

30 March 2011

Agenda Item V(h)
MRCA
4/6/11

Paul Edelman
Mountains Recreation & Conservation Authority
5810 Ramirez Canyon Road
Malibu, California 90265

RE: BIOLOGICAL SERVICES PROPOSAL FOR SPRING AND EARLY SUMMER FLORAL AND FAUNAL SURVEYS FOR AN APPROXIMATE 80 ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF PALMDALE BOULEVARD AND 230TH STREET IN AN UNINCORPORATED PORTION OF THE COUNTY OF LOS ANGELES, CALIFORNIA (ASSESSOR'S PARCEL NOS. 3091-018-900 AND -901)

Dear Mr. Edelman:

This letter constitutes our proposal to provide the following biological services for the project referenced above. Per your request, we have designed the information gathering phase of the investigation to focus on producing a thorough inventory of the flora and fauna of the site. Surveys will be timed to produce the best, most reliable survey results in terms of species presence. Focused surveys and small mammal trapping are included as optional survey items. Initially, the information will be assembled as a Constraints Analysis as a cost-saving measure at this time, but the information gathered will be suitable for inclusion in a more comprehensive evaluation (Biological Assessment) should that level of detail be needed at a later date. A cost estimate for the comprehensive evaluation is presented but is not included in the current scope of work.

We have enlisted a locally well known and respected biologist, Michael (Mickey) Long, who formerly managed County of Los Angeles Natural Areas such as Eaton Canyon and other reserves to assist in our effort. Mickey currently serves on the Los Angeles County Significant Ecological Areas Technical Advisory Committee and has a high degree of familiarity with high desert flora in Los Angeles County.

We have not conducted a locational analysis of the property, and assume it is not located in any designated conservation areas, SEA's, national forest or similarly protected area.

Task 1 - Conduct Floral Survey and Avian Survey and Prepare Predictive List of Reptiles and Mammals

In accordance with the California Department of Fish and Game ("CDFG") *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*, dated 24 November 2009 ("Protocol"), **TERACOR Resource Management ("TERACOR")** will conduct a botanical survey for the approximate 80.0 acre subject property ("property"). As per the Protocol, the survey will be conducted in a manner which maximizes the likelihood of locating special status plant species. All plant communities will be mapped in a GIS-based format and identified, and special status natural communities will be mapped and evaluated if present. Plant community acreages will be generally quantified through precise survey baseline

data does not yet exist for the site, therefore, there will be a margin of error based on presumed property lines, etc. Each plant taxon detected on-site will be identified to the taxonomic level necessary to determine rarity and listing status. TERACOR will conduct the floral surveys throughout the entire site. TERACOR will consult the California Natural Diversity Database ("CNDDDB") for any known occurrences of special status plants and natural communities in the general area prior to field surveys.

All biological organisms encountered during the floral surveys (including birds, reptiles, amphibians and mammals and sign thereof) will be recorded. Burrows will be inspected for evidence of occupation by likely resident organisms (prints, scat, dust baths, etc.). Special attention will be given to nesting birds, and all bird species observed on or over the site will be noted. While the floral surveys will be very focused for Spring and early Summer surveys, focused animal surveys are not included in this task (i.e., no scent stations, small mammal trapping, nocturnal surveys, bat surveys, Joshua tree surveys, or similar surveys would be undertaken as part of Task 1).

Task 1 includes preparation of an abbreviated site analysis text suitable for inclusion in a Constraints Analysis type document. Though not a Constraints Analysis *per se*, the summary document will include information about the types of plant communities present, a map of those communities, and the descriptive information about the range of animal species detected and expected to occur on the site. It will also indicate whether we believe streams or washes are present which are likely to fall under the jurisdiction of either CDFG as "streambeds" or the U.S. Army Corps of Engineers ("Corps") as "waters of the U.S.". Focused delineation and mapping of any drainage features is discussed below under Task 4. This information will be suitable for inclusion in a General Biological Assessment which would be required under CEQA if a project is proposed at a later date. The cost of a Biological Assessment has not been included since the nature of resources on-site, as well as a project description, is not certain at this time.

Task 2 - Focused Survey for the Presence/Absence of Desert Tortoise (Optional)

The desert tortoise (*Gopherus agassizii*) is a federally listed Threatened species under the Endangered Species Act ("ESA"), and a state Threatened species under the California Endangered Species Act ("CESA"). The desert tortoise requires firm substrates for construction of burrows or uses shelters among rocks, and exposed eroded layers in desert washes. It is known to occur in creosote bush flats and hillsides.

The wildlife agencies often require focused surveys to be updated if it seems possible that information is out-of-date, if the organism is found off-site but locally, or if negative survey results can somehow be questioned through perceived misapplication of the protocol or the qualifications of the surveyors themselves. Jurisdictions and agency personnel differ substantially on this matter, however, and so TERACOR advises our clients to give careful consideration to the probable timing of any project so that surveys do not have to be repeated.

If requested to do so, TERACOR would conduct a focused survey for the presence/absence of desert tortoise. The survey will follow guidelines set forth in the Field Survey Protocol as amended (2010), developed by the U.S. Fish and Wildlife Service ("USFWS"). A separate, stand-alone report would be prepared in accordance with the Protocol described above, and would also meet any applicable Los Angeles County

requirements.

Task 3 - Mohave Ground Squirrel - Current Regulatory Environment

Mohave ground squirrel (*Spermophilus mohavensis*) ("MGS") is a state threatened species under provisions of CESA. MGS trapping surveys are prohibitively expensive and often difficult to schedule. Findings are considered conclusive, but subject to annual repetition. Nearby (off-site) positive findings can affect agency interpretations of findings for any survey. Prior detections of the organism in a given geography can preclude the need for surveys if CDFG believes presence has been predetermined. These conditions suggest to us that it is prudent to become very familiar with site and area conditions, interface with local CDFG biologists, and then determine if a given property should be trapped for MGS.

Alternatively, a property owner can assume presence of the organism on-site and apply for an Incidental Take Permit (CDFG Code Section 2081b) from CDFG. All these options should be considered in the future in consultation with CDFG. No action is proposed at this time.

We do recommend early consultation with CDFG to discuss the probable status of the organism on-site.

Task 4 - U.S. Army Corps of Engineers and CDFG Streambed Determination (Optional)

If determined necessary, TERACOR will perform preliminary jurisdictional determinations on the subject property to assess the likelihood that the washes on the site fall under the regulatory authority of the Corps or CDFG. The jurisdictional determination will be prepared as a separate report. Mapping of any washes determined to be jurisdictional will be included.

COST ESTIMATE

The cost estimate includes completion and submission of field work, mapping, exhibits with representative photos, and abbreviated report preparation and report production (8 copies). Meetings, telephone coordination, aerial photography and other non-anticipated tasks would be billed on a time and materials basis, if requested by the MRCA, in accordance with the Company Fee Schedule in effect at the time services are authorized.

Not-To-Exceed Costs (Task 1 and Possibly Task 2 are recommended at this time)

Task 1 - Conduct Floral Survey and Avian Survey and Prepare Predictive List of Reptiles and Mammals

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|---|------------|
| a. Field Assessment (2 Biologists 3 site investigations - April, May, June) | \$5,000.00 |
| b. Prepare GIS-based Mapping | \$3,500.00 |

c. Prepare Floral/Faunal Lists and Abbreviated Assessment	\$1,350.00
Task 2 - Presence/Absence Desert Tortoise	
a. Conduct Field Assessment	\$9,900.00
b. Prepare Report (including GIS-based transect mapping)	\$3,500.00
Task 3 - Agency Interface - Mohave Ground Squirrel	\$1,000.00
Task 4 - U.S. Army Corps of Engineers/ CDFG Streambed Determination	\$4,500.00
Additional Costs	
1. Contract Administration, Coordination, Meetings, Correspondence, Mitigation Search (estimated)	\$600.00
2. Direct Costs (Delivery, Insurance Waivers, Aerial Photography, etc.) (No charge for mileage)	\$400.00
TOTAL NOT TO EXCEED COST:	\$29,750.00

CONTRACTUAL PROVISIONS

This Proposal remains in effect for a period of 30 days from the date of this letter. Invoices are submitted monthly and are due upon receipt. If you wish for TERACOR to proceed with this Proposal/Services Agreement, you may sign both original copies enclosed, keeping one for your records and returning the second copy to TERACOR. Should additional services be requested due to discovery or regulatory changes, we will notify you of any additional costs in advance of performing additional work or hiring any sub-consultants.

Please return one original copy of this agreement to TERACOR, along with any available mapping you may have. A retainer will not be necessary as we have established a working relationship with you already. Invoices are due upon receipt and considered delinquent after 30 days.

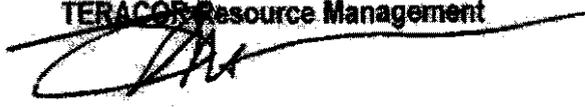
Thank you very much for contacting us and we look forward to working with you. Please call our office at 951 694 8000 if you have any questions or wish to discuss this proposal.

Mountains Recreation & Conservation Authority
Palmdale - 80 Acres

30 March 2011

Respectfully,

~~TERACOR Resource Management~~


Samuel Reed
Principal

Enclosure: TERACOR January 2011 Company Fee Schedule

Authorized by: _____

Please print name and title: _____

Date: _____

Company Fee Schedule

The following TERACOR fee schedule is effective 01 January 2011:

Personnel	Hourly Rate
Principal	\$225.00/hour
Senior Biologist/Ecologist	\$95.00-\$115.00/hour
Senior Environmental Analyst	\$95.00-\$115.00/hour
GIS Cartographer/Graphic Designer	\$85.00-\$105.00/hour
Environmental Analyst/Specialist	\$75.00-\$105.00/hour
Associate Biologist/Ecologist	\$80.00-\$95.00/hour
Assistant Biologist/Ecologist	\$65.00-\$80.00/hour
Environmental Technician	\$60.00-\$70.00/hour
Word Processing/Administrative Support	\$45.00/hour
Intern	\$35.00/hour
Endangered/Threatened Species Surveys	\$125.00-\$150.00/hour

Direct Expenses and Cost

All direct expenses shall be billed at cost with no administrative mark-up for the following:

- Reproduction (Color copier \$1.00-\$2.00 per copy, black & white 10¢ per page, binding, etc.)
- Purchase or rental of project-related materials, equipment or supplies (extra 4x4 vehicle, Trimble GeoXH GPS receiver unit rentals) (at cost)
- Mileage at \$0.475 per mile
- Off-Road Fee: \$50.00 half-day (minimum); \$85.00 full-day
- Travel, lodging and meals (at cost)
- Communication costs (e.g., special delivery, messenger or conference calls (at cost)
- Photographic Materials and Services (at cost)
- Full size (36 x 48) color plots - \$35.00 per sheet
- 11 x 17 color plots - \$10.00 per sheet
- TERACOR works only on a pre-arranged retainer basis for special situations arising from alleged violations and agency enforcement actions. Additionally, hourly rates for court appearances and depositions are charged at 150% of our published rate.

Invoicing

Monthly invoicing sent out at the end of each calendar month. Invoicing is due upon receipt and considered late after 30 days of receipt, unless otherwise arranged with TERACOR.