# BIOLOGICAL TECHNICAL REPORT

# FOR

# THE SNUG HARBOR PROJECT

# LOCATED IN THE CITY OF NEWPORT BEACH, ORANGE COUNTY, CALIFORNIA

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**April 22, 2025**

## INFORMATION SUMMARY

**A. Report Date:** April 22, 2025

**B. Report Title:** Biological Technical Report for the Snug Harbor Project

**C. Project Site Location:** City of Newport Beach, Orange County, California. Latitude 33.658650°, longitude -117.881628° [center reading].

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**F. Report Summary**: This document provides the results of general biological surveys and focused biological surveys for the approximately 15.52-acre (15.44 acres onsite and 0.08 acres offsite) Snug Harbor Project (the Project) located in the City of Newport Beach, Orange County, California.

This report identifies and evaluates impacts to biological resources associated with the proposed Project in the context of the Orange County Central/Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan Natural (NCP/HCCP), the California Environmental Quality Act (CEQA), and State and Federal regulations such as the Endangered Species Act (ESA), Clean Water Act (CWA), and the California Fish and Game Code.

The Project consists of two components, including the recreational development (onsite) and improvements to Irvine Avenue and Mesa Drive (offsite).

GLA biologists conducted general biological surveys, vegetation mapping, and habitat assessments for special-status botanical and wildlife species. Based on the results of the habitat assessments, GLA biologists conducted focused surveys for overwintering western monarch butterfly (*Danaus plexippus*). No overwintering monarch butterflies were detected and as such no impacts to this species will occur as a result of the proposed Project.

No jurisdictional waters, wetlands, or riparian vegetation occur on the Project site.

A pre-construction survey measure is included for nesting native birds to ensure compliance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. A pre-construction survey measure is included to avoid and/or minimize injury to roosting bats, if present, and avoid maternity roosts, if present, until the maternity roost is no longer in use.

**G. Individuals Conducting Fieldwork:** Hannah Craddock, Stephanie Cashin, Jeff Ahrens, Ian Rhodes

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# 1.0 INTRODUCTION

## 1.1 Background and Scope of Work

This document provides the results of general biological surveys and focused biological surveys for the approximately 15-acre Snug Harbor Project (the Project) located in the City of Newport Beach, Orange County, California. This report identifies and evaluates impacts to biological resources associated with the proposed Project in the context of the California Environmental Quality Act (CEQA), and State and Federal regulations such as the Endangered Species Act (ESA), Clean Water Act (CWA), and the California Fish and Game Code.

The scope of this report includes a discussion of existing conditions for the approximately 15-acre Project site, all methods employed regarding the general biological surveys and focused biological surveys, the documentation of botanical and wildlife resources identified (including special-status species), and an analysis of impacts to biological resources. Methods of the study include a review of relevant literature, field surveys, and a Geographical Information System (GIS)-based analysis of vegetation communities. As appropriate, this report is consistent with accepted scientific and technical standards and survey guideline requirements issued by the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Wildlife (CDFW), the California Native Plant Society (CNPS), and other applicable agencies/organizations.

The field study focused on a number of primary objectives that would comply with CEQA requirements, including (1) general reconnaissance survey and vegetation mapping; (2) general biological surveys; (3) habitat assessments for special-status plant species; (4) habitat assessments for special-status wildlife species; (5) assessment for the presence of wildlife migration and colonial nursery sites; and (6) assessments for areas subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) jurisdiction pursuant to Section 404 of the Clean Water Act, State Water Quality Control Board pursuant to Section 401 of the Clean Water Act, and CDFW jurisdiction pursuant to Division 2, Chapter 6, Section 1600–1616 of the California Fish and Game Code. Observations of all plant and wildlife species were recorded during the general biological surveys and are included as Appendix A: Floral Compendium and Appendix B: Faunal Compendium.

## 1.2 Project Location

The Project site comprises approximately 15 acres in the City of Newport Beach, California [Exhibit 1 – Regional Map] and is located within Section 00 of Township 6 South, Range 10 West of the U.S. Geological Survey (USGS) 7.5-minute quadrangle map Newport Beach [Exhibit 2 – Vicinity Map]. The Project site is located within a portion of the Newport Beach Golf Course at 3100 Irvine Avenue, Newport Beach and is bordered by Mesa Drive to the southwest, Santa Ana Delhi Channel to the northwest, Irvine Drive to the northeast, and a business park and Newport Beach Fire Station #7 to the southeast.

## 1.3 Project Description

The primary proposed use is a 5.06-acre surf lagoon. Outdoor areas around the lagoon will be developed to provide seating and lounging areas, wave viewing platforms for spectators, private cabanas with bathrooms and showers, and three warming pools. Two new buildings totaling approximately 79,534 square feet are proposed. The main building will be three stories over a subterranean basement with a maximum height of 50 feet above grade, and second building will be two stories tall and 40 feet above grade.

The site will be served by two surface parking lots that will provide 351 spaces along with a designated drop-off and valet area. The site will be accessed from Irvine Avenue in the general location of the existing driveway and will provide left/right access into the site, and right-turn only access out of the site. A secondary driveway is proposed along Mesa Drive. Offsite improvements include utility connections and driveway/access improvements on Irvine Avenue and Mesa Drive. Construction of the Project is anticipated to take 18 months to complete.

## 1.4 Relationship to the Natural Communities Conservation Plan & Habitat Conservation Plan – County of Orange Central & Coastal Subregion

The Project site lies within the development portions of the Natural Communities Conservation Plan & Habitat Conservation Plan – County of Orange Central & Coastal Subregion (NCCP/HCP). In 1996, the NCCP/HCP was reviewed, approved, and adopted by the CDFW and USFWS. At that time, an EIR/EIS was prepared under the auspices of the County of Orange and the USFWS as lead agencies, while the CDFW was a responsible agency. Following the approval of the EIR/EIS, the participating agencies and landowners, including the Irvine Company, signed an Implementation Agreement (IA). The IA sets forth the implementation requirements for the NCCP/HCP, including requirements related to dedication, creation, and management of a 37,000-acre reserve as well as procedures and minimization measures related to take of identified species and modification of habitat in those areas designated for development under the NCCP/HCP. Based upon the NCCP/HCP, the USFWS and CDFW authorized take of identified species and approved modification of covered habitats under the National Environmental Policy Act (NEPA), CEQA, FESA, CESA, and the Federal Migratory Bird Treaty Act (MBTA). These approvals and authorizations, and their conditions, apply under the IA to certain geographic areas, including development areas identified in the NCCP/HCP. The Project site is within the planned activities area covered by the NCCP/HCP. As such, any impacts, including direct, indirect, and cumulative impacts, to covered habitats, identified species, and wildlife connections for such species are fully mitigated by the NCCP/HCP.

# 2.0 METHODOLOGY

In order to adequately identify biological resources in accordance with the requirements of CEQA, Glenn Lukos Associates (GLA) assembled biological data consisting of the following main components:

- Performance of a jurisdictional waters and wetlands evaluation;
- Performance of vegetation mapping for the Project site; and
- Performance of habitat assessments and site-specific biological surveys to evaluate the presence/absence of special-status species in accordance with the requirements of CEQA.

The focus of the biological surveys was determined through initial site reconnaissance, a review of the CNDDB (CDFW 2024), CNPS 9th edition online inventory (CNPS 2024), Natural Resource Conservation Service soil data (NRCS 2024), other pertinent literature, and knowledge of the region. Site-specific general surveys within the Project site were conducted on foot in the proposed development areas for each target plant or animal species identified below.

## 2.1 Summary of Surveys

GLA conducted biological studies to identify and analyze actual or potential impacts to biological resources associated with development of the Project site. Observations of all plant and wildlife species were recorded during each of the above-mentioned survey efforts [Appendix A: Floral Compendium and Appendix B: Faunal Compendium]. The studies conducted include the following:

- Performance of vegetation mapping;
- Performance of site-specific habitat assessments and biological surveys to evaluate the potential presence/absence of special-status species (or potentially suitable habitat) to the satisfaction of CEQA and federal and state regulations; and
- Performance of a jurisdictional waters and wetlands evaluation.

Table 2-1 provides a summary list of survey dates, survey types and personnel.

**Table 2-1. Summary of Biological Surveys for the Project Site.**

| Survey Type | 2024 Survey Dates | Biologist(s) |
|---|---|---|
| General Biological Survey<br>Habitat Assessment | 9/10 | HC |
| Vegetation Mapping | 9/10 | HC |
| Evaluation for Federal and State Jurisdictional Waters | 9/10 | HC |
| Monarch Butterfly Surveys | 11/19<br>12/11 | SC, IR<br>JA |
| HC = Hannah Craddock, SC = Stephanie Cashin, JA = Jeff Ahrens, IR = Ian Rhodes | | |

Individual plants and wildlife species are evaluated in this report based on their "special-status." For the purpose of this report, plants were considered "special-status" based on one or more of the following criteria:

- Listing through the Federal and/or State Endangered Species Act (ESA)
- California Rare Plant Rank 1A/1B, 2A/2B, 3, or 4

Wildlife species were considered "special-status" based on one or more of the following criteria:

- Listing through the Federal and/or State ESA
- Designation by the State as a Species of Special Concern (SSC) or California Fully Protected (FP) species

Vegetation communities and habitats were considered "special-status" based on one or more of the following criteria:

- Global (G) and/or State (S) ranking of category 3 or less (see Section 3.2.2 below for further explanation)
- Riparian habitat

## 2.2 Botanical Resources

A site-specific survey program was designed to accurately document the botanical resources within the Project site, and consisted of five components: (1) a literature search; (2) preparation of a list of target special-status plant species and sensitive vegetation communities that could occur within the Project site; (3) general field reconnaissance surveys; (4) vegetation mapping according to the List of Vegetation Alliances and Associations; and (5) habitat assessments and focused surveys for special-status plants.

### 2.2.1 Literature Search

Prior to conducting fieldwork, pertinent literature on the flora of the region was examined. A thorough archival review was conducted using available literature and other historical records. These resources included the following:

- California Native Plant Society, Rare Plant Program. Inventory of Rare and Endangered Plants of California (online edition, v-9.5, CNPS 2024; and
- CNDDB for the USGS 7.5-minute quadrangles: Newport Beach, Seal Beach, Laguna Beach, Tustin, Orange, Anaheim, and Los Alamitos (CNDDB 2024).

### 2.2.2 Vegetation Mapping

Vegetation communities within the Project site were mapped according to the List of Vegetation Alliances and Associations (or Natural Communities List). The list is based on A Manual of California Vegetation, Second Edition or MCVII (Sawyer et al. 2008), which is the California expression of the National Vegetation Classification. Where necessary, deviations were made when areas did not fit into exact habitat descriptions. These vegetation communities were named based on the dominant plant species present. Plant communities were mapped in the field directly onto a 200-scale (1"=200') aerial photograph. A vegetation map is included as Exhibit 4. Representative site photographs are included as Exhibit 5.

### 2.2.3 Special-Status Plant Species and Habitats Evaluated for the Project Site

A literature search was conducted to obtain a list of special status plants with the potential to occur within the Project site. The CNDDB was initially consulted to determine well-known occurrences of plants and habitats of special concern in the region. Other sources used to develop a list of target species for the survey program included the CNPS online inventory (2024).

Based on this information, vegetation profiles and a list of target sensitive plant species and habitats that could occur within the Project site were developed and incorporated into a mapping and survey program to achieve the following goals: (1) characterize the vegetation associations and land use; (2) prepare a detailed floristic compendium; (3) identify the potential for any special status plants that may occur within the Project site; and (4) prepare a map showing the distribution of any sensitive botanical resources associated with the Project site, if applicable.

### 2.2.4 Botanical Surveys

GLA biologist Hannah Craddock visited the site on September 10, 2024, to conduct general plant surveys. Surveys were conducted in accordance with accepted botanical survey guidelines (CDFW 2018, CNPS 2001, Nelson 1984, USFWS 2000). An aerial photograph, a soil map, and/or a topographic map were used to determine the community types and other physical features that may support sensitive and uncommon taxa or communities within the Project site. Surveys were conducted by following meandering transects within target areas of suitable habitat. All plant species encountered during the field surveys were identified and recorded following the above-referenced guidelines. A complete list of the plant species observed is provided in Appendix A. Scientific nomenclature and common names used in this report follow Baldwin et al. (2012), and Munz (1974).

## 2.3 Wildlife Resources

Wildlife species were evaluated and detected during field surveys by sight, call, tracks, and scat. Site reconnaissance was conducted in such a manner as to allow inspection of the entire Project site by direct observation, including the use of binoculars. Observations of physical evidence and direct sightings of wildlife were recorded in field notes during the visit. A complete list of wildlife species observed within the Project site is provided in Appendix B. Scientific nomenclature and common names for vertebrate species referred to in this report follow the Complete List of Amphibian, Reptile, Bird, and Mammal Species in California (CDFW 2016), Standard Common and Scientific Names for North American Amphibians, Turtles, Reptiles, and Crocodilians 6$^{th}$ Edition, Collins and Taggert (2009) for amphibians and reptiles, and the American Ornithologists' Society Online Checklist (Chesser et al. 2024) for birds. The methodology (including any applicable survey protocols) utilized to conduct general surveys, habitat assessments, and/or focused surveys for special-status animals are included below.

### 2.3.1 General Surveys

**Birds**

During the general biological and reconnaissance survey within the Project site, birds were detected incidentally by direct observation and/or by vocalizations, with identifications recorded in field notes.

**Mammals**

During general biological and reconnaissance survey within the Project site, mammals were identified and detected incidentally by direct observations and/or by the presence of diagnostic sign (i.e., tracks, burrows, scat, etc.).

**Reptiles and Amphibians**

During general biological and reconnaissance surveys within the Project site, reptiles and amphibians were identified incidentally during surveys. Habitats were examined for diagnostic reptile sign, which include shed skins, scat, tracks, snake prints, and lizard tail drag marks. All reptiles and amphibian species observed, as well as diagnostic sign, were recorded in field notes.

### 2.3.2 Special-Status Animal Species Evaluated for the Project Site

A literature search was conducted in order to obtain a list of special-status wildlife species with the potential to occur within the Project site. Species were evaluated based on two factors: 1) species identified by the CNDDB as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status animals that are known to occur within the vicinity of the Project site, or for which potentially suitable habitat occurs on the Project site.

### 2.3.3 Habitat Assessment for Special Status Animal Species

GLA biologist Hannah Craddock conducted habitat assessments for special-status animal species on September 10, 2024. An aerial photograph, soil map and/or topographic map were used to determine the community types and other physical features that may support special-status and uncommon taxa within the Project site.

### 2.3.4 Focused Surveys for Special-Status Animals Species

**Monarch Butterfly Survey**

GLA biologists Stephanie Cashin, Jeff Ahrens, and Ian Rhodes conducted focused surveys for overwintering monarch butterflies on November 19 and December 11, 2024. Surveys were conducted based upon the Xerces Society's Western Monarch Count Protocol (Xerces Society n.d.), which is designed to census overwintering monarch butterfly populations while in stationary clusters on overwintering trees. Accordingly, the Xerces Society protocol requires that surveys be conducted in the early morning hours when temperatures are below 55°F to ensure

that any monarch butterflies, if present, remain clustered from the evening before to allow an accurate count. However, because the purpose of the survey effort on the Project site was to determine presence/absence of overwintering monarch butterflies rather than conduct a census, the 55°F temperature requirement was not strictly adhered to. Surveys were conducted in the morning hours when temperatures remained low and were not conducted during strong winds or heavy precipitation. Refer to Table 2-2 below for survey condition details. The results of monarch butterfly surveys are documented in Section 4.0 of this report.

**Table 2-2. Summary of Monarch Surveys**

| Survey Date | Biologist(s) | Start/End Time | Start/End Temperature (°F) | Start/End Wind Speed (mph) | Start/End Cloud Cover (%) |
|---|---|---|---|---|---|
| 11/19/2024 | SC, IR | 0930/1200 | 58/64 | 0/0 | 0/0 |
| 12/11/2024 | JA | 0745/0950 | 51/59 | 2-3/2-3 | 100/100 |
| SC = Stephanie Cashin, IR = Ian Rhodes, JA = Jeff Ahrens | | | | | |

## 2.4 Jurisdictional Waters

The Project was assessed to identify the presence of potential jurisdictional waters, including waters of the U.S. (including wetlands) subject to the jurisdiction of the Corps and Regional Board, and waters of the State (including riparian vegetation) subject to the jurisdiction of CDFW.

# 3.0 REGULATORY SETTING

The proposed Project is subject to state and federal regulations associated with a number of regulatory programs. These programs often overlap and were developed to protect natural resources, including state- and federally listed plants and animals; aquatic resources including rivers and creeks, ephemeral streambeds, wetlands, and areas of riparian habitat; other special-status species which are not listed as threatened or endangered by the state or federal governments; and other special-status vegetation communities.

## 3.1 Endangered Species Acts

### 3.1.1 California Endangered Species Act

California's Endangered Species Act (CESA) defines an endangered species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The State defines a threatened species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an Endangered species in the foreseeable future in the absence of the special protection

and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission.

Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened, endangered, or candidate species by stating "No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided." Under the CESA, "take" is defined as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Exceptions authorized by the state to allow "take" require permits or memoranda of understanding and can be authorized for endangered species, threatened species, or candidate species for scientific, educational, or management purposes and for take incidental to otherwise lawful activities. Section 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

### 3.1.2 Federal Endangered Species Act

The FESA of 1973 defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range." A threatened species is defined as "any species that is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to "take" any listed species. "Take" is defined in Section 3(18) of FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification that result in injury to, or death of species as forms of "take." These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants.

### 3.1.3 State and Federal Take Authorizations for Listed Species

Federal or state authorizations of impacts to or incidental take of a listed species by a private individual or other private entity would be granted in one of the following ways:

- Section 7 of the FESA stipulates that any federal action that may affect a species listed as threatened or endangered requires a formal consultation with USFWS to ensure that the action is not likely to jeopardize the continued existence of the listed species or result in destruction or adverse modification of designated critical habitat. 16 U.S.C. 1536(a)(2).

- In 1982, the FESA was amended to give private landowners the ability to develop Habitat Conservation Plans (HCP) pursuant to Section 10(a) of the FESA. Upon development of an HCP, the USFWS can issue incidental take permits for listed species where the HCP specifies at minimum, the following: (1) the level of impact that will result from the taking, (2) steps that will minimize and mitigate the impacts, (3) funding necessary to implement the plan, (4) alternative actions to the taking considered by the applicant and the reasons why such alternatives were not chosen, and (5) such other measures that the Secretary of the Interior may require as being necessary or appropriate for the plan.
- In certain circumstances, Section 2080.1 of the California Fish and Game Code allows CDFW to adopt the federal incidental take statement or the 10(a) permit as its own based on its findings that the federal permit adequately protects the species under state law.

### 3.1.4 Take Authorizations Pursuant to the Orange County Central/Coastal NCCP/HCP

As discussed above in Section 1.4, the Project site is located with the Central/Coastal NCCP/HCP Subregion. Disturbance of NCCP/HCP covered habitats and "take" of covered or conditionally covered species are specifically authorized in the following documents:

County of Orange, Environmental Management Agency. 1996. *Central and Coastal Subregion Natural Community Conservation Plan & Habitat Conservation Plan, County of Orange Central and Coastal Subregion*. Parts I & II NCCP/HCP; Part III Joint Programmatic EIR/EIS. Prepared by R.J. Meade Consulting, Inc., San Diego. December 7.

County of Orange, Environmental Management Agency. 1996. *Implementation Agreement for the Orange County Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan, County of Orange.*

County of Orange, Environmental Management Agency. 1996. *Joint Programmatic EIR/EIS Response to Comments, Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan, County of Orange*.

County of Orange, Environmental Management Agency. 1996. *Mitigation and Implementation Agreement Monitoring Program for the Orange County Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan, County of Orange*.

The IA specifically authorizes disturbance of coastal sage scrub and "take" of covered species within the Central/Coastal NCCP Subregion. The NCCP Reserve System adaptive management program and other measures of the NCCP/HCP fully mitigate "take" of coastal sage scrub and disturbance of covered habitats resulting from development projects in compliance with the IA. Direct, indirect, and cumulative impacts under CEQA and NEPA to the covered habitats and covered species (except for conditionally covered species) resulting from development within designated development areas owned by NCCP participating landowners are fully mitigated by the measures of the NCCP/HCP.

## 3.2 California Environmental Quality Act

### 3.2.1 CEQA Guidelines Section 15380

CEQA requires evaluation of a project's impacts on biological resources and provides guidelines and thresholds for use by lead agencies for evaluating the significance of proposed impacts. Sections 5.1.1 and 5.2.2 below set forth these thresholds and guidelines. Furthermore, pursuant to the CEQA Guidelines Section 15380, CEQA provides protection for non-listed species that could potentially meet the criteria for state listing. For plants, CDFW recognizes that plants with a California Rare Plant Rank (CRPR) on Lists 1A, 1B, 2A, or 2B in the CNPS *Inventory of Rare and Endangered Plants in California* may meet the criteria for listing and should be considered under CEQA. CDFW also recommends protection of plants that are regionally important, such as locally rare species, disjunct populations of more common plants, or plants with a CRPR of 3 or 4.

### 3.2.2 Special-Status Plants, Wildlife and Vegetation Communities Evaluated Under CEQA

**Federally Designated Special-Status Species**

Within recent years, the USFWS instituted changes in the listing status of candidate species. Former C1 (candidate) species are now referred to simply as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing) and C3 species (either extinct, no longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. This term is employed in this document but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing, or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS.

For this report the following acronyms are used for federal special-status species:

- FE Federally listed as Endangered
- FT Federally listed as Threatened
- FPE Federally proposed for listing as Endangered
- FPT Federally proposed for listing as Threatened
- FC Federal Candidate Species (former C1 species)

**State-Designated Special-Status Species**

Some mammals and birds are protected by the state as Fully Protected (FP) Mammals or Fully Protected Birds, as described in the California Fish and Game Code, Sections 4700 and 3511, respectively. California SSC are designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. This list is primarily a working document for the CDFW's CNDDB project. Informally listed taxa are not protected but warrant

consideration in the preparation of biotic assessments. For some species, the CNDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites.

For this report the following acronyms are used for State special-status species:

- SE State-listed as Endangered
- ST State-listed as Threatened
- SR State-listed as Rare
- SCE State Candidate for listing as Endangered
- SCT State Candidate for listing as Threatened
- FP State Fully Protected
- SSC State Species of Special Concern

**CNDDB Global/State Rankings**

The CNDDB provides global and state rankings for species and communities based on a system developed by The Nature Conservancy to measure rarity of a species. The ranking provides a shorthand formula about how rare a species/community is, and is based on the best information available from multiple sources, including state and federal listings, and other groups that recognize species as sensitive (e.g., Bureau of Land Management, Audubon Society, etc.). State and global rankings are used to prioritize conservation and protection efforts so that the rarest species/communities receive immediate attention. In both cases, the lower ranking (i.e., G1 or S1) indicates extreme rarity. Rare species are given a ranking from 1 to 3. Species with a ranking of 4 or 5 is considered to be common. If the exact global/state ranking is undetermined, a range is generally provided. For example, a global ranking of "G1G3" indicates that a species/community global rarity is between G1 and G3. If the animal being considered is a subspecies of a broader species, a "T" ranking is attached to the global ranking. The following are descriptions of global and state rankings:

**Global Rankings**

- G1 – Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or because of some factor(s) making it especially vulnerable to extinction.
- G2 – Imperiled globally because of rarity (6-20 occurrences), or because of some other factor(s) making it very vulnerable to extinction throughout its range.
- G3 – Either very rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g., a physiographic region), or because of some other factor(s) making it vulnerable to extinction throughout its range.
- G4 – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5 – Common, widespread and abundant.

**State Rankings**

- S1 – Extremely rare; typically 5 or fewer known occurrences in the state; or only a few remaining individuals; may be especially vulnerable to extirpation.
- S2 – Very rare; typically between 6 and 20 known occurrences; may be susceptible to becoming extirpated.
- S3 – Rare to uncommon; typically 21 to 50 known occurrences; S3 ranked species are not yet susceptible to becoming extirpated in the state but may be if additional populations are destroyed.
- S4 – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- S5 – Common, widespread, and abundant in the state.

**California Native Plant Society/CNDDB California Rare Plant Ranks**

CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in California. In a collaborative effort with CDFW's CNDDB Project, the CNPS Ninth Edition of the *Inventory of Rare and Endangered Plants of California* categorizes plants of interest into six California Rare Plant Ranks (CRPR) based on their geographic distribution and potential threats to existing populations. The CNPS Inventory is used by CDFW as the candidate species list for plants that may be listed as state Threatened and Endangered by CDFW. The six categories of rarity that are summarized in Table 3-1.

**Table 3-1. California Rare Plant Ranks 1, 2, 3, & 4, and Threat Code Extensions**

| CRPR Rank | Comments |
|---|---|
| Rank 1A – Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere | Thought to be extinct in California based on a lack of observation or detection for many years. |
| Rank 1B – Plants Rare, Threatened, or Endangered in California and Elsewhere | Species, which are generally rare throughout their range that are also judged to be vulnerable to other threats such as declining habitat. |
| Rank 2A – Plants presumed Extirpated in California, But Common Elsewhere | Species that are presumed extinct in California but more common outside of California |
| Rank 2B – Plants Rare, Threatened or Endangered in California, But More Common Elsewhere | Species that are rare in California but more common outside of California |
| Rank 3 – Plants About Which More Information Is Needed (A Review List) | Species that are thought to be rare or in decline but CNPS lacks the information needed to assign to the appropriate list. In most instances, the extent of surveys for these species is not sufficient to allow CNPS to accurately assess whether these species should be assigned to a specific rank. In addition, many of the Rank 3 species have associated taxonomic problems such that the validity of their current taxonomy is unclear. |

| CRPR Rank | Comments |
|---|---|
| Rank 4 – Plants of Limited Distribution (A Watch List) | Species that are currently thought to be limited in distribution or range whose vulnerability or susceptibility to threat is currently low. In some cases, as noted above for Rank 3 species, CNPS lacks survey data to accurately determine status in California. Many species have been placed on Rank 4 in previous editions of the "Inventory" and have been removed as survey data has indicated that the species are more common than previously thought. CNPS recommends that species currently included on this list should be monitored to ensure that future substantial declines are minimized. |
| **Extension** | **Comments** |
| .1 – Seriously endangered in California | Species with over 80% of occurrences threatened and/or have a high degree and immediacy of threat. |
| .2 – Fairly endangered in California | Species with 20-80% of occurrences threatened. |
| .3 – Not very endangered in California | Species with <20% of occurrences threatened or with no current threats known. |

## 3.3 Jurisdictional Waters

### 3.3.1 Army Corps of Engineers

Pursuant to Section 404 of the Clean Water Act, the Corps regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined in Corps regulations at 33 CFR Part 328.3(a) as:

(1) Waters which are:

(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(ii) The territorial seas; or

(iii) Interstate waters;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;

(3) Tributaries of waters identified in paragraphs (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:

(i) Waters identified in paragraph (a)(1) of this section; or

(ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

Corps regulations at 33 CFR Part 328.3(b) exclude the following from being "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5) above:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;

(2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;

(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;

(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.

In the absence of wetlands, the limits of Corps jurisdiction in non-tidal waters, such as intermittent streams, extend to the OHWM which is defined at 33 CFR 328.3(c)(4) as:

> ...that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

"Adjacent" wetlands are defined by 33 CFR 328.3(c)(2) as those wetlands "having a continuous surface connection" to other waters of the United States.

**Wetland Definition Pursuant to Section 404 of the Clean Water Act**

The term "wetlands" (a subset of "waters of the United States") is defined at 33 CFR 328.3(c)(1) as "areas that are inundated or saturated by surface or ground water at a frequency and duration

sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." In 1987 the Corps published the Wetland Manual to guide its field personnel in determining jurisdictional wetland boundaries. The methodology set forth in the Wetland Manual and the Arid West Supplement generally require that, in order to be considered a wetland, the vegetation, soils, and hydrology of an area exhibit at least minimal hydric characteristics. While the Wetland Manual and Arid West Supplement provide great detail in methodology and allow for varying special conditions, a wetland should normally meet each of the following three criteria:

- More than 50 percent of the dominant plant species at the site must be hydrophytic in nature as published in the most current national wetland plant list;

- Soils must exhibit physical and/or chemical characteristics indicative of permanent or periodic saturation (e.g., a gleyed color, or mottles with a matrix of low chroma indicating a relatively consistent fluctuation between aerobic and anaerobic conditions); and

- Whereas the Wetland Manual requires that hydrologic characteristics indicate that the ground is saturated to within 12 inches of the surface for at least five percent of the growing season during a normal rainfall year, the Arid West Supplement does not include a quantitative criteria with the exception for areas with "problematic hydrophytic vegetation", which require a minimum of 14 days of ponding to be considered a wetland.

**Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.**

Pursuant to Article I, Section 8 of the U.S. Constitution, federal regulatory authority extends only to activities that affect interstate commerce. In the early 1980s the Corps interpreted the interstate commerce requirement in a manner that restricted Corps jurisdiction on isolated (intrastate) waters. On September 12, 1985, the U.S. Environmental Protection Agency (EPA) asserted that Corps jurisdiction extended to isolated waters that are used or could be used by migratory birds or endangered species, and the definition of "waters of the United States" in Corps regulations was modified as quoted above from 33 CFR 328.3(a).

On January 9, 2001, the Supreme Court of the United States issued a ruling on *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.* (SWANCC). In this case the Court was asked whether use of an isolated, intrastate pond by migratory birds is a sufficient interstate commerce connection to bring the pond into federal jurisdiction of Section 404 of the Clean Water Act.

The written opinion notes that the court's previous support of the Corps' expansion of jurisdiction beyond navigable waters (*United States v. Riverside Bayview Homes, Inc*.) was for a wetland that abutted a navigable water and that the court did not express any opinion on the question of the authority of the Corps to regulate wetlands that are not adjacent to bodies of open water. The current opinion goes on to state:

> In order to rule for the respondents here, we would have to hold that the jurisdiction of the Corps extends to ponds that are not adjacent to open water. We conclude that the text of the statute will not allow this.

Therefore, we believe that the court's opinion goes beyond the migratory bird issue and says that no isolated, intrastate water is subject to the provisions of Section 404(a) of the Clean Water Act (regardless of any interstate commerce connection). However, the Corps and EPA have issued a joint memorandum which states that they are interpreting the ruling to address only the migratory bird issue and leaving the other interstate commerce clause nexuses intact.

### 3.3.2 Regional Water Quality Control Board

The State Water Resource Control Board and each of its nine Regional Boards regulate the discharge of waste (dredged or fill material) into waters of the United States[1] and waters of the state. Waters of the United States are defined above in Section II.A and waters of the state are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state" (California Water Code 13050[e]).

Section 401 of the CWA requires certification for any federal permit or license authorizing impacts to waters of the U.S. (i.e., waters that are within federal jurisdiction), such as Section 404 of the CWA and Section 10 of the Safe Rivers and Harbors Act, to ensure that the impacts do not violate state water quality standards. When a project could impact waters outside of federal jurisdiction, the Regional Board has the authority under the Porter-Cologne Water Quality Control Act to issue Waste Discharge Requirements (WDRs) to ensure that impacts do not violate state water quality standards. Clean Water Act Section 401 Water Quality Certifications, WDRs, and waivers of WDRs are also referred to as orders or permits.

**State Wetland Definition**

The Water Boards define an area as wetland[2] as follows: "An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation."

[1] Therefore, wetlands that meet the current definition, or any historic definition, of waters of the U.S. are waters of the state. In 2000, the State Water Resources Control Board determined that all waters of the U.S. are also waters of the state by regulation, prior to any regulatory or judicial limitations on the federal definition of waters of the U.S. (California Code or Regulations title 23, section 3831(w)). This regulation has remained in effect despite subsequent changes to the federal definition. Therefore, waters of the state includes features that have been determined by the U.S. Environmental Protection Agency (U.S. EPA) or the U.S. Army Corps of Engineers (Corps) to be "waters of the U.S." in an approved jurisdictional determination; "waters of the U.S." identified in an aquatic resource report verified by the Corps upon which a permitting decision was based; and features that are consistent with any current or historic final judicial interpretation of "waters of the U.S." or any current or historic federal regulation defining "waters of the U.S." under the federal Clean Water Act.

[2] State Water Resources Control Board. 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. [For Inclusion in the Water Quality Control Plans for Inland Surface Waters and Enclosed Bays and Estuaries and Ocean Waters of California].

The following wetlands are waters of the state:

1. Natural wetlands;
2. Wetlands created by modification of a surface water of the state;[3] and
3. Artificial wetlands[4] that meet any of the following criteria:

    a. Approved by an agency as compensatory mitigation for impacts to other waters of the state, except where the approving agency explicitly identifies the mitigation as being of limited duration;
    b. Specifically identified in a water quality control plan as a wetland or other water of the state;
    c. Resulted from historic human activity, is not subject to ongoing operation and maintenance, and has become a relatively permanent part of the natural landscape; or
    d. Greater than or equal to one acre in size, unless the artificial wetland was constructed, and is currently used and maintained, primarily for one or more of the following purposes (i.e., the following artificial wetlands are not waters of the state unless they also satisfy the criteria set forth in 2, 3a, or 3b):

        i. Industrial or municipal wastewater treatment or disposal,
        ii. Settling of sediment,
        iii. Detention, retention, infiltration, or treatment of stormwater runoff and other pollutants or runoff subject to regulation under a municipal, construction, or industrial stormwater permitting program,
        iv. Treatment of surface waters,
        v. Agricultural crop irrigation or stock watering,
        vi. Fire suppression,
        vii. Industrial processing or cooling,
        viii. Active surface mining – even if the site is managed for interim wetlands functions and values,
        ix. Log storage,
        x. Treatment, storage, or distribution of recycled water, or
        xi. Maximizing groundwater recharge (this does not include wetlands that have incidental groundwater recharge benefits); or
        xii. Fields flooded for rice growing.[5]

[3] "Created by modification of a surface water of the state" means that the wetland that is being evaluated was created by modifying an area that was a surface water of the state at the time of such modification. It does not include a wetland that is created in a location where a water of the state had existed historically, but had already been completely eliminated at some time prior to the creation of the wetland. The wetland being evaluated does not become a water of the state due solely to a diversion of water from a different water of the state.

[4] Artificial wetlands are wetlands that result from human activity.

[5] Fields used for the cultivation of rice (including wild rice) that have not been abandoned due to five consecutive years of non-use for the cultivation of rice (including wild rice) that are determined to be a water of the state in accordance with these Procedures shall not have beneficial use designations applied to them through the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, except as otherwise required by federal law for fields that are considered to be waters of the United States. Further, agricultural inputs legally applied to fields

All artificial wetlands that are less than an acre in size and do not satisfy the criteria set forth in 2, 3.a, 3.b, or 3.c are not waters of the state. If an aquatic feature meets the wetland definition, the burden is on the applicant to demonstrate that the wetland is not a water of the state.

### 3.3.3 California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, Sections 1600-1603 of the California Fish and Game Code, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFW defines a stream (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." CDFW's definition of "lake" includes "natural lakes or man-made reservoirs." CDFW also defines a stream as "a body of water that flows, or has flowed, over a given course during the historic hydrologic regime, and where the width of its course can reasonably be identified by physical or biological indicators."

It is important to note that the Fish and Game Code defines fish as "a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals" (FGC Division 0.5, Chapter 1, section 45), and wildlife as "all wild animals, birds, plants, fish, amphibians, reptiles, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability" (FGC Division 0.5, Chapter 1, section 89.5). Furthermore, Division 2, Chapter 5, Article 6, Section 1600 et seq. of the California Fish and Game Code does not limit jurisdiction to areas defined by specific flow events, seasonal changes in water flow, or presence/absence of vegetation types or communities.

## 4.0 RESULTS

This section provides the results of general biological surveys, vegetation mapping, habitat assessments and focused surveys for special-status plants and animals, and an evaluation for Waters of the United States (including wetlands) subject to the jurisdiction of the Corps and Regional Board, and streams (including riparian vegetation) and lakes subject to the jurisdiction of CDFW.

### 4.1 Existing Conditions

The Project site consists of entirely developed land with an existing 38-bay partially covered synthetic turf driving range, a putting green, three holes of the Newport Beach Golf Course (holes 1,

used for the cultivation of rice (including wild rice) shall not constitute a discharge of waste to a water of the state. Agricultural inputs that migrate to a surface water or groundwater may be considered a discharge of waste and are subject to waste discharge requirements or waivers of such requirements pursuant to the Water Board's authority to issue or waive waste discharge requirements or take other actions as applicable.

2, and 9), a pro shop, a restaurant, and a large surface parking lot. The Project site occurs at an elevation ranging from approximately 15 to 54 feet above mean sea level (AMSL). Vegetation consists of ornamental turf, shrubs, and trees; no remnant native vegetation alliances are present. Two culverts are located near the western corner of the property that function to drain surface runoff from upland areas of the golf course including cart paths and fairways. No jurisdictional drainage features, riparian vegetation, or wetlands are present.

The National Cooperative Soil Survey (NCSS) has mapped the following soil types as occurring in association with the Project site: Myford sandy loam, 2 to 9 percent slopes; Myford sandy loam, 9 to 15 percent slopes; Myford sandy loam, thick surface, 0 to 2 percent slopes; and thapto-histic fluvaquents.

## 4.2 Vegetation Mapping

During vegetation mapping of the Project site, two different vegetation alliances/land uses were identified. Table 4-1 provides a summary of vegetation alliances/land uses and the corresponding acreage. Detailed descriptions of each vegetation type follow the table. A Vegetation Map is attached as Exhibit 4. Photographs depicting the various vegetation types and land uses are attached as Exhibit 5.

**Table 4-1. Summary of Vegetation/Land Use Types for the Project Site**

| Vegetation/Land Use Type | Onsite (acres) | Offsite (acres) | Project Site (Acres) |
|---|---|---|---|
| Turf Grass/Ornamental | 6.04 | 0 | 6.04 |
| Disturbed/Developed | 9.40 | 0.08 | 9.48 |
| **Total** | **15.44** | **0.08** | **15.52** |

### Turf Grass/Ornamental

The Project site contains approximately 6.04 acres of turf grass/ornamental, all of which is onsite and is located on the western half of the Property consisting of golf course holes 1, 2, and 9. The golf course fairways and greens are primarily vegetated with manicured turf grasses including bermudagrass (*Cynodon dactylon*) and Saint Augustine grass (*Stenotaphrum secundatum*), along with other weedy non-native grasses and forbs including Dallis grass (*Paspalum dilatatum*) and bur clover (*Medicago polymorpha*). Ornamental trees occur throughout the area, including Aleppo pine (*Pinus halepensis*), lemon scented gum (*Eucalyptus citriodora*), shamel ash (*Fraxinus uhdei*), and whiteflower kurrajong (*Brachychiton populneum*). Along the northwestern property boundary adjacent to the Santa Ana Delhi Channel are a few disjunct patches of iceplant (*Carpobrotus edulis*) growing with Mexican fan palm (*Washingtonia robusta*). Other component species include yellow nutgrass (*Cyperus esculentus*), flax-leaved horseweed (*Erigeron bonariensis*), Canada horseweed (*Erigeron canadensis*), bristly ox-tongue (*Helminthotheca echioides*), spiny sowthistle (*Sonchus asper*), common sowthistle (*Sonchus oleraceus*), cape honeysuckle (*Tecoma capensis*), Virgina pepperweed (*Lepidium virginicum*), Australian saltbush (*Atriplex semibaccata*), alkali weed (*Cressa truxillensis*), Asian ponysfoot (*Dichondra micrantha*), rattlesnake sandmat (*Euphorbia albomarginata*), bird's foot trefoil

(*Lotus corniculatus*), shoeblackplant (*Hibiscus rosa-sinensis*), cheeseweed mallow (*Malva parviflora*), common plantain (*Plantago major*), prostrate knotweed (*Polygonum aviculare*), curly dock (*Rumex crispus*), Italian cypress (*Cupressus sempervirens*), Canary Island pine (*Pinus canariensis*), red-box gum (*Eucalyptus polyanthemos*), and Japanese privet (*Ligustrum japonicum*).

**Disturbed/Developed**

The Project site contains approximately 9.48 acres of disturbed/developed land, of which 0.08 acre is located offsite and 9.48 acres are located onsite on the eastern half of the Property. This area consists of a paved parking lot, a driving range with synthetic turf, other golf course structures and amenities including a pro shop and restaurant, and a graded slope vegetated with both ruderal and ornamental vegetation. Integrated planters within the parking lot contain olives (*Olea europaea*), Mexican fan palm, queen palm (*Syagrus romanzoffiana*), whiteflower kurrajong, lemon scented gum, blue gum (*Eucalyptus globulus*), and brush box (*Lophostemon confertus*). A graded slope on the northeastern edge of the Property supports both ruderal and ornamental vegetation, including Canary Island pine (*Pinus canariensis*), Aleppo pine, lemon scented gum, slender oat (*Avena barbata*), iceplant, prickly lettuce (*Lactuca serriola*), Mexican fan palm, carrotwood (*Cupaniopsis anacardioides*), and a single coast live oak (*Quercus agrifolia*). Other component species include sago palm (*Cycas revoluta*), pygmy date palm (*Phoenix roebelenii*), purple fountain grass (*Pennisetum setaceum* 'Rubrum'), plumeria (*Plumeria rubra*), spider plant (*Chlorophytum comosum*), Russian thistle, aeonium (*Aeonium* sp.), echeveria (*Echeveria* sp.), jade plant (*Crassula ovata*), elephant bush (*Portulacaria afra*), and Brazilian pepper tree (*Schinus terebinthifolia*).

## 4.3 Special-Status Vegetation Communities

The CNDDB identifies the following seven special-status vegetation communities for the Newport Beach, Seal Beach, Laguna Beach, Tustin, Orange, Anaheim, and Los Alamitos quadrangle maps: southern dune scrub, southern foredunes, valley needlegrass grassland, southern coastal salt marsh, southern sycamore alder riparian woodland, southern coast live oak riparian forest, and California walnut woodland. The Project site does not contain any special-status vegetation types, including those identified by the CNDDB.

## 4.4 Special-Status Plants

No special-status plants were detected at the Project site, and none are expected to occur due to a lack of suitable habitat. Table 4-2 provides a list of special-status plants evaluated for the Project site through a general biological survey and habitat assessments. Species were evaluated based on the following factors: 1) species identified by the CNDDB and CNPS as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status plants that are known to occur within the vicinity of the Project site, or for which potentially suitable habitat occurs within the site.

**Table 4-2. Special-Status Plants Evaluated for the Project Site**

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Allen's pentachaeta<br>*Pentachaeta aurea* ssp. *allenii* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Openings in coastal sage scrub, and valley and foothill grasslands. | Does not occur |
| Aphanisma<br>*Aphanisma blitoides* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Sandy soils in coastal bluff scrub, coastal dunes, and coastal scrub. | Does not occur |
| Big-leaved crownbeard<br>*Verbesina dissita* | Federal: FT<br>State: ST<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Southern maritime chaparral, coastal sage scrub | Does not occur |
| Brand's star phacelia<br>*Phacelia stellaris* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Coastal dunes and coastal sage scrub. | Does not occur |
| California Orcutt grass<br>*Orcuttia californica* | Federal: FE<br>State: SE<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Vernal pools | Does not occur |
| Chaparral ragwort<br>*Senecio aphanactis* | Federal: None<br>State: None<br>CRPR: Rank 2B.2<br>NCCP/HCP: Not covered | Chaparral, cismontane woodland, coastal scrub. Sometimes associated with alkaline soils. | Does not occur |
| Chaparral sand-verbena<br>*Abronia villosa* var. *aurita* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Sandy soils in chaparral, coastal sage scrub. | Does not occur |
| Cliff spurge<br>*Euphorbia misera* | Federal: None<br>State: None<br>CRPR: Rank 2B.2<br>NCCP/HCP: Covered | Coastal bluff scrub and coastal sage scrub. Occurring on rocky soils. | Does not occur |
| Coast woolly-heads<br>*Nemacaulis denudata* var. *denudata* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Coastal dunes | Does not occur |
| Coulter's goldfields<br>*Lasthenia glabrata* ssp. *coulteri* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Playas, vernal pools, marshes and swamps (coastal salt). | Does not occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Coulter's saltbush<br>*Atriplex coulteri* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Coastal bluff scrub, coastal dunes, coastal sage scrub, valley and foothill grassland. Occurring on alkaline or clay soils. | Does not occur |
| Davidson's saltscale<br>*Atriplex serenana* var. *davidsonii* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Alkaline soils in coastal sage scrub, coastal bluff scrub. | Does not occur |
| Decumbent goldenbush<br>*Isocoma menziesii* var. *decumbens* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Chaparral, coastal scrub (sandy, often in disturbed areas) | Does not occur |
| Estuary seablite<br>*Suaeda esteroa* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Coastal salt marsh and swamps. Occurring in sandy soils | Does not occur |
| Intermediate mariposa-lily<br>*Calochortus weedii* var. *intermedius* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Covered | Rocky soils in chaparral, coastal sage scrub, valley and foothill grassland. | Does not occur |
| Laguna Beach dudleya<br>*Dudleya stolonifera* | Federal: FT<br>State: ST<br>CRPR: Rank 1B.1<br>NCCP/HCP: Covered | Chaparral, cismontane woodland, coastal sage scrub, valley and foothill grassland. Occurring on rocky soils. | Does not occur |
| Los Angeles sunflower<br>*Helianthus nuttallii* ssp. *parishii* | Federal: None<br>State: None<br>CRPR: Rank 1A<br>NCCP/HCP: Not covered | Marshes and swamps (coastal salt and freshwater). | Does not occur |
| Lucky morning-glory<br>*Calystegia felix* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Historically associated with wetland and marshy places, but possibly in drier situations as well. Possibly silty loam and alkaline soils. Meadows and seeps (sometimes alkaline), riparian scrub (alluvial). | Does not occur |
| Many-stemmed dudleya<br>*Dudleya multicaulis* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Chaparral, coastal sage scrub, valley and foothill grassland. Often occurring in clay soils. | Does not occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Mesa horkelia<br>*Horkelia cuneata* var. *puberula* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Sandy or gravelly soils in chaparral (maritime), cismontane woodland, and coastal scrub. | Does not occur |
| Mud nama<br>*Nama stenocarpum* | Federal: None<br>State: None<br>CRPR: Rank 2B.2<br>NCCP/HCP: Not covered | Marshes and swamps | Does not occur |
| Nuttall's scrub oak<br>*Quercus dumosa* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Covered | Closed-cone coniferous forest, chaparral, and coastal sage scrub. Occurring on sandy, clay loam soils. | Does not occur |
| Orcutt's pincushion<br>*Chaenactis glabriuscula var. orcuttiana* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Coastal bluff scrub (sandy soils) and coastal dunes. | Does not occur |
| Parish's brittlescale<br>*Atriplex parishii* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Chenopod scrub, playas, vernal pools. | Does not occur |
| Prostrate vernal pool navarretia<br>*Navarretia prostrata* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Coastal sage scrub, valley and foothill grassland (alkaline), vernal pools. Occurring in mesic soils. | Does not occur |
| Robinson's pepper grass<br>*Lepidium virginicum* var. *robinsonii* | Federal: None<br>State: None<br>CRPR: Rank 4.3<br>NCCP/HCP: Not covered | Chaparral, coastal sage scrub | Does not occur |
| Salt marsh bird's-beak<br>*Chloropyron maritimum* ssp. *maritimum* | Federal: FE<br>State: SE<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Coastal dune, coastal salt marshes and swamps. | Does not occur |
| Salt Spring checkerbloom<br>*Sidalcea neomexicana* | Federal: None<br>State: None<br>CRPR: Rank 2B.2<br>NCCP/HCP: Not covered | Mesic, alkaline soils in chaparral, coastal sage scrub, lower montane coniferous forest, Mojavean desert scrub, and playas. | Does not occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| San Bernardino aster *Symphyotrichum defoliatum* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic). | Does not occur |
| San Diego button-celery *Eryngium aristulatum* var. *parishii* | Federal: FE<br>State: SE<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Mesic soils in vernal pools, valley and foothill grasslands, coastal sage scrub. | Does not occur |
| Sanford's arrowhead *Sagittaria sanfordii* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Marshes and swamps (assorted shallow freshwater). | Does not occur |
| Santa Ana River woolly star *Eriastrum densifolium* ssp. *sanctorum* | Federal: FE<br>State: SE<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Alluvial fan sage scrub, chaparral. Occurring on sandy or rocky soils. | Does not occur |
| South coast saltscale *Atriplex pacifica* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Coastal bluff scrub, coastal dunes, coastal sage scrub, playas. | Does not occur |
| Southern tarplant *Centromadia parryi* ssp. *australis* | Federal: None<br>State: None<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Disturbed habitats, margins of marshes and swamps, vernally mesic valley and foothill grassland, vernal pools. | Does not occur |
| Summer holly *Comarostaphylis diversifolia* ssp. *diversifolia* | Federal: None<br>State: None<br>CRPR: Rank 1B.2<br>NCCP/HCP: Not covered | Chaparral. | Does not occur |
| Ventura Marsh milk-vetch *Astragalus pycnostachyus* var. *lanosissimus* | Federal: FE<br>State: SE<br>CRPR: Rank 1B.1<br>NCCP/HCP: Not covered | Coastal dunes, coastal scrub, marshes and swamps (edges, coastal salt or brackish) | Does not occur |

**STATUS**

**Federal**
FE – Federally Endangered
FT – Federally Threatened
FC – Federal Candidate

**State**
SE – State Endangered
ST – State Threatened

**CNPS**
Rank 1A – Plants presumed extirpated in California and either rare or extinct elsewhere.
Rank 1B – Plants rare, threatened, or endangered in California and elsewhere.
Rank 2A – Plants presumed extirpated in California, but common elsewhere.
Rank 2B – Plants rare, threatened, or endangered in California, but more common elsewhere.
Rank 3 – Plants about which more information is needed (a review list).
Rank 4 – Plants of limited distribution (a watch list).

**Threat Code extension**
.1 – Seriously endangered in California (over 80% occurrences threatened)
.2 – Fairly endangered in California (20-80% occurrences threatened)
.3 – Not very endangered in California (<20% of occurrences threatened or no current threats known)

**OCCURRENCE**

- Does not occur – The site does not contain habitat for the species and/or the site does not occur within the geographic range of the species.
- Confirmed absent – The site contains suitable habitat for the species, but the species has been confirmed absent through focused surveys.
- Not expected to occur – The species is not expected to occur onsite due to low habitat quality, however presence cannot be ruled out.
- Potential to occur – The species has a potential to occur based on suitable habitat, however its presence/absence has not been confirmed.
- Confirmed present – The species was detected onsite incidentally or through focused surveys

## 4.5 Special-Status Animals

No special-status animals were detected at the Project site. Table 4-3 provides a list of special-status animals evaluated for the Project site through general biological surveys, habitat assessments, and focused surveys. Species were evaluated based on the following factors, including: 1) species identified by the CNDDB as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status animals that are known to occur within the vicinity of the Project site, for which potentially suitable habitat occurs on the site.

**Table 4-3. Special Status Animals Evaluated for the Project Site**

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| **Invertebrates** | | | |
| American bumble bee *Bombus pensylvanicus* | Federal: None<br>State: None<br>State Rank: S2<br>NCCP/HCP: Not covered | Coastal prairie, great basin grassland, and valley & foothill grassland. Forages on a wide variety of flowers including vetches (*Vicia),* clovers *(Trifolium),* thistles *(Cirsium),* sunflowers *(Helianthus),* etc. Nests above ground under long grass or underground. Queens overwinter in rotten wood or underground. | Does not occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Crotch's bumble bee<br>*Bombus crotchii* | Federal: None<br>State: SCE<br>State Rank: S2<br>NCCP/HCP: Not covered | Relatively warm and dry sites, including the inner Coast Range of California and margins of the Mojave Desert. | Not expected to occur |
| Dorothy's El Segundo Dune weevil<br>*Trigonoscuta dorothea dorothea* | Federal: None<br>State: None<br>State Rank: S1<br>NCCP/HCP: Not covered | Sand dunes in El Segundo, CA. | Does not occur |
| Globose dune beetle<br>*Coelus globosus* | Federal: None<br>State: None<br>State Rank: S1S2<br>NCCP/HCP: Not covered | Burrows under vegetation in coastal sand dunes | Does not occur |
| Mimic tryonia (=California brackishwater snail)<br>*Tryonia imitator* | Federal: None<br>State: None<br>State Rank: S2<br>NCCP/HCP: Not covered | Coastal areas with brackish waters. | Does not occur |
| Monarch butterfly (California overwintering population)<br>*Danaus plexippus pop. 1* | Federal: FPT<br>State: None<br>State Rank: S2<br>NCCP/HCP: Not covered | Roosts in winter in wind-protected tree groves along the California coast from northern Mendocino to Baja California, Mexico. | Overwintering population confirmed absent |
| Riverside fairy shrimp<br>*Streptocephalus woottoni* | Federal: FE<br>State: None<br>State Rank: S2<br>NCCP/HCP: Not covered | Restricted to deep seasonal vernal pools, vernal pool-like ephemeral ponds, and stock ponds. | Does not occur |
| San Diego fairy shrimp<br>*Branchinecta sandiegonensis* | Federal: FE<br>State: None<br>State Rank: S1<br>NCCP/HCP: Not covered | Seasonal vernal pools | Does not occur |
| San Gabriel chestnut<br>*Glyptostoma gabrielense* | Federal: None<br>State: None<br>State Rank: S3<br>NCCP/HCP: Not covered | Semi-arid areas, most often under rocks, debris, logs or cactus in low elevation hills | Does not occur |
| Wandering (=saltmarsh) skipper<br>*Panoquina errans* | Federal: None<br>State: None<br>State Rank: S2<br>NCCP/HCP: Not covered | Ocean bluffs and other open areas near the ocean. | Does not occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Western beach tiger beetle *Cicindela latesignata latesignata* | Federal: None<br>State: None<br>State Rank: S1<br>NCCP/HCP: Not covered | Forages in open unvegetated areas such as marsh plannes and levees. Larvae burrow in moist unvegetated substrates. | Does not occur |
| Western tidal-flat tiger beetle *Habroscelimorpha gabbii* | Federal: None<br>State: None<br>State Rank: S1<br>NCCP/HCP: Not covered | Open, unvegetated areas in or near salt marshes. | Does not occur |
| **Fish** | | | |
| Santa Ana sucker *Catostomus santaanae* | Federal: FT<br>State: None<br>State Rank: S1<br>NCCP/HCP: Not covered | Small, shallow streams, less than 7 meters in width, with currents ranging from swift in the canyons to sluggish in the bottom lands. Preferred substrates are generally coarse and consist of gravel, rubble, and boulders with growths of filamentous algae, but occasionally they are found on sand/mud substrates. | Does not occur |
| Southern steelhead - southern California DPS *Oncorhynchus mykiss irideus* pop. 10 | Federal: FE<br>State: CE<br>State Rank: S1<br>NCCP/HCP: Not covered | Clear, swift moving streams with gravel for spawning. Federal listing refers to populations from Santa Maria river south to southern extent of range (San Mateo Creek in San Diego county.) | Does not occur |
| Tidewater goby *Eucyclogobius newberryi* | Federal: FE<br>State: SSC<br>State Rank: S3<br>NCCP/HCP: Not covered | Occurs in shallow lagoons and lower stream reaches along the California coast from Agua Hedionda Lagoon, San Diego Co. to the mouth of the Smith River. | Does not occur |
| **Amphibians** | | | |
| Western spadefoot *Spea hammondii* | Federal: FPT<br>State: SSC<br>State Rank: S3S4<br>NCCP/HCP: Covered | Seasonal pools in coastal sage scrub, chaparral, and grassland habitats. | Does not occur |
| **Reptiles** | | | |
| Coast horned lizard *Phrynosoma blainvillii* | Federal: None<br>State: SSC<br>State Rank: S4<br>NCCP/HCP: Covered | Occurs in a variety of vegetation types including coastal sage scrub, chaparral, annual grassland, oak woodland, and riparian woodlands. | Does not occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Green sea turtle<br>*Chelonia mydas* | Federal: FT<br>State: None<br>State Rank: S1<br>NCCP/HCP: Not covered | Inhabits the shallow waters of lagoons, bays, estuaries, mangroves, eelgrass and seaweed beds. Prefers areas with abundant aquatic vegetation, such as pastures of sea grasses and algae, in shallow, protected water. | Does not occur |
| Orange-throated whiptail<br>*Aspidoscelis hyperythra* | Federal: None<br>State: None<br>State Rank: S2S3<br>NCCP/HCP: Covered | Coastal sage scrub, chaparral, non-native grassland, oak woodland, and juniper woodland. | Does not occur |
| Red-diamond rattlesnake<br>*Crotalus ruber* | Federal: None<br>State: SSC<br>State Rank: S3<br>NCCP/HCP: Covered | Habitats with heavy brush and rock outcrops, including coastal sage scrub and chaparral. | Does not occur |
| Southern California legless lizard<br>*Anniella stebbinsi* | Federal: None<br>State: SSC<br>State Rank: S3<br>NCCP/HCP: Not covered | Broadleaved upland forest, chaparral, coastal dunes, coastal scrub; found in a broader range of habitats that any of the other species in the genus. Often locally abundant, specimens are found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans | Does not occur |
| Southwestern pond turtle<br>Actinemys pallida | Federal: FPT<br>State: SSC<br>State Rank: S3<br>NCCP/HCP: Not covered | Slow-moving permanent or intermittent streams, small ponds and lakes, reservoirs, abandoned gravel pits, permanent and ephemeral shallow wetlands, stock ponds, and treatment lagoons. Abundant basking sites and cover necessary, including logs, rocks, submerged vegetation, and undercut banks. | Does not occur |
| **Birds** | | | |
| American peregrine falcon (nesting)<br>*Falco peregrinus anatum* | Federal: Delisted<br>State: Delisted<br>State Rank: S3S4<br>NCCP/HCP: Covered | Breeding habitat consists of high cliffs, tall buildings, and bridges along the coast and inland. Foraging habitat primarily includes open areas near wetlands, marshes, and adjacent urban landscapes. | Not expected to occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Belding's savannah sparrow<br>*Passerculus sandwichensis beldingi* | Federal: None<br>State: SE<br>State Rank: S3<br>NCCP/HCP: Not covered | Coastal Marshes | Does not occur |
| Black skimmer (nesting colony)<br>*Rynchops niger* | Federal: None<br>State: SSC<br>State Rank: S2<br>NCCP/HCP: Not covered | Open sandy beaches, gravel or shell bars with sparse vegetation, mats of sea wrack (tide-stranded debris) in saltmarsh. | Does not occur |
| Burrowing owl (burrow sites & some wintering sites)<br>*Athene cunicularia* | Federal: None<br>State: SC, SSC<br>State Rank: S2<br>NCCP/HCP: Not covered | Shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), coastal dunes, desert floors, and some artificial, open areas as a year-long resident. Occupies abandoned ground squirrel burrows as well as artificial structures such as culverts and underpasses. | Does not occur |
| California black rail<br>*Laterallus jamaicensis coturniculus* | Federal: None<br>State: ST, FP<br>State Rank: S2<br>NCCP/HCP: Not covered | Nests in high portions of salt marshes, shallow freshwater marshes, wet meadows, and flooded grassy vegetation. | Does not occur |
| California least tern (nesting colony)<br>*Sterna antillarum browni* | Federal: FE<br>State: SE, FP<br>State Rank: S2<br>NCCP/HCP: Not covered | Flat, vegetated substrates near the coast. Occurs near estuaries, bays, or harbors where fish is abundant. | Does not occur |
| Coastal cactus wren (San Diego & Orange County only)<br>*Campylorhynchus brunneicapillus sandiegensis* | Federal: None<br>State: SSC<br>State Rank: S2<br>NCCP/HCP: Covered | Occurs almost exclusively in cactus (cholla and prickly pear) dominated coastal sage scrub. | Does not occur |
| Coastal California gnatcatcher<br>*Polioptila californica californica* | Federal: FT<br>State: SSC<br>State Rank: S2<br>NCCP/HCP: Covered | Low elevation coastal sage scrub and coastal bluff scrub. | Does not occur |
| Grasshopper sparrow (nesting)<br>*Ammodramus savannarum* | Federal: None<br>State: SSC<br>State Rank: S3<br>NCCP/HCP: Not covered | Open grassland and prairies with patches of bare ground. | Does not occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Great blue heron (nesting colony)<br>*Ardea herodias* | Federal: None<br>State: None<br>State Rank: S4<br>NCCP/HCP: Not covered | Saltwater and freshwater habitats, from open coasts, marshes, sloughs, riverbanks, and lakes to backyards. Forages in grasslands and agricultural fields. Nests in trees or high places. | Does not occur in a nesting colony |
| Least Bell's vireo (nesting)<br>*Vireo bellii pusillus* | Federal: FE<br>State: SE<br>State Rank: S3<br>NCCP/HCP: Covered | Dense riparian habitats with a stratified canopy, including southern willow scrub, mule fat scrub, and riparian forest. | Does not occur |
| Light-footed Ridgway's rail<br>*Rallus obsoletus levipes* | Federal: FE<br>State: SE, FP<br>State Rank: S1<br>NCCP/HCP: Not covered | Cordgrass-pickleweed salt marsh. | Does not occur |
| Swainson's hawk (nesting)<br>*Buteo swainsoni* | Federal: None<br>State: ST<br>State Rank: S4<br>NCCP/HCP: Not covered | Summer in wide open spaces of the American West. Nest in grasslands, but can use sage flats and agricultural lands. Nests are placed in lone trees. | Does not occur |
| Tricolored blackbird (nesting colony)<br>*Agelaius tricolor* | Federal: None<br>State: ST, SSC<br>State Rank: S2<br>NCCP/HCP: Not covered | Breeding colonies require nearby water, a suitable nesting substrate, and open-range foraging habitat of natural grassland, woodland, or agricultural cropland. | Does not occur |
| Western snowy plover (nesting)<br>*Charadrius alexandrinus nivosus* | Federal: FT<br>State: SSC<br>State Rank: S3<br>NCCP/HCP: Not covered | Sandy or gravelly beaches along the coast, estuarine salt ponds, alkali lakes, and at the Salton Sea. | Does not occur |
| White-tailed kite (nesting)<br>*Elanus leucurus* | Federal: None<br>State: FP<br>State Rank: S3S4<br>NCCP/HCP: Not covered | Low elevation open grasslands, savannah-like habitats, agricultural areas, wetlands, and oak woodlands. Dense canopies used for nesting and cover. | Does not occur |
| Yellow rail<br>*Coturnicops noveboracensis* | Federal: None<br>State: SSC<br>State Rank: S2<br>NCCP/HCP: Not covered | Shallow marshes, and wet meadows; in winter, drier freshwater and brackish marshes, as well as dense, deep grass, and rice fields. | Does not occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Yellow warbler (nesting)<br>*Setophaga petechia* | Federal: None<br>State: SSC<br>State Rank: S3<br>NCCP/HCP: Not covered | Breed in lowland and foothill riparian woodlands dominated by cottonwoods, alders, or willows and other small trees and shrubs typical of low, open-canopy riparian woodland. During migration, forages in woodland, forest, and shrub habitats. | Does not occur |
| Yellow-breasted chat (nesting)<br>*Icteria virens* | Federal: None<br>State: SSC<br>State Rank: S4<br>NCCP/HCP: Not covered | Dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. | Does not occur |
| **Mammals** | | | |
| American badger<br>*Taxidea taxus* | Federal: None<br>State: SSC<br>State Rank: S3<br>NCCP/HCP: Not covered | Most abundant in drier open stages of most scrub, forest, and herbaceous habitats, with friable soils. | Does not occur |
| Big free-tailed bat<br>*Nyctinomops macrotis* | Federal: None<br>State: SSC<br>State Rank: S3<br>WBWG: MH<br>NCCP/HCP: Not covered | Roost mainly in crevices and rocks in cliff situations; also utilize buildings, caves, and tree cavitites. | Not expected to occur |
| Mexican long-tongued bat<br>*Choeronycteris mexicana* | Federal: None<br>State: SSC<br>State Rank: S1<br>WBWG: H<br>NCCP/HCP: Not covered | Variety of habitats ranging from desert, montane, riparian, to pinyon-juniper habitats. Found roosting in desert canyons, deep caves, mines, or rock crevices. Can use abandoned buildings. | Does not occur |
| Pacific pocket mouse<br>*Perognathus longimembris pacificus* | Federal: FE<br>State: SSC<br>State Rank: S2<br>NCCP/HCP: Covered | Fine, alluvial soils along the coastal plain. Scarcely in rocky soils of scrub habitats. | Does not occur |
| Silver-haired bat<br>*Lasionycteris noctivagans* | Federal: None<br>State: None<br>State Rank: S3S4<br>WBWG: M<br>NCCP/HCP: Not covered | Temperate, northern hardwoods with ponds or streams nearby. Roost in hollow snags and bird nests. | Not expected to occur |
| South coast marsh vole<br>*Microtus californicus stephensi* | Federal: None<br>State: SSC<br>State Rank: S2<br>NCCP/HCP: Not covered | Tidal marshes in Los Angeles, Orange and southern Ventura Counties. | Does not occur |

| Species Name | Status | Habitat Requirements | Occurrence |
|---|---|---|---|
| Southern California saltmarsh shrew *Sorex ornatus salicornicus* | Federal: None<br>State: SSC<br>State Rank: S1<br>NCCP/HCP: Not covered | Coastal marshes. Requires dense vegetation and woody debris for cover. | Does not occur |
| Western mastiff bat *Eumops perotis californicus* | Federal: None<br>State: SSC<br>State Rank: S3S4<br>WBWG: H<br>NCCP/HCP: Not covered | Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels. | Not expected to occur |
| Western yellow bat *Lasiurus xanthinus* | Federal: None<br>State: SSC<br>State Rank: S3<br>WBWG: H<br>NCCP/HCP: Not covered | Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees. | Potential to occur |

**STATUS**

**Federal**
FE – Federally Endangered
FT – Federally Threatened
FPT – Federally Proposed Threatened
FC – Federal Candidate

**State**
SE – State Endangered
ST – State Threatened
SC– State Candidate
SCE – State Candidate Endangered
FP – California Fully-Protected Species
SSC – Species of Special Concern

**State Rank**
- S1 – Extremely rare; typically 5 or fewer known occurrences in the state; or only a few remaining individuals; may be especially vulnerable to extirpation.
- S2 – Very rare; typically between 6 and 20 known occurrences; may be susceptible to becoming extirpated.
- S3 – Rare to uncommon; typically 21 to 50 known occurrences; S3 ranked species are not yet susceptible to becoming extirpated in the state but may be if additional populations are destroyed.
- S4 – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- S5 – Common, widespread, and abundant in the state.

**Western Bat Working Group (WBWG)**
H – High Priority
LM – Low-Medium Priority
M – Medium Priority
MH – Medium-High Priority

**OCCURRENCE**

- Does not occur – The site does not contain habitat for the species and/or the site does not occur within the geographic range of the species.
- Confirmed absent – The site contains suitable habitat for the species, but the species has been confirmed absent through focused surveys.
- Not expected to occur – The species is not expected to occur onsite due to low habitat quality, however presence cannot be ruled out.
- Potential to occur – The species has a potential to occur based on suitable habitat, however its presence/absence has not been confirmed.
- Confirmed present – The species was detected onsite incidentally or through focused surveys

### 4.5.1 Special-Status Wildlife Species Not Observed but with a Potential to Occur at the Project Site

#### Great Blue Heron

Great blue heron does not have any state or federal status and is ranked as an S4 species when occurring in a nesting colony, indicating that nesting colonies are uncommon but not rare. Great blue heron individuals may occasionally occur on the Project site as a transient species, but this species is not expected to occur in a nesting colony due to a lack of suitable nesting trees and frequent human disturbance. Section 4.7 below addresses great blue heron in the context of wildlife nursery sites.

#### Western Yellow Bat

The western yellow bat does not have a federal designation, is a CDFW SSC, is ranked as a high priority species by the WBWG, and has an S3 rarity ranking, indicating that it is rare to uncommon. The western yellow bat range includes the southwestern U.S. (Southern California, Arizona, and extreme southwestern New Mexico), western Mexico, and the Mexican Plateau. The western yellow bat preferentially roosts in trees, generally palms in the southern U.S. In Tucson and Phoenix-Tempe, Arizona, often encountered among dead fronds of *Washingtonia* fan palms.

This species has low potential to roost in ornamental trees, including palms, on the Project site.

### 4.5.2 Special-Status Wildlife Species Confirmed Absent Through Focused Surveys at the Project Site

#### Monarch Butterfly California Overwintering Population

The Monarch butterfly was elevated to a Federal Proposed Threatened species under FESA on December 12, 2024. This species does not have a state designation; however, the distribution of the California overwintering population is tracked by the CNDDB and has a state rarity rank of S2, meaning that overwintering sites are very rare in California. Essential overwintering areas for North American populations are limited to about 100 places in coastal California and the mountains of Mexico. Overwintering habitat consists of certain high altitude Mexican conifer

forests and coastal California conifer or eucalyptus groves that provide a specific roosting microclimate. The groves must provide protection from wind, rain, and excessive sunlight, and moderate temperatures that are warm enough to prevent freezing yet cool enough to prevent lipid depletion. Nectar and clean water sources are typically located near roosting sites.

No overwintering monarch butterflies were detected in and around ornamental eucalyptus and pine trees at the Project site during focused surveys. Additionally, the trees on the Project site occur individually and are not clustered in groves, and therefore do not exhibit the microclimate typical of overwintering sites. As such, overwintering monarch butterflies are confirmed absent.

### 4.5.3 Raptor Use

The Project site provides suitable foraging, breeding, and roosting habitat for a number of raptor species.

Southern California holds a diversity of birds of prey (raptors and owls), and many of these species are in decline. For most of the declining species, foraging requirements include extensive open, undisturbed, or lightly disturbed areas, especially grasslands. This type of habitat has declined severely in the region, affecting many species, but especially raptors. A few species, such as red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperi*), American kestrel (*Falco sparverius*), and great horned owl (*Bubo virginianus*) are somewhat adaptable to low-level human disturbance and can be readily observed adjacent to neighborhoods and other types of development. These species still require appropriate foraging habitat and low levels of disturbance in the vicinity of nesting sites.

No raptor species were detected over the course of the field studies; however, common, urban adapted species may occasionally occur. The Project site lacks potential nesting habitat (e.g., mature trees, shrubs) for special-status raptor species but is expected to provide marginal foraging habitat for common raptors that supports prey species such as insects, spiders, lizards, snakes, small mammals, and other birds.

## 4.6 Nesting Birds

The Project site contains trees, shrubs, and ground cover that provide suitable habitat for nesting migratory birds. Impacts to nesting birds are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code.[6]

[6] The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R.21). In addition, sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs.

## 4.7 Wildlife Linkages/Corridors and Nursery Sites

### Wildlife Movement

Habitat linkages are areas that provide a connection between two or more other habitat areas that are often larger or superior in quality to the linkage. Such linkage sites can be quite small or constricted, but may can be vital to the long-term health of connected habitats. Linkage values are often addressed in terms of "gene flow" between populations, with movement taking potentially many generations.

Corridors are similar to linkages but provide specific opportunities for individual animals to disperse or migrate between areas, generally extensive but otherwise partially or wholly separated regions. Adequate cover and tolerably low levels of disturbance are common requirements for corridors. Habitat in corridors may be quite different than that in the connected areas, but if used by the wildlife species of interest, the corridor will still function as desired.

The Project site is bounded by Irvine Avenue to the north and west, Mesa Drive to the southwest, and commercial and residential land uses to the north, east, and west, and a fire station and other development to the east. The immediate vicinity of the Project site is also developed with an existing portion of the golf course that is not a part of the Project site and residential and commercial development. The adjacent Santa Ana Delhi Channel is likely used for local movement by small, urban adapted mammals and reptiles; however, it is not a part of the Project site and will not be impacted by the Project. Some local wildlife movement may occur within the Project site; however, given the lack of connection to any native open space, the Project site does not comprise or occur within a wildlife linkage or corridor.

### Wildlife Nursery Sites

Wildlife nurseries are sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. Nurseries can be important to both special-status species as well as commonly occurring species.

The Project site consists of a fully developed golf course facility and does not contain any wildlife nursery sites. As discussed above in Section 4.5 in the context of great blue heron, the Project site is fully developed and no evidence (e.g., old nesting material, whitewash/guano) of past or current roosting by wading birds was observed during biological surveys.

## 4.8 Critical Habitat

The Project site does not occur within any lands mapped as Critical Habitat by the USFWS.

## 4.9 Jurisdictional Delineation

Two culverts that drain surface runoff from upland cart paths and fairways were identified near the western corner of the Property. Engineered depressions that appear to capture and direct runoff into the culverts were determined to be non-jurisdictional features due to the lack of a

defined bed and bank and lack of evidence of surface flow. Additionally, no riparian vegetation or wetlands are present on the Property.

## 5.0 IMPACT ANALYSIS

The following discussion examines the potential impacts to plant and wildlife resources that would occur as a result of the proposed project. Impacts (or effects) can occur in two forms, direct and indirect. Direct impacts are considered to be those that involve the loss, modification or disturbance of plant communities, which in turn, directly affect the flora and fauna of those habitats. Direct impacts also include the destruction of individual plants or animals, which may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and population stability.

Indirect impacts pertain to those impacts that result in a change to the physical environment, but which is not immediately related to a project. Indirect (or secondary) impacts are those that are reasonably foreseeable and caused by a project but occur at a different time or place. Indirect impacts can occur at the urban/wildland interface of projects, to biological resources located downstream from projects, and other offsite areas where the effects of the project may be experienced by plants and wildlife. Examples of indirect impacts include the effects of increases in ambient levels of noise or light; predation by domestic pets; competition with exotic plants and animals; introduction of toxics, including pesticides; and other human disturbances such as hiking, off-road vehicle use, unauthorized dumping, etc. Indirect impacts are often attributed to the subsequent day-to-day activities associated with project build-out, such as increased noise, the use of artificial light sources, and invasive ornamental plantings that may encroach into native areas. Indirect effects may be both short-term and long-term in their duration. These impacts are commonly referred to as "edge effects" and may result in a slow replacement of native plants by non-native invasives, as well as changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to project sites.

Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. A cumulative impact can occur from multiple individual effects from the same project, or from several projects. The cumulative impact from several projects is the change in the environment resulting from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

### 5.1 California Environmental Quality Act (CEQA)

#### 5.1.1 Thresholds of Significance

Environmental impacts to biological resources are assessed using impact significance threshold criteria, which reflect the policy statement contained in CEQA, Section 21001(c) of the California Public Resources Code. Accordingly, the State Legislature has established it to be the policy of the State of California:

> Prevent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities...

Determining whether a project may have a significant effect, or impact, plays a critical role in the CEQA process. According to CEQA, Section 15064.7 (Thresholds of Significance), each public agency is encouraged to develop and adopt (by ordinance, resolution, rule, or regulation) thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. In the development of thresholds of significance for impacts to biological resources CEQA provides guidance primarily in Section 15065, Mandatory Findings of Significance, and the CEQA Guidelines, Appendix G, Environmental Checklist Form. Section 15065(a) states that a project may have a significant effect where:

> The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species...

Therefore, for the purpose of this analysis, impacts to biological resources are considered potentially significant (before considering offsetting mitigation measures) if one or more of the following criteria discussed below would result from implementation of the proposed project.

### 5.1.2 Criteria for Determining Significance Pursuant to CEQA

Appendix G of the 2017 State CEQA guidelines indicate that a project may be deemed to have a significant effect on the environment if the project is likely to:

> a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
>
> b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
>
> c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

## 5.2 Special-Status Species

Appendix G(a) of the CEQA guidelines asks if a project is likely to "have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service."

### 5.2.1 Special-Status Plants

The proposed Project will not impact special-status plants.

### 5.2.2 Special-Status Animals

No special-status animal species were detected at the Project site. The Project site has potential to support roosting and foraging for one special-status wildlife species, western yellow bat (SSC, WBWG H).

Western yellow bat may roost in ornamental trees, including palm trees, on the Project site. Due to the limited habitat for this species on the Project site, impacts to habitat for this species would be less than significant under CEQA. A measure is identified in Section 6.0 below to avoid direct impacts to roosting bats, including western yellow bat.

## 5.3 Sensitive Vegetation Communities

Appendix G(a) of the CEQA guidelines asks if a project is likely to "have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service."

The proposed Project would permanently impact approximately 15.52 acres of lands through ground disturbance including grading. Permanent impacts include approximately 9.48 acres of developed areas, 0.08 acres of which consists of offsite impacts, and 6.04 acres of turf grass/ornamental.

**Table 5-1. Summary of Vegetation/Land Use Impacts**

| Vegetation/Land Use Type | Onsite (acres) | Offsite (acres) | Total Acreage |
|---|---|---|---|
| Turf Grass/Ornamental | 6.04 | 0 | 6.04 |
| Disturbed/Developed | 9.40 | 0.08 | 9.48 |
| **Total** | **15.44** | **0.08** | **15.52** |

The Project site does not support sensitive vegetation communities; therefore, no impacts to sensitive vegetation communities would occur as a result of Project construction.

## 5.4 Wetlands

Appendix G(c) of the State CEQA guidelines asks if a project is likely to "have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means."

The Project site does not contain any state or federally protected wetlands; therefore, no impacts to state or federally protected wetlands would occur from Project construction.

## 5.5 Wildlife Movement and Native Wildlife Nursery Sites

Appendix G(d) of the State CEQA guidelines asks if a project is likely to "interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites."

As the Project site is not associated with a wildlife movement corridor or nursery site, no impacts to these resources would occur as a result of project construction.

The project has the potential to impact active bird nests if vegetation is removed during the nesting season (February 1 to September 15). Impacts to nesting birds are prohibited by the MBTA and California Fish and Game Code.

Although impacts to native birds are prohibited by MBTA and similar provisions of California Fish and Game Code, impacts to native birds by the proposed Project would not be a significant impact under CEQA. The native birds with potential to nest on the Project site would be those that are extremely common to the region and highly adapted to human landscapes (e.g., house finch, killdeer). The number of individuals potentially affected by the Project would not significantly affect regional or local populations of such species. A measure is identified in Section 6.0 of this report to avoid impacts to nesting birds.

## 5.6 Local Policies or Ordinances

Appendix G(e) of the State CEQA guidelines asks if a project is likely to "conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance." The Project will not conflict with any local policies or ordinances protecting biological resources.

## 5.7 Habitat Conservation Plans

Appendix G(f) of the State CEQA guidelines asks if a project is likely to "conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan." The Project site is identified as a development site under the Central Coastal NCCP/HCP and is not a part of the NCCP/HCP habitat reserve system. Therefore, the proposed Project would not conflict with the adopted NCCP/HCP, nor would it conflict with other approved local, regional, or state habitat conservation plans.

## 5.8 Impacts to Critical Habitat

The proposed Project will not impact lands designated as critical habitat by the USFWS.

## 5.9 Impacts to Jurisdictional Waters

No jurisdictional waters occur within the Project site; therefore, the proposed Project will not impact jurisdictional waters.

## 5.10 Indirect Impacts to Biological Resources

In the context of biological resources, indirect effects are those effects associated with developing areas adjacent to native open space. Potential indirect effects associated with development include drainage into open space, lighting effects; noise effects; invasive plant species from landscaping, and human use impacts. Temporary, indirect effects may also occur from construction-related activities.

The Project site is surrounded by residential, commercial, and golf course land uses, and therefore no native open space is adjacent to the Project site. The Upper Newport Bay Nature Preserve and Ecological Reserve ("Upper Newport Bay") is approximately 0.3 miles south of the Project site; however, the topography south of the Project site and north of the Upper Newport Bay consists of a hill with existing recreational and residential land uses that is approximately 50 feet higher in elevation than the Project site and 40-50 feet higher than the northernmost area of the Upper Newport Bay. This hill provides a natural barrier to potential indirect effects to the Upper Newport Bay from the proposed Project.

The Project is not expected to result in significant indirect impacts to special-status biological resources as discussed below.

### 5.10.1 Drainage

The Project site is not adjacent to native open space; however, the Project site is adjacent to the Santa Ana Delhi Channel, which drains into the Upper Newport Bay approximately 0.3 miles south of the Project site. The Project will incorporate measures, including those required through the National Pollutant Discharge Elimination System (NPDES) requirements and set forth in a Project-specific WQMP, to avoid untreated surface runoff from developed and paved areas within the Project site from entering the Santa Ana Delhi Channel. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials, or other elements that might degrade or harm biological resources or ecosystem processes. This can be accomplished using a variety of methods including natural detention basins, grass swales, or mechanical trapping devices. Regular maintenance shall occur to ensure effective operations of runoff control systems.

To avoid potential temporary indirect effects, the Project's contractor will develop a Stormwater Pollution Prevention Plan (SWPPP) to address runoff and water quality during construction.

### 5.10.2 Lighting

The Project site is not adjacent to any native open space, and the topography south of the Project site provides a barrier to light spillage to the Upper Newport Bay south of the Project site. The area between the Project site and the Upper Newport Bay is fully developed with recreational and residential land uses that generate some degree of night lighting. Additionally, any night lighting for the Project will be down shielded. Therefore, no indirect effects to native habitat will result from night lighting at the Project site.

### 5.10.3 Noise

The Project site is not adjacent to any native open space, and the topography between the Project site and the Upper Newport Bay provides a barrier that prevents noise from the Project site reaching the Upper Newport Bay south of the Project site. The area between the Project site and the Upper Newport Bay is fully developed with recreational and residential land uses that generate some degree of existing noise. Additionally, John Wayne Airport, which is roughly 0.5 miles northeast of the Project site, generates high levels of ambient noise levels under existing conditions. Therefore, no indirect effects to native habitat will result from noise.

### 5.10.4 Invasive Species

The Project site is not adjacent to any native open space. Nevertheless, the Project will avoid the use of invasive plant species in landscaping, including invasive, non-native plant species listed as "Moderate" or "High" by the California Invasive Plant Council.

### 5.10.5 Human Activity

The Project site is not adjacent to any native open space and is approximately 0.3 mile from the Upper Newport Bay. Accordingly, the Project will not result in indirect impacts from human activity such as incursion into native habitat.

## 5.11 Cumulative Impacts to Biological Resources

Cumulative impacts are defined as the direct and indirect effects of a proposed project which, when considered alone, would not be deemed a substantial impact, but when considered in addition to the impacts of related projects in the area, would be considered potentially significant. "Related projects" refers to past, present, and reasonably foreseeable probable future projects, which would have similar impacts to the proposed project.

Given the small size and highly disturbed nature of the Project site, the Project is not expected to result in cumulative impacts that would rise to a level of significance under CEQA. Additionally, any potentially significant cumulative impacts occurring as a result of the proposed Project will be considered fully mitigated through participation in the NCCP/HCP.

# 6.0 MITIGATION/AVOIDANCE MEASURES

The following discussion provides project-specific mitigation/avoidance measures for actual or potential impacts to special-status resources.

## 6.1 Bats

The Project site contains trees with the potential for use by roosting bats. The following required actions would avoid and/or minimize injury to roosting bats and avoid maternity roosts until the maternity roost is no longer in use:

- A qualified biologist shall conduct a pre-construction bat roost survey for roosting bats no more than 14 days prior to site disturbance. The pre-construction bat roost survey will consist of a minimum of two emergent bat surveys (conducted consecutively or as determined by the biologist). The emergent surveys would begin 30 minutes before dusk and extend to one hour after dark. If roosting bats are detected onsite outside of the bat maternity season, the roost tree will be removed in a manner to avoid and/or minimize injury to roosting bats. This may include using mechanical equipment to gently nudge the tree trunk multiple times prior to removal or for palm trees and other species, to de-frond or de-branch the tree using a mechanical lift and gently lower the cut fronds or branches to the ground. Regardless of the method, the fallen tree and/or material will be left undisturbed overnight until at least the next morning to give roosting bats time to exit before site disturbance.

  If roosting bats are detected onsite during the maternity season, the Project will avoid the subject roost(s) and incorporate an avoidance buffer (150 feet, or as determined by a

qualified biologist) until after the maternity season or until a qualified biologist determines no maternity roosting is occurring. The qualified biologist shall clearly delineate any bat maternity roosts and any required avoidance buffers, which shall be clearly marked with flags and/or fencing prior to the initiation of construction activities. Once the qualified biologist approves removal of the subject roost tree(s), the same tree removal procedures as outlined above will be implemented prior to tree removal.

### 6.2 Nesting Birds

The Project site contains vegetation with the potential to support native nesting birds. As discussed above, the California Fish and Game Code prohibits mortality of native birds, including eggs. The following required actions would ensure compliance with the MBTA and California Fish and Game Code to avoid mortality to nesting birds:

- As feasible, vegetation clearing should be conducted outside of the nesting season, which is generally identified as January 1 to September 15 where suitable nesting habitat for raptors is present, and February 1 to September 15 when no raptor nesting habitat is present. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including vegetation removal, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests (150 feet or 300 feet for raptors, or as determined by the qualified biologist), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

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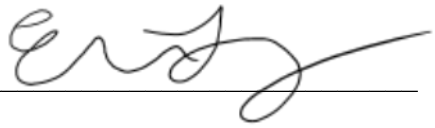
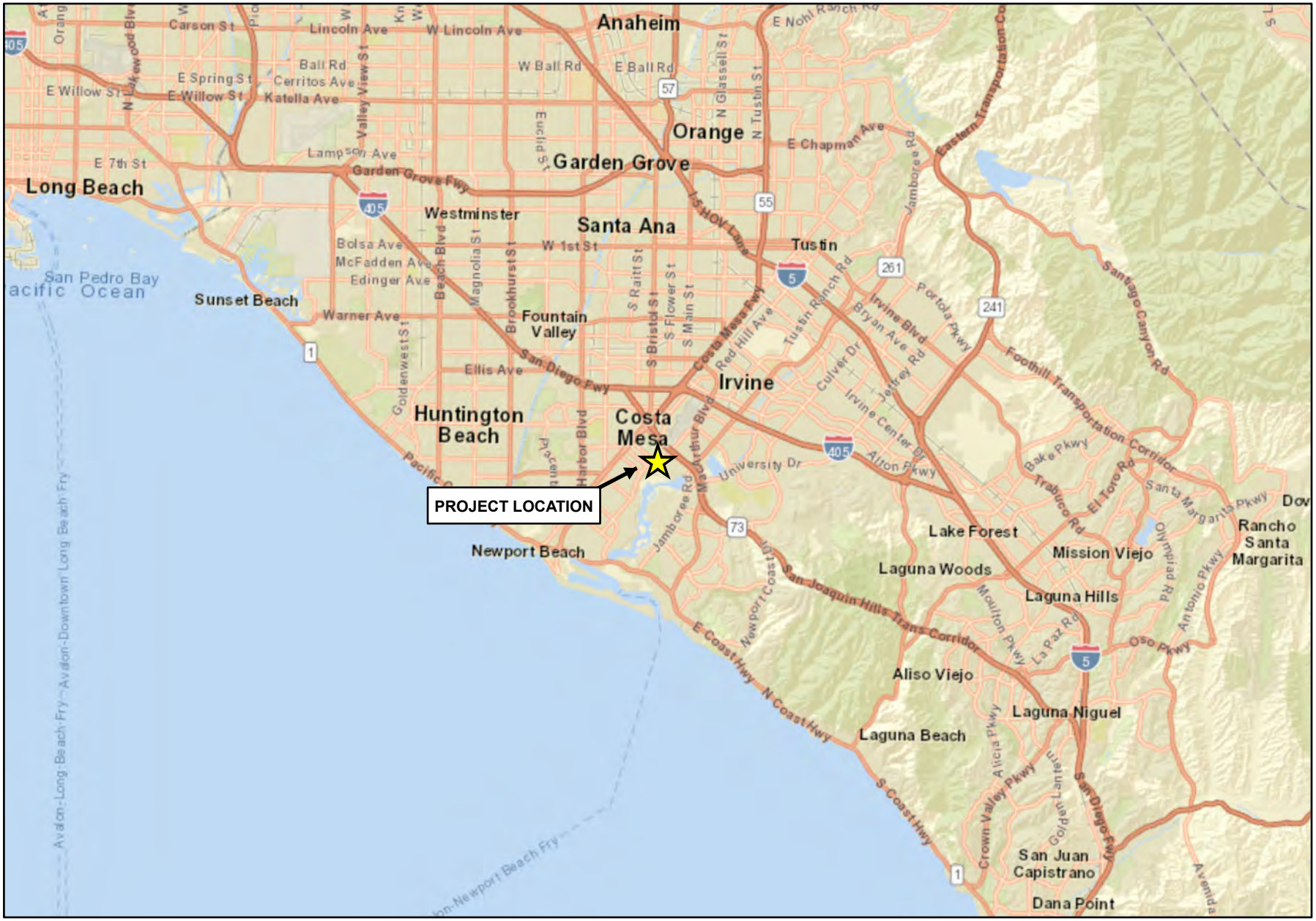
## 8.0 CERTIFICATION

*I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.*

Signed:  Date: April 22, 2025

p:1656-1c.bio.btr




Source: ESRI World Street Map

N

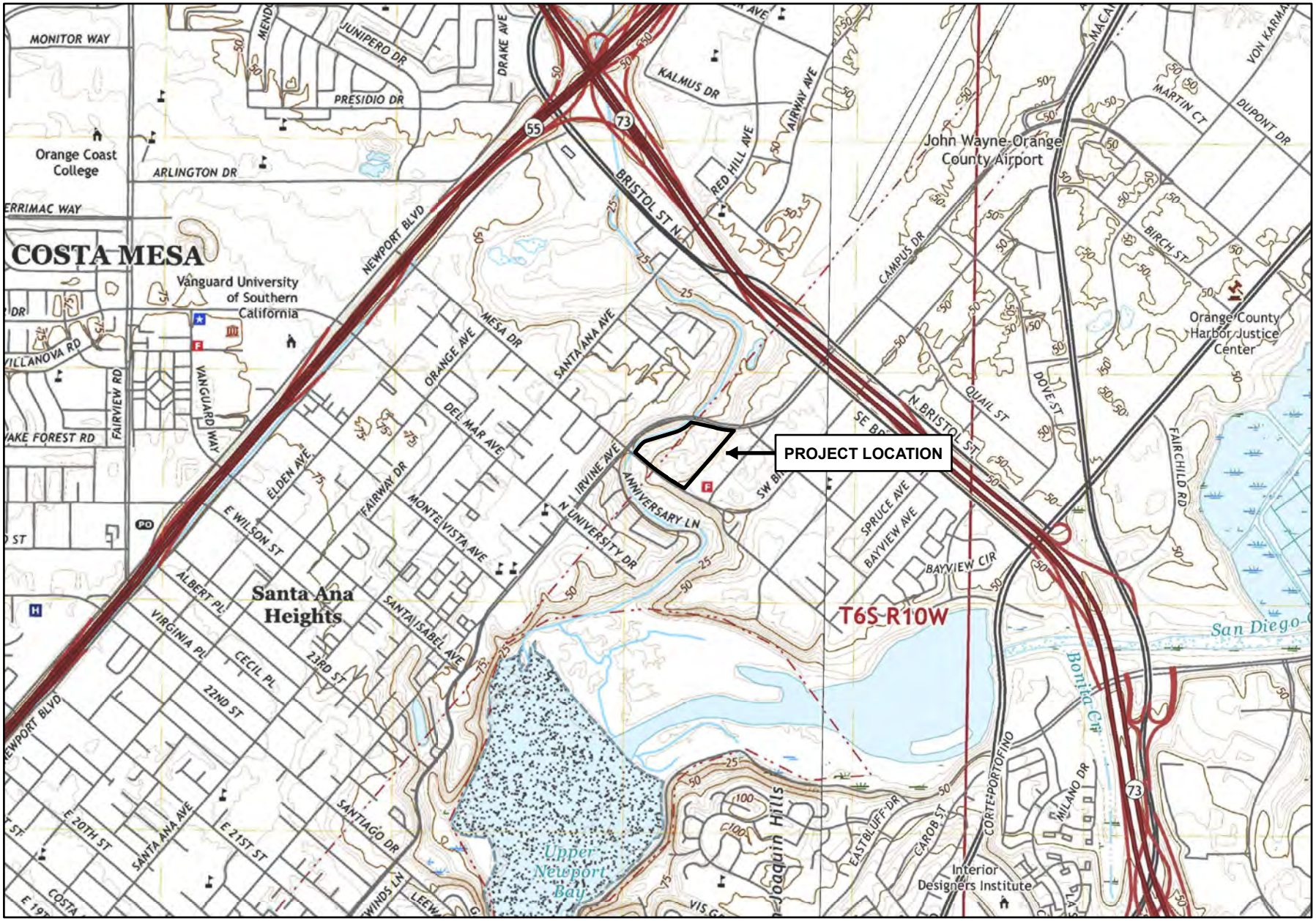
0 2 4 8 Miles

**SNUG HARBOR**

Regional Map

GLENN LUKOS ASSOCIATES

Exhibit 1




Adapted from USGS Newport Beach, CA quadrangle

N

0 1,000 2,000 4,000 Feet

**SNUG HARBOR**

Vicinity Map

GLENN LUKOS ASSOCIATES

Exhibit 2


Project - Onsite

Project - Offsite

N

0 62.5 125 250

Feet

**1 inch = 125 feet**

Aerial Source: Nearmap (May 2024)
Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD 1983 2011
Map Prepared by: B. Gale, GLA
Date Prepared: December 20, 2024

# SNUG HARBOR

Site Plan Map

GLENN LUKOS ASSOCIATES

Exhibit 3

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Project - Onsite

Project - Offsite

Turf Grass/Ornamental

Disturbed/Developed

N

0 62.5 125 250

Feet

**1 inch = 125 feet**

Aerial Source: Nearmap (May 2024)
Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD 1983 2011
Map Prepared by: B. Gale, GLA
Date Prepared: December 20, 2024

# SNUG HARBOR

Vegetation Map

GLENN LUKOS ASSOCIATES

Exhibit 4

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Photograph 1: Photo depicts a general overview of the site with the green on hole 9 in the foreground. This portion of the Property consists of maintained turf and scattered non-native trees and shrubs.


Photograph 2: Photo taken from southern end of the Property facing north-northeast. The fence line of driving range can be seen on the right-hand side of the photo.


Photograph 3: Photo facing towards the western corner of the Property. This area consists of turf grasses with ornamental trees.


Photograph 4: Disturbed berm that supports ruderal vegetation near the western edge of the Property. Santa Ana Delhi Channel is located offsite behind the fence in the background.


Photograph 5: View of berm along the northwest property boundary that separates the Property from the offsite Santa Ana Delhi Channel.


Photograph 6: Photo depicting the developed portion of the Property that includes a paved parking lot with ornamental trees in the foreground and the building that houses golf course amenities in the background.


Photograph 7: One of two culverts found on the Property that captures upland runoff from the golf course fairways and cart paths. No jurisdictional features are associated with the culverts.


Photograph 8: The second of two culverts found on the Property that captures upland runoff from the golf course fairways and cart paths. No jurisdictional features are associated with the culverts.

**SNUG HARBOR**
Site Photographs

# Appendix A

## Floral Compendium

Taxonomy sourced from The Jepson Manual (Baldwin et al. 2012) and Jepson eFlora (2023) and, for sensitive species, the California Native Plant Society's Rare Plant Inventory, Online Edition v-9.5 (CNPS 2024). Common plant names are taken from Hickman (1993), Munz (1974), Roberts et al. (2004), and Roberts (2008).

* Non-native/introduced species

| SCIENTIFIC NAME | COMMON NAME | SPECIAL STATUS |
|---|---|---|
| **GYMNOSPERMS** | | |
| **Cupressaceae – Cypress Family** | | |
| **Cupressus sempervirens* | Italian cypress | |
| **Cycadaceae – Cycad Family** | | |
| **Cycas revoluta* | sago palm | |
| **Pinaceae – Pine Family** | | |
| **Pinus canariensis* | Canary Island pine | |
| **Pinus halepensis* | Aleppo pine | |
| **MONOCOTS** | | |
| **Arecaceae – Palm Family** | | |
| **Phoenix roebelenii* | pygmy date palm | |
| **Syagrus romanzoffiana* | queen palm | |
| **Washingtonia robusta* | Mexican fan palm | |
| **Cyperaceae – Sedge Family** | | |
| *Cyperus esculentus* | yellow nutgrass | |
| **Poaceae – Grass Family** | | |
| **Avena barbata* | slender oat | |
| **Cynodon dactylon* | Bermudagrass | |
| **Paspalum dilatatum* | Dallis grass | |
| **Pennisetum setaceum* 'Rubrum' | purple fountain grass | |
| *Stenotaphrum secundatum | Saint Augustine grass | |

| EUDICOTS | | |
|---|---|---|
| **Aizoaceae – Iceplant Family** | | |
| **Carpobrotus edulis* | iceplant | |
| | | |
| **Anacardiaceae – Sumac Family** | | |
| **Schinus terebinthifolia* | Brazilian pepper tree | |
| **Apocynaceae – Dogbane Family** | | |
| **Plumeria rubra* | plumeria | |
| **Asparagaceae – Asparagus Family** | | |
| **Chlorophytum comosum* | spider plant | |
| **Asteraceae – Sunflower Family** | | |
| **Dimorphotheca fruticosa* | trailing African daisy | |
| **Erigeron bonariensis* | flax-leaved horseweed | |
| *Erigeron canadensis* | Canada horseweed | |
| **Helminthotheca echioides* | bristly ox-tongue | |
| **Lactuca serriola* | prickly lettuce | |
| **Sonchus asper* | spiny sowthistle | |
| **Sonchus oleraceus* | common sowthistle | |
| **Bignoniaceae – Trumpet Vine Family** | | |
| **Tecoma capensis* | cape honeysuckle | |
| **Brassicaceae – Mustard Family** | | |
| *Lepidium virginicum* | Virginia pepperweed | |
| **Chenopodiaceae – Goosefoot Family** | | |
| **Atriplex semibaccata* | Australian saltbush | |
| **Salsola tragus* | Russian thistle | |
| **Convolvulaceae – Morning-Glory Family** | | |
| *Cressa truxillensis* | alkali weed | |
| **Dichondra micrantha* | Asian ponysfoot | |
| **Crassulaceae – Stonecrop Family** | | |
| **Aeonium* sp. | aeonium | |
| **Echeveria* sp. | echeveria | |
| **Crassula ovata* | jade plant | |

| | | |
|---|---|---|
| **Euphorbiaceae – Spurge Family** | | |
| *Euphorbia albomarginata* | rattlesnake sandmat | |
| **Fabaceae – Legume Family** | | |
| **Lotus corniculatus* | bird's foot trefoil | |
| **Medicago polymorpha* | bur clover | |
| **Fagaceae – Beech Family** | | |
| *Quercus agrifolia* | coast live oak | |
| **Malvaceae – Mallow Family** | | |
| **Brachychiton populneum* | whiteflower kurrajong | |
| **Hibiscus rosa-sinensis* | shoeblackplant | |
| **Malva parviflora* | cheeseweed mallow | |
| **Myrtaceae – Myrtle Family** | | |
| **Eucalyptus citriodora* | lemon scented gum | |
| **Eucalyptus globulus* | blue gum | |
| **Eucalyptus polyanthemos* | silver dollar gum | |
| **Lophostemon confertus* | brush box | |
| **Oleaceae – Olive Family** | | |
| **Fraxinus uhdei* | Shamel ash | |
| **Ligustrum japonicum* | Japanese privet | |
| **Olea europaea* | olive | |
| **Plantaginaceae – Sycamore Family** | | |
| **Plantago major* | common plantain | |
| **Polygonaceae – Buckwheat Family** | | |
| **Polygonum aviculare* | prostrate knotweed | |
| **Rumex crispus* | curly dock | |
| **Portulacaceae – Purslane Family** | | |
| **Portulacaria afra* | elephant bush | |
| **Sapindaceae – Soapberry Family** | | |
| **Cupaniopsis anacardioides* | carrotwood | |

**Special Status Designations**

| **Federal** | **State** |
|---|---|
| FE – Federally Endangered | SE – State Endangered |
| FT – Federally Threatened | ST – State Threatened |
| FC – Federal Candidate | SR – State Rare |

**CNPS**

Rank 1A – Plants presumed extirpated in California and either rare or extinct elsewhere.
Rank 1B – Plants rare, threatened, or endangered in California and elsewhere.
Rank 2A – Plants presumed extirpated in California, but common elsewhere.
Rank 2B – Plants rare, threatened, or endangered in California, but more common elsewhere.
Rank 3 – Plants about which more information is needed (a review list).
Rank 4 – Plants of limited distribution (a watch list).

**Threat Code extension**

.1 – Seriously endangered in California (over 80% occurrences threatened)
.2 – Fairly endangered in California (20-80% occurrences threatened)
.3 – Not very endangered in California (<20% of occurrences threatened or no current threats known)

# Appendix B

## Faunal Compendium

Taxonomy and common names sourced from the California Wildlife Habitat Relationships System (CDFW 2016), the CNDDB for special status species, and the following taxa-specific sources: American Ornithological Society (2024) for birds; Collins and Taggart (2009) and Crother (2017) for reptiles and amphibians; and Wilson and Reeder (2005) for mammals.

* Non-native/introduced species

| SCIENTIFIC NAME | COMMON NAME | SPECIAL STATUS |
|---|---|---|
| | | |
| **REPTILES** | | |
| **Phrynosomatidae – Phrynosomatid Lizards** | | |
| *Sceloporus occidentalis* | western fence lizard | |
| | | |
| **BIRDS** | | |
| **Corvidae – Crows and Jays** | | |
| *Corvus branchyrhynchos* | American crow | |
| **Motacillidae – Wagtails and Pipits** | | |
| *Anthus rubescens* | American pipit | |
| **Parulidae – Wood Warblers** | | |
| *Setophaga coronata* | Yellow-rumped warbler | |
| **Picidae – Woodpeckers** | | |
| *Melanerpes formicivorus* | acorn woodpecker | |
| **Polioptilidae – Gnatcatchers** | | |
| *Polioptila caerulea* | Blue-gray gnatcatcher | |
| **Tyrannidae – Tyrant Flycatchers** | | |
| *Sayornis nigricans* | Black phoebe | |
| | | |
| **MAMMALS** | | |
| **Geomyidae – Pocket Gophers** | | |
| *Thomomys bottae* | Botta’s pocket gopher | |

**Special Status Designations**

| **Federal** | **State** |
|---|---|
| FE – Federally Endangered | SE – State Endangered |
| FT – Federally Threatened | ST – State Threatened |
| FPE – Federally Proposed Endangered | SCE – State Candidate Endangered |
| FPT – Federally Proposed Threatened | FP – California Fully Protected Species |
| FC – Federal Candidate | SSC – Species of Special Concern |