fasciculatum*), manzanita (*Arctostaphylos* spp., *Xylococcus* sp.), scrub oak (*Quercus berberidifolia*), toyon (*Heteromeles arbutifolia*), mountain mahogany (*Cercocarpus betuloides*), holly-leaf cherry (*Prunus ilicifolia*), coffee berry (*Rhamnus californica*), laurel sumac, poison oak (*Toxicodendron diversilobum*), and black sage. Chaparral is also a fire-adapted community, with many species having the ability to stump-sprout after a burn and/or develop seeds that are stimulated to germinate after a fire. In Southern California, this community typically intergrades with grassland, coastal scrub, and oak woodland habitats at drier locales.

on less rocky soils and lower elevations, and evergreen and coniferous forest habitats in cooler locales on less rocky soils in higher elevations.

Chaparral is restricted to the steeper, rockier, higher elevation slopes that bound the northern and southern portions of the City within the Santa Susana Mountains and the Simi Hills. Based on their contiguity and large size, they provide good quality habitat for both common and sensitive plant and wildlife species.

Riparian Woodland

Riparian woodlands are characterized by dense, broadleafed, evergreen sclerophyllous, and winter-deciduous riparian thickets of vegetation, typically dominated by several species of willow (*Salix* spp.), emergent cottonwood (*Populus* spp.), California sycamore (*Platanus racemosa*), and mulefat (*Baccharis salicifolia*). Due to the variability of riparian habitat within the City, areas mapped as riparian woodland may include elements of southern sycamore alder riparian woodland, southern mixed riparian forest, southern coast live oak riparian forest, southern riparian scrub, and southern willow scrub (Holland 1986). Riparian seeps, springs, and freshwater emergent wetlands may also be present within these areas. Some stands are too dense to allow much understory development, while other stands are characterized by canopy breaks and a more open structure allowing for substantial growth in the shrub, herbaceous, and woody vine strata. Riparian woodlands may be found in a number of scenarios: within narrow ribbons along streambeds and washes that tend to dry out quickly after storm events; within areas characterized by loose, sandy, or fine gravelly alluvium deposits near stream channels exposed to flood flows; within intermittent stream channels with fairly coarse substrate, moderate depth to the water table, and maintained by frequent flooding or scouring; within low-gradient stream reaches and seasonally flooded bottomlands supported by moist or saturated sandy or gravelly soils; within drier outer flood plains along perennial streams; or within or adjacent to the active stream channel and primary floodplain of intermittent or perennial streams. Many riparian systems support wetland habitats within and adjacent to their understory. In addition to the dominants discussed above, other species associated with riparian woodlands in the region may include coast live oak, Mexican elderberry (*Sambucus mexicana*), coyote bush (*Baccharis pilularis*), skunkbush (*Rhus trilobata*), poison oak (*Toxicodendron diversilobum*), mugwort (*Artemisia douglasiana*), California rose (*Rosa californica*), California blackberry (*Rubus ursinus*), docks (*Rumex* spp.), sedges (*Carex* spp.), rushes (*Juncus* spp.), oats (*Avena* spp.), bromes (*Bromus* spp.) and mustards (e.g., *Brassica*, *Hirschfeldia*, *Rapa* spp.), among others. Riparian woodland habitat was formerly extensive along the major rivers of coastal Southern California, but has been much reduced by urban expansion, agriculture, flood control, and channel improvements that have disrupted natural flow regimes.

While riparian woodland occurs along portions of the creek and canyon areas within the Planning Area, it primarily occurs outside the City boundary. Dominant species within these stands may include red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), mulefat, coast live oak, and valley oak. Riparian woodland habitat is considered to be of high biological function and value, as it provides water resources, suitable nesting and foraging opportunities, and live-in refuge and migratory habitat for a number of common and sensitive resident and migratory wildlife species.

■ Wildlife

Wildlife within the Planning Area is extremely diverse, with a special abundance in undeveloped high-quality habitats. The creek channels and open upland areas of the Planning Area are ideal habitat for movement and foraging by wildlife species. The nearby Los Padres National Forest, Sespe Condor Sanctuary, and Santa Monica Mountains National Recreation Area also offer habitat and movement corridors for larger species (LSA Associates 2004; South Coast Wildlands 2008).

Native mammal diversity within the Planning Area is extensive and abundant. Among others, species of rodents, rabbits, mountain lion, weasels, badger, skunks, raccoons, fox, deer, bobcat, and coyote are known to inhabit/utilize areas scattered throughout the Planning Area.

Bird diversity within the Planning Area is related to the habitat opportunities for resident, migrant, and seasonal species that are found in the area. Numerous species of raptors, sparrows, quail, hummingbirds, swallow, larks, and owls, along with federal and state special-status species such as Southern California rufous-crowned sparrow (*Aimophila ruficeps*) and burrowing owl (*Athene cunicularia*), are known to be found in habitat within the Planning Area.

Amphibians and reptiles are abundant and relatively diverse within certain segments of the Planning Area. Snakes, toads, frogs, lizards, and salamanders, although habitat-specific, are primarily found along the Arroyo Simi as well as other creek areas within the Planning Area.

■ Definitions of Sensitive Biological Resources

Sensitive biological resources are defined as the following: (1) vegetation communities that are unique, of relatively limited distribution, or of particular value to wildlife; and (2) species that have been given special recognition by federal or state agencies, or are included in regional conservation plans due to limited, declining, or threatened populations.

Sensitive species include the following:

- Species listed, proposed, or candidate species for listing as Threatened or Endangered by the USFWS or the National Marine Fisheries Service (NMFS) pursuant to the federal Endangered Species Act of 1969 (FESA), as amended
- Species listed as Rare, Threatened, or Endangered by the California Fish and Game Commission pursuant to the California Endangered Species Act of 1970 (CESA), as amended
- Species designated by the Legislature as Fully Protected under Sections 3511 (birds), 4700 (mammals), and 5050 (reptiles and amphibians) of the California Fish and Game Code (CFGC)
- Species designated by the CDFG as California Species of Concern
- Plant species listed as List 1B and 2 by the CNPS¹
- Species not currently protected by statute or regulation, but considered rare, threatened, or endangered under the CEQA Guidelines (Section 15380). This includes species and vegetation

¹ Recent modifications to the CNPS Ranking System include the addition of a new Threat Code extension to listed species (e.g., List 1B.1, List 2.2, etc.). A Threat Code extension of .1 signifies that a species is seriously endangered in California; .2 is fairly endangered in California; and .3 is not very endangered in California.

communities with a California Natural Diversity Database (CNDDDB) state rank of S1 or S2. This rank reflects the rarity and endangerment of the species within California.

Federal

To be considered federally “endangered,” a species must be facing extinction throughout all or a significant portion of its geographic range. A federally “threatened” species is one that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range. The presence of any federally threatened or endangered species on a site generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct. Harm in this sense can include any disturbance to habitats used by the species during any portion of its life.

Proposed (or “candidate”) species are those officially proposed by the USFWS for addition to the federal threatened and endangered species list. Because proposed species may soon be listed as threatened or endangered, and could become listed prior to or during implementation of a proposed development project, these species are treated as the equivalent of listed species in this EIR.

State

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy, and a threatened species as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. California also defines rare plants as those present in such small numbers throughout its range that they may become endangered if their present environment worsens.

California Species of Special Concern is a designation used by the CDFG for some declining wildlife species that are not state candidates for listing as threatened or endangered. This designation does not provide legal protection but signifies that these species are recognized as special status by the CDFG. Under CEQA Guidelines (Section 15380) potential impacts to these species must be assessed. If lead agencies find significant effects on those species, they gain some level of legal protection through the substantive mandate of CEQA, which requires mitigation of significant effects where feasible.

California laws relating to Fully Protected species were among the first attempts in the nation to provide additional protection to animals that were rare or faced possible extinction, predating even the FESA. Most fully protected species have also been given additional protection under more recent laws and regulations, and many have been listed under state and federal versions of the ESA. Fully Protected species (such as the peregrine falcon and white-tailed kite) may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. Special-status habitats are vegetation communities, associations, or sub-associations designated by the CDFG and/or CNPS that support concentrations of special-status plant or wildlife species, are of relatively limited distribution, or are of particular value to wildlife. Although special-status habitats are not afforded legal protection unless they support protected species, potential impacts on them are of concern to CDFG.

The CNPS is a private nonprofit resource conservation organization that maintains an inventory of California's special-status plant species (CNPS 2009). This inventory provides the summary of information on the distribution, rarity, and endangerment of California's vascular plants. The rare plant inventory categorizes California's special-status plant species as follows:

- **List 1A**—Presumed extinct in California because they have not been seen in the wild for many years
- **List 1B**—Rare, threatened, or endangered throughout their range
- **List 2**—Rare, threatened, or endangered in California, but more common in other states
- **List 3**—Plant species for which CNPS needs additional information
- **List 4**—Limited distribution in California whose susceptibility to threat appears low at this time

Lead agencies under CEQA are not subject to a direct legal mandate to give any particular weight to CNPS determinations, but lead agencies have the discretion to assign weight to those determinations to the extent the agencies find the determinations persuasive and supported by substantial evidence. For the purposes of this EIR, only species with CNPS ratings of 1B or 2 are assessed, as these species, in the City's estimation, would meet the definition of rare under the CEQA Guidelines.

■ Sensitive Biological Resources

Numerous sensitive plant and animal species and communities that have been identified in and surrounding the Planning Area are provided in Table 4.4-1 (Sensitive Biological Resources in the Planning Area Potentially Occurring in the City of Simi Valley). Figure 4.4-2 (Sensitive Biological Resources in the Planning Area) identifies areas in which historical sightings of these species have occurred within and adjacent to the Planning Area, and does not identify the limits of their potential presence. The potential presence of a species is dependent on the type of habitat available for establishment.

As illustrated in Figure 4.4-2 and in general, important habitats and biological resource areas within the Planning Area include the following:

- Canyon areas, which provide important habitat (water, food, shelter, and movement corridors), biological resources, and add to the viewshed of the City
- State-listed endangered and threatened plant and wildlife species associated with riparian woodlands along the Arroyo Simi and other creek areas within the Planning Area
- Open water habitats provided by Bard Reservoir, Sinaloa Lake, and isolated locations along the Arroyo Simi and other creek areas within the Planning Area
- Habitat for state and federally endangered and threatened plant and wildlife species found in chaparral and coastal sage scrub habitat
- Habitat for federally listed endangered, threatened, or rare plant, animal species associated with the riparian woodlands

Sensitive Species

Plant Species

Based on a list compiled through the CNDDDB (CDFG 2009a) and other sources (CNPS 2009; USFWS 2009; CDFG 2009b, 2009c), 23 sensitive plant species have been recorded within and in the vicinity of the Planning Area and, thus, were determined to have the potential to occur within the Planning Area. Seven of these 23 plant species are known sensitive plant species occurrences within the Planning Area, as shown in Figure 4.4-2. Further information detailing the listing status and habitat preferences for all twenty-three sensitive plant species is provided in Table 4.4-1.

Wildlife Species

Based on a list compiled through the CNDDDB (CNDDDB 2009) and other sources (City of Simi Valley 2007; CDFG 2009c, 2009d, 2009b), 34 sensitive wildlife species have been recorded within and in the vicinity of the Planning Area and, thus, were determined to have the potential to occur within the Planning Area. Twelve of these 34 wildlife species are known sensitive wildlife species occurrences within the Planning Area, as shown in Figure 4.4-2. Further information detailing the listing status and habitat preferences for all thirty-four sensitive wildlife species is provided in Table 4.4-1.

Sensitive Natural Communities

Based on a list compiled through the CNDDDB (CDFG 2009a), seven vegetation communities have been recorded within and in the vicinity of the Planning Area and, thus, were determined to have the potential to occur within the Planning Area. Of these seven communities, four vegetation communities (cismontane alkali marsh, southern mixed riparian forest, southern willow scrub, and valley oak woodland) are considered to be “sensitive,” as previously defined, and their state rarity rankings are included in Table 4.4-2.

■ Wetlands

In addition to the above-mentioned habitats, the many streams and creeks within the Planning Area, including portions of the Arroyo Simi, are known to contain wetland habitat. Figure 4.4-3 (Wetlands and Watercourses) illustrates these areas. As defined by the U.S. Environmental Protection Agency (USEPA), wetlands are lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface. As described later in the Regulations section, this habitat could be subject to protection under Sections 404 and 401 of the Clean Water Act (CWA), and Section 1600 of the CFGC.

■ Wildlife Corridors/Landscape Linkages

Wildlife corridors and landscape linkages are very important features that act as pathways for wildlife to travel over, connecting areas of high quality habitat. They help to compensate for the ongoing habitat isolation and fragmentation resulting from natural and man-made alterations to the environment by linking areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open-space areas by urbanization creates

Table 4.4-1 Sensitive Biological Resources Potentially Occurring in the City of Simi Valley

Species Scientific Name Common Name	Status			Preferred Habitat
	Federal	State	Other	
WILDLIFE				
Amphibians and Reptiles				
<i>Actinemys marmorata</i> Western pond turtle	—	CSC	—	Permanent or nearly permanent fresh water habitats below 6,000 feet in elevation. Requires basking sites such as partially submerged logs, vegetation mats, or open mud banks. In lower elevations and latitudes, this species may be active at aquatic sites year-round. Uses protected upland terrestrial sites near aquatic sites with appropriate slope aspect and soils for an oviposition site.
<i>Anaxyrus californicus</i> Arroyo toad	FE	CSC	—	Semi-arid regions near washes and intermittent streams characterized by valley and foothill riparian, desert riparian, desert wash, and other riparian habitats. Prefers rivers with unvegetated sandy banks and loose gravelly areas of streams for burrowing and foraging.
<i>Aspidoscelis tigris stejnegeri</i> Coastal whiptail	—	—	S2S3	Sparse scrub-type habitats within deserts and semiarid areas. Also found within woodland and riparian habitats. Substrates may be firm, sandy, or rocky.
<i>Gambelia silus</i> Blunt-nosed leopard lizard	FE	SE	—	Semiarid grasslands, alkali flats, and washes. Prefers flat areas with open space for running, avoiding densely vegetated areas.
<i>Phrynosoma blainvillii</i> Coast horned lizard	—	CSC	—	Inhabits coastal sage scrub and chaparral in arid and semi-arid climate conditions. Also inhabits annual grassland, oak woodland, riparian woodland, and coniferous forest. Requires loose fine soils with a high sand fraction for burrowing. Feeds primarily on harvester ants, but also termites, beetles, flies, wasps, and grasshoppers. This species is unable to survive in habitats altered through urbanization, agriculture, off-road vehicle use, or flood control structures.
<i>Rana draytonii</i> California red-legged frog	FT	CSC	—	Dense emergent wetland and riparian vegetation associated with lowland and foothill perennial streams and other clean permanent freshwater habitats. Larval development requires 11 to 20 weeks of permanent inundation of breeding and oviposition sites. Requires adjacent upland habitat with suitable burrows for aestivation.
<i>Spea hammondi</i> Western spadefoot	—	CSC	—	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools that do not contain bullfrogs, fish, or crayfish are necessary for breeding.
<i>Thamnophis hammondi</i> Two-striped garter snake	—	CSC	—	Highly aquatic species that requires permanent freshwater habitats characterized by rocky beds and riparian vegetation. Occurs within coastal locales from Salinas south to Baja, California from sea level to approximately 7,000 feet above mean sea level.
Birds				
<i>Agelaius tricolor</i> Tricolored blackbird	—	CSC	—	Nesting habitat consists of protected emergent wetland and riparian habitats adjacent to open water including, lakes, ponds, slow moving streams, canals, sloughs and backwaters. Foraging areas support high density of insect prey. Highly colonial species that is most abundant in the Central Valley and vicinity.

Table 4.4-1 Sensitive Biological Resources Potentially Occurring in the City of Simi Valley

Species Scientific Name Common Name	Status			Preferred Habitat
	Federal	State	Other	
<i>Aimophila ruficeps canescens</i> Southern California rufous-crowned sparrow	—	—	S2S3	Nesting habitat includes steep, often rocky, hillsides characterized by grass and forb patches intermittent to sparse coastal sage scrub and sparse mixed chaparral stands.
<i>Athene cucularia</i> Burrowing owl	—	CSC	—	Open grasslands, desert, and sparse scrublands with low-growing vegetation and suitable burrows.
<i>Charadrius alexandrinus nivosus</i> Western snowy plover	FT	CSC	—	Nests along shores, peninsulas, offshore islands, bays, estuaries, and rivers of the Pacific Coast.
<i>Coccyzus americanus occidentalis</i> Western yellow-billed cuckoo	FC	SE	—	Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape. Riparian forest nester, along the broad, lower flood-bottoms of larger river systems.
<i>Empidonax trallii extimus</i> Southwestern willow flycatcher	FE	SE	—	Nests in riparian woodlands in Southern California.
<i>Gymnogyps californianus</i> California condor	FE	SE	—	Coastal mountains of south-central California and the Grand Canyon area of northern Arizona. Condors prefer mountains, gorges, and hillsides, which create updrafts, thus providing favorable soaring conditions.
<i>Poliotila californica californica</i> Coastal California gnatcatcher	FT	CSC	—	Coastal sage scrub on mesas, gently sloping areas, and along the lower slopes of the coast ranges. May also use chaparral, grassland, and riparian habitats.
<i>Rallus longirostris levipes</i> Light-footed clapper rail	FE	SE	—	Dense vegetation within coastal salt and brackish marshes, especially among cordgrass and pickleweed.
<i>Riparia riparia</i> Bank swallow	—	CT	—	Nests in colonies in streamside banks - typically nest in earthen burrows just under the root line along the banks of rivers. However, due to human encroachment, bank swallows have altered their nest site selection to utilize areas wherever moving water makes steep walls in sand, dirt, or gravel (i.e., quarry slag piles).
<i>Sternula antillarum browni</i> California least tern	FE	SE	—	Nests along the central and Southern California coast on undisturbed sandy beaches, and forages over open water such as estuaries, coastal channels, and harbors.
<i>Vireo bellii pusillus</i> Least Bell's vireo	FE	SE	—	Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, baccharis, and mesquite. Summer resident of Southern California in low riparian; in vicinity of water or in dry river bottoms; below 2,300 feet.
Fish				
<i>Eucyclogobius newberryi</i> Tidewater goby	FE	CSC	—	Brackish water habitats along the California Coast from Agua Hedionda lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.

Table 4.4-1 Sensitive Biological Resources Potentially Occurring in the City of Simi Valley

Species Scientific Name Common Name	Status			Preferred Habitat
	Federal	State	Other	
<i>Gasterosteus aculeatus williamsoni</i> Unarmored threespine stickleback	FE	SE	—	Freshwater habitats (clean, clear-flowing streams in deeper pools where there is a slow, steady current) in Southern California.
<i>Gila orcuttii</i> Arroyo chub	—	CSC	—	Slow moving mud or sand bottomed sections of streams in Southern California.
<i>Oncorhynchus mykiss</i> Southern California steelhead	FE	CSC	—	Federal listing refers to populations from Santa Maria River south, to southern extent of range (San Mateo Creek in San Diego County). Southern sycamore alder riparian woodland, thickets of herbaceous understory in many places. Southern steelheads likely have greater physiological tolerances to warmer water and more variable conditions.
Invertebrates				
<i>Branchinecta conservatio</i> Conservancy fairy shrimp	FE	—	—	Inhabit vernal pools. Conservancy fairy shrimp are known from six disjunct populations in California: Vina Plains, Tehama County; south of Chico, Butte County; Jepson Prairie, Solano County; Sacramento National Wildlife Refuge, Glenn County; near Haystack Mountain northeast of Merced, Merced County; and the Lockwood Valley, northern Ventura County.
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT	—	—	Vernal pool fairy shrimp are scattered throughout the Central Valley. They also live in the coastal mountain ranges. Isolated groups live in Southern California and Oregon.
<i>Solcalchemmis gertschi</i> Gertsch's socialchemmis spider	—	—	S1	Closed canopy riparian woodland and coastal sage scrub. May occur within urban settings. Known from two localities in Los Angeles County, including Brentwood and Topanga Canyon.
<i>Streptocephalus woottoni</i> Riverside fairy shrimp	FE	—	—	Vernal pools in Ventura, Los Angeles, Riverside, Orange, and San Diego counties; and Baja California, Mexico.
<i>Trimerotropis occidentiloides</i> Santa Monica grasshopper	—	—	S1S2	Found on bare hillsides and along dirt trails in chaparral. Known only from the Santa Monica Mountains.
Mammals				
<i>Antrozous pallidus</i> Pallid bat	—	CSC	—	Rocky, outcrop areas where they commonly roost in rock crevices, caves, and mine tunnels but they also roost in the attics of houses, under the eaves of barns, behind signs, in hollow trees, and in abandoned adobe buildings.
<i>Eumops perotis californicus</i> Western mastiff bat	—	CSC	—	Open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.
<i>Macrotus californicus</i> California leaf-nosed bat	—	CSC	—	Desert riparian, desert wash, desert scrub, desert succulent scrub, alkali scrub, and palm oasis habitats. Requires rocky and rugged terrain that supports caves or mines for roosting.

Table 4.4-1 Sensitive Biological Resources Potentially Occurring in the City of Simi Valley

Species Scientific Name Common Name	Status			Preferred Habitat
	Federal	State	Other	
<i>Macrotus ciliolabrum</i> western small-footed myotis	—	—	S2S3	Occurs in limited areas of southwestern Canada, throughout much of the western United States, and into Mexico. It is better adapted to moist areas than to dry ones. It roosts alone or in small groups in rock crevices, mines, caves, or buildings, and even occasionally uses in an abandoned swallow's nest as a roosting site.
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	—	CSC	—	Desert woodrats commonly inhabit Joshua tree woodlands, pinyon-juniper woodlands, mixed chaparral, sagebrush, and desert habitats. Prefer to occupy dens in habitats with large-sized rocks and boulders because they provide better predator protection.
PLANTS				
<i>Astragalus brauntonii</i> Braunton's milk-vetch	FE	—	1B.1	Closed-cone coniferous forest, chaparral, coastal sage scrub, valley and foothill grassland. Recent burns or disturbed areas. Stiff gravelly clay soils overlying granite or limestone outcrops. Known Elevation Limits: 10–2,100 feet.
<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i> Ventura marsh milk-vetch	FE	SE	1B.1	Coastal salt marsh. Within reach of high tide or protected by barrier beaches, more rarely near seeps on sandy bluffs. Known Elevation Limits: 0–115 feet.
<i>California macrophylla</i> Round-leaved filaree	—	—	1B.1	Cismontane woodland and valley and foothill grassland supported by clay soils. Known Elevation Limits: 49–3,900 feet.
<i>Calochortus clavatus</i> var. <i>gracilis</i> Slender mariposa lily	—	—	1B.2	Chaparral, coastal sage scrub, and valley and foothill grassland. Known Elevation Limits: 1,180–3,280 feet.
<i>Calochortus plummerae</i> Plummer's mariposa lily	—	—	1B.2	Coastal sage scrub, chaparral, valley and foothill grassland, cismontane woodland, and lower montane coniferous forest. Occurs on rocky and sandy sites, usually of granite or alluvial material. Fire follower. Known Elevation Limits: 300–5,280 feet.
<i>Chorizanthe parryi fernandina</i> San Fernando Valley spineflower	FC	CE	1B.1	Coastal sage scrub supported by dry, gravelly, or sandy soils. Sandy soils in flats and foothills in mixed grassland and chaparral. Known Elevation Limits: 10–3,396 feet.
<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i> Salt marsh bird's-beak	FE	SE	1B.2	Coastal salt marsh, coastal dunes. Limited to the higher zones of the salt marsh habitat. Known Elevation Limits: 0–98 feet.
<i>Dienandra minthornii</i> Santa Susana tarplant	—	CR	1B.2	Chaparral and coastal sage scrub within rocky areas supported by sandstone outcrops and rock crevices. Known Elevation Limits: 920–2,500 feet.
<i>Delphinium parryi</i> ssp. <i>Blochmaniae</i> Dune larkspur	—	—	1B.2	Chaparral and coastal dunes within rocky areas and dunes. Known Elevation Limits: 98–1,230 feet.
<i>Dodecahema leptoceras</i> Slender-horned spineflower	FE	SE	1B.1	Chaparral and alluvial fan sage scrub. Flood deposited terraces and washes; associates include encelia, dalea, and lepidospartum. Known Elevation Limits: 656–2,493 feet.

Table 4.4-1 Sensitive Biological Resources Potentially Occurring in the City of Simi Valley

Species Scientific Name Common Name	Status			Preferred Habitat
	Federal	State	Other	
<i>Dudleya blochmaniae</i> ssp. <i>Blochmaniae</i> Blochman's dudleya	—	—	1B.1	Coastal scrub, coastal bluff scrub, and valley and foothill grassland within open areas and rocky slopes. Known Elevation Limits: 16–1,476 feet.
<i>Dudleya cymosa</i> ssp. <i>Agourensis</i> Agoura Hills dudleya	FT	—	1B.2	Chaparral and cismontane woodland within rocky areas characterized by volcanic breccia. Known Elevation Limits: 656–1,640 feet.
<i>Dudleya cymosa</i> ssp. <i>marcescens</i> Marcescent dudleya	FT	SR	—	Chaparral. On sheer rock surfaces and rocky volcanic cliffs. Known Elevation Limits: 492–1,706 feet.
<i>Dudleya cymosa</i> ssp. <i>Ovatifolia</i> Santa Monica Mountains live-forever	FT	—	1B.2	Pebble (pavement) plain, upper montane coniferous forest, pinyon, and juniper woodland. Outcrops of granite or quartzite; rarely limestone. Known Elevation Limits: 4,167–8,530 feet.
<i>Dudleya parva</i> Conejo dudleya	FT	—	1B.2	Occurs in cactus-dominated coastal sage scrub exclusively at the base of scattered rock outcrops and soils derived from the Miocene Conejo volcanics at the western end of the Simi Hills and the Santa Monica Mountains. Known only from the western terminus of the Simi Hills west along the Montclef Ridge to the Conejo Grade. Known Elevation Limits: 197–1,476 feet.
<i>Dudleya multicaulis</i> Many-stemmed dudleya	—	—	1B.2	Openings in chaparral and coastal sage scrub, and valley and foothill grasslands, often supported by clay soils. Known Elevation Limits: 50–2,590 feet.
<i>Dudleya verityi</i> Verity's dudleya	FT	—	1B.2	Inhabits outcrops and soils derived from the Miocene Conejo volcanics (primarily in coastal sage scrub) at the western end of the Simi Hills and the Santa Monica Mountains. Known Elevation Limits: 196–1,476 feet.
<i>Eriogonum crocatum</i> Conejo buckwheat	—	CR	1B.2	Chaparral, coastal scrub, valley and foothill grassland in Conejo volcanic outcrops and rocky sites. Known Elevation Limits: 164–1,903 feet.
<i>Horkelia cuneata</i> ssp. <i>Puberula</i> Mesa horkelia	—	—	1B.1	Chaparral, cismontane woodland, and coastal scrub. Sandy or gravelly sites. Known Elevation Limits: 230–2,657 feet.
<i>Nolina cismontana</i> Peninsular nolina	—	—	1B.2	Chaparral and coastal sage scrub supported primarily by sandstone and shale substrates. Known Elevation Limits: 460–4,183 feet.
<i>Orcuttia californica</i> California Orcutt grass	FE	CE	1B.1	Vernal pools. Known Elevation Limits: 50–2,165 feet.
<i>Pentachaeta lyonii</i> Lyon's pentachaeta	FE	CE	1B.1	Openings and edges of chaparral, coastal sage scrub, and valley and foothill grassland supported by rocky or clay substrates. Known Elevation Limits: 100–2,100 feet.
<i>Pseudognaphalium leucocephalum</i> White rabbit-tobacco	—	—	2.2	Coastal sage scrub and chaparral. Known Elevation Limits: 0–492 feet.

Table 4.4-1 Sensitive Biological Resources Potentially Occurring in the City of Simi Valley

Species Scientific Name Common Name	Status			Preferred Habitat
	Federal	State	Other	
VEGETATION COMMUNITIES				
Cismontane alkali marsh	—	—	S1.1	N/A
Southern mixed riparian forest	—	—	S2.1	N/A
Southern willow scrub	—	—	S2.1	N/A
Valley oak woodland	—	—	S2.1	N/A

SOURCES: Sensitive Wildlife and Plant Species: Wildlife and Plant species included in this table are listed in at least one of the following sources: (1) CNDDDB query for one of the USGS 7.5-minute quadrangles containing the Planning Area (Simi, Thousand Oaks, Calabasas, and Santa Susana) with a ranking of at least S2S3 or CNPS 2 or higher; (2) CNPS Inventory of Rare and Endangered Plants for the Simi, Thousand Oaks, Calabasas, and Santa Susana USGS 7.5-minute quadrangles; (3) USFWS’s Federally Listed Threatened & Endangered Species Which May Occur in Ventura County, CA; (4) CDFG’s Special Animals List (July 2009); or (5) CDFG’s Special Vascular Plants, Bryophytes, and Lichens List (October 2009).

Federal

FE = Federal Endangered
FT = Federal Threatened
FC = Federal Candidate

State

CE = California Endangered
CT = California Threatened
CR = California Rare
CSC = California Species of Special Concern

Other

California Native Plant Society (CNPS)

- 1A** Plants presumed extinct in California
- 1B** Plants rare, threatened, or endangered in California and elsewhere
- 2** Plants rare, threatened, or endangered in California, but more common elsewhere:
 - x.1 = Seriously endangered in California (>80% of occurrences threatened or high degree and immediacy of threat)
 - x.2 = Fairly endangered in California (20-80% of occurrences threatened)
 - x.3 = Not very endangered in California (<20% of occurrences threatened or no current threats known)

State

- S1** Less than 6 EOs OR less than 1,000 individuals OR less than 2,000 acres:
 - S1.1very threatened
 - S1.2threatened
 - S1.3no current threats known
- S2** 6-20 EOs OR 1,000–3,000 individuals OR 2,000–10,000 acres:
 - S2.1very threatened
 - S2.2threatened
 - S2.3no current threats known
- S3** 21-100 EOs or 3,000–10,000 individuals OR 10,000–50,000 acres:
 - S3.1very threatened
 - S3.2threatened
 - S3.3no current threats known

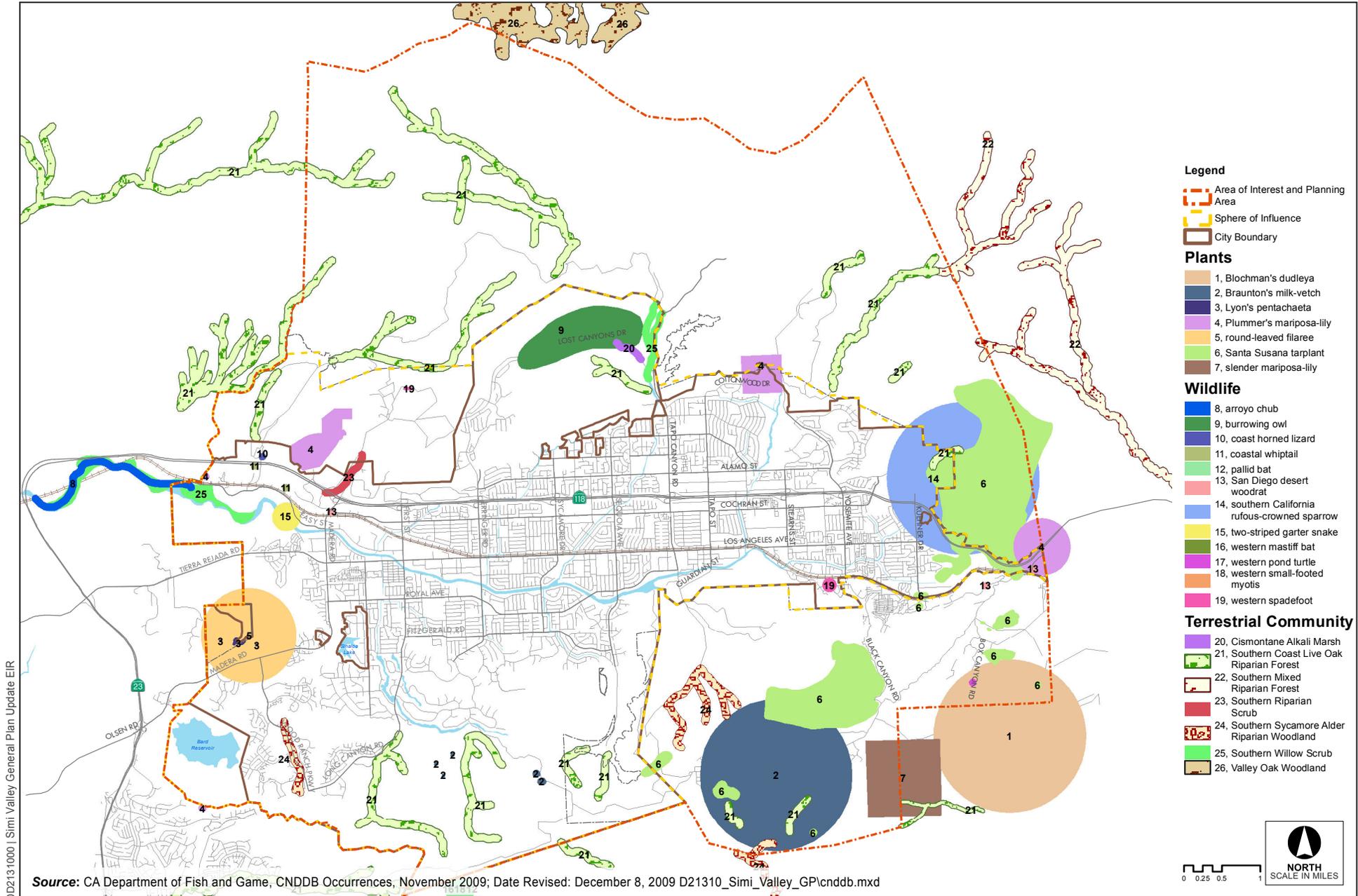


Figure 4.4-2
Sensitive Biological Resources within the Planning Area

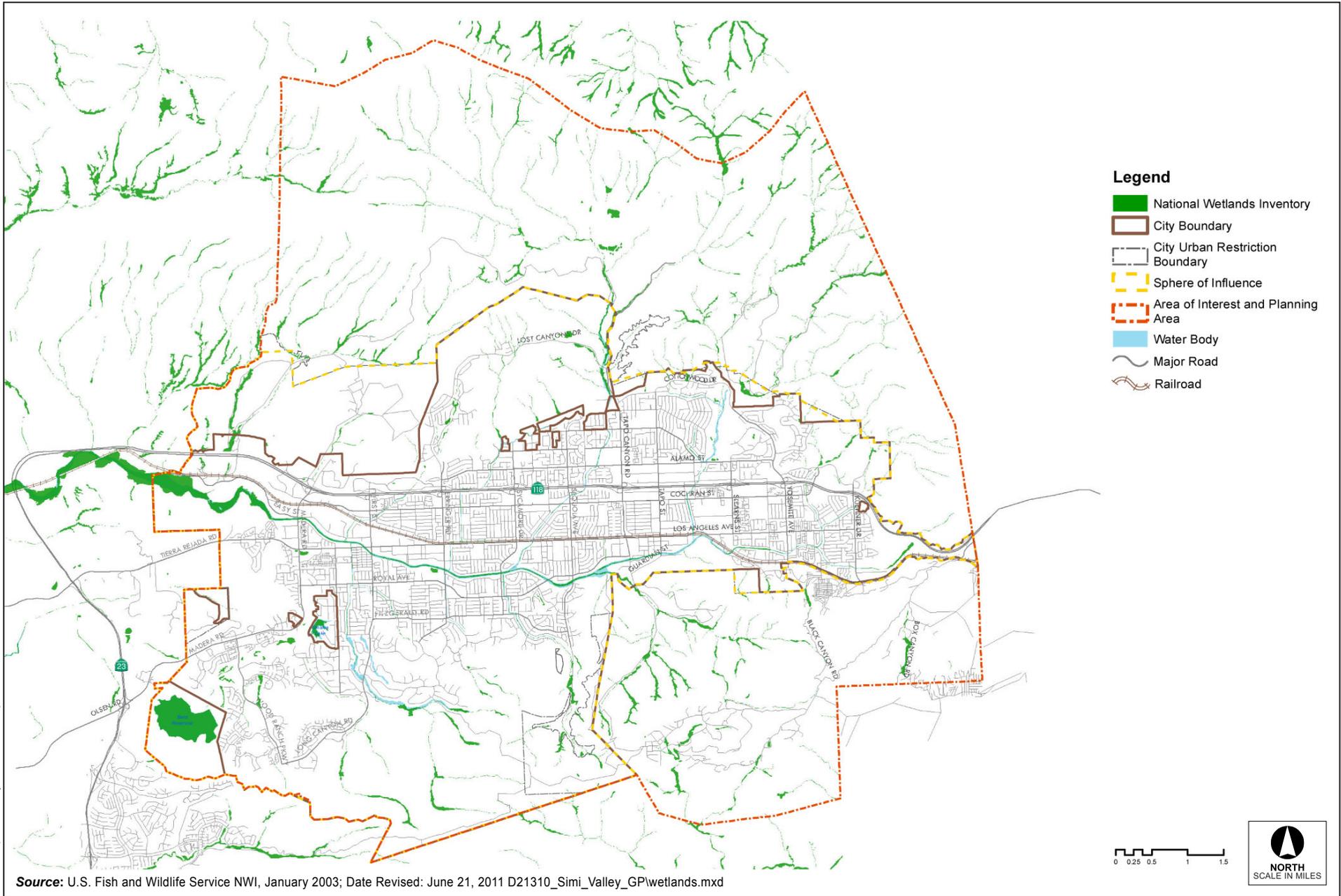


Figure 4.4-3
Wetlands and Watercourses

isolated “islands” of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open space areas, some wildlife species, especially the larger and more mobile mammals, would not likely persist over time in fragmented or isolated habitat areas because the imposed isolation would prohibit the infusion of new individuals and genetic information. Wildlife corridors mitigate the effects of this fragmentation by (1) allowing animals to move between remaining habitats, thereby permitting depleted populations to be replenished and promoting genetic exchange; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk of catastrophic events (such as fire or disease) causing population or local species extinction; and (3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other needs.

The South Coast Wildlands, as part of the South Coast Missing Linkages Project (SCML), identified several key movement corridors within and adjacent to the Planning Area (South Coast Wildlands 2008). These corridors are generally located in undisturbed canyon and riverine stream habitat areas. The preservation of these areas is essential for maintaining the wildlife diversity of the local area and region.

Areas for the movement of wildlife exist primarily along the eastern and western boundaries of the Planning Area, especially in the areas of Rocky Peak Park and Alamos Canyon/Tierra Rejada Valley, and are illustrated on Figure 4.4-4 (Wildlife Corridors). Two main areas on the western and eastern sides of the City provide a link between the larger areas of wildlife habitat located to the north and south of the City. These areas provide potential linkages for wildlife to travel freely between the Los Padres National Forest to the north and the Santa Monica Mountains to the south (also referred to as the Santa Monica–Sierra Madre Connection by South Coast Wildlands). Based on a study conducted by LSA in 2004 (LSA Associates 2004), numerous species were observed in these areas, including mountain lion, mule deer, coyote, bobcat, grey fox, raccoon, opossum, and skunk.

4.4.3 Regulatory Framework

■ Federal

Endangered Species Act of 1973 (FESA)

FESA and implementing regulations (United States Code [USC] Title 16 Sections 1531, et seq. [16 USC 1531, et seq.] and Code of Federal Regulations [CFR] Title 50 Sections 17.1, et seq. [50 CFR Sections 17.1, et seq.]) include provisions for the protection and management of federally listed threatened or endangered plants and animals and their designated critical habitats. Under FESA, the USFWS and the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS) have regulatory authority over federally listed species. NMFS jurisdiction under the ESA is limited to the protection of marine mammals and fish and anadromous fish;² all other species are within USFWS jurisdiction.

Under the ESA, a permit to “take” a listed species is required for any action that may harm an individual of that species. “Take” is defined under Section 9 of the ESA as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 USC 1532, 50

² Describes fish such as salmon and shad that return from the sea to the rivers where they were born in order to breed.

CFR 17.3). Under federal regulation, “take” is further defined to include habitat modification or degradation where it would be expected to result in death or injury to listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

Take of federally listed species may be authorized under Section 10(a) or Section 7 of the ESA. Section 10(a) allows USFWS or NMFS to permit the incidental take of listed species if the applicant submits a habitat conservation plan (HCP) that meets statutory requirements including components to minimize and mitigate impacts associated with the take. The permit is known as an incidental take permit. Section 7 of the ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat. To ensure against jeopardy, each federal agency must consult with USFWS or NMFS, or both, if the federal agency determines that its action might affect a listed species.

Fish and Wildlife Coordination Act

Section 7 of the Fish and Wildlife Coordination Act (16 USC 742, et seq., 16 USC 1531, et seq., and 50 CFR 17) requires consultation if any project facilities could jeopardize the continued existence of an endangered species. Applicability depends on federal jurisdiction over some aspect of the project. The administering agency for these authorities is the United States Army Corps of Engineers (USACE) in coordination with the USFWS.

Migratory Bird Treaty Act (MBTA)

The MBTA (16 USC Sections 703–711) includes provisions for the protection of migratory birds, including the nonpermitted take of migratory birds, under the authority of the USFWS and CDFG. The MBTA makes it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds, and prohibits the removal of nests occupied by migratory birds. Over 800 species, including geese, ducks, shorebirds, raptors, songbirds, and many common species are protected under the MBTA.

Clean Water Act of 1977, Section 404

This section of the CWA (33 USC 1251, et seq., 33 CFR Sections 320 and 323) establishes a requirement for a project proponent to obtain a permit from USACE before engaging in any activity that involves any discharge of dredged or fill material into “waters of the United States,” including wetlands. Waters of the United States include navigable waters of the United States, 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. Wetlands are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Jurisdictional wetlands must meet three wetland delineation criteria: hydrophytic vegetation, hydric soil types, and wetland hydrology. Many surface waters and wetlands in California meet the criteria for waters of the United States, including intermittent streams and seasonal lakes and wetlands.

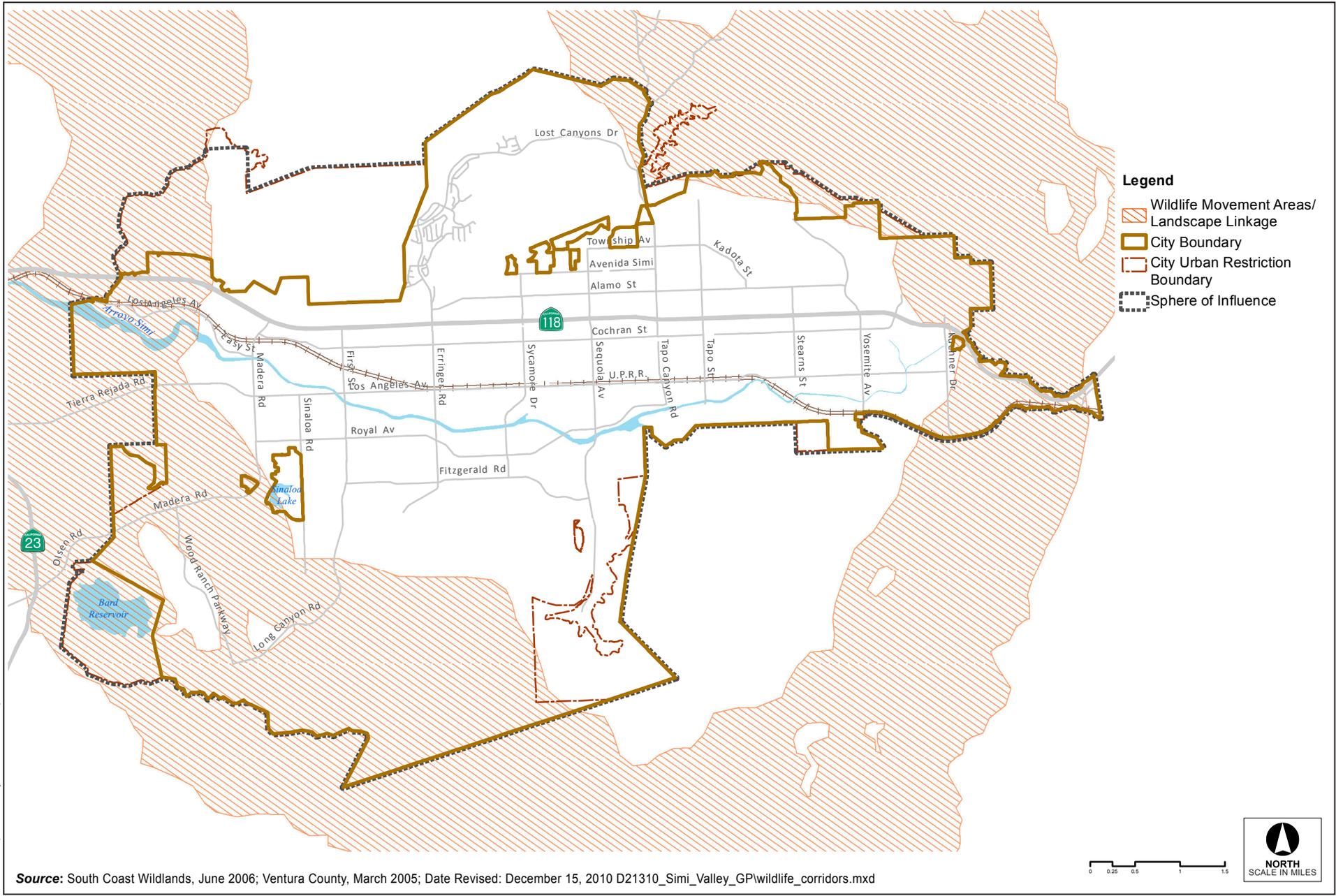


Figure 4.4-4
Wildlife Corridors

The first step in seeking a Section 404 permit is to determine whether the area in question contains jurisdictional waters of the United States.³ Thus, the applicant should approach USACE for a verified jurisdictional determination, which the applicant typically performs through a submission of maps and data forms. The regulatory staff of USACE will then perform a field review. Any wetlands that are not jurisdictional would fall within the regulatory authority of the regional water quality control board (RWQCB), as discussed below, as “waters of the state.”

In early 2001, the U.S. Supreme Court issued a landmark ruling regarding the regulation of isolated intrastate waters by USACE in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*. Before this decision, USACE generally extended its jurisdiction over wetlands beyond “adjacent wetlands” and regulated the discharge of dredged or fill material into any intrastate wetlands and isolated waters, whether or not they had a link to navigable waters. The U.S. Supreme Court held that USACE jurisdiction under Section 404 of the CWA does not extend to nonnavigable, isolated, intrastate waters based solely on the fact that these waters are used as habitat by migratory birds. In 2006, the Supreme Court again attempted to clarify the extent of USACE jurisdiction of isolated waters in *Rapanos v. United States*. The test established in *Rapanos* is that only a water that possesses a “significant nexus to waters that are navigable-in-fact or that could reasonably be so made” are subject to regulation under CWA.

On June 5, 2007, the USEPA and USACE issued joint guidance to establish the protocol for determining the presence of waters of the United States under the U.S. Supreme Court's 2006 *Rapanos* decision. The guidance directs the agencies to more thoroughly document jurisdiction using a standardized form. Agencies will continue to assert jurisdiction over traditional navigable waters (TNWs) and adjacent wetlands. The agencies will have jurisdiction over a water body that is not a TNW if that water body is “relatively permanent.” Jurisdiction will be asserted over tributaries that are not relatively permanent on a case-by-case basis applying a “significant nexus” analysis to determine whether there is a significant nexus between the tributary and a TNW.

In accordance with Section 401 of the CWA, projects that apply for a USACE permit for discharge of dredged or fill material must obtain water quality certification from the appropriate RWQCB, in this case, the Los Angeles RWQCB, indicating that the proposed project would uphold state water quality standards.

Clean Water Act of 1977, Section 401

This section of the CWA requires a state-issued Water Quality Certification for all projects regulated under Section 404. There are nine Regional Water Quality Control Boards (RWQCBs) across the state that issue Water Quality Certifications for various actions within their respective region. The RWQCB, Los Angeles Region, issues Section 401 Water Quality Certifications for Ventura County, which includes the City of Simi Valley (Cal/EPA).

³ As stated above, the CWA prohibits the discharge of pollutants, including dredged and fill material, into “navigable waters” without a federal permit and defines the term “navigable waters” as “waters of the United States.” By regulation, USACE's jurisdiction extends to wetlands “adjacent” to waters of the United States.

■ State

California Endangered Species Act (CESA)

CESA (CFGC Sections 2050, et seq.) declares that deserving plant or animal species be given protection by the state because they are of ecological, educational, historic, recreational, aesthetic, economic, and scientific value to the people of the state. CESA establishes that it is state policy to conserve, protect, restore, and enhance endangered species and their habitats. Under state law, plant and animal species may be formally designated rare, threatened, or endangered by official listing by the California Fish and Game Commission. Listed species are generally given greater attention during the land use planning process by local governments, public agencies, and landowners than are species that have not been listed.

CESA authorizes that “private entities may take plant or wildlife species listed as endangered or threatened under FESA and CESA, pursuant to a federal incidental take permit issued in accordance with Section 10 of the FESA, if the CDFG certifies that the incidental take statement or incidental take permit is consistent with CESA” (CFGC Section 2080.1[a]).

Section 2081(b) and (c) of the CESA allows CDFG to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met. These criteria can be found in Title 14 CCR, Sections 783.4(a) and (b). No Section 2081(b) permit may authorize the take of “fully protected” species and “specified birds.” If a project is planned in area where a species or specified bird occurs, an applicant must design the project to avoid all take; the CDFG cannot provide take authorization under CESA.

California Fish and Game Code (CFGC)

The CFGC provides specific protection and listing for several types of biological resources.

Fully Protected Species. As noted above, the Legislature has designated a number of “fully protected species” (refer to Sections 3511 [birds], 4700 [mammals], 5050 (reptiles and amphibians), and 5515 [fish]). Fully protected species, or parts thereof, may not be taken or possessed at any time, and no provision of the CFGC or any other law may be construed to authorize the issuance of permits or licenses to take any fully protected species. No such permits or licenses heretofore issued may have any force or effect for any such purpose, except that the California Fish and Game Commission may authorize the collecting of such species for necessary scientific research. Legally imported and fully protected species or parts thereof may be possessed under a permit issued by CDFG.

CFGC Section 1580 presents the process and definition for Designated Ecological Reserves. Designated Ecological Reserves are significant wildlife habitats that are preserved in natural condition for the general public to observe and study.

CFGC Section 1602 requires a Streambed Alteration Agreement for any activity that may alter the bed and/or bank of a stream, river, or channel. Typical activities that require a Streambed Alteration Agreement include excavation or fill placed within a channel, vegetation clearing, structures for diversion of water, installation of culverts and bridge supports, cofferdams for construction dewatering, and bank reinforcement.

California Environmental Quality Act—Treatment of Listed Plant and Animal Species

ESA and CESA protect only those species formally listed as threatened or endangered (or rare in the case of the state list). Section 15380 of the CEQA Guidelines independently defines “endangered” species of plants or animals as those whose survival and reproduction in the wild are in immediate jeopardy and “rare” species as those who are in such low numbers that they could become endangered if their environment worsens. Therefore, a project within the City may have a significant effect on the environment if it will substantially affect a rare or endangered species of animal or plant or the habitat of the species. The significance of impacts to a species under CEQA must be based on analyzing actual rarity and threat of extinction despite legal status or lack thereof.

Native Plant Protection Act of 1977 (NPPA)

The Native Plant Protection Act of 1977 and implementing regulations in CFGC Sections 1900, et seq. designate rare and endangered plants, and provides specific protection measures for identified populations. It is administered by the CDFG. The NPPA was enacted to “preserve, protect and enhance endangered or rare native plants of this state.” The NPPA defines a plant as endangered when its prospects of survival and reproduction are in immediate jeopardy from one or more causes. A rare plant is defined as a plant species that, though not presently threatened with extinction, occurs in such small numbers throughout its range that it may become endangered if its present environment worsens. The NPPA prohibits the take or sale of rare and endangered plants in California. However, the law includes broad exemptions to the prohibition of take, including emergency work necessary to protect life or property; agricultural operations; fire control measures; timber harvest operations authorized by a Timber Harvest Plan; removal of endangered or rare plants from a canal, lateral ditch, building site, road, or right-of-way; or the removal of endangered or rare plants by a public agency for the provision of public service.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, “waters of the state” fall under the jurisdiction of the appropriate RWQCB. The RWQCB must prepare and periodically update water quality control plans (basin plans). Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control nonpoint and point sources of pollution to achieve and maintain these standards. Projects that discharge waste to wetlands or waters of the state must meet waste discharge requirements of the RWQCB, which may be issued in addition to a water quality certification or waiver under Section 401 of the CWA.

More recently, the appropriate RWQCB has also generally taken jurisdiction over “waters of the state” that are not subject to USACE jurisdiction under the CWA, in cases where USACE has determined that certain features do not fall under its jurisdiction. Mitigation requiring no net loss of wetlands functions and values of waters of the state is typically required.

■ Regional

Ventura County Guidelines for Orderly Development

The Ventura County Board of Supervisors, Ventura County LAFCO, and all incorporated cities in the County have adopted guidelines to facilitate a more concerted set of development standards and fees across the County, facilitate intergovernmental coordination, clearly set forth the roles regarding urban planning between the County and the cities, and to identify the appropriate governmental agency responsible for land use determinations based on development applications. The guidelines set forth standardized and appropriate development process protocols. The major general policies include limiting new development with urban land uses to incorporated cities, the provision of efficient and available infrastructure, and future general plans, ordinances, and policies which fulfill these guidelines.

■ Local

Simi Valley City Urban Restriction Boundary

On November 3, 1998, the voters of Simi Valley adopted a City Urban Restriction Boundary (CURB) as part of Measure B, also known as the Save Open Space and Agricultural Resources (SOAR) program. As it relates to biological resources, the CURB is intended to provide for:

1. The protection of existing agricultural, open-space, viewshed, and watershed lands surrounding the City.
2. Preservation of the unique character of the City and quality of life of City residents as it relates to the protection of a substantial amount of open-space, rural and agricultural lands particularly outside of the City limits. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

The Simi Valley CURB line generally follows the Sphere of Influence line as defined on Figure 4.4-1, with five exceptions noted in the Measure. Generally, the CURB line prevents urban-density development outside of its boundary line. Changes to the location of the CURB line require City voter approval.

Simi Valley Municipal Code

The City of Simi Valley implements a Mature Tree Preservation Ordinance (Chapter 9-38) of the City's Municipal Code) that applies to all areas of the City, and is designed to ensure the protection/preservation of trees to the greatest extent possible. The ordinance covers any tree, within the City limits, that falls under one or more of the following categories:

1. **Historic Tree.** A living tree designated by resolution of the City Council as an historic tree because of an association with some event or person of historical significance to the community, or because of special recognition due to aesthetic qualities, condition, or size.
2. **Mature Native Oak Tree.** A living native oak tree with a cross-sectional area of all major stems, as measured 4.5 feet above the root crown, of 20 or more square inches.

3. **Mature Tree.** A living tree with a cross-sectional area of all major stems, as measured 4.5 feet above the root crown, of 72 or more square inches. Mature trees shall not include stump regrowths.
4. **Native Oak Tree.** A living tree of the genus *Quercus* and species *agrifolia*, *berberidifolia*, *lobata*, or hybrids thereof.
5. **Protected Tree.** Any historic tree, mature native oak tree, or mature tree which is associated with a proposal for urban development, located on a vacant parcel, or located on a developed property.

In addition, Chapter 9-32 (Hillside Performance Standards) implements the provisions of the City's General Plan as they relate to development in hillside areas for the protection of ridgelines, maintenance of open space, and retention of the scenic and recreational resources of the City. These development standards also afford certain protections to biological resources, especially undisturbed and sensitive habitats, through their maintenance as open space.

4.4.4 Project Impacts and Mitigation

■ Analytic Method

The analysis provided below considers the potential direct, indirect, and cumulative effects of construction and implementation of the Proposed Project described in Chapter 3. The specific areas of analysis are areas where potential new and/or infill development could occur as a result of the proposed project, such as underdeveloped properties, vacant land, and land in the Study Areas. Potential impacts are analyzed using information identified in Chapter 3, the environmental setting for biological resources, results of literature and field surveys, and the adequacy of on-site habitat for potentially occurring special-status species, and comparing this information to the Thresholds of Significance set forth in the CEQA Guidelines.

■ Thresholds of Significance

For the purposes of this EIR, implementation of the General Plan Update would have a significant impact if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Result in impacts to any mature trees

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

Impacts to biological resources are determined on a case-by-case and site-by-site basis as resources vary by location and level of existing development. The General Plan Update EIR is considered to be a program-level analysis meaning that a project or site-specific analysis has not been completed for properties across the City. As such, individual, future proposed development projects will undergo specific environmental review, including any biological analysis that may be necessary.

■ General Plan Policies that Mitigate Potential Impacts on Biological Resources

Policies and goals from the Community Development, Natural Resources, and Safety and Noise Chapters that would mitigate potential impacts on biological resources include the following. All General Plan policies are followed by a set of numbers in parentheses. These numbers reference applicable measures that will be undertaken by the City to implement the policy.

- Policy LU-4.2 Incorporation of Natural Features.** Integrate natural scenic features, such as mature trees, rock outcroppings, watercourses, and views into project design, except where infeasible for public safety. (*Imp A-1, A-2, LU-1, LU-2, LU-3, LU-4, LU-7, LU-8, LU-11, LU-18, NR-1, NR-2, NR-3*)
- Policy LU-4.4 Hillside Development.** Locate and design development to maintain the existing visual character of the hillsides as a natural backdrop. (*Imp A-1, A-2, LU-1, LU-2, LU-3, LU-4, LU-7, LU-8, LU-11, LU-18, NR-1, NR-2, NR-3*)
- Policy LU-4.5 Hillside Grading.** Minimize terrain disruption and design grading using generally accepted principles of civil engineering with the objective to blend the project into the natural topography. (*Imp A-1, A-2, LU-1, LU-2, LU-3, LU-4, LU-7, LU-18, NR-2, NR-3*)
- Policy LU-6.3 Creeks and Natural Drainages.** Maintain and improve the form and health of resources and habitat in the City's natural drainages. Explore restoration of those that have been degraded or channelized, such as the Arroyo Simi, as feasible, while continuing to maintain stormwater conveyance and property protection requirements. (*Imp A-1, A-2, A-3, LU-1, LU-2, LU-3, LU-4, LU-18, NR-2*)
- Policy NR-1.1 Open Space Preservation and Buffer Zone.** Protect, conserve, and maintain the open space, hillside, and canyon areas that provide a buffer zone around the City's urban form, serve as designated habitat for sensitive species, and provide recreation opportunities for residents and visitors. (*Imp A-1, A-2, LU-8, LU-18, NR-1*)
- Policy NR-1.2 Slope Preservation.** In open space areas, uses requiring grading or other alteration of land shall maintain the natural topographic character and ensure that downstream properties and watercourses are not adversely affected by siltation or chemical runoff. (*Imp A-1, A-2, LU-18, NR-3*)
- Policy NR-1.3 Partnerships to Fund Open Space Protection.** Establish partnerships with public and private conservation agencies such as the Rancho Simi Recreation and Park District, Santa Monica Mountains Conservancy, Mountains Recreation and

Conservation Authority, and the Nature Conservancy, adjoining cities, and non-governmental organizations to maximize funding for open space land acquisition and preservation opportunities. (*Imp A-1, A-2, LU-8, LU-18, NR-1, NR-13*)

- Policy NR-1.4** **Tierra Rejada Greenbelt.** Maintain the Tierra Rejada Greenbelt located to the west of the Simi Valley City limits, which serves as an important visual, biological, and open space resource separating and defining a distinct edge for urbanized development. Additionally, support the County of Ventura efforts to reduce development density within the Greenbelt. (*Imp A-1, A-2, LU-8, LU-18, NR-1, NR-13*)
- Policy NR-1.5** **Development Regulations.** Amend the Development Code as necessary to provide effective preservation of open space areas. (*Imp A-1, A-2, LU-7, LU-8, LU-18, NR-1, NR-4*)
- Policy NR-1.6** **Open Space for Wildlife Habitat.** Preserve open space in its natural form. Prioritize preservation of open space that can support Sensitive, Endangered, and Protected species, as defined by the county, state, and federal governments, as part of a contiguous system that allows the movement of wildlife from one habitat area to another. (*Imp A-1, A-2, LU-8, LU-18, NR-1*)
- Policy NR-1.7** **Tools to Preserve Open Space.** Maximize the protection of open space through the following actions:
- City land use, development and zoning regulations
 - Fee-title dedications associated with new private developments
 - Mitigation requirements for loss of habitat areas
 - Development agreements that maintain open space in private developments
 - Establishment of conservation easements
 - Easement acquisition that retains open space
 - Tax sale, donation, life estate, eminent domain, and leaseback arrangements (*Imp A-1, A-2, LU-1, LU-2, LU-7, LU-8, LU-18, NR-1, NR-2, NR-4, NR-5*)
- Policy NR-1.8** **Density Transfer.** In lieu of providing open space, allow concentrated development and limit development to low density residential or low intensity recreational uses for more effective protection of open space and environmental resources. (*Imp A-1, A-2, LU-1, LU-7, LU-18, NR-4, NR-5*)
- Policy NR-1.9** **Restoration of Degraded Areas.** Require replanting of vegetation and remediation of associated erosion in conjunction with requested land use approvals in hillside areas. (*Imp A-1, A-2, LU-1, LU-2, LU-18, NR-2, NR-3, NR-5*)
- Policy NR-1.10** **Restoration of Landfill Areas.** Work with the County of Ventura to ensure that landfill areas are restored to the most natural state possible upon termination of landfill operations in the City's area of interest. (*Imp A-1, A-2, LU-18, NR-13*)
- Policy NR-1.11** **Arroyo Simi.** Enhance and conserve the Arroyo Simi as a natural resource for scenic and passive enjoyment by the community. (*Imp A-1, A-2, LU-8, LU-18, NR-1, NR-8*)

- Policy NR-2.1** **Tree Preservation.** Encourage the preservation of trees and native vegetation in development projects. Require that new development utilize creative land planning techniques to preserve any existing healthy, protected trees to the greatest extent possible. (*Imp A-1, A-2, LU-1, LU-7, LU-18, NR-4, NR-5*)
- Policy NR-2.2** **Wildlife Crossings.** Require the installation of wildlife crossing structures by developers or as part of public improvement projects. Minimize artificial night lighting in the vicinity of wildlife crossing structures and adjacent wild lands. Install appropriate wildlife fencing and encourage the growth of woody native vegetation leading up to crossing structures to provide cover and direction and to encourage the use of the crossing structures by wildlife. (*Imp A-1, A-2, LU-1, LU-18, NR-5*)
- Policy NR-2.3** **Agency Collaboration.** Work with federal, state, and local agencies, such as Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority, Rancho Simi Recreation and Park District, National Park Service, and other organizations, for guidance on the restoration of riparian communities and vegetative cover at passageways. (*Imp A-1, A-2, LU-18, NR-13*)
- Policy NR-2.4** **Habitat Connectivity.** Ensure that projects within areas identified as regional wildlife corridors are designed and constructed so as to preserve the ability of wildlife to travel through the region. (*Imp A-1, A-2, LU-7, LU-18, NR-4*)
- Policy NR-2.5** **Wetland and Sensitive Habitat Mitigation.** Conserve wildlife ecosystems, wetlands, and sensitive habitat areas in the following order of protection preference: (1) avoidance; (2) on-site mitigation, and (3) off-site mitigation. Where avoidance is not possible, require provision of replacement habitat through restoration and/or habitat creation to mitigate the loss of wetland and/or sensitive habitat. Off-site replacement habitat should be at a minimum of 5:1 replacement ratio or as recommended by the California Department of Fish and Game. (*Imp A-1, A-2, LU-1, LU-2, LU-7, LU-18, NR-2, NR-4, NR-5*)
- Policy NR-2.6** **Site Assessments.** Require assessment by a qualified professional for development applications that may adversely affect sensitive biological or wetland resources, including occurrences of special-status species, occurrences of sensitive natural communities, and important wildlife areas and movement corridors. Ensure that individual projects incorporate measures to reduce impacts to special-status species, sensitive natural communities, and important wildlife areas and movement corridors according to Simi Valley's environmental review process. (*Imp A-1, A-2, LU-1, LU-2, LU-18, NR-2, NR-5*)
- Policy NR-2.7** **Projects Outside the Valley Floor.** Design projects outside the valley floor to include measures that avoid isolating areas of wildlife habitat from larger habitat areas. (*Imp A-1, A-2, LU-1, LU-2, LU-18, NR-2, NR-5*)
- Policy NR-2.8** **Compatibility of Trails to Habitat.** Require developers or agencies to align or relocate trails to avoid impacting sensitive habitats such as wetlands and areas where endangered species are present. (*Imp A-1, A-2, LU-1, LU-18, NR-5, NR-13*)

- Policy NR-3.3** Location and Design of Developments. Require development within visually sensitive areas to minimize impacts to scenic resources and to preserve unique or special visual features, particularly in hillside areas, through the following:
- Creative site planning
 - Integration of natural features into the project
 - Appropriate scale, materials, and design to complement the surrounding natural landscape
 - Clustering of development so as to preserve open space vistas and natural features
 - Minimal disturbance of topography
 - Creation of contiguous open space networks (*Imp A-1, A-2, LU-1, LU-18, NR-5*)
- Policy NR-5.2** **Protect Open Space Areas and Water Resources.** Conserve undeveloped open space areas and drainage channels for the purpose of protecting water resources in the City's watershed. For new development and post-development runoff, control sources of pollutants and improve and maintain urban runoff water quality through stormwater protection measures consistent with the City's National Pollution Discharge Elimination System (NPDES) Permit. (*Imp A-1, A-2, LU-8, LU-18, IU-6, NR-1, NR-10*)
- Policy N-3.1** **Protection from Stationary Noise Sources.** Continue to enforce interior and exterior noise standards to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as machinery, equipment, fans, and air conditioning equipment. (*Imp A-1, A-2, LU-12, LU-18*)

■ Effects Not Found to Be Significant

The City is not located within an area covered by any adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans. Implementation of the General Plan Update would not conflict with any provisions related to such plans and would result in *no impact*. No further discussion of this effect is required.

■ Less-Than-Significant Impacts

Impact 4.4-1 **Implementation of the General Plan Update could result in direct and indirect impacts to sensitive species; however, these impacts would be reduced to less-than-significant levels through the implementation of General Plan policies and compliance with relevant local, state, and federal regulations. This is a *less-than-significant* impact.**

The General Plan Update contains policies regarding future land use and development addressed from a Citywide perspective, with the majority of the planned land use changes limited to 12 primary Study Areas. These Study Areas include properties that are vacant, those that offer opportunities for infill and intensification, and those with economically or physically obsolete development. Please see Figure 4.4-5 (Areas of Potential Land Use Change), which illustrates the location of the Study Areas. New development under the General Plan Update could occur in other underutilized or vacant parcels in the

entire Planning Area. New development in accordance with the General Plan Update would result in the conversion of existing uses in response to market demand (e.g., office and retail to residential) and more intense use of land in defined areas, and in some cases, where no development at all exists. In all cases, existing uses within the City would be allowed to remain.

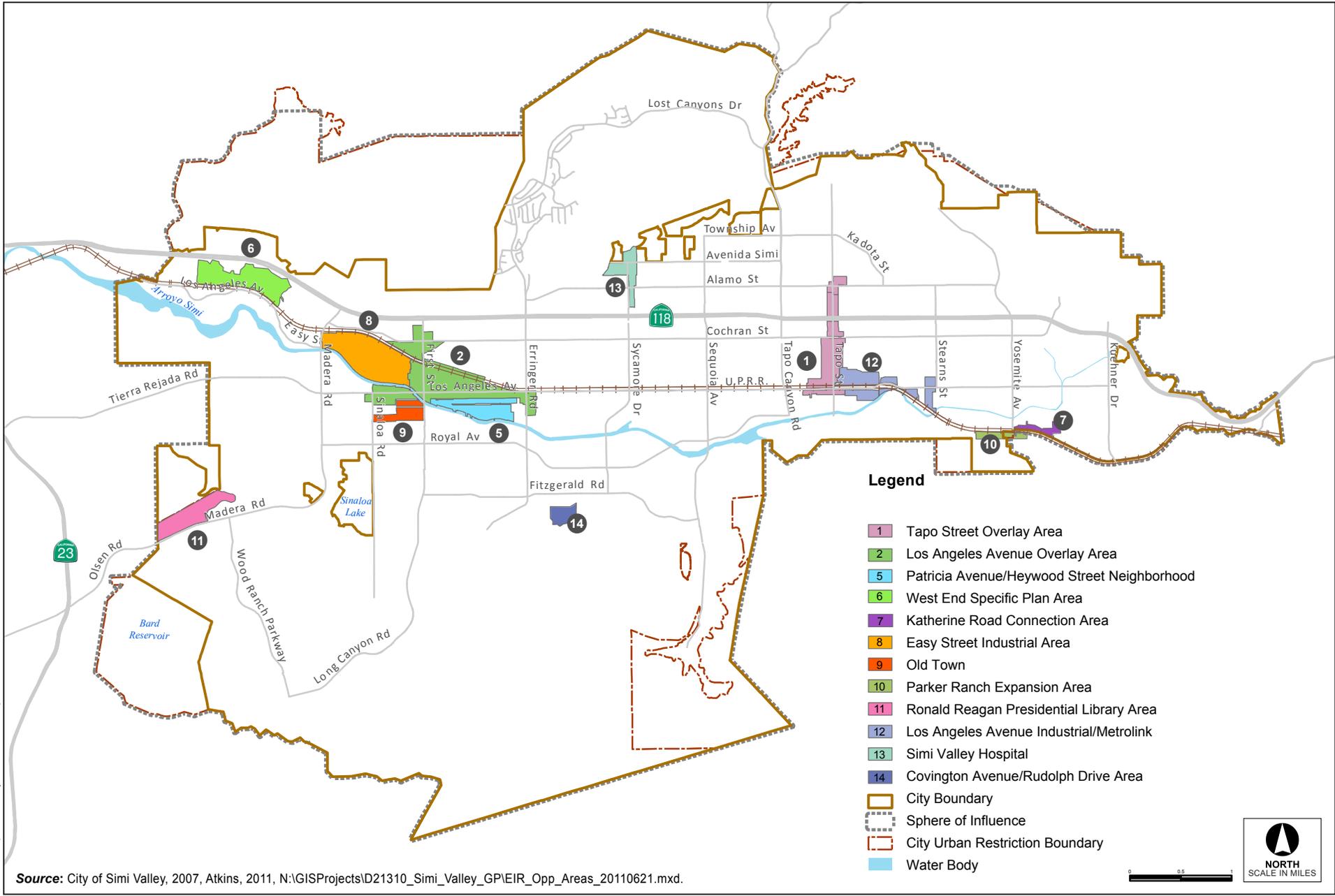
Development allowed in the Planning Area under the General Plan Update could result in significant direct and indirect impacts to sensitive species, including special-status species. Additionally, construction and operation of new developments and infrastructure on land that is currently undeveloped could result in the removal of habitat that may be suitable for and occupied by sensitive plant and wildlife species. Proposed infill development on land that is currently urbanized could result in direct impacts to sensitive oak trees and nesting birds. Sensitive species could be inadvertently killed, trapped, removed, or injured during construction activities, or displaced from critical resources within development footprints and forced into less suitable areas. The removal of occupied and suitable habitat could result in a reduction in the habitat available in the local area. Additionally, activities during both construction and operation could result in adverse indirect impacts associated with noise, lighting, and runoff to special status species located in the immediate vicinity.

Noise associated with construction and operation of proposed developments could exceed ambient levels, potentially resulting in adverse effects to special status wildlife species in the local area. Excessive operational noise could disrupt vital activities (e.g., breeding, foraging, and migration) for some wildlife species and potentially displace them from important habitats located adjacent to proposed developments. This can be expected to be an elevated threat imposed by new developments proposed within currently undeveloped land. Outdoor lighting proposed in new developments or redevelopments would also have the potential to result in a change in ambient conditions and new source of glare and/or lighting onto adjacent habitats. Artificial night lighting during construction and operation on adjacent native habitats could, therefore, disrupt essential behavioral and ecological processes of sensitive wildlife species.

Runoff directed into adjacent undeveloped areas could adversely affect special status species through habitat degradation, conversion of natural flow regimes, erosion, and introduction of nonnative species. Additionally, the installation and operation of project landscape elements could result in the introduction of nonnative plant species that have the potential to colonize development and spread into adjacent native habitats. Some nonnative plants are highly invasive and can out-compete and displace native plant species that are endemic to the area, including sensitive plant species. Invasive nonnative plant species have the ability to degrade and transform habitats, making them unsuitable for sensitive wildlife species.

Fugitive dust produced during construction could disperse onto sensitive areas adjacent to construction sites. Excessive levels of dust could reduce the overall vigor of individual plants and increasing their susceptibility to pests or disease, in turn, potentially adversely affecting sensitive species dependent on the vegetation for breeding, foraging, and other life history requirements. These impacts would be considered significant.

Suitable nesting habitat occurs throughout the City for a number of resident and migratory bird species, including raptors, which are protected under the MBTA and CFGC. The coastal sage scrub and chaparral habitats provide nesting opportunities for common resident species such as California quail (*Callipepla*



Source: City of Simi Valley, 2007, Atkins, 2011, N:\GISProjects\D21310_Simi_Valley_GPIEIR_Opp_Areas_20110621.mxd.

Figure 4.4-5
Areas of Potential Land Use Change

californica), California towhee (*Pipilo crissalis*), and wrentit (*Chamaea fasciata*), in addition to the sensitive resident species Southern California rufous-crowned sparrow. The riparian woodland habitats provide potential nesting opportunities for common resident species such as western scrub jay (*Aphelocoma californica*), oak titmouse (*Baeolophus inornatus*), acorn woodpecker (*Melanerpes formicivorus*), black phoebe (*Sayornis nigricans*), common yellow throat (*Geothlypis trichas*), and song sparrow (*Melospiza melodia*), among others. The nonnative grasslands and sparse ruderal habitats may provide marginal nesting opportunities for common species such as western meadowlark (*Sturnella neglecta*) and killdeer (*Charadrius vociferus*), and the ornamental vegetation throughout the urban/developed portions of the City provide marginal nesting opportunities for common resident species such as house finch (*Carpodacus mexicanus*) and northern mockingbird (*Mimus polyglottos*). Development could result in the removal of nests and/or disruption of nesting activities during the breeding season, which would result in a violation of the federal MBTA and CFGC. These impacts would also be considered significant.

Additionally, some of the undeveloped land within the City could provide suitable foraging opportunities for raptor species, including sensitive raptors known to occur in the county (i.e., California condor). The highest quality raptor foraging areas is expected to occur in the northern and southern portions within the sparsely vegetated undeveloped land at the base of the Santa Susana Mountains and Simi Hills. These areas contain sparse coastal sage scrub, open canopy chaparral, and scattered parcels in between existing developments that are characterized by sparse, low-growing nonnative grassland and/or ruderal-dominated habitats. These areas may also contain scattered tall emergent trees suitable for nesting and perch locations, and suitable habitat for rodents and other small mammals that could serve as prey items for raptors and other wildlife species. The areas are also contiguous with adjacent undeveloped land further to the north and into the Santa Susana Mountains, as well as south and into the Santa Monica Mountains that provides additional refuge, nesting habitat, and thermals for soaring. Common raptor species such as red-tailed hawks, red-shouldered hawks, American kestrels, and turkey vultures, and sensitive raptors such as the California condor, golden eagle, Cooper's hawk, and prairie falcon may occasionally forage within these areas. Other areas in the City, although more constrained, isolated in nature, and less suitable, may also provide foraging opportunities for raptors. The loss of raptor foraging habitat could present an adverse indirect impact to the species that depend on it.

Three of the 12 Study Areas proposed under the General Plan Update include land that is currently primarily undeveloped. Development goals for these Study Areas include a regional auto mall or business park uses (Study Area 6); moderate-density residential developments (Study Area 7); and open space (Study Area 11).

Suitable habitat for sensitive species could exist within these three primarily undeveloped Study Areas, as well as within other vacant parcels throughout the Planning Area. Sensitive plant species that have been recorded within the Planning Area include Lyon's pentachaeta (federally and state-listed as endangered) and round-leaved filaree (ranked as seriously endangered within California by CNPS). Sensitive wildlife species that have been recorded within the Planning Area include coastal whiptail (ranked by CNDDB as threatened), western spadefoot (California Species of Concern), and San Diego desert woodrat (California Species of Concern). In addition, several sensitive species have been recorded within the immediate vicinity (within approximately one mile) of the Planning Area. These species include Plummer's mariposa lily, Santa Susana tarplant, coast horned lizard, and the two-striped garter snake.

Sensitive species could be inadvertently killed or injured during construction activities or displaced from critical resources within development footprints and forced into less suitable areas. These impacts would be considered significant.

In Study Areas 6, 7, and 11, development would be sited immediately adjacent to undeveloped land and habitat for sensitive species, thereby creating an interface between the urban and natural environments. Adverse edge effects could occur if blocks of habitat are left fragmented and adequate buffers are not incorporated into project designs to minimize the effects of project operation. An urban/wildlands interface that is not compatible with the adjacent sensitive areas could present an adverse indirect impact to sensitive species potentially occurring in the area.

The remaining Study Areas include land that is currently primarily developed and urbanized. However, some of these areas may contain valuable oak resources protected under the City's Tree Preservation Ordinance and suitable nesting habitat for bird species protected under the federal MBTA and CFGC. Existing oak trees within urbanized landscaped areas, as well as remnant oak trees that occur within or adjacent to existing developments, could be killed or damaged through removal or damage to aboveground resources or belowground root systems. These impacts would be considered significant.

Lastly, an overall increase in human activity as a result of new developments and/or land uses could result in degradation of the local area and introduced threats to sensitive species. This can lead to an increase in habitat fragmentation and disturbance over time through pedestrian traffic and the creation of unauthorized trails, as well as other indirect impacts such as the introduction of domestic pets, nonnative species, trash, and other anthropogenic factors.

Direct and indirect impacts to sensitive species potentially resulting from development proposed under the General Plan Update would be addressed at the project level through the CEQA process and compliance with relevant local, state, and federal regulations protecting sensitive plant and wildlife species. This consideration will include analysis of the General Plan policies and goals LU-4.2, LU-4.4, LU-4.5, LU-6.3, NR-1.1, NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-1.6, NR-1.7, NR-1.8, NR-1.9, NR-1.10, NR-1.11, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-3.3, NR-5.2, and N-3.1, as described on pages 4.4-30 through 4.4-34, that will mitigate potential impacts to sensitive species by specific projects.

As noted, above, the proposed General Plan includes policies that guide the project-level biological review of future projects would ensure that potential impacts to sensitive species and their habitats are avoided, minimized, and mitigated appropriately. Project-specific requirements would ensure that the appropriate biological resources technical studies are conducted, including baseline surveys, protocol surveys, tree inventories, and preconstruction surveys, in order to confirm the presence or absence of any special status species within or adjacent to proposed impact areas. Reports would be prepared that would document baseline conditions at the time of project application, identify constraints, recommend project re-design, analyze potential effects, and propose mitigation measures that reduce potential impacts to less than significant. If necessary, the project applicant would be required to enter into consultations with and obtain appropriate permits from the USFWS, CDFG, and/or the City for unavoidable impacts to sensitive species and other protected resources that may require permits, field studies, and/or nesting

studies. Project-specific requirements would also include compliance with the federal ESA, CESA, and local policies protecting sensitive species, such as the City's Municipal Code.

Compliance with all relevant local, state, and federal regulations, in combination with the mitigation provided by the General Plan Update policies, would ensure that the appropriate processes are undertaken during project review to avoid, minimize, and mitigate potential impacts to sensitive species. Therefore, impacts would be considered *less than significant*.

Impact 4.4-2 **Implementation of the General Plan Update could have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS. However, these impacts would be reduced to less-than-significant levels through the implementation of General Plan policies and compliance with relevant local, state, and federal regulations. This is a *less-than-significant* impact.**

Construction and operation of future development could cause significant impacts to riparian habitat and/or sensitive natural communities through damage or removal. Four sensitive vegetation communities have been recorded in the Planning Area (cismontane alkali marsh, southern mixed riparian forest, southern willow scrub, and valley oak woodland). These sensitive vegetation communities occur in the canyon and foothill areas and are primarily outside City limits, or in the southern and northern areas of the City as shown in Figure 4.4-2 (Wetlands and Watercourses). All of the areas to the north and south that are considered sensitive wildlife habitat are proposed to be Open Space and protected from development. There is the potential existence of sensitive habitat area in the form of sage scrub community and riparian habitat in Study Area 6, located in the hills adjacent to existing development and east of Los Alamos Canyon Road. The General Plan Update would allow Business Park or auto dealership development in Study Area 6. Although development in this Study area has the potential to cause the loss of riparian habitat or adverse effects on sensitive natural communities, policies are proposed in the General Plan update that would serve to protect these sensitive resources.

The General Plan policies and goals that will mitigate potential impacts to riparian habitat and sensitive natural communities by specific projects are LU-4.2, LU-4.4, LU-4.5, LU-6.3, NR-1.1, NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-1.6, NR-1.7, NR-1.8, NR-1.9, NR-1.10, NR-1.11, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-3.3, NR-5.2, and N-3.1. With implementation of the federal ESA, the California ESA, NPPA, FGCC and the described General Plan policies, future development contemplated by the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community, and would result in a *less-than-significant* impact.

Impact 4.4-3 **Implementation of the General Plan Update could result in direct and indirect impacts to wetlands; however, these impacts would be reduced to less-than-significant levels through the implementation of General Plan policies and compliance with relevant local, state, and federal regulations. Therefore, impacts would be *less than significant*.**

Future development allowed within the General Plan Update could result in significant direct and indirect impacts to wetlands and other waters of the U.S. as defined by CWA Section 404 and regulated by USACE.

Study Area 6 contains a wetland area that is mapped by the National Wetlands Inventory (USFWS 2007). Based on recent aerials, this wetland feature appears to be an unnamed drainage that emerges from Alamos Canyon, located north of State Route 118 (SR-118), and is a tributary to the Arroyo Simi. In addition, the Arroyo Simi, while not located within any Study Areas, is located adjacent to Study Areas 2, 5, 8, and 9, and is considered a wetland. There are additional areas mapped outside of the Study Areas that contain streams and/or wetlands. Some of these areas may meet the criteria to be considered potential wetlands and/or other waters of the U.S. Development could potentially result in the direct removal, fill, hydrologic interruption, discharge, and/or other permanent or temporary impacts to wetlands and other waters of the U.S. These direct impacts would be considered significant. Project construction could also result in indirect impacts pertaining to water quality within wetlands and other waters of the U.S. that may occur downslope or downstream of construction zones. These indirect impacts would be considered significant.

Technical studies that include formal wetland delineations would occur for all development considered under the General Plan Update at the project-specific level, as set forth in Policy NR-2.6, which requires the preparation of a site assessment to determine if any impacts exist to wetlands. Project-specific analyses would determine the presence or absence of wetlands and other waters of the U.S. regulated by the USACE and protected under CWA Section 404. All projects with the potential to impact these features, directly or indirectly, temporarily or permanently, would likely be required to obtain either a Nationwide or Individual permit from the USACE pursuant to CWA Section 404 prior to obtaining a grading permit. In addition, all qualifying projects would likely be required to obtain a Water Quality Certification from the Los Angeles Regional Water Quality Control Board (RWQCB) pursuant to CWA Section 401. For qualifying projects, a Water Quality Certification is required prior to the USACE issuing a Nationwide or Individual permit for the project. Further discussion regarding water quality standards, discharge, drainage alteration, and construction and operation runoff is provided in Section 4.9 (Hydrology/Water Quality) of this EIR. In addition, it is anticipated that areas potentially supporting wetlands and other waters of the U.S. would overlap with some areas potentially supporting riparian, streambed, and other habitat regulated by the CDFG pursuant to CFGC Sections 1602, et seq. Consultation and permitting with the USACE, Los Angeles RWQCB, and CDFG, as well as the wetland replacement requirement under Policy NR-1.9, would ensure that all construction-related impacts to wetlands and other waters of the U.S. are fully mitigated and reduced to less-than-significant levels.

Future development considered under the General Plan Update could result in potential indirect impacts to wetlands and other waters of the U.S. through the siting of adjacent developments and inadequate maintenance of stormwater and irrigation runoff. Runoff during operation could adversely affect wetlands and other waters of the U.S. located adjacent to developments as a result of alterations in natural hydrology regimes, erosion, siltation, sedimentation, and flooding. Additionally, without proper access restrictions to these areas from adjacent developments, other human-related disturbances such as illegal dumping may also degrade these areas over time. These indirect impacts during operation would be considered significant.

The General Plan Update includes policies LU-4.2, LU-4.4, LU-4.5, LU-6.3, NR-1.1, NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-1.6, NR-1.7, NR-1.8, NR-1.9, NR-1.10, NR-1.11, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-3.3, NR-5.2, and N-3.1 that guide the environmental review of

projects and ensure potential impacts to wetlands and other waters of the U.S. are avoided, minimized, and mitigated appropriately, as described, above. Compliance with Sections 401 and 404 of the CWA and the Porter-Cologne Water Quality Control Act, in combination with the General Plan Update policies, would ensure that the appropriate processes are undertaken during project-level review to avoid, minimize, and mitigate potential impacts to wetlands and other waters of the U.S. Therefore, impacts would be considered *less than significant*.

Impact 4.4-4 **Implementation of the General Plan Update could interfere substantially with the movement of native resident and migratory wildlife species, established wildlife corridors, and impede the use of native wildlife nursery sites; however, these impacts would be reduced to less-than-significant levels through the implementation of General Plan policies and compliance with relevant local, state, and federal regulations. This is a *less-than-significant* impact.**

Construction of future development allowed under the General Plan Update could result in significant direct and indirect impacts to wildlife movement and established wildlife corridors. There are no known wildlife nursery sites located within the City. Landscape linkages throughout the Planning Area are illustrated on Figure 4.4-3 (Wildlife Landscape Linkages). Future development could occur in these identified areas that could constrain wildlife movement and result in a significant impact. Study Areas 6 and 11 are located within the Santa Monica-Sierra Madre Connection, which provides for movement of wildlife between the Alamos Canyon/Tierra Rejada Valley area within the larger linkage between the Santa Monica Mountains and the Los Padres National Forest. None of the remaining Study Areas proposed for land use changes under the General Plan Update is located within established wildlife corridors or linkages. Additionally, the majority of the planned development is concentrated within existing developed or partially undeveloped areas that are isolated or otherwise constrained from adjacent open undeveloped land. Wildlife movement within these areas is unlikely due to limited access, lack of suitable habitat, and anthropogenic-related disturbances that deter their use.

The reach of the Arroyo Simi that abuts Study Areas 2, 5, 6, 8, and 9, although channelized throughout much of its length, may also serve as a linkage for wildlife moving through Simi Valley. Temporary indirect impacts may occur as a result of construction lighting, noise, and runoff into sections of the creeks. These adverse indirect impacts could degrade habitat, albeit constrained and disturbed, and deter wildlife from using sections of the creeks during important movement activities, and, therefore, would be considered significant.

Noise associated with the operation of proposed developments could exceed ambient levels potentially deterring wildlife from the area and/or disrupting vital activities during dispersal. Outdoor lighting proposed in new developments or redevelopments would also have the potential to result in a change in ambient conditions and new source of glare and/or lighting onto adjacent corridors. Stormwater and irrigation runoff directed into adjacent corridors could degrade habitat, albeit constrained and disturbed, and change natural flow regimes, cause erosion, and introduce nonnative species to the habitats. An overall increase in human activities as a result of new developments and/or land uses could also deter wildlife from moving through the area. These indirect impacts could be considered significant prior to incorporation of the General Plan Update policies.

Ground-truthing and fine-scale mapping of areas considered for development would occur under the General Plan Update at the project-specific development level as set forth in Policy NR-2.5 which requires the preparation of site assessments by qualified biologists. Detailed maps will be prepared in biological resources technical studies that delineate the boundaries of potential wildlife corridors. Depending on the size, quality, resources present, and overall function and value of the areas delineated, avoidance of, and setbacks from these areas during construction may be necessary to minimize potential impacts. Project design would be required to accommodate linkage areas and provide for continued unobstructed use by wildlife. Construction activities would be required to implement best management practices and all site-specific water quality measures to reduce potential indirect impacts. For unavoidable impacts, construction zones may be altered and schedules may be restricted from occurring within important dispersal and migration windows, such as at night or during optimal seasons.

The General Plan Update includes policies LU-4.2, LU-4.4, LU-4.5, LU-6.3, NR-1.1, NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-1.6, NR-1.7, NR-1.8, NR-1.9, NR-1.10, NR-1.11, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-3.3, NR-5.2, and N-3.1 that guide the environmental review of projects and ensure potential impacts to wildlife movement, established wildlife corridors, and areas linking potential wildlife nursery sites are avoided, minimized, and mitigated appropriately, as noted, above. These policies would require installation of wildlife crossing structures, maintain and conserve canyon, hillside, and open space areas around the City that provide a buffer zone from development, ensure preservation of the ability of wildlife to travel through the region, and require that design projects outside the valley floor include measures that avoid isolating areas of wildlife habitat from larger habitat areas. Proper environmental review of projects potentially affecting sensitive biological and wetland resources is thus assured. Compliance with the CURB and Ventura County Guidelines for Orderly Development, in combination with the General Plan Update policies discussed above, would ensure that the appropriate processes are undertaken during project-level review to avoid, minimize, and mitigate potential impacts to wildlife movement and established wildlife corridors. Therefore, impacts would be considered *less than significant*.

Impact 4.4-5 Implementation of the General Plan Update could result in impacts to mature trees; however, these impacts would be reduced to less-than-significant levels through the implementation of General Plan policies and compliance with relevant local, state, and federal regulations. This is a *less-than-significant* impact.

Construction activities associated with future development considered under the General Plan Update could result in direct and indirect impacts to mature trees. Coast live oaks, valley oaks, and other oak tree species, as well as historic or mature trees, occur throughout both developed and undeveloped areas of the City. New development and redevelopment projects could require that certain trees be removed, trimmed, or pruned during construction of various project elements and to accommodate access, staging, and storage requirements within construction zones. Below-ground root systems could also be severed or damaged during construction, potentially resulting in mortality of protected trees. Construction activities may also disrupt the site's hydrology, potentially affecting available water sources for existing protected trees. These impacts would be considered significant.

The General Plan Update includes policies LU-4.2, LU-4.4, LU-4.5, LU-6.3, NR-1.1, NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-1.6, NR-1.7, NR-1.8, NR-1.9, NR-1.10, NR-1.11, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-3.3, NR-5.2, and N-3.1 that guide the environmental review of projects and ensure potential impacts to protected trees and other biological resources are avoided, minimized, and mitigated appropriately. These policies assure comprehensive environmental review, protect open space and biological resources, and set forth specific methods by which to preserve open space that may contain sensitive habitat. Compliance with all relevant local, state, and federal regulations, in combination with the General Plan Update policies, would ensure that the appropriate processes are undertaken during project review to avoid, minimize, and mitigate potential impacts to protected trees and other biological resources during the construction and operation phases. Therefore, impacts would be considered *less than significant*.

■ Significant and Unavoidable Impacts

No significant and unavoidable impacts have been identified with respect to biological resources.

■ Cumulative Impacts

Cumulative impacts are only addressed for those thresholds that have a project-related impact, whether it is less than significant, significant, or significant and unavoidable. If “no impact” occurs, no cumulative analysis is necessary to address that threshold. The geographic context for the cumulative analysis for biological resources includes the neighboring cities and unincorporated County lands located within the greater Conejo and Tierra Rejada Valleys, and generally areas north of the Santa Monica Mountains, south of the Santa Susana Mountains, east of Conejo Pass, and west of the San Fernando Valley. In addition to Simi Valley, these areas would include Moorpark, Westlake Village, Thousand Oaks, Agoura Hills, Oak Park, and Calabasas. This cumulative setting was selected based on commonalities in climate, geography, watershed, and existing biological resources, including similar or shared habitat types and ranging plant and wildlife species.

Past development in the defined geographic area has resulted in the diminishment of wildlife movement corridors and loss of sensitive habitat. Potentially significant impacts resulting from reasonably foreseeable future projects within the cumulative setting would be required to incorporate project design features and implement measures to reduce impacts to the extent feasible. Such measures would include entering into consultations and obtaining the appropriate endangered species permits from the wildlife agencies (USFWS and CDFG), compensating for the removal of sensitive natural communities through onsite preservation or offsite acquisition to meet no-net-loss standards, obtaining the appropriate wetlands permits from the regulatory agencies (USACE, RWQCB, and CDFG), incorporating setbacks and design features that minimize impacts to adjacent sensitive areas, facilitating the movement of wildlife within and around projects through project design elements, and adhering to local policies and ordinances through project design and permitting to protect sensitive resources.

Small areas of development in the Planning Area that result in the loss of habitat or wildlife movement, when considered with other in-kind development in other jurisdictions (although less than significant themselves), may combine to result in a significant impact. Ventura County has several mechanisms by which open space is preserved, including LAFCO Areas of Interest and the Ventura County Guidelines

for Orderly Development. In addition, the cities of Camarillo, Fillmore, Moorpark, Oxnard, Santa Paula, Simi Valley, and Thousand Oaks have established CURBs and SOAR ordinances that require voter approval of development outside the CURB or changes in land use in open space areas. Since neighboring jurisdictions comply with growth restrictions into open space lands similar to Simi Valley, significant cumulative impacts to biological resources would not be expected.

As discussed on pages 4.4-30 through 4.4-34, the General Plan Update includes goals and policies to regulate development projects within existing developed and undeveloped land to protect biological resources. As most of the Study Areas where land use changes would occur under the General Plan Update are currently urbanized, any resulting impacts to biological resources within the developed areas are anticipated to be minimal and not cumulatively considerable. The remaining undeveloped, or partially undeveloped, portions of the Planning Area would be required to comply with General Plan Update policies and all relevant local, state, and federal regulations pertaining to biological resources, and any potential impacts would be reduced to less-than-significant levels. These goals preserve open space areas and ensure compatibility of development with natural lands and sensitive resources, and, therefore, would not result in a substantial loss of habitat or other resources. The proposed project would not, in combination with other projects in neighboring cities and County land, cause a substantial adverse effect on any species identified as a candidate, sensitive, or special status species; cause a substantial adverse effect on federally protected wetlands; interfere substantially with the movement of any native resident or migratory fish or wildlife species; or result in impacts to any mature trees subject to the Mature Tree Preservation Ordinance.

As such, when considered with the goals and policies of the General Plan Update that mitigate impacts to biological resources and the restrictions for development in place for surrounding areas, the proposed project would not make a cumulatively considerable contribution to biological resource impacts, and the cumulative impact would be *less than significant*.

4.4.5 References

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