



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. 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.

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 the Los Angeles Department of Building and Safety for an SB 9 Two Unit Development or Los Angeles City Planning at the time of filing for an SB 9 Urban Lot Split or SB 35 application.

Biologist's Statement of Habitat

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](#) 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: _____

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
- Photos, Location, and Description of any on-site:
 - Native vegetation
 - Within the Coastal Zone, any of the trees listed in Appendix A below
 - Protected trees or shrubs
 - Natural water resources (streams, wetlands, etc.)
 - Evidence of wildlife nesting, foraging, or passage
 - Potential habitat areas such as rock outcroppings, caves, cliffs, thickets, etc.
 - Fauna specimens observed
- 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
- 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.

Appendix A

Trees in the Coastal Zone

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

Native Tree Species

Coast Live Oak (*Quercus agrifolia*)
Western Sycamore (*Platanus racemosa*)

Non-Native Tree Species

Blue Gum Eucalyptus (*Eucalyptus globulus*)
Red River Gum Eucalyptus (*Eucalyptus camaldulensis*)
Other Eucalyptus species