



BIOLOGIST'S STATEMENT OF HABITAT

Senate Bill 9 (SB 9) of 2021 and SB 35 of 2017 both require that a development or subdivision proposed under the law satisfy the requirement of Government Code Section (GCS) 65913.4(a)(6)(J), that the site not be located on any parcel that is:

Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

The preceding text refers to “**Habitat**” as used herein. While this definition calls out three lists of species by name, those three **do not constitute an exhaustive list** of species for which Habitat is excluded under SB 9. The California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), and other State or federal agencies also maintain lists of candidates, sensitive, or special status species whose habitat qualifies as Habitat under this definition. Habitat does not need the current presence of a protected species to qualify as Habitat for said species.

This form is intended to determine whether a development and/or subdivision being proposed under this law is located on a parcel containing any Habitat. If at any point, it is determined by a biologist that a parcel contains Habitat, it **is not eligible** for SB 9 or SB 35. If no Habitat exists on a parcel, then the parcel **may be eligible** for SB 9 or SB 35, assuming all other criteria are met. Failure by an applicant to disclose known Habitat may disqualify a project from SB 9 or SB 35 consideration.

CEQA thresholds of significance for a significant impact to biological resources **do not apply** to an SB 9 or SB 35 Habitat determination. SB 9 and SB 35 proceedings are ministerial and, thus, CEQA thresholds are not relevant to the process. The only question for SB 9 and SB 35 pertains to the presence of any habitat fitting the definition above, or the lack thereof.

ZIMAS includes eligibility checklists for both SB 9 and SB 35, and both checklists include a question on whether the subject parcel contains Habitat for sensitive species, as defined above. If the parcel's Eligibility Checklist Result for Habitat is “**Bio Review Needed**”, then establishing whether Habitat exists on the parcel(s) requires a determination by a qualified biologist. The qualified biologist shall conduct a site visit and provide a statement in accordance with the requirements herein for the applicant to submit this **Biologist's Statement of Habitat** to Los Angeles City Planning when trying to obtain the Planning clearance for a SB 9 Two Unit Development or filing for an SB 9 Urban Lot Split or SB 35 application.

Biologist's Statement of Habitat

Project Site Address¹: _____

Does the project site contain any oak woodlands, walnut groves, or any other potential Habitat(s)? YES NO

If Yes, check here to attest that a **Habitat Integrity Analysis** was performed on all potential Habitat in accordance with the guidance on Page 3 of this form. YES N/A

If any **Habitat Integrity Analyses** were performed, did any of the potential Habitat maintain integrity? YES NO

Does the project site contain any Habitat(s) as defined in GCS 65913.4(a)(6)(J)? YES NO

I attest that I am a Qualified Biologist who meets the following criteria:

Qualified Biologist. *A person with the appropriate education, training, and experience to conduct biological surveys, monitor Project activities that have the potential to affect biological resources, provide construction worker education programs related to the protection of biological resources, and supervise or perform other tasks related to biological resources; possesses a Bachelor of Science degree or Bachelor of Arts degree in biology, ecology, or a related environmental science; has at least five years of professional experience that requires knowledge of natural history, habitat affinities, and identification of flora and fauna species, and relevant local, state and federal laws and regulations governing the protection of biological resources; and meets the [CDFW qualifications](#)² for botanical field surveyors.*

I attest to the accuracy, to the best of my professional qualifications, of the habitat determination made above and the analysis supporting that determination.

Name of Qualified Biologist: _____

Signed Attestation of Qualifications and Accuracy: Matthew R. South

Date Signed: _____

A Biologist's Statement with the following contents shall be attached:

- Date(s) of Site Visit(s)
- Existing Site Plan
- Literature Review, including California Natural Diversity Database (CNDDDB) records of sensitive species within 500 feet of the project site

¹ If no address is available, use the Assessor's Parcel Number (APN).

² CDFW qualifications can be found here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

- Photos, Location, and Description of any on-site:
 - Native vegetation
 - Any of the trees or shrubs listed in Appendix A below
 - Any species on CDFW’s Special Vascular Plants, Bryophytes, and Lichens list³ Natural water resources (streams, wetlands, etc.)
 - Fauna specimens, or evidence of wildlife nesting, foraging, or passage
 - Potential habitat areas such as rock outcroppings, caves, cliffs, thickets, etc.
- Identification of the presence of any woodlands or groves. Qualifications for a woodland or grove are a stand comprising two or more trees (greater than a 5-inch diameter at standard height) of the same species, whose sphere of influence (10 times the tree area, or approximately 3.2 times the canopy radius) have any overlap⁴.
 - Note that some oak woodlands and Southern California black walnut groves are identified by CDFW as sensitive natural communities by the California Native Plant Society (CNPS) and included on the CDFW California Natural Community List⁵, which qualifies under Section 65913.4(a)(6)(J) of the Government Code as being identified by a State agency.
- Narrative and analysis of potential habitat observed and whether it qualifies as Habitat for any sensitive species as defined in Section 65913.4(a)(6)(J) of the Government Code, including, but not limited to those found on CDFW’s special and sensitive status species lists.⁶
- A Habitat Integrity Analysis of any potential habitat occurring on the project site, including, but not limited to: any woodland, grove, or other vegetative associations; any species or communities identified by CDFW as having a Global or State rarity rank of 1 – 3; other State or federal-identified species found on site; or other habitat. The Habitat Integrity Analysis must determine whether the Habitat currently or periodically contains the resources and conditions necessary to functionally support one or more life processes of the identified species. Note that SB 9 and SB 35 only require a determination on the presence of any habitat fitting the definition above, or the lack thereof. Additionally:
 - For any woodlands or groves: the Habitat Integrity Analysis must determine whether the woodland or grove is self-sustaining and can naturally regenerate on the project site.
 - The presence of a CDFW California Natural Community or Habitat for a listed species, which is shown to maintain integrity in a Habitat Integrity Analysis, disqualifies a project site from SB 9 and SB 35 consideration under Section 65913.4(a)(6)(J) of the Government Code.
- Biologist’s Proof of Qualifications

The entire project site should be surveyed for flora, fauna, wildlife corridors, and water resources. The entire project site must be walked to the extent physically possible. Note if any surveying was conducted through binoculars or other methods due to terrain or trespassing issues.

³ CDFW Special Vascular Plants, Bryophytes, and Lichens List, July 2022, can be found here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>.

⁴ Distance to be individually calculated but less than 200 feet apart.

⁵ CDFW California Natural Community List, July 2022, can be found here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline>.

⁶ Including but not limited to CDFW’s Special Animals List, July 2022, which can be found here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>.

Appendix A

Required Trees and Shrubs

Any parcel being evaluated for a Biologist's Statement of Habitat for SB 9 and SB 35 shall document any of the tree or shrub species listed here and evaluate them as potential habitat for sensitive species.

Native Tree Species

Coast Live Oak (*Quercus agrifolia*)

Valley Oak (*Quercus lobata*)

Any other tree in the Oak genus native to California

Western Sycamore (*Platanus racemosa*)

Southern California black walnut (*Juglans californica* var. *californica*)

California bay laurel (*Umbellularia californica*)

Native Shrub Species

Mexican Elderberry (*Sambucus mexicana*)

Toyon (*Heteromeles arbutifolia*)

In addition to the above, any parcel within the Coastal Zone being evaluated for a Biologist's Statement of Habitat shall also document any of the non-native tree species listed below and evaluate them as potential habitat for sensitive species.

Non-Native Tree Species Within the Coastal Zone

Blue Gum Eucalyptus (*Eucalyptus globulus*)

Red River Gum Eucalyptus (*Eucalyptus camaldulensis*)

Other Eucalyptus species