

Appendix C

Biological Resources Assessment



City of Rancho Palos Verdes

Crestridge Senior Housing Project

Biological Resources Assessment



July 24, 2012

**Biological Resources Assessment:
Crestridge Senior Housing Project
Rancho Palos Verdes, California**

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SECTION 1 – INTRODUCTION

Rincon Consultants, Inc. (Rincon) has prepared a Biological Resources Assessment for the Crestridge Senior Housing Development project (Crestridge project) site, located in the City of Rancho Palos Verdes, Los Angeles County, California. This report documents existing biological conditions on the property, hereinafter referred to as “project site” or “site.” The purpose of this biological resources assessment is to provide baseline conditions at the site and to assess the implications of approving the proposed project with respect to these resources, and the level of significance with respect to the California Environmental Quality Act (CEQA). This report has been prepared for the City of Rancho Palos Verdes and the information provided herein is intended to aid in the environmental documentation required for the project.

1.1 PROJECT LOCATION

The project site is located in the City of Rancho Palos Verdes, which is situated in the Palos Verdes Peninsula in southwestern Los Angeles County (Figure 1). The approximately 9.82 acre project site is situated in the north-central portion of the City, generally bound by the Vista Del Norte Ecological Reserve to the north, Crestridge Road to the south, Crenshaw Boulevard to the east, and the Belmont Assisted Living facility on the west (Figure 2). The site is located at Latitude 33.76972 and Longitude -118.374283, depicted in portions of Township 5 South, Range 14 West of the U.S. Geological Survey (USGS) *Torrance* and *Redondo Beach* 7.5-minute topographic quadrangles.

1.2 PROJECT DESCRIPTION

The proposed Crestridge project is a senior-restricted (55+ years of age or older) for-sale residential community proposed to aid in meeting the existing and rapidly growing need for high-quality, low-maintenance, and conveniently located housing that the baby boomer generation will demand (City of Rancho Palos Verdes 2006). The proposed project would include 60 townhome style and single-level living residences at a density of 6.15 homes per acre. The homes would be two stories in height with up to 5 residences per structure. The main architectural style of the residences and other onsite structures would be Spanish Colonial. Construction of the site would require grading to reduce the slope of portions of the hillside. Planned grading includes 145,000 cubic yards of cut and 2,000 cubic yards of fill. The development plan includes a 1.67 acre passive park with trails, scenic overlooks, and community gardens in the northern portion of the project adjacent to the Vista Del Norte Ecological Reserve. Construction is anticipated to be completed in the year 2015.



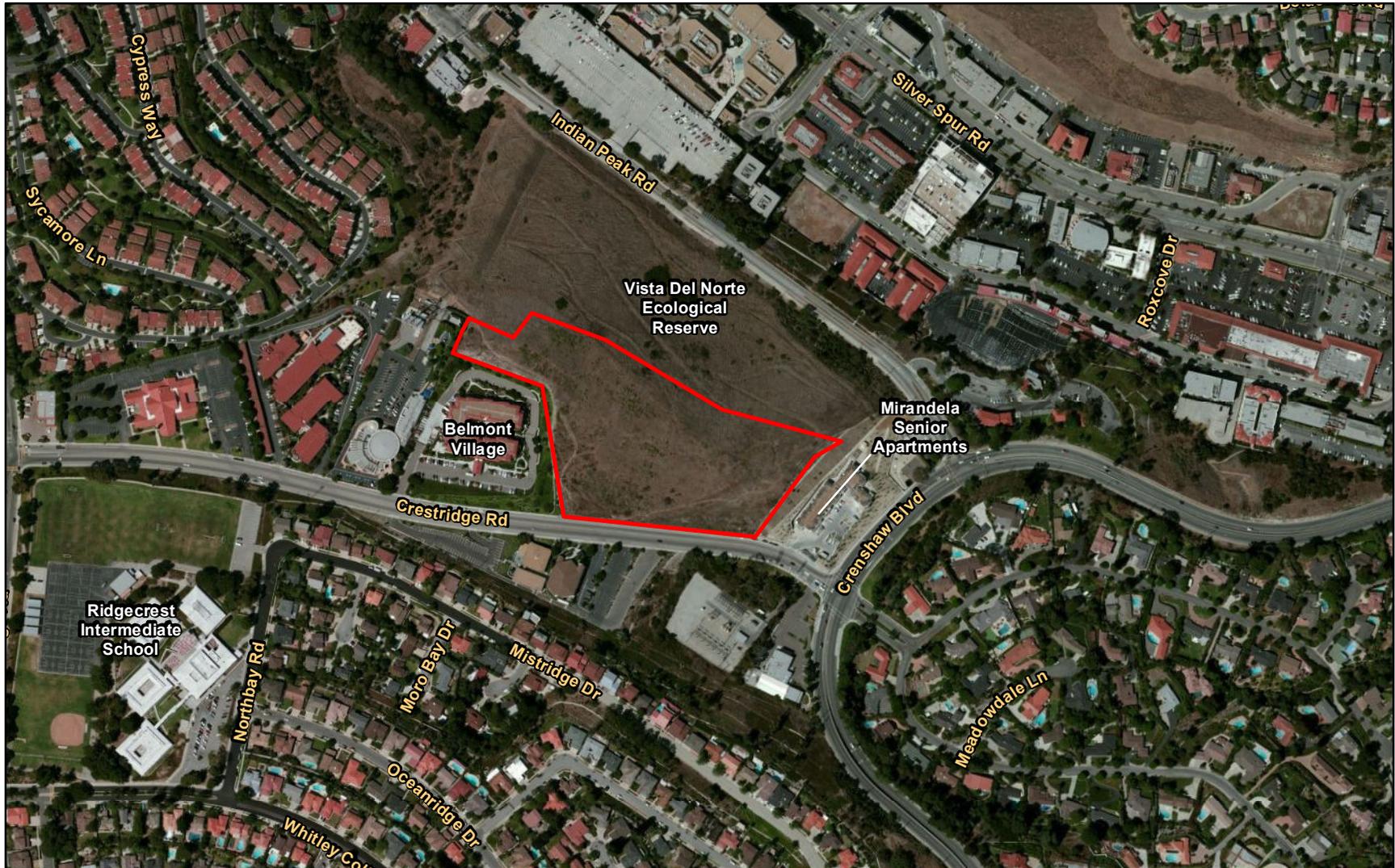
★ Project Location



Imagery provided by National Geographic Society, ESRI and its licensors, 2012.

Regional Location

Figure 1



Bing Maps Aerial: (c) 2010 Microsoft Corporation and its data suppliers. Parcel data from Los Angeles County Assessor, August, 2010.

 Project Site

Aerial View of the
Project Site and Surrounding Area

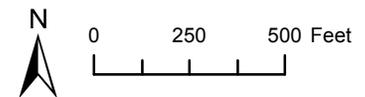


Figure 2

SECTION 2 – METHODOLOGY

2.1 REGULATORY OVERVIEW

Regulated or sensitive resources studied and analyzed herein include special status plant and wildlife species, nesting birds and raptors, sensitive plant communities, jurisdictional waters and wetlands, wildlife movement, and locally protected resources.

2.1.1 ENVIRONMENTAL STATUTES

For the purpose of this report, potential impacts to biological resources were analyzed based on the following statutes:

- California Environmental Quality Act (CEQA)
- Federal Endangered Species Act (ESA)
- California Endangered Species Act (CESA)
- Federal Clean Water Act (CWA)
- California Fish and Game Code (CFGC)
- Migratory Bird Treaty Act (MBTA)
- The Bald and Golden Eagle Protection Act
- Porter-Cologne Water Quality Control Act
- Rancho Palos Verdes Municipal Code

2.1.2 GUIDELINES FOR DETERMINING CEQA SIGNIFICANCE

The following threshold criteria, as defined by the CEQA Guidelines Appendix G Initial Study Checklist, were used to evaluate potential environmental effects. Based on these criteria, the proposed project would have a significant effect on biological resources if it would:

- a) Have substantial adverse effects, 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, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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?

Section 15130 of the State CEQA Guidelines provides guidance on the discussion of cumulative impacts. Two conditions apply to determine the cumulative effect of a project; first, the overall effect on biological resources caused by existing and known or forecasted projects must be considered significant under the criteria discussed above; and second, the project must have a “cumulatively considerable” contribution to that effect. Analyses with respect to cumulative impacts to biological resources is based on the following considerations

- The cumulative contribution of other approved and proposed projects to fragmentation of open space in the project vicinity;
- The loss of sensitive habitats and species;
- Contribution of the project to urban expansion into natural areas; and
- Isolation of open space within the vicinity by the proposed project and future projects.

2.2 DATABASE AND LITERATURE REVIEW

Rincon reviewed literature for baseline information on biological resources potentially occurring at the project site and surrounding area. The literature review included information available in standard reference materials (e.g. Bowers, Bowers and Kaufman 2004, Burt and Grossenheider 1980, Holland 1986, Hickman 1993, Sawyer, Keeler-Wolf and Evens 2009, Stebbins 2003, American Ornithologists Union 2010, USACE 2008) and databases on sensitive resource occurrences from the California Department of Fish and Game (CDFG) California Natural Diversity Data Base (CNDDDB), Biogeographic Information and Observation System (BIOS) (www.bios.dfg.ca.gov), and U.S. Fish and Wildlife Service (USFWS) Critical Habitat Portal (<http://criticalhabitat.fws.gov>). Prior to field surveys, a search and review of the CNDDDB was conducted for recorded occurrences of special status taxa (species, varieties, and subspecies) within a five-mile radius of the study area. A search range of this extent was used to encompass a sufficient distance to accommodate for regional habitat diversity and overcome the limitations of the CNDDDB. The CNDDDB is based on recorded occurrences of special status taxa and does not constitute an exhaustive inventory of biological resources for any given area. A search was also conducted using the California Native Plant Society (CNPS) online Inventory of Rare and Endangered Plants of California (California Native Plant Society 2010) for the *Torrance* and *Redondo Beach* USGS 7.5-minute quadrangles and the ten surrounding quadrangles. Additionally, the U.S. Fish and Wildlife Service (USFWS) website was queried for federally listed species occurring in Los Angeles County. Aerial photographs, topographic maps, soil survey maps, geologic maps, climatic data, previous biological studies, and project plans were also examined.

2.3 FIELD SURVEY

Rincon Biologist Brett Hartman conducted a survey of the project site on April 17, 2012. The survey was conducted after a review of aerial photographs and other resources, and consisted of walking the entire project area to document existing biological conditions (e.g. plant and wildlife species, vegetation communities, potential presence of sensitive species and/or habitats, and presence of potentially jurisdictional waters).

Plant taxa were identified in the field through examination of morphological characteristics and referencing regional plant field guides and dichotomous keys. Unknown plant taxa were identified off-site using regional plant field guides, dichotomous keys and a dissecting microscope, with taxonomic nomenclature based on Hickman (1993) and updates from the Jepson Online Interchange (UCB, 2011). Vegetation communities were classified in accordance with the classification system presented in Sawyer et al. (2009). Modifications to the vegetation community classifications were made by Rincon as appropriate based on the floristic composition and plant taxa distribution and abundance or land cover type observed on site.

An evaluation of habitat suitability for the coastal California gnatcatcher (*Polioptila californica californica*) and the Rancho Palos Verde blue butterfly (*Glaucopsyche lygdamus palosverdesensis*) was conducted to determine if focused surveys would be required. This included evaluation of any coastal sage scrub (CSS) present at the project site, and identifying any populations of the butterfly host plants seacliff buckwheat (*Eriogonum parvifolium*), Santa Barbara milkvetch (*Astragalus trichopodus* var. *lonchus*), and deerweed (*Lotus scoparius*). As described in Section 4.1.2, due to the high level of disturbance and human activity on site, suitable habitat is not present and focused surveys were not conducted.

2.5 JURISDICTIONAL WATERS AND WETLAND DELINEATION

No jurisdictional waters or wetlands potentially subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE), Los Angeles Regional Water Quality Control Board (RWQCB) or CDFG were identified at the project site during field surveys or review of aerial photographs and the National Wetlands Inventory. Therefore, a formal jurisdictional delineation was not conducted. The potential presence of jurisdictional features was based on the following guidance (note that the regulatory agencies make the final jurisdictional determination):

- USACE *Wetlands Delineation Manual* (1987)
- USACE *Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid Southwest* (2001)
- USACE *Jurisdictional Determination Form Instructional Guidebook* (2007)
- USACE *Regional Supplement to the Corps Wetland Delineation Manual: Arid West Region* (2008)
- USACE *A Field Guide to the Identification of the Ordinary High Water mark (OHWM) in the Arid West Region of the Western United States* (2008)
- Section 1602(a) of the California Fish and Game Code
- Porter-Cologne Water Quality Control Act

SECTION 3 – EXISTING CONDITIONS

3.1 PHYSICAL CHARACTERISTICS

The approximately 9.82 acre project site is a polygonal property located within the Palos Verdes Peninsula (Figure 2). The site is situated on a ridgeline in a predominantly developed area. The site has been highly disturbed by vegetation clearing (disking and grubbing) and past slope stabilization efforts, and is currently dominated by bare ground, ruderal species and remnant native shrubs. A 16.8-acre parcel to the north of the project site has been incorporated into the Rancho Palos Verdes Natural Communities Conservation Planning (NCCP) Subarea Plan (City of Rancho Palos Verdes 2004). This parcel is now designated as the Vista Del Norte Ecological Reserve. The reserve is dominated by dense stands of black mustard (*Brassica nigra*), with a small patch of CSS on the side slope adjacent to Indian Peak Road. Vegetation in the surrounding area is dominated by ornamental species associated with commercial and residential development. Although small open space areas exist approximately 0.51 mile to the northeast, 0.65 mile to the south, and 0.75 mile southwest, the project site is characterized as a biologically isolated and disturbed property.

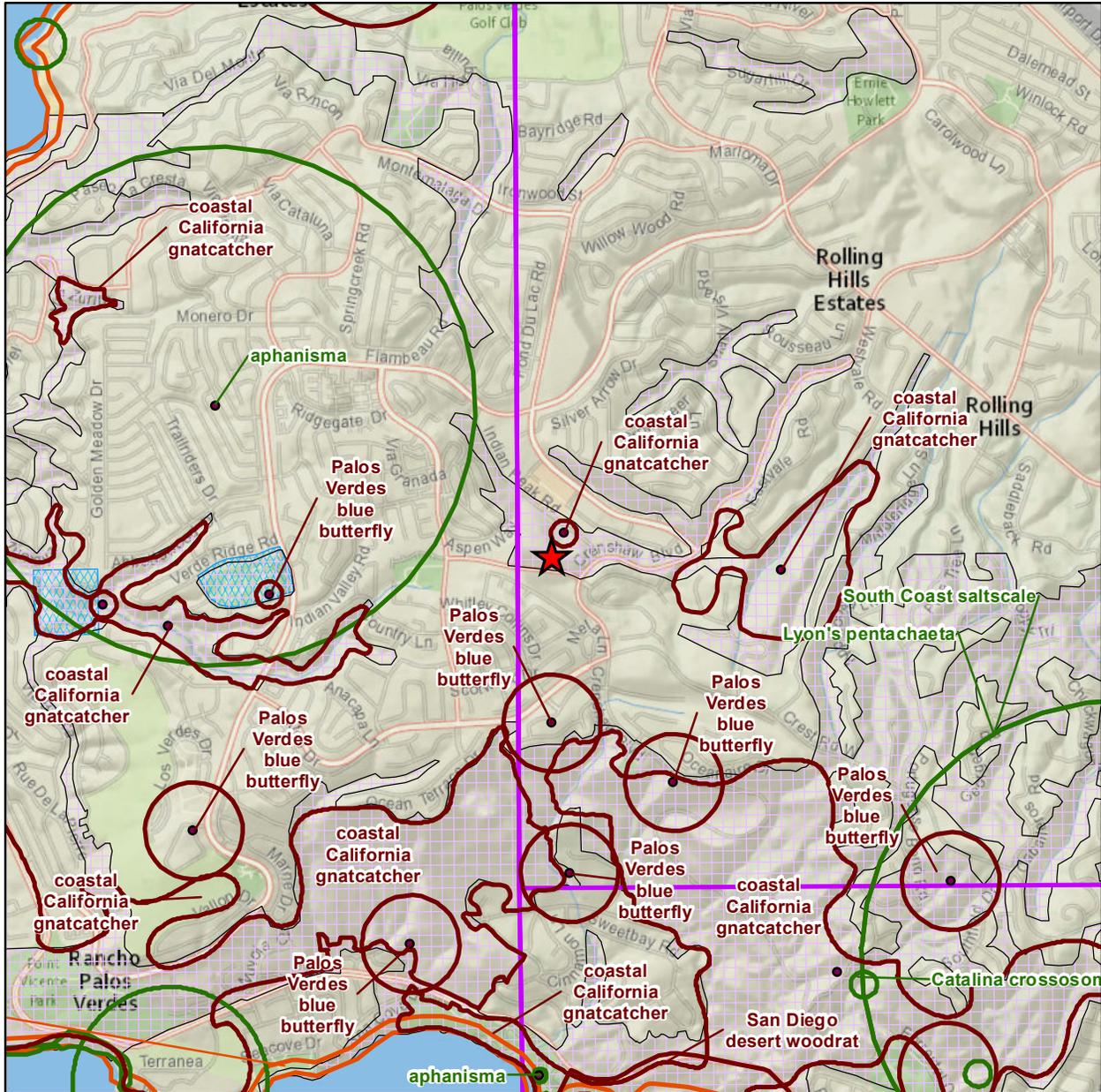
Topography is generally undulating to moderately sloping, with elevations ranging from 1116 to 1227 feet above mean sea level (msl). The Mediterranean climate of the region and the coastal influence produce moderate temperatures throughout the year, with rainfall concentrated in the winter months. Average rainfall for the project region is 12.34 inches/year (Palos Verdes Est FC43D Station, <http://www.wrcc.dri.edu>). The sea breeze is a dominant climatic factor in the region that typically flows from the west-southwest in a day-night cycle, with wind speeds generally ranging from 5 to 15 miles per hour. No drainages are located on the project site. Surface runoff from the site drains north and east into the Agua Negra Canyon system. Areas south and west of the project site drain towards the Pacific Ocean via unnamed drainages and Altamira Canyon.

The NRCS Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/>) does not currently have electronic data for the project area. Background information for the soils of the project area was derived from the Report and General Soil Map, Los Angeles County (USDA, 1969). The soils within the study area are part of the Soper-Calleguas-Bosanko-Alo (s1029) formation (USDA 1969). These soils are moderately well-drained, gravelly fine sandy loam soils largely weathered in place from sedimentary rocks of marine origin. Hydric soil characteristics were not observed in any of the soils at the project site.

Biological resources associated with the general project vicinity are shown in Figure 3. Representative site photographs are included in Appendix A.

3.2 VEGETATION

The project site is regularly cleared and maintained through disking and grubbing. Consequentially, the site is dominated by disturbed and ruderal vegetation. Isolated escaped ornamental trees and scattered remnant native shrubs are also present on site. Prior mapping for the Rancho Palos Verdes NCCP Subarea Plan (2004) identified nonnative grassland; however, no nonnative grassland was observed onsite during the April 2012 survey as the site had been disked. Prior mapping for the NCCP Subarea Plan also identified 'Undifferentiated CSS' in the eastern and southeastern portion of the site. However, these areas are currently (April 2012) dominated by ruderal and ornamental species, with scattered remnant toyon (*Heteromeles arbutifolia*) shrubs.



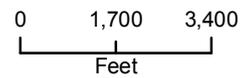
Imagery provided by National Geographic Society, ESRI and its licensors, 2012. Additional basemap sources from: California Natural Diversity Database, May 2012., and U.S. Fish and Wildlife Service, April 2012. Critical habitat shown is that most recently available from U.S. FWS. Check with U.S. FWS or Federal Register to confirm. Note - Map to be printed in color, due to subtleties in symbology noticeable only on color version.

Legend

-  Project Location
-  Animals
-  Plants
-  Natural Communities
-  CNDDB Suppressed Records in these quads- Palos Verde blue butterfly and El Segundo flower-loving fly.

Critical Habitat

-  CA Gnatcatcher FCH (12/19/2007)
-  Palos Verdes Blue Butterfly FCH



Biological Resources

Figure 3

A small isolated fragment of CSS habitat is located on the Vista Del Norte Reserve to the north, as discussed in Section 4.1.2, but no CSS, or isolated fragments thereof, occur within the subject project site as of the April 17, 2012 Rincon field survey. A total of 48 plant species were observed at the project site and adjacent property. Of these 22.9% were native and 77.1% were non-native (introduced) species. Note that due to the dominance of one type of habitat at the project site, disturbed and ruderal vegetation, a vegetation and/or habitat map is unnecessary and has not been provided.

Disturbed/ruderal vegetation. Though not a true community as defined by Holland (1986) or Sawyer et al. (2009), ruderal vegetation is dominated by non-native species that are highly adapted to colonizing disturbed areas, typically found in agricultural lands, along roadsides, and urban habitat fragments. Dominant species on site include black mustard (*Brassica nigra*), wild radish (*Raphanus sativus*), blessed milk thistle (*Silybum marianum*), field chrysanthemum (*Glebionis coronaria*), wild oats (*Avena barbata*), and various brome grasses (*Bromus* spp.). Native forbs such as sky lupine (*Lupinus nanus*) and California poppy (*Eschscholzia californica*) were observed at low densities, and the native shrub species toyon (*Heteromeles arbutifolia*) was observed scattered in the southeast corner of the property. Escaped or remnant ornamental tree and shrub species are also present at low densities, including Brazilian pepper tree (*Schinus terebinthifolius*), myporum (*Myoporum laetum*), and an ornamental yucca (*Yucca* sp.).

3.3 GENERAL WILDLIFE

The vegetation on the project site generally provides poor habitat for wildlife species. Nonetheless, the disturbed and ruderal vegetation on site does provide habitat for a variety of rural and urban tolerant species. Species observed during the survey included California towhee, lesser goldfinch, western gull, American crow, mourning dove, Anna's hummingbird, and western fence lizard.

SECTION 4 – SENSITIVE BIOLOGICAL RESOURCES

Based on the results of the focused surveys and jurisdictional evaluation, the project site contains two biological resources of concern: resources protected by local policies and ordinances, and resources protected by an adopted or approved conservation plan. An analysis of these sensitive resources, and others as defined in Section 2, is presented below.

4.1 SPECIAL STATUS SPECIES

A detailed evaluation of special status species potentially occurring in the project area is included in Appendix C. The following provides a summary discussion.

4.1.1 SPECIAL STATUS PLANT SPECIES

Based on the CNDDDB review, thirteen special status plant species are known to occur in the vicinity of the project (within approximately 5 miles), although none are tracked within the project site. These include aphanisma, aouth coast saltscale, Parish's brittlescale, Davidson's saltscale, southern tarplant, Catalina crossosoma, Island green dudleya, Coulter's goldfields, Santa Catalina Island desert thorn, mud nama, Lyon's pentachaeta, Brand's phacelia, and woolly seablite. Of these species, only Lyon's pentachaeta is state and federally listed as endangered. The remaining species are listed in the California Rare Plant Rank (CRPR) as CRPR 1B, CRPR 2 or CRPR 4 species. Due to the regular vegetation clearing, the project site does not contain suitable habitat for special status plant species, and no special status plant species were observed on site during the April 2012 field survey. The potential for special status species to become established is low due to isolation from other native habitat within the Palos Verdes Peninsula and due to frequent recurring disturbance (disking). Therefore, special status plant species are considered absent from the site.

Protected trees are discussed in Section 4.5.1 below.

4.1.2 SPECIAL STATUS WILDLIFE SPECIES

No special-status wildlife species were identified within the project site or observed during the field survey. Based on the CNDDDB review, fifteen special status wildlife species have been recorded in the vicinity of the project site (within approximately five miles). These include seven invertebrate, two reptile, three bird, and three mammal species. Of these, two species (coastal California gnatcatcher and Palos Verdes blue) were evaluated for potential to occur on site. In addition, burrowing owl is discussed below with regard to its potential to occur onsite as well. .

The project site is part of the critical habitat area for the coastal California gnatcatcher as defined by U.S. Fish and Wildlife Service (<http://criticalhabitat.fws.gov/crithab/>). While no CSS vegetation is presently located within the project site, an approximately 0.9-acre stand of disturbed CSS occurs in the Vista Del Norte Reserve along Indian Peak Road, approximately 230 feet from the project boundary. Dominant shrub species in this stand occurring offsite include coyote brush (*Baccharis pilularis* ssp. *consanguinea*), mulefat (*Baccharis salicifolia*), toyon, Brazilian pepper tree, and California sagebrush (*Artemisia californica*), with an understory comprised of California cudweed (*Pseudognaphalium californicum*) and ruderal grasses and forbs.

Two coastal California gnatcatchers were detected in this remnant offsite CSS habitat on April 13, 2006 (CNDDDB Occurrence No. 72239). These individuals were not observed nesting at that time, and were

likely foraging or dispersing from other habitat areas. The coastal California gnatcatcher prefers intermittent to closed canopy CSS dominated by California sagebrush. Gnatcatchers have been observed breeding in small patches of suitable CSS habitat surrounded by urban development, with the smallest such successful patch being 0.5 acre (Mock 2004). However, due to the number of toyon and Brazilian pepper trees present, high levels of human activity, and the degree of isolation, the CSS fragment existing offsite at the Vista Del Norte Ecological Preserve does not appear to provide suitable nesting habitat for the coastal California gnatcatcher. No protocol level studies are recommended for the project site as it does not contain the Primary Constituent Elements (PCEs) for the coastal California gnatcatcher, namely coastal sage scrub habitat or non-sage scrub habitat near to coastal sage scrub that could provide space for dispersal, foraging, and nesting. Because the project site does not provide suitable foraging or nesting habitat, coastal California gnatcatcher is assumed to be absent from the project site.

The Palos Verdes blue butterfly is restricted to the cool, fog-shrouded, seaward side of Palos Verdes Hills of Los Angeles County. The project site is regularly cleared of vegetation, and the host plants for the Palos Verdes blue butterfly (seacliff buckwheat, Santa Barbara milkvetch, and deerweed) were not observed during the field study. Therefore, the site is not considered suitable habitat for this species.

Burrowing owl occurs in open, dry, annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Burrowing owls are also known to occur within agricultural fields and utilize irrigation banks as nests. This species is a subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel. The site is comprised primarily of a disked field with emergent ruderal species. Much of the soil onsite is covered with coconut fiber matting. No California ground squirrels or burrows were observed during the survey, and no individuals or sign of burrowing owl were observed during the survey. This species is not expected to be present onsite.

Bird nesting activity typically occurs between February 15 and August 31, but varies depending upon the species and climatic conditions. Larger animals, such as raptors, may begin breeding earlier in the year (January) and frequently have young that are dependent on the nest as late as mid-September, and in good years, second nesting attempts can begin in June or July, further extending the breeding period. Nesting birds and particularly raptor nests are protected by Fish and Game Code of California Sections 3503, 3503.5, 3511, 3513 and 3800. Most birds are also regulated under the Federal Migratory Bird Treaty Act of 1918. No bird species were observed nesting or breeding on site during the survey conducted in April 2012; however, the toyon shrubs and Brazilian pepper trees could potentially provide nesting and perch locations for bird species commonly encountered in urban areas.

4.2 SENSITIVE PLANT COMMUNITIES

The CNDDDB identified one sensitive plant community within a 5-mile radius of the project site: Southern Coastal Bluff Scrub, which occurs along the bluffs adjacent to the Pacific Ocean approximately 2.03 miles southeast of the project site. This sensitive community does not occur on the project site, and remnant species are not present on the project site.

4.3 JURISDICTIONAL WATERS AND WETLANDS

No jurisdictional waters or wetlands potentially subject to the jurisdiction of USACE, RWQCB or CDFG were identified at the project site during the field survey or review of aerial photographs and the National Wetlands Inventory database.

4.4 WILDLIFE MOVEMENT

Smaller project areas, such as the subject property, do not generally contain major wildlife movement corridors within their boundaries. Rather, they may lie along or within such a corridor, or they may only contain smaller, secondary movement pathways or trail systems. Movement pathways provide routes of travel for highly mobile species, such as mule deer, coyote, mountain lion, black bear, bobcat, and some bird species, but by themselves rarely serve to maintain individual population vigor or support the species on a broad geographic scale. Pathways may become well established, but may be altered should obstructions occur, depending on availability of alternative routes. Movement pathways occur at a small scale, typically in terms of a few feet wide to a few hundred feet wide, such as the width of a stream or riparian cover. Movement pathways are important to local species survival, especially when alternative routes are lacking.

The Vista Del Norte Reserve to the north of the site provides a habitat fragment that can potentially enhance movement of bird species from the more functional habitat to the south, and southwest and northeast of the project site. However, due to the degree of disturbance and human activity at the project site, wildlife movement within or through the Crestridge site itself is expected to be low.

4.5 RESOURCES PROTECTED BY LOCAL POLICIES AND ORDINANCES

No oak or other native trees protected by the Rancho Palos Verde Municipal Code were observed on site. Title 17 of the Rancho Palos Verdes Municipal Code does not contain a specific ordinance regarding toyon, an arborescent shrub species, as a native habitat element. The toyon shrubs observed on site are therefore not considered a resource protected by local policies or ordinances.

4.6 RESOURCES PROTECTED BY APPROVED CONSERVATION PLANS

The Palos Verdes Peninsula Land Conservancy (PVPLC) serves as the management agency for the Palos Verdes Nature Preserve for the City of Rancho Palos Verdes. The Preserve was formed under a Natural Community Conservation Plan (NCCP) Subarea Plan to “maximize benefits to wildlife and vegetation communities while accommodating appropriate economic development within the City of Rancho Palos Verdes and region pursuant to the requirements of the NCCP Act and Section 10(a) of the ESA” (URS, July 2004). As a primary component of the NCCP, a Preserve design was proposed to conserve regionally important habitat areas and provide habitat linkages to benefit sensitive plants and wildlife. PVPLC manages the Preserve under an operating agreement with the City.

The site is situated within the Rancho Palos Verdes NCCP, and lies adjacent to a City owned property dedicated to the Preserve system: the Vista Del Norte Ecological Reserve. The Crestridge Development is included as a covered project in the NCCP, with any losses of habitat determined to be likely mitigated through past donation of Redevelopment Agency owned land to the preserve system. Habitat values at the Vista Del Norte Ecological Reserve are relatively low as the site is dominated by black mustard with a small fragment of CSS located adjacent to Indian Peak Road.

The City has established the Natural Overlay Control District for the protection of biological resources. According to Section 17.40.040 of the Municipal Code, this District is established to maintain and enhance land and water areas necessary for the survival of valuable land and marine-based wildlife and vegetation. The subject property is not located within this District, and no impact is anticipated in this regard.

In addition two designated federal critical habitats (FCH), the Palos Verdes Blue Butterfly FCH and the coastal California gnatcatcher FCH, were identified within a five mile radius of the project site. As shown on Figure 3, coastal California gnatcatcher critical habitat is mapped within the project site. Critical habitat mapping is intended to contain those lands essential for the conservation of a species, but any such land within the mapped boundary must also contain the known physical or biological features (Primary Constituent Elements or PCEs) within the geographical area that are essential to the species conservation. For CAGN, the PCEs are 1) dynamic and successional sage scrub habitats and 2) non-sage scrub communities like chaparral, grassland, riparian areas, near to suitable sage scrub habitats. As described above, the project site does not contain suitable habitat for coastal California gnatcatcher because of the lack of compositional integrity and the substantial disturbance and human activity on site. In addition, it is not located sufficiently close to land containing suitable habitat whereby the project site could be used for foraging habitat. In addition, the site does not contain suitable habitat for the Palos Verdes blue butterfly.

The site does not lie within the California Coastal Zone or within any areas designated as Environmentally Sensitive Habitat (ESH), the habitats onsite do not qualify as ESH under the Coastal Act, and the site does not lie within any mapped Los Angeles County Significant Ecological Areas (SEAs).

SECTION 5 - IMPACT ANALYSIS AND MITIGATION MEASURES

5.1 SPECIAL STATUS SPECIES

The proposed project would have a significant effect on biological resources if it would:

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.

The survey by Rincon was conducted in the spring during the blooming period of species that have a potential to exist onsite. No special status plant species were observed and the entire project area was disked. Given the high level of disturbance at the project site and the surrounding development, it is unlikely that special status plant species would occur on site. Potential effects to special status plants are considered to be less than significant.

The coastal California gnatcatcher has been recorded in a small fragment of CSS vegetation located offsite in the Vista Del Norte Ecological Reserve adjacent to and north of the subject project site, adjacent to Indian Peak Road. The subject Crestridge site does not provide nesting or foraging habitat and does not contain PCEs for the coastal California gnatcatcher. This species is not known to occupy the subject site and was not detected in the project area during the 2012 site visit, though this single day visit does not constitute a protocol level survey. Due to the lack of CSS habitat on site and the high level of human activity, impacts to coastal California gnatcatcher are not expected and potential effects to the coastal California gnatcatcher are considered to be less than significant. Since no CSS habitat occurs on site, no CSS habitat will be affected by the proposed project. In addition, the Crestridge Development is included as a covered project in the Subarea Plan (EIR), with any losses of habitat to have been mitigated through creation of the adjacent Vista Del Norte Ecological Reserve (though the implementing agreement has not yet been completed).

The Crestridge site does not provide suitable habitat for the Palos Verdes blue butterfly, and it is unlikely this species would occur on site. Therefore, potential effects to the Palos Verdes blue butterfly would be less than significant.

5.2 SENSITIVE PLANT COMMUNITIES

The proposed project would have a significant effect on biological resources if it would:

b) Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies and regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service.

No CSS or nonnative grassland exist onsite due to recurrent disturbances including disking. Riparian habitats or other sensitive natural communities do not occur on site. Fuel modification is a source of indirect effects on sensitive habitats; however, fuel modification will not impact any remnant coastal sage scrub or grassland habitats onsite or within the adjacent reserve. The reserve is already disked and/or mowed frequently, and any fuel modification associated with the proposed development would

be a less than significant effect on natural or sensitive habitats. Therefore, potential effects to CSS, nonnative grassland, and sensitive plant communities would be less than significant.

5.3 JURISDICTIONAL WATERS AND WETLANDS

The proposed project would have a significant effect on biological resources if it would:

c) Adversely impact federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means.

No jurisdictional waters or wetlands occur on site. Therefore, potential effects to jurisdictional waters and wetlands would be less than significant.

5.4 WILDLIFE MOVEMENT

The proposed project would have a significant effect on biological resources if it would:

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

Due to the high level of disturbance at the project site, the habitat values for nesting birds on site are low. Nonetheless, native birds species commonly encountered in urban areas could nest in the dispersed toyon shrubs and Brazilian peppertrees found at the project site. The Migratory Bird Treaty Act (MBTA) and the Fish and Game Code of California (3503, 3503.5, 3511, 3513 and 3800) protect almost all native nesting birds, not just special-status birds. Removal of vegetation that contains nesting birds would potentially conflict with these existing regulations and this effect is considered potentially significant. MM BIO-I is recommended to reduce the potential for harm to protected native birds (including the coastal California gnatcatcher) during the nesting season and reduce this impact to a less than significant level.

The project site does not provide significant wildlife movement values. Wildlife movement values do exist in in the Vista Del Norte Reserve to the north. The coastal California gnatcatcher has been detected in the remnant CSS along Indian Peak Road, and may use this area as a habitat island associated with movement and dispersal. Construction of the Crestridge project is not expected to significantly affect CSS or other resources associated with the Vista Del Norte Reserve, and potential effects to wildlife movement are considered to be less than significant.

MM BIO I: Nesting Bird Surveys and Avoidance

Project construction should avoid the general avian nesting season (February 1 – August 15), if feasible. If breeding season avoidance is not feasible, a qualified biologist should conduct a preconstruction nesting bird survey to determine the presence/absence, location, and status of any active nests on or adjacent to the project site. The surveys shall be conducted by a qualified biologist approved by the Director of Planning, Building and Code Enforcement Department. The extent of the survey buffer area surrounding the site should be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by MBTA

and the Fish and Game Code of California, nesting bird surveys shall be performed twice per week during the three weeks prior to the scheduled vegetation clearance. In the event that active nests are discovered, a suitable buffer (e.g. 30-50 feet for passerines) should be established around such active nests and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active (e.g. the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the City-approved biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting birds surveys are not required for construction activities occurring between August 16 and February 1.

5.5 LOCAL POLICIES AND ORDINANCES

The proposed project would have a significant effect on biological resources if it would:

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

No protected tree species or other resources protected by local policies or ordinances exist at the project site. Therefore, potential effects to resources protected by local policies and ordinances would be less than significant.

5.6 ADOPTED OR APPROVED PLANS

The proposed project would have a significant effect on biological resources if it would:

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

The site is within coastal California gnatcatcher FCH. However, the site does not currently contain CSS nor does it provide suitable habitat for the coastal California gnatcatcher. In addition, biological impacts associated with the Crestridge Senior Housing project were mitigated through the creation of the Vista Del Norte Ecological Reserve to the north. Therefore, project implementation would not conflict with the provisions of the coastal California gnatcatcher FCH.

The Vista Del Norte Ecological Reserve was created due to a provision of the NCCP to dedicate the 16.8-acre City Redevelopment Agency parcel to the NCCP preserve. This parcel is located adjacent to the Crestridge project site, and is considered mitigation for potential biological impacts associated with development of the Crestridge Senior Housing project. Site specific project design issues are discussed in Section 6.2.2 of the current NCCP Subarea Plan.

With respect to indirect effects of the proposed project on the adjacent reserve, little habitat value is present within the reserve, and the reserve's biological resources are not expected to be adversely affected by the proposed development. The type and use of the development proposed is not expected to produce significant increase in noise or lighting, and access will be limited from the site. The existing project site is currently surrounded by development, and unnatural lighting (street lights, parking lot lights, and commercial and residential lighting) and human-induced noise are already present at the project site and reserve. As such, the effects of the lighting and noise produced as a result of the proposed development on the reserve would be similar to that which already surrounds the reserve. In addition, no significant erosion or dust is expected to result from the proposed project or the ongoing

use of the development, as the development is situated topographically high and senior residential use of the site is not expected to produce significant levels of dust. While indirect effects of lighting, noise, erosion, and dust are all considered less than significant, the proposed development includes potential introduction of non-native plant species associated with on-site landscaping. MM BIO-II is recommended to reduce potential impacts from invasive species to a less than significant level. Therefore, project implementation would not conflict with the provisions of the City adopted NCCP.

The project site is not located within the Palos Verdes Blue Butterfly FCH. Therefore, project implementation would not conflict with the provisions of the Palos Verdes Blue Butterfly FCH.

MM BIO II: Provisions for Invasive Species and Native Habitat Elements in the Landscaping Plan

No species listed in the Cal-IPC Invasive Plant Inventory (2006) or identified as potentially invasive ornamental species in the Rancho Palos Verdes NCCP Subarea Plan (2004) will be utilized in the landscaping plan for the site. Species listed in the Subarea Plan include everblooming acacia (*Acacia longifolia*), Sydney golden wattle (*Acacia cyclops*), Peruvian pepper tree (*Schinus molle*), Brazilian pepper tree (*Schinus terebenthifolia*), black locust (*Robinia pseudo-acacia*), myoporum (*Myoporum laetum*), gum tree (*Eucalyptus* spp.), and pines (*Pinus* spp.). In addition, to the extent feasible the proposed project shall incorporate native habitat elements into the landscaping plan for the 1.67-acre passive park with trails, scenic overlooks, and community gardens in the northern portion of the Crestridge Senior Housing development project. Native habitat elements include using locally sourced native shrubs such as toyon, California sagebrush, coastal bluff buckwheat, native grasses, and native perennial forbs as part of the planting palette. Inclusion of this measure would enhance the habitat values of the buffer zone of the Vista Del Norte Reserve to the north.

5.7 CUMULATIVE IMPACTS ANALYSIS

The project is situated within an urbanized area with generally low habitat values in the immediate vicinity of the project site. Regional analysis and conservation planning for the coastal California gnatcatcher and the Palos Verdes blue butterfly, and other special status species has been conducted as part of the Rancho Palos Verdes NCCP. Among the objectives of NCCP planning processes is a regional analysis of approved and proposed projects to assess their contribution to fragmentation of open space, the loss of sensitive habitats and species, urban expansion into natural areas and isolation of open space within the region, and the development of a regional habitat conservation plan. The Crestridge project is included as a covered project in the Subarea Plan, with any losses of habitat mitigated through donation of the Vista Del Norte Ecological Reserve. The project will impact a disked field with ruderal vegetation, as coastal sage scrub and native (or even nonnative) grassland is not present onsite. Inclusion of native habitat elements into the landscaping plan in the northern portion of the property will further contribute to regional conservation goals and habitat enhancements. Therefore, the proposed project is not expected to result in significant cumulative impacts.

SECTION 6 - LIMITATIONS, ASSUMPTIONS, AND USER RELIANCE

This Biological Resources Assessment has been performed in accordance with professionally accepted biological investigation practices conducted at this time and in this geographic area. The biological investigation is limited by the scope of work performed. Biological surveys for the presence or absence of certain taxa have been conducted as part of this assessment but were not performed during a particular blooming period, nesting period, or particular portion of the season when positive identification would be expected if present, and therefore, cannot be considered definitive. The biological surveys are limited also by the environmental conditions present at the time of the surveys. In addition, general biological (or protocol) surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. In particular, mobile wildlife species could occupy the site on a transient basis, or re-establish populations in the future. Our field studies were based on current industry practices, which change over time and may not be applicable in the future. No other guarantees or warranties, expressed or implied, are provided.

The findings and opinions conveyed in this report are based on findings derived from site reconnaissance, jurisdictional areas, review of CNDDDB RareFind3, and specified historical and literature sources. Standard data sources relied upon during the completion of this report, such as the CNDDDB, may vary with regard to accuracy and completeness. In particular, the CNDDDB is compiled from research and observations reported to CDFG that may or may not have been the result of comprehensive or site-specific field surveys. Although Rincon believes the data sources are reasonably reliable, Rincon cannot and does not guarantee the authenticity or reliability of the data sources it has used. Additionally, pursuant to our contract, the data sources reviewed included only those that are practically reviewable without the need for extraordinary research and analysis.

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Appendix A

Site Photographs



Photo 1: View of project site. Note extensive disturbance from disking.



Photo 2: View of remnant toyon shrubs in a matrix of ruderal vegetation in the southeastern portion of the project area.

Appendix B

Flora and Fauna Compendia

Appendix B. Plant and Animal Species Observed Within the Study Area on April 17, 2012.

Family	Scientific Name	Common Name	Native or Introduced
PLANTS			
Agavaceae	<i>Yucca</i> sp.	Yucca (ornamental)	I
Aizoaceae	<i>Carpobrotus edulis</i>	hottentot fig (ice plant)	I
Anacardiaceae	<i>Rhus integrifolia</i>	lemonade berry	N
Anacardiaceae	<i>Schinus terebinthifolius</i>	Brazilian pepper tree	I
Anacardiaceae	<i>Toxicodendron diversilobum</i>	poison-oak	I
Apiaceae	<i>Foeniculum vulgare</i>	fennel	I
Asteraceae	<i>Ambrosia psilostachya</i>	ragweed	I
Asteraceae	<i>Artemisia californica</i>	California sage brush	N
Asteraceae	<i>Baccharis pilularis</i>	coyote brush	N
Asteraceae	<i>Baccharis salicifolia</i>	mule fat	N
Asteraceae	<i>Carduus pycnocephalus</i>	Italian thistle	I
Asteraceae	<i>Chamomilla suaveolens</i>	pineapple weed	I
Asteraceae	<i>Conyza bonariensis</i>	horseweed	I
Asteraceae	<i>Glebionis coronaria</i>	chrysanthemum	I
Asteraceae	<i>Gnaphalium californicum</i>	California cudweed	N
Asteraceae	<i>Heterotheca grandiflora</i>	telegraph weed	N
Asteraceae	<i>Hypochaeris glabra</i>	smooth cat's ear	I
Asteraceae	<i>Hypochaeris radicata</i>	rough cat's ear	I
Asteraceae	<i>Lactuca serriola</i>	prickly lettuce	I
Asteraceae	<i>Picris echioides</i>	prickly ox tongue	I
Asteraceae	<i>Senecio vulgaris</i>	common groundsel	I
Asteraceae	<i>Silybum marianum</i>	milk thistle	I
Asteraceae	<i>Sonchus asper</i>	prickly sow-thistle	I
Brassicaceae	<i>Brassica nigra</i>	black mustard	I
Brassicaceae	<i>Raphanus sativus</i>	wild radish	I
Cucurbitaceae	<i>Marah fabacea</i>	California man-root	N
Euphorbiaceae	<i>Ricinus communis</i>	castor bean	I
Fabaceae	<i>Lupinus nanus</i>	sky lupine	N
Fabaceae	<i>Melilotus indica</i>	Indian melilot	I
Fabaceae	<i>Vicia</i> spp.	vetch	I
Fagaceae	<i>Quercus agrifolia</i>	coast live oak	N
Geraniaceae	<i>Erodium botrys</i>	storksbill filaree	I
Geraniaceae	<i>Erodium cicutarium</i>	red-stemmed filaree	I
Geraniaceae	<i>Geranium dissectum</i>	geranium	I
Malvaceae	<i>Malva parviflora</i>	cheese weed	I
Myoporaceae	<i>Myoporum laetum</i>	myoporum	I
Oxalidaceae	<i>Oxalis pes-caprae</i>	Bermuda buttercup	I
Papaveraceae	<i>Eschscholzia californica</i>	California poppy	N
Poaceae	<i>Avena barbata</i>	slender wild oat	I

Family	Scientific Name	Common Name	Native or Introduced
Poaceae	<i>Brachypodium distachyon</i>	false brome	I
Poaceae	<i>Bromus diandrus</i>	ripgut brome	I
Poaceae	<i>Bromus hordeaceus</i>	soft chess	I
Poaceae	<i>Bromus madritensis ssp. rubens</i>	red brome	I
Poaceae	<i>Cynodon dactylon</i>	Bermuda grass	I
Poaceae	<i>Vulpia myuros</i>	rat-tail fescue	I
Rosaceae	<i>Heteromeles arbutifolia</i>	toyon	N
Rubiaceae	<i>Galium aparine</i>	bedstraw	I
Solanaceae	<i>Nicotiana glauca</i>	tree tobacco	I
WILDLIFE			
Columbidae	<i>Zenaida macroura</i>	mourning dove	
Corvidae	<i>Corvus brachyrhynchos</i>	American crow	
Emberizidae	<i>Melospiza crissalis</i>	California towhee	
Fringillidae	<i>Carduelis psaltria</i>	lesser goldfinch	
Laridae	<i>Larus occidentalis</i>	western gull	
Trochilidae	<i>Calypte anna</i>	Anna's hummingbird	
Phrynosomatidae	<i>Sceloporus occidentalis</i>	western fence lizard	

Appendix C

Special Status Species Evaluation Tables

Special Status Species Potentially Occurring in the Project Region

Scientific Name	Common Name	Status ¹ Fed/State/CNPS	Habitat Preference/ Requirements	Status on Project Site
PLANTS				
<i>Aphanisma blitiodes</i>	Aphanisma	CRPR 1B.2	Found in coastal scrub in sandy or clay soils, especially coastal bluff scrub. Blooms March-June.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Atriplex pacifica</i>	South coast saltscale	CRPR 1B.2	Found in coastal scrub, coastal bluff scrub, playas and chenopod scrub. Blooms March-October.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Atriplex parishii</i>	Parish's brittle scale	CRPR 1B.1	Found in alkali meadows, vernal pools, chenopod scrub and playas. Blooms June-October.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Atriplex serenana</i> var. <i> davidsonii</i>	Davidson's saltscale	CRPR 1B.2	Found in coastal bluff scrub and coastal scrub vegetation, generally in alkaline soils. Blooms April-October.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Centromadia parryi</i> spp. <i> australis</i>	Southern tarplant	CRPR 1B.1	Found in marshes and swamps, and in valley and foothill grasslands with alkaline soils. Blooms May-November.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Crossosoma californicum</i>	Catalina crossosoma	CRPR 1B.2	Found in chaparral and coastal scrub, especially on rocky sea bluffs and open areas in rocky clay soils. Blooms February-May.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Dudleya vires</i> ssp. <i> insularis</i>	Island green dudleya	CRPR 1B.2	Found in rock outcrops in coastal scrub and coastal bluff scrub. Blooms April-June.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Lasthenia glabrata</i> ssp. <i> coutleri</i>	Coulter's goldfields	CRPR 1B.1	Found in coastal salt marshes, playas, valley and foothill grassland, and vernal pools, generally alkaline soils. Blooms February-June.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Lycium brevipes</i> var. <i> hassei</i>	Santa Catalina Island desert thorn	CRPR 1B.1	Found in coastal bluff scrub and coastal scrub. Blooms June.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Nama stenocarpum</i>	Mud nama	CRPR 2.2	Found in intermittently wet areas such as marshes and swamps, lake shores, and river banks. Blooms January-July.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Pentachaeta lyonii</i>	Lyon's pentachaeta	FE / SE / CRPR1B.1	Found in chaparral and coastal scrub (in openings with sandy or rocky soil) and in valley and foothill grassland. Blooms March-August.	Absent. No suitable habitat present at project site. Species not observed during survey.

Special Status Species Potentially Occurring in the Project Region

Scientific Name	Common Name	Status ¹ Fed/State/CNPS	Habitat Preference/ Requirements	Status on Project Site
<i>Phacelia stellaris</i>	Brand's phacelia	CRPR 1B.1	Found in coastal dunes and coastal scrub. Blooms March-June.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Suaeda taxifolia</i>	Woolly seablite	CRPR 4	Found in coastal salt marshes and swamps. Blooms July-October.	Absent. No suitable habitat present at project site. Species not observed during survey.
INVERTEBRATES				
<i>Cicindela hirticollis grvida</i>	Sandy beach tiger beetle	SSC	Inhabits periodically flooded sandy shorelines and coastal dune systems.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Cicindela latesignata latesignata</i>	Tiger beetle	SSC	Inhabits mudflats and beaches in coastal Southern California.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Danaus plexippus</i>	Monarch butterfly	SSC	Requires windrows of large trees for winter roost sites, along the coast from Mendocino to Baja California.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Euphilotes battoides allyni</i>	El Segundo blue butterfly	E / SSC	Restricted to the El Segundo dune system. Host plant is predominantly <i>Eriogonum parvifolium</i> .	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Glaucopsyche lygdamus paloverdesensis</i>	Palos Verdes blue butterfly	E / SSC	Inhabits coastal scrub and coastal bluff scrub, restricted to the foggy seaward side of the Palos Verdes Peninsula. Host plants include <i>Eriogonum parvifolium</i> , <i>Astragalus trichopodus lonchus</i> , and <i>Lotus scoparius</i>	Absent. Within the range of this species, however no suitable habitat present at project site. Species not observed during survey.
<i>Raphiomidas terminates terminatus</i>	El Segundo flower-loving fly	E / SSC	Restricted to the El Segundo dune system.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Tryonia imitator</i>	Mimic tryonia (=California brackishwater snail)	SSC	Inhabits coastal lagoons, estuaries and salt marshes.	Absent. No suitable habitat present at project site. Species not observed during survey.

Special Status Species Potentially Occurring in the Project Region

Scientific Name	Common Name	Status ¹ Fed/State/CNPS	Habitat Preference/ Requirements	Status on Project Site
REPTILES				
<i>Anniella pulchra pulchra</i>	Silvery legless lizard	SSC	Sandy or loose soil with sparse vegetation. Prefer soils with high moisture content.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Phrynosoma blainvillii</i>	Coast horned lizard	SSC	Inhabits a wide variety of habitats, most commonly along sandy washes or in open areas with patches of loose soil.	Potential. Marginal habitat present at project site. Species not observed during survey.
BIRDS				
<i>Agelaius tricolor</i>	Tricolored blackbird	SC	Colonial species that inhabits emergent wetland and marshes that contain open water areas, protected nest substrates (reeds), and adjacent foraging areas.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Athene funicular</i>	Burrowing owl	SC	Open, dry annual or perennial grasslands, deserts & scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Absent. The site is comprised primarily of a disked field with emergent ruderal species. Much of the soil onsite is covered with coconut fiber matting. No CA ground squirrels or burrows observed during surveys. No individuals or sign of burrowing owl observed during survey.
<i>Poliptila californica californica</i>	Coastal California gnatcatcher	T / SSC	Inhabits low, open coastal sage scrub on mesas, slopes, and washes.	Potential. Marginal foraging habitat present just north of the project site. Habitat fragment is too small for breeding. Species not observed during survey.
<i>Sternula antillarum browni</i>	California least tern	E / E	Migratory species that inhabits marine or estuarine shorelines during the summer months.	Absent. No suitable habitat present at project site. Species not observed during survey.

Special Status Species Potentially Occurring in the Project Region

Scientific Name	Common Name	Status ¹ Fed/State/CNPS	Habitat Preference/ Requirements	Status on Project Site
MAMMALS				
<i>Neotoma lepida intermedia</i>	San Diego desert woodrat	SSC	Inhabits a variety of scrub habitats, primarily associated with rock outcrops and large boulders.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Nyctinomops femosaccus</i>	Pocket free-tailed bat	SSC	Arid regions including pine-juniper woodlands, desert scrub, and desert riparian habitats. Requires rocky areas with high cliffs for roosting.	Absent. No suitable habitat present at project site. Species not observed during survey.
<i>Perognathus longimembris pacificus</i>	Pacific pocket mouse	T / SSC	Inhabits the narrow coastal plains, generally in sandy soils.	Absent. No suitable habitat present at project site. Species not observed during survey.

Regional Vicinity refers to within a 5 mile radius of site.

FE = Federally Endangered FT = Federally Threatened
 SE = State Endangered ST = State Threatened SR = State Rare

G-Rank/S-Rank = Global Rank and State Rank as per NatureServe and CDFG's CNDDDB RareFind3.

CRPR (CNPS California Rare Plant Rank):

- 1A=Presumed Extinct in California
- 1B=Rare, Threatened, or Endangered in California and elsewhere
- 2=Rare, Threatened, or Endangered in California, but more common elsewhere
- 3=Need more information (a Review List)
- 4=Plants of Limited Distribution (a Watch List)

CRPR Threat Code Extension:

- .1=Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- .2=Fairly endangered in California (20-80% occurrences threatened)
- .3=Not very endangered in California (<20% of occurrences threatened)

Appendix D

Regulatory Setting

REGULATORY SETTING

Special-status habitats are vegetation types, associations, or sub-associations that support concentrations of special-status plant or wildlife species, are of relatively limited distribution, or are of particular value to wildlife.

Listed species are those taxa that are formally listed as endangered or threatened by the federal government (e.g. U.S. Fish and Wildlife Service [USFWS]), pursuant to the Federal Endangered Species Act (FESA) or as endangered, threatened, or rare (for plants only) by the State of California (i.e. California Fish and Game Commission), pursuant to the California Endangered Species Act or the California Native Plant Protection Act. Some species are considered rare (but not formally listed) by resource agencies, organizations with biological interests/expertise (e.g. Audubon Society, CNPS, The Wildlife Society), and the scientific community.

The following is a brief summary of the regulatory context under which biological resources are managed at the federal, state, and local levels. A number of federal and state statutes provide a regulatory structure that guides the protection of biological resources. Agencies with the responsibility for protection of biological resources within the project site include:

- *U.S. Army Corps of Engineers (wetlands and other waters of the United States);*
- *Regional Water Quality Control Board (waters of the State);*
- *U.S. Fish and Wildlife Service (federally listed species and migratory birds);*
- *California Department Fish and Game (riparian areas and other waters of the State, state-listed species);*

U.S. Army Corps of Engineers. Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) has authority to regulate activities that could discharge fill of material or otherwise adversely modify wetlands or other “waters of the United States.” Perennial and intermittent creeks are considered waters of the United States if they are hydrologically connected to other jurisdictional waters. The USACE also implements the federal policy embodied in Executive Order 11990, which is intended to result in no net loss of wetland value or acres. In achieving the goals of the Clean Water Act, the USACE seeks to avoid adverse impacts and offset unavoidable adverse impacts on existing aquatic resources. Any fill or adverse modification of wetlands that are hydrologically connected to jurisdictional waters would require a permit from the USACE prior to the start of work. Typically, when a project involves impacts to waters of the United States, the goal of no net loss of wetland acres or values is met through compensatory mitigation involving creation or enhancement of similar habitats.

Regional Water Quality Control Board. The State Water Resources Control Board (SWRCB) and the local Central Coast Regional Water Quality Control Board (RWQCB) have jurisdiction over “waters of the State,” pursuant to the Porter-Cologne Water Quality Control Act, which are defined as any surface water or groundwater, including saline waters, within the boundaries of the State. The SWRCB has issued general Waste Discharge Requirements (WDRs) regarding discharges to “isolated” waters of the State (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction). The Central Coast RWQCB enforces actions under this general order for isolated waters not subject to federal jurisdiction, and is also responsible for the issuance of water quality certifications pursuant to Section 401 of the Clean Water Act for waters subject to federal jurisdiction.

United States Fish and Wildlife Service. The USFWS implements the Migratory Bird Treaty Act (16 United States Code [USC] Section 703-711) and the Bald and Golden Eagle Protection Act (16 USC Section 668). The USFWS and National Marine Fisheries Service (NMFS) share responsibility for implementing the Federal Endangered Species Act (FESA) (16 USC § 153 *et seq.*). The USFWS generally implements the FESA for terrestrial and freshwater species, while the NMFS implements the FESA for marine and anadromous species. Projects that would result in “take” of any federally listed threatened or endangered species are required to obtain permits from the USFWS or NMFS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. The permitting process is used to determine if a project would jeopardize the continued existence of a listed species and what measures would be required to avoid jeopardizing the species. “Take” under federal definition means to harass, harm (which includes habitat modification), pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Proposed or candidate species do not have the full protection of FESA; however, the USFWS and NMFS advise project applicants that they could be elevated to listed status at any time.

California Department of Fish and Game. The CDFG derives its authority from the Fish and Game Code of California. The California Endangered Species Act (CESA) (Fish and Game Code Section 2050 *et seq.*) prohibits take of state listed threatened, endangered or fully protected species. Take under CESA is restricted to direct mortality of a listed species and does not prohibit indirect harm by way of habitat modification. The CDFG also prohibits take for species designated as Fully Protected under the Code.

California Fish and Game Code sections 3503, 3503.5, and 3511 describe unlawful take, possession, or destruction of birds, nests, and eggs. Fully protected birds (Section 3511) may not be taken or possessed except under specific permit. Section 3503.5 of the Code protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs.

Species of Special Concern (SSC) is a category used by the CDFG for those species which are considered to be indicators of regional habitat changes or are considered to be potential future protected species. Species of Special Concern do not have any special legal status except that which may be afforded by the Fish and Game Code as noted above. The SSC category is intended by the CDFG for use as a management tool to include these species into special consideration when decisions are made concerning the development of natural lands. The CDFG also has authority to administer the Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 *et seq.*). The NPPA requires the CDFG to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Under Section 1913(c) of the NPPA, the owner of land where a rare or endangered native plant is growing is required to notify the department at least 10 days in advance of changing the land use to allow for salvage of plant.

Perennial and intermittent streams and associated riparian vegetation, when present, also fall under the jurisdiction of the CDFG. Section 1600 *et seq.* of the Fish and Game Code (Lake and Streambed Alteration Agreements) gives the CDFG regulatory authority over work within the stream zone (which could extend to the 100-year flood plain) consisting of, but not limited to, the diversion or obstruction of the natural flow or changes in the channel, bed, or bank of any river, stream or lake.