



Biological Clearance Application (aka Grading Permit) Procedures

REFERENCING ORDINANCE 2091

Purpose: Pursuant to Section 3 of Ordinance 2091, the purpose of the permit is to assure that no property will be graded, disked or tilled with out first investigating and safeguarding state and federally protected wildlife that may be present on the property.

Permit Required: A permit is required for all grading, disking or tilling on any property within the city limits, except for the exclusions in section 2 of the ordinance **such as: mowing or flailing, disking or tilling in designated community gardens, and grading in subdivisions with an approved grading plan (see subdivisions list in Planning and Building Department binder).**

Application: This biological clearance application is different from the Public Works Department review of grading plans. The biological clearance application review process shall be as follows:

Complete application and submit to the Planning and Building Department together with:

- 1) A statement of intended purpose of the grading, disking or tilling.
- 2) A \$308 fixed fee required for all applications. An additional \$692 deposit and signed fee agreement will be requested if initial staff review concludes that a biological survey is required.
- 3) A plan or map of the site with the location of the proposed work depicted and a brief description of the property and improvements.

Notes:

- 1) Planning staff can contact three biologists contracted to do biological surveys on behalf of the city; Mike Conner (530) 753-4868, Chad Roberts (530) 219-1288 or 758-3000 fax 758-3008, and Marcus H. Bole (530) 633-0117.
- 2) City Biological Resource Specialist John McNerney is available to assist with biological survey work. You also may have your own accredited biologist do the survey report to be reviewed by any of the biologists. See reverse for what should be included in the biological survey report.
- 3) Ordinance #2091 is available to you upon request for additional information.
- 4) The biological clearance **shall terminate and be of no further force and effect if the work permitted under the permit is not commenced within thirty (30) days of the date of issuance of the permit** and completed within the time set forth in the permit.

The biological survey report shall include the following elements:

- A. Site address and assessor parcel number. If not available, a general description detailed sufficiently to allow the Planning & Building Director to identify the project area.
- B. Map of the site, showing the location of occupied and potential nest sites or burrows for any wildlife species listed on the State of California Department of Fish and Game Natural Diversity Data Base, together with a report on proposed mitigation measures to reduce any impact on such wildlife by reason of the proposed activity.
- C. The biologist must follow the California Department of Fish and Game burrowing owl survey protocol when conducting the survey and state in the report that this protocol was used.
- D. Statement of Determination regarding habitat on-site, based on the California Department of Fish and Game standards.
- E. The survey must be signed by an accredited or certified Biologist, include resume for biologists who have not entered into contract with the city.



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When Required:

The biological survey application is required as part of the initial planning application review. If environmental review is required, a biological survey may be required. Subsequent studies may also be required. For all projects including categorically exempt projects, the biological survey is required prior to commencement of work on the subject site. Check with the city biologist for determination on the necessity of a biological survey.

Notes for Staff:

- 1) Assess whether mowing or flailing can adequately address the property owner's purpose while conserving wildlife species and their habitat. Ensure the proposed grading, disking or tilling activity is not exempt from the prohibition (refer to exemptions listed in section 2 of the Ordinance No. 2091 and on page 2 of the biological clearance application). For single family lots refer to the "Single-Family Lot Clarification" sheet in the Grading Permit Binder.
- 2) Applicant submits a completed application and initially pays a fixed fee of \$308. Review application for completeness and assign it a biological survey application number and PA number. After the application has been received with the \$308 fixed fee the City Biologist will review the application and determine if a biological survey is required. The planner can approve the application if a survey is not required.
- 3) If a biological survey is needed, a \$1,000 deposit is required regardless of who conducts the survey. The survey is required if there are sensitive species (threatened, endangered or otherwise protected) on the property (or in the immediate surrounding area) such as Burrowing Owls, Elderberry Beetles or Swainson Hawks. Ask the applicant **and staff** if there is evidence of, or a history of endangered species on the site. (Sending a group e-mail message to planning staff would be a quick way to see if anybody knows the background of a parcel.) Consult with City of Davis Open Space Planner, **Mitch Sears @7311** or City of Davis Wildlife Biologist, **John McNerney @5680** to determine if there has been prior recorded Burrowing Owl activity on the site.
- 4) The survey report shall include the following elements:
 - A. Site address and assessor parcel number. If not available, a general description detailed sufficiently to allow the Planning & Building Director to identify the project area.

- B. Map of the site, showing the location of occupied and potential nest sites or burrows for any wildlife species listed on the State of California Department of Fish and Game Natural Diversity Data Base, together with a report on proposed mitigation measures to reduce any impact on such wildlife by reason of the proposed activity.
 - C. The biologist must follow the California Department of Fish and Game burrowing owl survey protocol when conducting the survey and state in the report that this protocol was used.
 - D. Statement of Determination regarding habitat on-site, based on the California Department of Fish and Game standards.
 - E. The survey must be signed by an accredited or certified Biologist, include resume for biologists who have not entered into contract with the city.
- 5) Even if a biological survey is necessary, the applicant is not required to submit a biological survey report when initially submitting an application. The survey can be conducted after the application has been submitted. The applicant decides who will do the survey. If the applicant wants the city to arrange for a biological survey, then the planner contacts John McNerney. If he is unavailable to do the work, then staff contacts any of the three biologists who have entered into contract to do biological surveys on behalf of the city.
- 6) Staff reviews the report and if there are clearly no sensitive species present then the application can be approved and a copy of the report should be forwarded to John McNerney. In all other instances or if unclear about the report's findings, then the report should be sent to John McNerney for further review. If the applicant uses their own biologist, then staff receives the report, reviews it for completeness and sends it to John McNerney for review. Any biologist, who is willing to sign the city standard contract and meet all the requirements, should be given a copy of the contract for review and signature. They would then be included in the list of city approved biologists.
- 7) Only sign off the Biological Clearance Certification if accompanied by a report performed by a city contracted biologist, John McNerney, or an outside biologist and reviewed by John McNerney.
- 8) Staff checks with Stacey for payment to the biologist. When a bill comes in from the biologist, transmit it to Stacey with a note if it is OK to pay. Also note the project number to charge it to.