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**Appendix K Coastal Sage Scrub and  
California Gnatcatcher Reports**

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June 13, 2005

Mr. Mark Rosene  
Lennar - South Coast  
25 Enterprise  
Aliso Viejo, CA 92656

Subject: Mitigation Fee for Coastal Sage Scrub Proposed Impacts on Whisler Property

Dear Mr. Rosene:

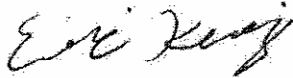
This letter documents the amount of Coastal Sage Scrub habitat (CSS) present on the proposed Whisler Property (Lot B, Tract No. 12110) and adjacent fuel modification area and indicates the appropriate mitigation fees for such impacts. The proposed project is within the Central/Coastal Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) for Orange County. Because the CSS within the fuel modification area is occupied by coastal California gnatcatcher per the protocol gnatcatcher survey report (attached) performed by LSA, a mitigation fee of \$50,000 per acre of impacted CSS is required. LSA mapped the existing CSS habitat within the project site (attached as Figure 1). There are 2.66 acres of CSS within the proposed project and the fuel modification area. Therefore, a mitigation fee of \$133,000 is required. The mitigation fee should be paid to the Nature Reserve of Orange County prior to removal of the CSS.

Since the project is within the NCCP, there is a list of construction minimization measures that must also be followed to be in compliance with the NCCP. The construction minimization measures are attached for your information.

If you have any questions regarding the NCCP, the vegetation mapping, or this letter, please feel free to contact Art Homrighausen or me at (949) 553-0666.

Sincerely,

LSA ASSOCIATES, INC.



Eric Krieg  
Senior Biologist

Attachments: California Gnatcatcher Report  
Figure 1: CSS Map  
NCCP Construction Minimization Measures

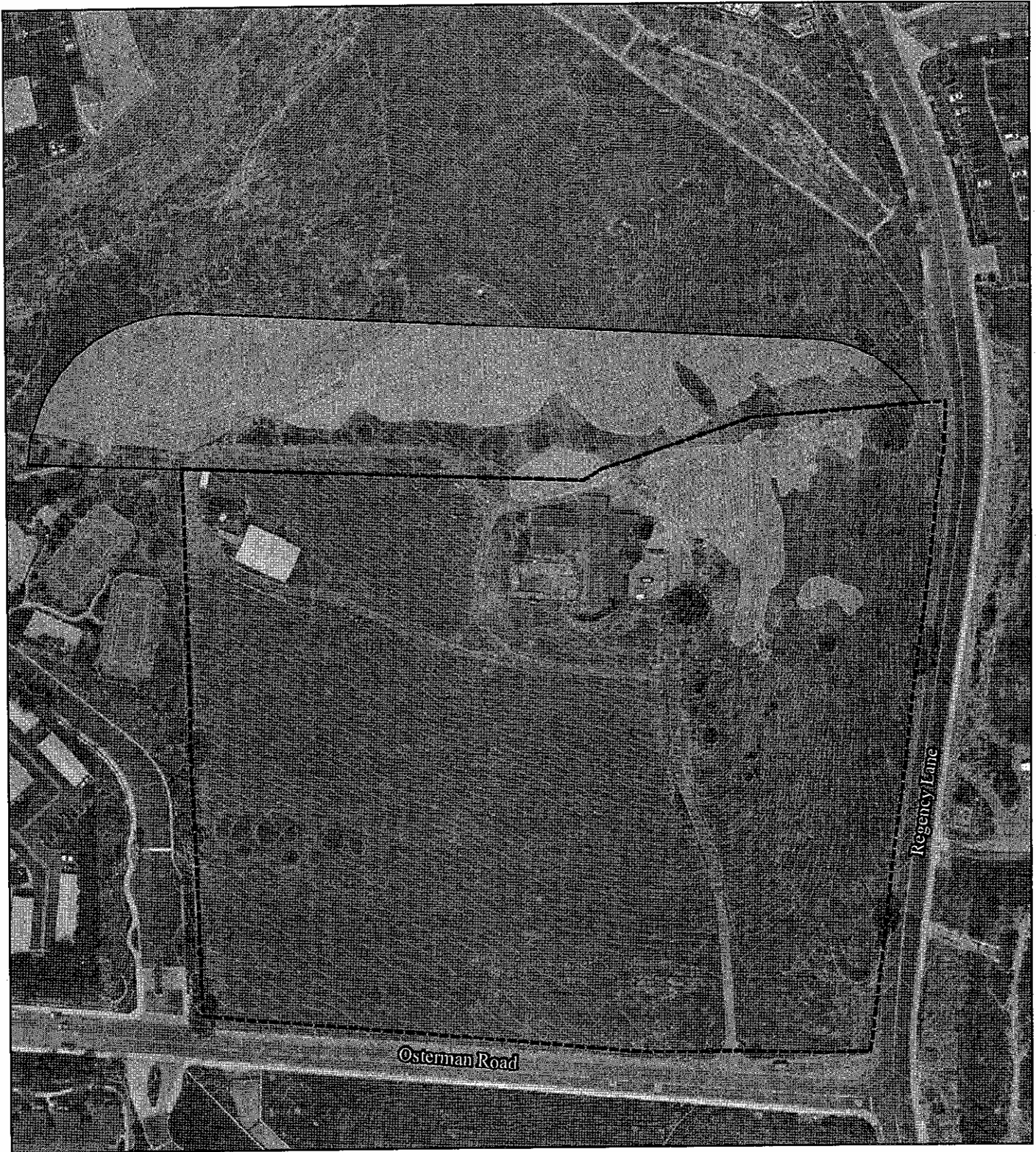
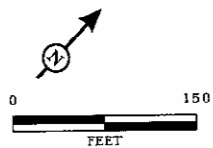





FIGURE 1

LSA



-  FUEL MODIFICATION LIMIT
-  PROJECT BOUNDARY
-  CSS HABITAT (2.66 ACRES)

Whisler Property  
CSS Habitat Areas

SOURCE: Aerial (2002), Boundaries (2005), and Topo (2002); MDS Consulting

i:\len536\gis\css\_analysis.mxd (06/10/05)

May 26, 2005

Daniel Marquez  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92008

Dr. John Gustafson  
Habitat Conservation Planning Branch  
California Department of Fish and Game  
1416 9th Street, Suite 1341  
Sacramento, CA 95814

Subject: California Gnatcatcher Survey Conducted May 11, 2005, at Whisler Property, Lake Forest, California

Dear Mr. Marquez:

This letter report documents the results of protocol surveys for the coastal California gnatcatcher (*Poliophtila californica californica*) at the proposed Whisler Property (Lot B, Tract No. 12110) and the immediately surrounding area in the City of Lake Forest, Orange County. The site is located on the west side of the Regency Lane/Osterman Road intersection (Figure 1). The property is approximately 13 acres (Figure 2) with a small amount of coastal sage scrub (CSS) on site and approximately 3 acres of CSS within the fuel modification area that is on the northwestern side of the property.

A presurvey notification letter was sent to you on April 25, 2005. Eric R. Krieg conducted one survey, accompanied by assistants Blake Selna and Wendy Walters, to gain more hours of gnatcatcher survey experience. Mr. Krieg conducted the survey pursuant to LSA's Federal 10(a)(1)(A) Permit TE-77965.

Date	Time	No. of Acres Per Hour	No. of Acres Per Day	Weather	Surveyor
May 11, 2005	0700-0945	1	3	Sunny, mild, still	ERK

The survey was conducted by walking along the northwestern boundary of the site, covering the CSS thoroughly. The taped vocalizations were played approximately every 30 minutes until the gnatcatcher was heard.

The study area is about 800 feet above sea level and is located in Township 6 South and Range 8 West on the *El Toro* quadrangle of the U.S. Geological Survey 7.5-minute series topographic map. The project area is dominated by ruderal nonnative grassland but contains a small area of CSS. The fuel modification area of the project contains approximately 3 acres of CSS. The dominant species of the CSS habitat is California sagebrush (*Artemisia californica*) with deerweed (*Lotus scoparius*), monkeyflower (*Mimulus aurantiacus*), California buckwheat (*Eriogonum fasciculatum*), and white sage (*Salvia apiana*) comprising smaller portions of the habitat. Most of the CSS within the fuel modification area is of a good quality except for an approximately 0.5-acre area that is all deerweed and appears to have been cleared in the recent past.

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California gnatcatchers were observed on site or in adjacent areas during the surveys. There was a male at the northern end of the fuel modification area, which was observed foraging near the edge of the deerweed patch to the edge of the habitat near Regency Lane. Two gnatcatchers (a pair) were observed at the west end of the fuel modification area and most of their observed activity was outside of the fuel modification limits. Brown headed cowbird (*Molothrus ater*), a broad parasite of gnatcatchers and other passerines, was not observed during the surveys. A complete list of animals observed during the gnatcatcher survey is presented in Appendix A.

If you have any questions, please feel free to contact me at (949) 553-0666.

Sincerely,

**LSA ASSOCIATES, INC.**

Eric Krieg  
Senior Biologist  
Restoration Ecologist

Attachments: Figures 1 and 2  
Appendix A

cc: Mark Rosene, Lennar South Coast

## APPENDIX A

### ANIMAL SPECIES OBSERVED

This is a list of the amphibians, reptiles, birds, and mammals noted in the study area by LSA biologists. Presence may be noted if a species is seen or heard or identified by the presence of tracks, scat, or other signs.

\* Introduced species

#### REPTILIA

##### Iguanidae

*Sceloporus occidentalis*

#### REPTILES

##### Iguanid Lizards

Western fence lizard

#### AVES

##### Accipitridae

*Accipiter cooperii*

*Buteo jamaicensis*

#### BIRDS

##### Kites, Hawks, Eagles, and Ospreys

Cooper's hawk

Red-tailed hawk

##### Odontophoridae

*Callipepla californica*

##### New World Quail

California quail

##### Columbidae

*Zenaida macroura*

##### Pigeons and Doves

Mourning dove

##### Trochilidae

*Calypte anna*

##### Hummingbirds

Anna's hummingbird

##### Tyrannidae

*Sayornis nigricans*

##### Tyrant Flycatchers

Black phoebe

##### Corvidae

*Corvus brachyrhynchos*

*Corvus corax*

##### Jays, Magpies and Crows

American crow

Common raven

##### Hirundinidae

*Petrochelidon pyrrhonota*

##### Swallows

Cliff swallow

##### Aegithalidae

*Psaltriparus minimus*

##### Bushtits

Bushtit

##### Troglodytidae

*Campylorhynchus brunneicapillus*

##### Wrens

Cactus wren

**Sylviidae**

*Polioptila californica californica*

**Timaliidae**

*Chamaea fasciata*

**Mimidae**

*Mimus polyglottos*

**Ptilonotidae**

*Phainopepla nitens*

**Thraupidae**

*Piranga ludoviciana*

**Emberizidae**

*Pipilo maculatus*

*Pipilo crissalis*

*Passerella iliaca*

*Melospiza melodia*

*Zonotrichia leucophrys*

**Cardinalidae**

*Phoebastria melanocephalus*

**Icteridae**

*Icterus cucullatus*

**Fringillidae**

*Carpodacus mexicanus*

*Carduelis tristis*

**MAMMALIA**

**Leporidae**

*Sylvilagus audubonii*

**Geomyidae**

*Thomomys bottae*

**Old World Warblers and Gnatcatchers**

Coastal California gnatcatcher

**Babblers**

Wrentit

**Mimic Thrushes**

Northern mockingbird

**Silky-flycatchers**

Phainopepla

**Tanagers**

Western tanager

**New World Sparrows**

Spotted towhee

California towhee

Fox sparrow

Song sparrow

White-crowned sparrow

**Cardinals, Saltators, and Allies**

Black-headed grosbeak

**Blackbirds**

Hooded oriole

**Fringillid Finches**

House finch

American goldfinch

**MAMMALS**

**Rabbits and Hares**

Audubon cottontail

**Pocket Gophers**

Botta pocket gopher

Taxonomy and nomenclature follow Mattoni (1990. Butterflies of Greater Los Angeles. Center for Conservation of Biodiversity/Lepidoptera Research Foundation, Los Angeles), Laudenslayer et. al. (1991. A checklist of the amphibians, reptiles, birds, and mammals of California. California Fish and Game 77:109-141.), and the American Ornithologists' Union (1998. The A.O.U. Checklist of North American Birds, 7th Edition, American Ornithologists' Union, Washington, D.C.).



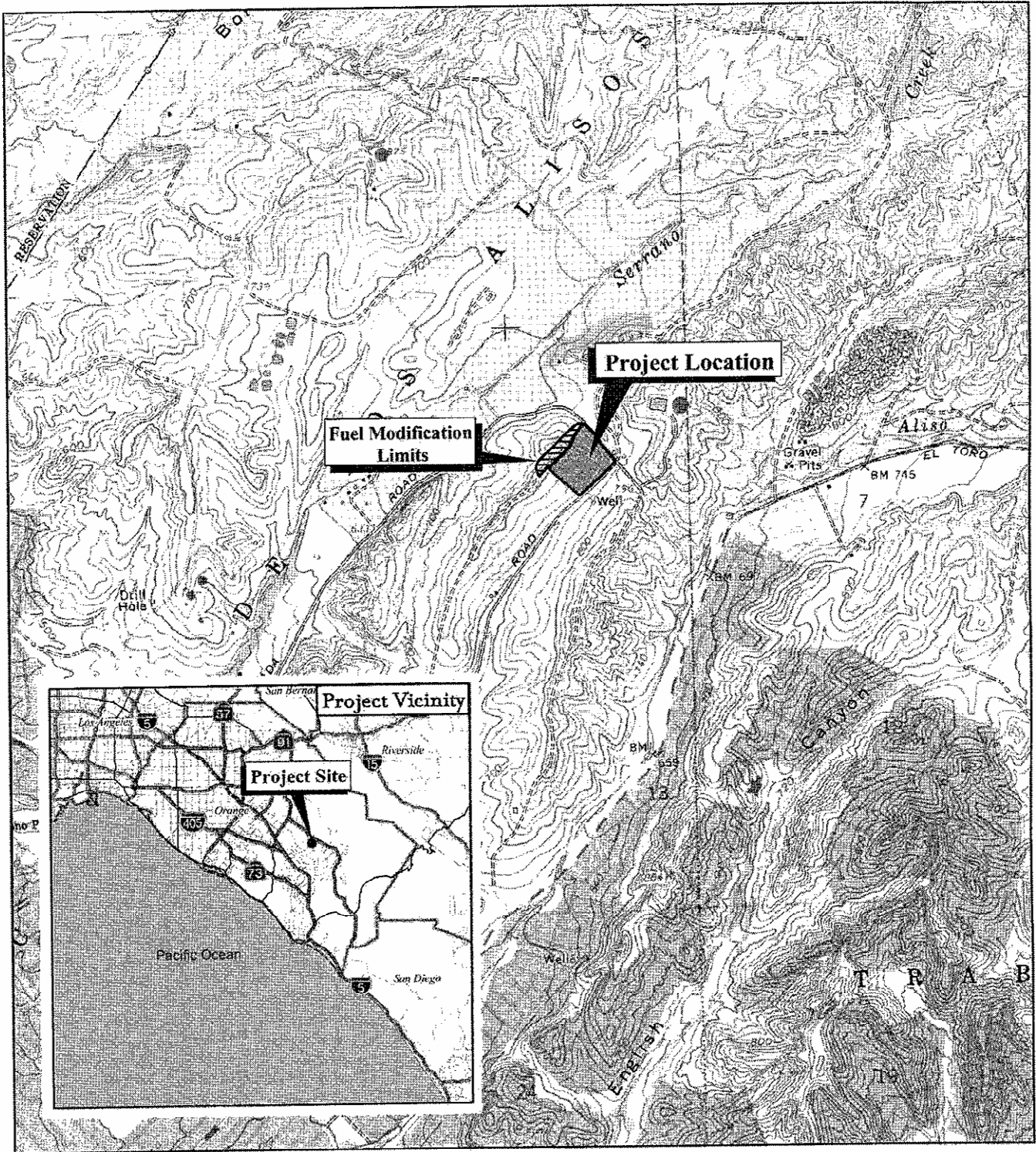
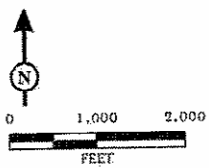


FIGURE 1

LSA



SOURCE: USGS 7.5' QUAD: EL TORO, CA (1982)

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Lennar Whisler  
Project Location

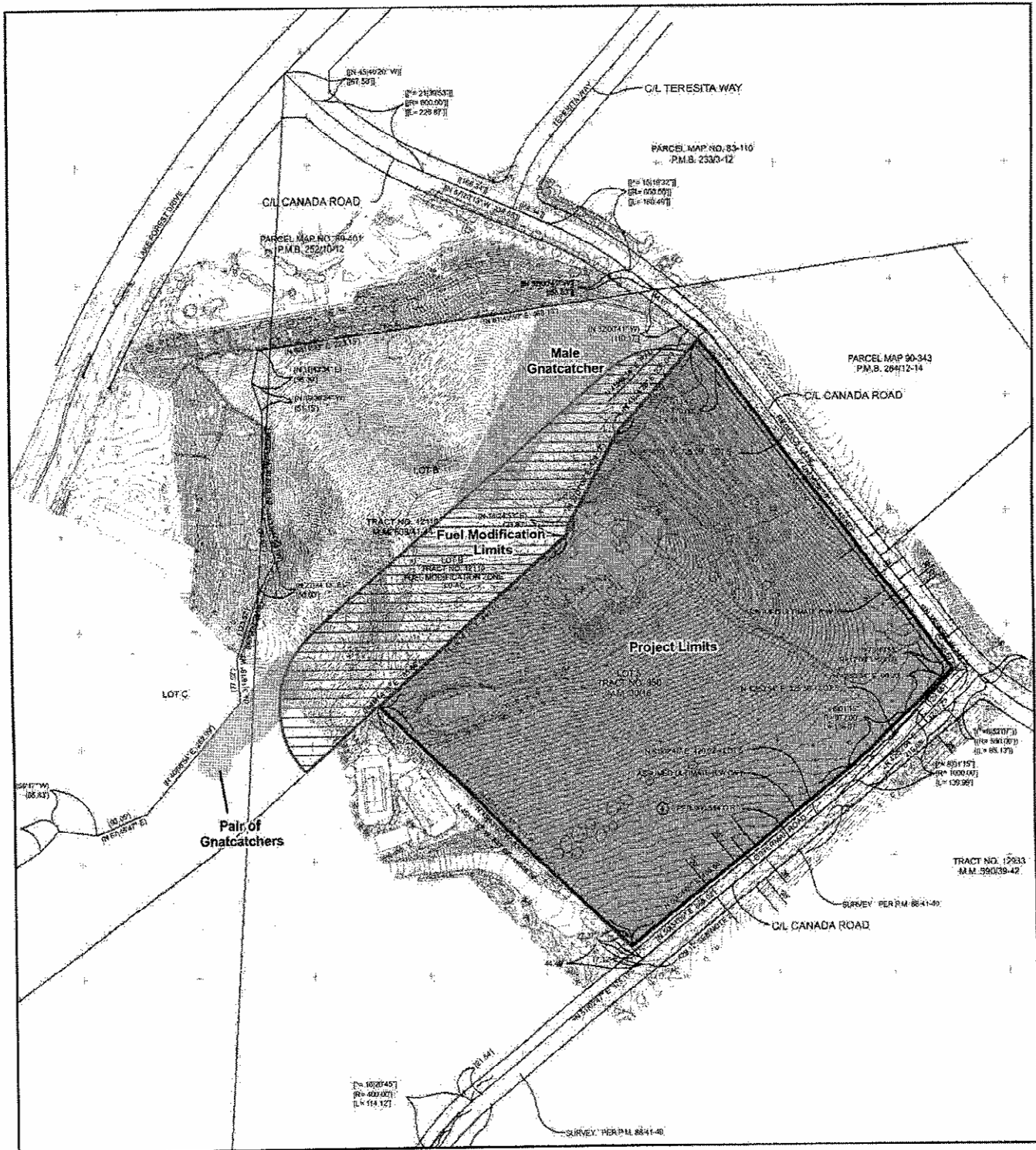
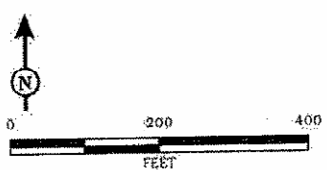


FIGURE 2

LSA



- LEGEND**
- Gnatcatcher Locations
  - Fuel Modification Limits
  - Project Limits

Lennar Whisler  
Project Limits and Gnatcatcher Areas

SOURCE:  
i:\men530\gis\fig2\_gnatcatcher\_portrait.mxd (05/26/05)

**NCCP Construction-Related Minimization Measures**  
NCCP/HCP FEIS/FEIR No. 553, Section 7.5.3

1. To the maximum extent practicable, no grading of CSS habitat that is occupied by nesting gnatcatchers will occur during the breeding season (February 15 through July 15). It is expressly understood that this provision and the remaining provisions of these "construction-related minimization measures," are subject to public health and safety considerations. These considerations include unexpected slope stabilization, erosion control measures and emergency facility repairs. In the event of such public health and safety circumstances, landowners or public agencies/utilities will provide USFWS/CDFG with the maximum practicable notice (or such notice as is specified in the NCCP/HCP) to allow for capture of gnatcatchers, cactus wrens and any other CSS Identified Species that are not otherwise flushed and will carry out the following measures only to the extent as practicable in the context of the public health and safety considerations.
2. Prior to the commencement of grading operations or other activities involving significant soil disturbance, all areas of CSS habitat to be avoided under the provisions of the NCCP/HCP, shall be identified with temporary fencing or other markers clearly visible to construction personnel. Additionally, prior to the commencement of grading operations or other activities involving disturbance of CSS, a survey will be conducted to locate gnatcatchers and cactus wrens within 100 feet of the outer extent of projected soil disturbance activities and the locations of any such species shall be clearly marked and identified on the construction/grading plans.
3. A monitoring biologist, acceptable to USFWS/CDFG will be on site during any clearing of CSS. The landowner or relevant public agency/utility will advise USFWS/CDFG at least seven (7) calendar days (and preferably fourteen (14) calendar days) prior to the clearing of any habitat occupied by Identified Species to allow USFWS/CDFG to work with the monitoring biologist in connection with bird flushing/capture activities. The monitoring biologist will flush Identified Species (avian or other mobile Identified Species) from occupied habitat areas immediately prior to brush-clearing and earth-moving activities. If birds cannot be flushed, they will be captured in mist nets, if feasible, and relocated to areas of the site to be protected or to the NCCP/HCP Reserve System. It will be the responsibility of the monitoring biologist to assure that Identified bird species will not be directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities on a timely basis.
4. Following the completion of initial grading/earth movement activities, all areas of CSS habitat to be avoided by construction equipment and personnel will be marked with temporary fencing or other appropriate markers clearly visible to construction personnel. No construction access, parking or storage of equipment or materials will be permitted within such marked areas.
5. In areas bordering the NCCP reserve system or Special Linkage/Special Management areas containing significant CSS identified in the NCCP/HCP for protection, vehicle transportation routes between cut-and-fill locations will be restricted to a minimum number during construction consistent with project construction requirements. Waste dirt or rubble will not be deposited on adjacent CSS identified in the NCCP/HCP for protection. Preconstruction

meetings involving the monitoring biologist, construction supervisors and equipment operators will be conducted and documented to ensure maximum practicable adherence to these measures.

6. CSS identified in the NCCP/HCP for protection and located within the likely dust drift radius of construction areas shall be periodically sprayed with water to reduce accumulated dust on the leaves as recommended by the monitoring biologist.