



February 1, 2019

Mr. Chad Williams, CDT
NLA Oceanside, LLC
Director of Development Services
105 Tallapoosa Street, Suite 307
Montgomery, Alabama 36104

Subject: Biological Resources Letter Report for the Oceanside East Shopping Center Project, Oceanside, California

Dear Mr. Williams:

This letter report documents the results of the habitat assessment and biological resources survey of the proposed Oceanside East Shopping Center (project) in City of Oceanside (City) in the County of San Diego, California (Assessor's Parcel No. 1602716000) (Attachment 1, Figures 1 and 2).

Introduction, Project Description, and Location

The project area is an approximately 3.74-acre parcel located near the State Route (SR-) 76 in the western portion of the City. The project applicant, NLA Oceanside, LLC, proposes the development of the 3.74-acre lot located at 3340 Mission Avenue on the northwest corner of Mission Avenue and Foussat Road, south of SR-76 in the City (Attachment 1, Figure 2).

The project area is mostly vacant. The central portion of the site was previously developed and consists of old asphalt. There is a chain link fence encompassing an approximately 150-foot by 200-foot rectangular area on the western side of the project area. The northern portion of the project area adjacent to SR-76 is also fenced. There are five manholes on the site; two are located within the northeastern portion of the project area, and three are located within the southeastern portion of the project area.

The southern and middle/eastern portion of the site are heavily disturbed and include tire track ruts that contained accumulated water from recent rain events.

The project would consist of approximately 20,000 square feet of commercial space with 140 surface parking spaces for a gas station with convenience stores; two drive-through restaurants; and four stand-alone buildings for a mix of retail, restaurant, and office space.

The current zoning of the site is split between Limited Industrial and General Commercial. Proposed uses include: automobile washing facility, retail, service station with convenience store, restaurants with drive-through, full service restaurants with alcohol, and maintenance and service facilities. The service station with convenience store will be operated 24 hours. All proposed uses are either allowed by zoning or allowed with a Conditional Use Permit or Administrative Use Permit. The project is consistent with the General Plan (City 2002).

Regulatory Framework

Federal

Endangered Species Act (U.S. Code, Title 16, Sections 1531 through 1543)

The federal Endangered Species Act (FESA) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. In addition, the FESA defines species as threatened or endangered and provides regulatory protection for listed species. The FESA also

provides a program for the conservation and recovery of threatened and endangered species as well as the conservation of designated critical habitat that the U.S. Fish and Wildlife Service (USFWS) determines is required for the survival and recovery of these listed species.

Section 7 of the FESA requires federal agencies, in consultation and with assistance from the Secretary of the Interior or the Secretary of Commerce, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. The USFWS and National Marine Fisheries Service share responsibilities for administering the FESA. Regulations governing interagency cooperation under Section 7 are found in California Code of Regulations, Title 50, Part 402. The opinion issued at the conclusion of consultation will include a statement authorizing “take” (to harass, harm, pursue, hunt, wound, kill, etc.) that may occur incidental to an otherwise legal activity.

Section 9 lists those actions that are prohibited under the FESA. Although take of a listed species is prohibited, it is allowed when it is incidental to an otherwise legal activity. Section 9 prohibits take of listed species of fish, wildlife, and plants without special exemption. The definition of “harm” includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns related to breeding, feeding, or shelter. “Harass” is defined as actions that create the likelihood of injury to listed species by significantly disrupting normal behavioral patterns related to breeding, feeding, and shelter.

Section 10 provides a means whereby a nonfederal action with the potential to result in take of a listed species can be allowed under an incidental take permit. Application procedures are found at 50 Code of Federal Regulations (CFR) 13 and 17 for species under the jurisdiction of the USFWS and 50 CFR 217, 220, and 222 for species under the jurisdiction of the National Marine Fisheries Service.

Migratory Bird Treaty Act (U.S. Code, Title 16, Sections 703 through 711)

The Migratory Bird Treaty Act (MBTA) is the domestic law that affirms, or implements, a commitment by the United States to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. The MBTA makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season. The MBTA makes it unlawful to take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States.

Federal Clean Water Act (U.S. Code, Title 33, Sections 1251 through 1376)

The Clean Water Act (CWA) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation’s waters. Section 401 requires a project operator to obtain a federal license or permit that allows activities resulting in a discharge to waters of the United States to obtain state certification, thereby ensuring that the discharge will comply with provisions of the CWA. The Regional Water Quality Control Board (RWQCB) administers the certification program in California. Section 402 establishes a permitting system for the discharge of any pollutant (except dredged or fill material) into waters of the United States. Section 404 establishes a permit program administered by the U.S. Army Corps of Engineers (USACE) that regulates the discharge of dredged or fill material into waters of the United States, including wetlands. The USACE implementing regulations are found at 33 CFR 320 and 330. Guidelines for implementation are referred to as the Section 404(b)(1) Guidelines, which were developed by the U.S. Environmental Protection Agency in conjunction with USACE (40 CFR 230). The guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

Wetlands and Other Waters of the United States

Aquatic resources, including riparian areas, wetlands, and certain aquatic vegetation communities, are considered sensitive biological resources and can fall under the jurisdiction of several regulatory agencies. The USACE exerts jurisdiction over waters of the United States, including all waters that are subject to the ebb and flow of the tide; wetlands and other waters such as lakes, rivers, streams (including intermittent or ephemeral streams), mudflats, sandflats, sloughs, prairie potholes, vernal pools, wet meadows, playa lakes, or natural ponds; and tributaries of the above features. The extent of waters of the United States is generally defined as

the portion that falls within the limits of the ordinary high water mark. Typically, the ordinary high water mark corresponds to the 5- to 7-year flood event.

Wetlands, including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas, are defined by USACE as “those areas that are inundated or saturated by surface or groundwater 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” (33 CFR 328.3[b]; 40 CFR 230.3[t]). Indicators of three wetland parameters (i.e., hydric soils, hydrophytic vegetation, and wetlands hydrology), as determined by field investigation, must be present for a site to be classified as a wetland by USACE (Environmental Laboratory 1987).

State

California Endangered Species Act (California Fish and Game Code, Section 2050 et seq.)

The California Endangered Species Act (CESA) establishes the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that state agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. There are no state agency consultation procedures under the CESA. For projects that would affect a listed species under both the CESA and the FESA, compliance with the FESA would satisfy the CESA if the CDFW determines that the federal incidental take authorization is “consistent” with the CESA under California Fish and Game Code, Section 2080.1. For projects that would result in take of a species listed under the CESA only, the project operator would have to apply for a take permit under Section 2081(b).

California Fish and Game Code, Section 1602

Under these sections of the California Fish and Game Code, the project operator is required to notify CDFW prior to any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Pursuant to the code, a “stream” is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel having banks and supporting fish or other aquatic life. Based on this definition, a watercourse with surface or subsurface flows that supports or has supported riparian vegetation is a stream and is subject to CDFW jurisdiction. Altered or artificial watercourses valuable to fish and wildlife are subject to CDFW jurisdiction. CDFW also has jurisdiction over dry washes that carry water during storm events.

Preliminary notification and project review generally occur during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable project changes to protect the resource. These modifications are formalized in a Streambed Alteration Agreement, which becomes part of the plans, specifications, and bid documents for the project.

California Fully Protected Species

California fully protected species are described in Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species. The CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by those species.

California Fish and Game Code, Sections 2080 and 2081

Section 2080 of the California Fish and Game Code states that “No person shall import into this state [California], 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 [State Fish and Game Commission] determines to be an endangered species or threatened species, or attempt any of those acts, except as otherwise provided in this chapter, or the Native Plant Protection Act, or the California Desert Native Plants Act.” Pursuant to Section 2081 of the code, CDFW may authorize individuals or public agencies to import, export, take, or possess state-listed endangered, threatened, or candidate species. These otherwise prohibited acts may be authorized through permits or Memoranda of Understanding if the take is incidental to an otherwise lawful activity, impacts of the authorized take are minimized and fully mitigated, the permit is consistent with any regulations adopted pursuant to any recovery plan for the species, and the project operator ensures adequate funding to implement the measures

required by CDFW. The CDFW makes this determination based on available scientific information and considers the ability of the species to survive and reproduce.

California Fish and Game Code, Sections 3503, 3503.5, 3513, and 3800

Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptor (i.e., species in the orders *Falconiformes* and *Strigiformes*), including its nests or eggs. Typical violations of these codes include destruction of active nests resulting from removal of vegetation in which the nests are located. Violation of Section 3503.5 could also include failure of active raptor nests resulting from disturbance of nesting pairs by nearby project construction. This statute does not provide for the issuance of any type of incidental take permit.

Section 3800 of the California Fish and Game Code affords protection to all nongame birds, which are all birds occurring naturally in California that are not resident game birds, migratory game birds, or fully protected birds.

Section 3513 of the California Fish and Game Code upholds the MBTA by prohibiting any take or possession of birds that are designated by the MBTA as migratory nongame birds except as allowed by federal rules and regulations promulgated pursuant to the MBTA.

California Environmental Quality Act Guidelines, Section 15380

Although threatened and endangered species are protected by specific federal and state statutes, California Environmental Quality Act (CEQA) Guidelines, Section 15380(b), provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definition in FESA and the section of the California Fish and Game Code dealing with rare or endangered plants or animals. This section was included in CEQA primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on, for example, a candidate species that has not been listed by either the USFWS or CDFW. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agencies have an opportunity to designate the species as protected, if warranted. CEQA also calls for the protection of other locally or regionally significant resources, including natural communities. Although natural communities do not at present have legal protection of any kind, CEQA calls for an assessment of whether any such resources would be affected, and requires findings of significance if there would be substantial losses. Natural communities listed by the California Natural Diversity Database (CNDDB) as sensitive are considered by CDFW to be significant resources and fall under the CEQA Guidelines for addressing impacts. Local planning documents such as general plans often identify these resources as well.

Native Plant Protection Act (California Fish and Game Code, Sections 1900 through 1913)

California's Native Plant Protection Act requires all state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of CDFW at least 10 days in advance of any change in land use. This allows the CDFW to salvage listed plant species that would otherwise be destroyed. The project operator is required to conduct botanical inventories and consult with the CDFW during project planning to comply with the provisions of this act and sections of CEQA that apply to rare or endangered plants.

California Wetland Definition

Unlike the federal government, California has adopted the Cowardin et al. (1979) definition of wetlands. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes (at least 50 percent of the aerial vegetative cover); (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and saturated with water or covered by shallow water at some time during the growing season of each year.

Under normal circumstances, the federal definition of wetlands requires all three wetland identification parameters to be met, whereas the Cowardin definition requires the presence of at least one of these parameters. For this reason, identification of wetlands by state agencies consists of the union of all areas that

are periodically inundated or saturated or in which at least seasonal dominance by hydrophytes may be documented or in which hydric soils are present.

California Coastal Act of 1976

The California Coastal Act of 1976 gave the California Coastal Commission regulatory authority to protect coastal resources, including shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works. Development within the coastal zone usually requires a Coastal Development Permit from either the California Coastal Commission or the local government if such development would occur within the coastal zone.

Clean Water Act, Section 401

Under Section 401 of the CWA, the local RWQCB (for the project, the San Diego RWQCB) must certify that actions receiving authorization under Section 404 of the CWA also meet state water quality standards. The RWQCB requires projects to avoid impacts to wetlands if feasible and requires that projects do not result in a net loss of wetland acreage or a net loss of wetland function and values. Compensatory mitigation for impacts to wetlands and/or waters of the state is required.

Porter-Cologne Water Quality Control Act

The California State Water Resources Control Board (SWRCB) works in coordination with the nine RWQCBs to preserve, protect, enhance, and restore water quality. Each RWQCB makes decisions related to water quality for its region, and may approve, with or without conditions, or deny projects that could affect waters of the state. Their authority comes from the CWA and the State's Porter-Cologne Act. The Porter-Cologne Act broadly defines waters of the state as "any surface water or groundwater, including saline waters, within the boundaries of the state." Because the Porter-Cologne Act applies to any water, whereas the CWA applies only to certain waters, California's jurisdictional reach overlaps and may exceed the boundaries of waters of the United States. For example, Water Quality Order No. 2004-0004-DWQ states that "shallow" waters of the state include headwaters, wetlands, and riparian areas. Moreover, in practice the RWQCBs claim jurisdiction over riparian areas. Where riparian habitat, such as at headwaters, is not present, jurisdiction is taken to the top of bank.

Under the Porter-Cologne Act, the SWRCB and the nine regional boards also have the responsibility of granting CWA National Pollutant Discharge Elimination System permits and Waste Discharge Requirements for certain point-source and non-point source discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources.

Local

North County Multiple Habitat Conservation Program

The Multiple Habitat Conservation Program (MHCP) is a comprehensive, multiple jurisdictional planning program designed to create, manage, and monitor an ecosystem preserve in northwestern San Diego County (SANDAG 2003). It is one of several large, multiple jurisdictional habitat planning efforts in San Diego County, each of which constitutes a "subregional" plan under the State of California's Natural Community Conservation Planning Act of 1991. The MHCP preserve system is intended to protect viable populations of native plant and animal species and their habitats in perpetuity, while accommodating continued economic development and quality of life for residents of North County. The MHCP subregion encompasses the seven incorporated cities of northwestern San Diego County (Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista). These jurisdictions will implement their portions of the MHCP plan through citywide "subarea" plans, which describe the specific policies each city will institute for the MHCP. While not yet formally adopted, the *Final Oceanside Subarea Plan* (Subarea Plan) has been implemented since 2010. The project has been evaluated against the provisions of the Subarea Plan as currently drafted.

The MHCP species are grouped into three general categories for determining conservation: obligate wetland species, narrow endemic species, and other species. Obligate wetland species are species for which all life

requisites provided in the MHCP area are expected to be within open water or wetland vegetation communities, which are subject to the no net loss policy. Consequently, inside the focused planning area (FPA), all points for obligate wetland species are calculated as 100 percent conserved. This assumes 100 percent conservation of the habitat and active habitat management to ensure no loss of habitat value to support the species. Although wetland habitats outside the FPA are also 100 percent conserved by the no net loss policy, associated wetland species are calculated as 0 percent conserved, because active management to ensure habitat value will not be guaranteed outside the FPA. Narrow endemic species are species that are confined to a specific geographic region, soil type, and/or habitat. In hardline FPA areas, location points for narrow endemics are calculated as 100 percent conserved by impact avoidance. In softline FPA areas, narrow endemic points are calculated as 95 percent conserved by avoidance, minimization, and species-specific mitigation. Outside of the FPA, narrow endemic points are calculated as 80 percent conserved based on avoidance, minimization, and species-specific mitigation. Other species include species that are not wetland obligates or narrow endemics. All points falling inside hardline FPA areas are calculated as 100 percent conserved, based on impact avoidance. In softline FPA areas, points are generally calculated as conserved at the FPA percent level for the area the point falls within. All points that fall outside of the FPA are calculated as 0 percent conserved.

Methods

This section describes the methods used to perform the literature review (conducted prior to the surveys) and surveys of the project area.

The following documents were reviewed prior to the site visit:

- *Oceanside Subarea Plan* (City of Oceanside 2010)
- 2003 Final North County MHCP for the Cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista (SANDAG 2003)
- Biological Constraints Letter Report (Rincon 2018)
- OnPoint Preliminary Drainage Report (Kimley-Horn 2018a)
- Draft Geotechnical Report for New Multi-building Retail Park, 3340 Mission Avenue, Oceanside, California (Partner 2018)
- Development and Landscape Plans (Kimley-Horn 2018b)

Additionally, biological resources data for the project area were obtained through a literature review of publicly available spatial data in ArcGIS format, plant and wildlife occurrence databases, local plant and wildlife identification books, and survey protocols and publications. Publicly available spatial data also included aerial photographs and U.S. Geological Survey topographic maps.

To identify special-status plant species potentially occurring in the project area, Harris & Associates (Harris) queried the following:

- CDFW CNDDDB for special-status species occurrences within 3 miles of the project area (CDFW 2019a)
- California Native Plant Society (CNPS) Rare and Endangered Plant Inventory (CNPS 2019)
- San Diego Monitoring and Management Program online database (SDMMP 2019)
- San Diego Association of Governments (SANDAG) SanBios Database (SANDAG 2019)
- USFWS critical habitat mapper (USFWS 2019a)
- USFWS National Wetlands Inventory Mapper (USFWS 2019b)
- U.S. Geological Survey National Hydrography Dataset (USGS 2019)
- Federal Emergency Management Agency online flood map service (FEMA 2019)

Special-status species include species designated as endangered, threatened, candidate, rare, protected, or sensitive according to the USFWS, CDFW, CNPS, or applicable regional and local plans, policies, or regulations, including the North County MHCP (SANDAG 2003), due to limited distribution, limited numbers, or significant population declines associated with natural or human-made causes.

Based on a list compiled through the CNDDDB (CDFW 2019a), CNPS (2019), San Diego Monitoring and Management Program online database (SDMMP 2019), Biogeographic Information and Observation System (CDFW 2019b), and MHCP (SANDAG 2003), 26 special-status plant species and 35 special-status wildlife species were documented within 3 miles of the project area (Attachment 2).

This letter report includes the results of a biological resources habitat assessment of the project area by Harris Biologist Melissa Tu on January 7, 2019, and Ms. Tu and Harris Biologist Katie Laybourn on January 25, 2019. The survey was conducted by walking transects throughout the project area and mapping vegetation communities, documenting plant and animal species (Attachment 3), and evaluating the potential for occurrence of special-status plant species (Attachment 2).

Topography and Soils

The topography of the site is flat, and the elevation is approximately 33 feet above mean sea level. U.S. Department of Agriculture, Natural Resources Conservation Service, soil series include allium, lake, playa, and terrace deposits for the entire project area (Partner 2018). However, the project area likely contains fill material from the previous development (the old paved areas) and its proximity to SR-76.

Land Use

The surrounding land use is residential and retail. North of the project area is SR-76 and the Oceanside Municipal Airport. North of the airport is the San Luis Rey River that supports dense riparian habitat and endangered plant, bird, and amphibian species. The river valley is also inhabited by homeless residents.

Vegetation Communities and Land Cover Types

The project area is within the South Coast Ranges subregion of the California Floristic Province (Baldwin et al. 2012). Vegetation communities and land cover types identified within and adjacent to the project area include non-native grassland, disturbed land, and developed areas (Harris 2019) (Attachment 1, Figure 3).

The project area includes 1.04 acres of non-native grassland, 1.32 acres of disturbed land, and 1.37 acres of developed area. Descriptions of each cover type are provided below.

Non-Native Grassland (42200)

Non-native grassland, or annual grassland, is a dense to sparse cover of annual grasses, sometimes associated with numerous species of native annual forbs. This association usually occurs on gradual slopes with deep, fine-textured, usually clay soils. Characteristic species include wild oats (*Avena* sp.), red brome (*Bromus rubens*), rippgut (*B. diandrus*), filaree (*Erodium* sp.), and mustard (*Brassica* sp.) (Oberbauer et al. 2008). The majority of species and biomass within the non-native grassland community originated from the Mediterranean region, an area with a long history of agriculture and a climate similar to California.

The 1.04 acres of non-native grassland occur in the northwestern portion of the project area and the eastern portion of the project area. The non-native grassland is dominated by non-native grasses including bromes and Bermuda grass (*Cynodon dactylon*); and herbaceous weedy non-native species including coastal heron's bill (*Erodium cicutarium*). The dominant scrub in the non-native grassland is coastal goldenbush (*Isocoma menziesii*). The goldenbush individuals within the project area were young and small during the habitat assessment on January 7, 2019. There a low area of non-native grassland that ponds after rain events just north of the developed area on the northwestern portion of the project area. Five non-native fan palms (*Washingtonia* sp.) occur within the non-native grassland in the northern edge of the project area.

Disturbed Land (11300)

A 1.32-acre area of disturbed land occurs in the northern, middle, and southern portions of the project area and primarily consists of bare ground. An area of medium-sized gravel rocks occurs on the southwestern portion of the project area. Some ruderal weedy species occur on the southeastern portion of the project area.

The disturbed area in the northern portion of the project area contained ponded water during the habitat assessment on January 7, 2019. The soils were moist although no ponding existed during the January 25, 2019 assessment. Vehicle tire tracks, signs of previous disturbance, were observed in the area on January 25. The

tracks could not be observed on January 7. The disturbed area occurs just east of the developed area where sheet flow from the project area collects due to the area being lower in elevation compared to the surrounding developed area (old asphalt foundations) (Kimley-Horn 2018). The edges of the area contained non-native hydrophytic vegetation on the January 7, 2019 and January 25, 2019 habitat assessments. The area was dominated around the edges by crassula species (*Crassula* sp.), non-native cut leaf plantain (*Plantago coronopus*), and non-native hyssop loosestrife (*Lythrum hyssopifolia*).

Developed Land (12000)

A 1.37-acre area of developed land occurs in the middle and western portions of the project area. The developed area primarily consists of a cracked asphalt pad and an old road. The western area has a chain-link fence encompassing an approximately 150 by 200 foot rectangular area.

Special-Status Species

Based on a 3-mile search of the area surrounding the project area, 26 special-status plant species and 35 special-status wildlife species were documented (Attachment 2) (CDFW 2019a). No critical habitat occurs on the project area; although, critical habitat for the coastal California gnatcatcher, least Bell's vireo (*Vireo bellii pusillus*), and southwestern willow flycatcher (*Empidonax traillii extimus*) occurs along the San Luis Rey River, approximately a quarter mile north of the project site. Coastal California gnatcatcher critical habitat also occurs a quarter mile southeast of the project area. No suitable habitat for coastal California gnatcatcher, least Bell's vireo, or southwestern willow flycatcher occurs in the project area. Critical habitat for thread-leaved brodiaea (*Brodiaea filifolia*) occurs 0.75 mile south of the project area.

Since the project area does not contain any native vegetation (there is native plant species) or any trees or large shrubs, most of the wildlife species in Attachment 2 are not expected to occur in the project area. Two CDFW watch list bird species, California gull (*Larus californicus*) and California horned lark (*Eremophila alpestris actia*), were observed during the habitat assessment on January 7 and 25, 2019. California gull was observed roosting with over 100 ring-billed gulls (*Larus delawarensis*) in the southern portion of the project area near ponded ruts. This species is a wintering species that nests on coastal bluffs and coastal islands.

California horned larks are year-round residents that nest on the ground in grasslands.

Fourteen bird species were observed during the site visit, and burrows of two mammals were observed.

The project area provides nesting habitat for other bird species that are protected under the MBTA and California Fish and Game Code.

No special-status plant species were observed within the project area. Twenty-nine species of plants were observed in the project area; 10 were native and 19 were non-native (Attachment 3, Table 3-1). Additional annual species are likely to occur within the project area, but they were too small to be identified during the habitat assessment on January 9, 2019.

Federally endangered San Diego ambrosia (*Ambrosia pumila*) occurs 0.6 mile east of the project area and federally threatened thread-leaved brodiaea occurs 0.9 mile north of the project area. Since the site has been previously disturbed and developed, these species have a low probability of occurring in the project area.

Jurisdictional Wetlands and Waters

Areas potentially subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW were evaluated during the habitat assessments on January 7 and January 25, 2019.

The USACE-jurisdictional areas in the region include wetland and non-wetland waters associated with the San

Luis Rey River, a direct tributary to the Pacific Ocean and a Traditional Navigable Water¹. The San Luis Rey River is located approximately 0.3 mile north of the project area. The San Diego RWQCB has jurisdiction over all USACE jurisdictional waters as well as isolated surface and subsurface waters beyond USACE jurisdiction. The CDFW jurisdictional limits generally include areas under USACE jurisdiction and adjacent riparian areas.

One area in the northern portion of the project area was ponded on January 7, 2019, and further investigated on January 25, 2019. Although hydrophytic vegetation and wetland hydrology, including surface water, existed during the habitat assessments, the area does not have hydric soils. The area showed evidence of previous development and disturbance. Approximately one inch of soil has accumulated over the top of old asphalt foundation.

Therefore, no resources subject to the permitting authority of the USACE, RWQCB, or CDFW were identified in the project area.

Wildlife Corridors

Prior to the field survey, the City Subarea Plan (City of Oceanside 2010) was reviewed to confirm the presence of designated habitat linkages and dispersal corridors within the project area. During the field survey, biologists assessed areas identified in the MHCP within the project area for potential wildlife corridor functions. Potential wildlife corridors can include streams, riparian areas, and culverts under roadways. Habitat characteristics considered included topography, habitat quality, and adjacent land uses. In addition to reviewing the project area for presence of continuous corridors, the project area was also reviewed for potential dispersal corridors for coastal California gnatcatchers (*Poliioptila californica californica*) based on habitat type and quality, size of habitat patches, and distance separating habitat patches. The project area is within the Wildlife Corridor Planning Zone (WCPZ). Projects within the WCPZ must be protected to maintain and enhance wildlife habitat value and connectivity for wildlife movement.

Although, the area is mapped as a coastal California gnatcatcher wildlife corridor in the Subarea Plan (City of Oceanside 2010); the project area does not contain coastal sage scrub, other scrub, or riparian habitat that would support coastal California gnatcatcher.

The project area is not likely to be utilized as a wildlife movement corridor because of its small size; lack of native vegetation communities; it is surrounded by development including SR-76; and is not connected to any other open space area.

Local Policies or Ordinances Protecting Biological Resources and Habitat Conservation Plans

MHCP

The City has not yet signed an implementing agreement to participate in the North County MHCP. The City prepared a Subarea Plan in 2010, but it has yet to be adopted by the City Council. However, it is the City's policy to comply with the conservation policies identified in the Subarea Plan.

General Plan

The Environmental Resources Management Element of the City's General Plan (2002) provides the following goal and objective that applies to vegetation and wildlife habitat.

Goal: Evaluate the state of the environment and formulate a program of planned management, wise utilization, and preservation of our natural resources to ensure the health, safety, and welfare of present and future generations.

¹ As defined under 33 CFR 329, Traditional Navigable Waters are waterways subject to the ebb and flow of the tide, and those inland waters that are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Objective: Vegetation and Wildlife Habitats. Conserve and enhance vegetation and wildlife habitats, especially areas of rare, endangered and threatened species.

Significance of Project Impacts and Proposed Mitigation

Significance Criteria

Direct impacts occur when biological resources are altered or destroyed during the course of or as a result of project implementation. Examples of such impacts include removing or grading vegetation, filling wetland habitats, or severing or physically restricting the width of wildlife corridors. Other direct impacts may include loss of foraging or nesting habitat and loss of individual species as a result of habitat clearing. Indirect impacts may include elevated levels of noise or lighting, change in surface water hydrology within a floodplain, and increased erosion or sedimentation. These types of indirect impacts can affect vegetation communities or their potential use by sensitive species. Permanent impacts may result in irreversible damage to biological resources. Temporary impacts are interim changes in the local environment due to construction and would not extend beyond project-associated construction, including revegetation of temporarily disturbed areas adjacent to native habitats.

Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.) defines “significant effect on the environment” as a “substantial, or potentially substantial adverse change in the environment.” Appendix G of the CEQA Guidelines further indicates that there may be a significant effect on biological resources if the project 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^[2] 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 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.

Threshold A

Direct impacts to special-status bird species, including California horned lark, has a moderate potential to occur. California horned lark was observed in the project area on January 7, 2019, and has a low potential to nest in the project area. The project area includes suitable non-native grassland for California horned lark to use for nesting. However, the habitat is small and isolated from larger habitat.

Although California gull was observed within the project area, significant impacts to this species are not expected. This species does not nest in the area; it is a wintering visitor. In addition, this species can fly to another area to roost if it is present in the project area during construction.

Implementation of the project has the potential to impact avian species that are protected under the MBTA and California Fish and Game Code, Section 3504. Clearing, grubbing, and construction activities, if conducted during

² As of January 1, 2012, the California Department of Fish and Game became the California Department of Fish and Wildlife.

the bird-breeding season (February 15 through August 31), could directly or indirectly impact species protected under the MBTA.

These potential impacts could represent a significant impact, and avoidance or mitigation would be required. By implementing Mitigation Measures BIO-1 and BIO-2, impacts would be reduced to a less than significant level.

Threshold B

No riparian habitat occurs within the project area; therefore, no direct impacts to riparian vegetation would be impacted. Erosion control best management practices are recommended to avoid indirect impacts to the runoff channel and box culvert just north of the project area.

The 2018 Development Plan shows development of the entire 3.74-acre project area (Kimley-Horn 2018). Direct impacts to 1.04 acres of sensitive non-native grassland are expected (Table 1).

Any impacts to the non-native grassland would be significant and would require mitigation. By implementing Mitigation Measure BIO-3, impacts would be reduced to a less than significant level.

Table 1. Sensitive Vegetation Community Impacts and Mitigation

Habitat/Vegetation Community	Impacts (acres)	Mitigation Ratio	Mitigation Required (acres)	Preserved on Site (acres)	Off-Site Mitigation (acres)
Non-native grassland	1.04	0.5:1	0.52	0	0.52 ¹

Note:

¹ Location to be determined.

Threshold C

No impacts to federally jurisdictional areas would occur.

Threshold D

No impacts to wildlife corridors or nursery sites would occur from the implementation of the proposed project.

Threshold E

No impacts to local policies or ordinances protecting biological resources would occur from the implementation of the proposed project.

Threshold F

Since the City complies with the conservation policies identified in the Subarea Plan, no impacts to local conservation plans would occur from the implementation of the proposed project.

Mitigation Measures

Rare Plants

BIO-1: Rare Plant Surveys. During the spring (April through June) prior to construction a qualified rare plant biologist shall conduct a preconstruction rare plant survey in areas with potential habitat for rare plants including in areas that are considered disturbed. Qualified rare plant biologist refers to a person with knowledge of these species (appropriate plant survey windows and species identification). The qualified rare plant biologist shall work with the City to identify project-specific measures that are consistent with the specifications of the MHCP and these measures shall be implemented prior to and concurrent with project construction, as applicable.

Nesting Birds

BIO-2: Nest Surveys. No grubbing, trimming, or clearing of vegetation, primarily non-native grassland and a few shrubs, from the project area shall occur during the general bird-breeding season (February 15 through August 31). If grubbing, trimming, or clearing cannot feasibly occur outside of the general bird breeding season, a qualified biologist shall perform a pre-construction nesting bird survey no more than 72 hours prior to the commencement of vegetation clearing or grubbing to determine if active bird nests are present in the affected areas. Should an active migratory bird nest be located, the project biologist shall direct vegetation clearing away from the nest until it has been determined by the project biologist that the young have fledged, or the nest has

failed. If there are no nesting birds (includes nest building or other breeding or nesting behavior) within the survey area, grubbing, trimming, or clearing, shall be allowed to proceed.

When construction occurs during the bird-breeding season, a qualified biologist should conduct a weekly nest survey of the area within 100 feet of construction to survey for nesting migratory birds.

Upland Habitat

BIO-3: Permanent Impacts to Non-Native Grassland. Permanent impacts to non-native grassland shall be mitigated at a ratio of 0.5:1 through the preservation of habitat, habitat creation, or enhancement or a combination of habitat acquisition and preservation or the purchase of credits from an approved conservation bank and may be subject to a Habitat Development Fee.

Preparer

If you have any questions regarding this letter report, please do not hesitate to contact me at (619) 814-9514 or Melissa.Tu@WeAreHarris.com.

Sincerely,



Melissa Tu
Senior Biologist

Attachments:

- 1 Figures
- 2 Special-Status Species within 3 Miles
- 3 Species Observed

References

- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilken, eds. 2012. *The Jepson Manual: Vascular Plants of California*. 2nd ed. Berkeley, California: University of California Press. January 2012.
- Calflora. 2019. What grows here. Accessed on January 4, 2019. <https://www.calflora.org/entry/wgh.html#srch=t&fmt=photo&inma=t&y=33.2169&x=-117.3465&z=15>
- CDFW (California Department of Fish and Wildlife). 2019a. *State and Federally Listed Endangered, Threatened, and Rare Plants of California*. Biogeographic Data Branch, California Natural Diversity Database. Accessed January 4, 2019. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline>.
- CDFW. 2019b. Biogeographic Information and Observation System.
- City of Oceanside. 2002. General Plan. Prepared by Cotton/Bridges/Associates. June.
- City of Oceanside. 2010. *Oceanside Subarea Plan*.
- CNPS (California Native Plant Society). 2019. "Inventory of Rare and Endangered Plants." 7th ed. v7-18mar 3-19-18. Accessed on January 4, 2019. <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>.
- Environmental Laboratory, Department of the Army, 1987. Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1). U.S. Army Corps of Engineers. Waterways Experimental Station. Vicksburg, Mississippi.

- Environmental Systems Research Institute (ESRI) 2019. Base Map Geographical Information System (GIS) Data.
- FEMA. 2019. FEMA Flood Map Service Center. Accessed on January 10, 2019. <https://msc.fema.gov/portal/search?AddressQuery=3340%20mission%20avenue%2C%20Oceanside#searchresultsanchor>.
- Harris & Associates (Harris) 2019. Global Positioning System (GPS) Vegetation Communities and Land Cover Data from January 7, 2019.
- Kimley-Horn. 2018a. *OnPoint Preliminary Drainage Report*. December 2018.
- Kimley-Horn. 2018b. *Development Plan for Oceanside East Shopping Center*. Prepared for OnPoint Development. August 2018.
- Oberbauer, Thomas, Meghan Kelly, and Jeremy Buegge. 2008. *Draft Vegetation Communities of San Diego County*. Based on "Preliminary Descriptions of the Terrestrial Natural Communities of California" prepared by Robert F. Holland, PhD, in October 1986. Codes revised by Thomas Oberbauer in February 1996, revised and expanded by Meghan Kelly in August 2006, and further revised and reorganized by Jeremy Buegge in March 2008. Accessed November 29, 2018. https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/references/rtcref/ch9.0/rtcrefaletters/O14%202014-12-19_OberbauerTM2008.pdf.
- Partner. 2018. *Draft Geotechnical Report for New Multi-building Retail Park, 3340 Mission Avenue, Oceanside, CA*. March 2018.
- Rincon (Rincon Consultants, Inc.). 2018. "Biological Resource Constraints Analysis for the Oceanside East Shopping Center Project, Oceanside, San Diego County, California." Letter report from Lehong Chow and Amber Bruno (Rincon) to Chad Williams (NLA Oceanside, LLC). April 3, 2018.
- SANDAG (San Diego Association of Governments). 2003. 2003 Final North County Multiple Habitat Conservation Program (MHCP) for the Cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista.
- SANDAG (San Diego Association of Governments). 2019. SanBios Publically Available GIS files.
- SDMMP (San Diego Monitoring and Management Program). 2019. Accessed January 4, 2019. <https://sdmmp.maps.arcgis.com/apps/webappviewer/index.html?id=8f11d68f2b8d43629a710a7782c2ad59>.
- USFWS (U.S. Fish and Wildlife Service) 2019a. Critical Habitat Mapper Publically Available GIS files. Accessed January 4, 2019.
- USFWS (U.S. Fish and Wildlife Service). 2019b. National Wetland Inventory Wetland Mapper. Accessed January 4, 2019. <https://www.fws.gov/wetlands/Data/Mapper.html>.
- USGS (U.S. Geological Survey). 2019. National Hydrography Dataset Publically Available GIS files. Accessed January 4, 2019.

This page intentionally left blank.

Attachment 1: Figures

- Figure 1, Regional Location Map
- Figure 2, Project Location Map
- Figure 3, Biological Resources

This page intentionally left blank.



Source: ESRI 2018

This page intentionally left blank.

Document Path: \\hasans-ftp1\data\GIS\Projects\Oside\E_Shopping_Center\Map_Doc\Map\Figure 2 Project Location Map.mxd



Legend

 Project Area

Source: ESRI 2018

This page intentionally left blank.

Document Path: \\hhasans-ftp\hhas\GIS\Projects\SideE_Shoppping_Center\Map Docs\Figure 3 Biological Resources.mxd



Legend

 Project Area

DEV = Developed

DIST = Disturbed

NNG = Non-native Grassland

Sources: ESRI 2019, Harris 2019

This page intentionally left blank.

Attachment 2: Special-Status Species within 3 Miles

- Table 2-1. Special-Status Plant Species Documented within 3 Miles of the Project Area
- Table 2-2. Special-Status Animals Species Documented within 3 Miles of the Project Area

This page intentionally left blank.

**Table 2-1. Special-Status Plant Species Documented within
3 Miles of the Project Area**

Scientific Name	Common Name	Status Federal/State/CRPR
<i>Acmispon prostratus</i>	Nuttall's acmispon	-/-/1B.1
<i>Ambrosia pumila</i>	San Diego ambrosia	E/-/1B.1
<i>Atriplex coulteri</i>	Coulter's saltbush	-/-/1B.2
<i>Atriplex pacifica</i>	South coast saltscale	-/-/1B.2
<i>Brodiaea filifolia</i>	Thread-leaved brodiaea	T/-/1B.1
<i>Centromadia pungens</i> ssp. <i>laevis</i>	Smooth tarplant	-/-/1B.1
<i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>	Orcutt's pincushion	-/-/1B.2
<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i>	Blochman's dudleya	E/-/1B.1
<i>Dudleya viscida</i>	Sticky dudleya	-/-/1B.2
<i>Eryngium aristulatum</i> var. <i>parishii</i>	San Diego button-celery	E/E/1B.1
<i>Erysimum ammophilum</i>	Sand-loving wallflower	-/-/1B.2
<i>Euphorbia misera</i>	Cliff spurge	-/-/2B.2
<i>Ferocactus viridescens</i>	San Diego barrel cactus	-/-/2B.1
<i>Isocoma menziesii</i> var. <i>decumbens</i>	Decumbent goldenbush	-/-/-
<i>Iva hayesiana</i>	San Diego marsh-elder	-/-/1B.2
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	Coulter's goldfields	-/-/1B.1
<i>Lepidium virginicum</i> var. <i>robinsonii</i>	Robinson's pepper-grass	-/-/4.3
<i>Leptosyne maritima</i>	Sea dahlia	-/-/2B.2
<i>Myosurus minimus</i> ssp. <i>apus</i>	Little mousetail	-/-/3.1
<i>Nama stenocarpa</i>	Mud nama	-/-/2B.2
<i>Navarretia fossalis</i>	Spreading navarretia	T/-/1B.1
<i>Nemacaulis denudata</i> var. <i>denudata</i>	Coast woolly-heads	-/-/1B.2
<i>Nemacaulis denudata</i> var. <i>gracilis</i>	Slender cottonheads	-/-/2B.2
<i>Quercus dumosa</i>	Nuttall's scrub oak	-/-/1B.1
<i>Senecio aphanactis</i>	Chaparral ragwort	-/-/2B.2
<i>Sidalcea neomexicana</i>	Salt spring checkerbloom	-/-/2B.2

Notes: 0.1 = Seriously threatened in California; 0.2 = Moderately threatened in California; 0.3 = Not very threatened in California; 1B = Rare, threatened, or endangered in California and elsewhere; 2B = Rare, threatened, or endangered in California but more common elsewhere; 3 = Review List; 4 = Watch List; CRPR = California Rare Plant Rank; E = Endangered; T = T-threatened

This page intentionally left blank.

**Table 2-2. Special-Status Animals Species Documented within
3 Miles of the Project Area**

Common Name	Scientific Name	Status Federal/State
Bird		
Bank swallow	<i>Riparia riparia</i>	-/T
Belding's savannah sparrow	<i>Passerculus sandwichensis beldingi</i>	-/E
California gull ¹	<i>Larus californicus</i>	-/WL
California horned lark ¹	<i>Eremophila alpestris actia</i>	-/WL
California least tern	<i>Sternula antillarum browni</i>	E/E
Coastal cactus wren	<i>Campylorhynchus brunneicapillus sandiegensis</i>	-/SSC
Coastal California gnatcatcher	<i>Polioptila californica californica</i>	T/SSC
Golden eagle	<i>Aquila chrysaetos</i>	FP
Least Bell's vireo	<i>Vireo bellii pusillus</i>	E/E
Light-footed Ridgway's rail	<i>Rallus obsoletus levipes</i>	E/E
Northern harrier	<i>Circus hudsonius</i>	-/WL
Southern California rufous-crowned sparrow	<i>Buteo swainsoni Aimophila ruficeps canescens</i>	-/WL
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E/E
Swainson's hawk	<i>Buteo swainsoni</i>	-/T
Tricolored blackbird	<i>Agelaius tricolor</i>	-/C
Western snowy plover	<i>Charadrius alexandrinus nivosus</i>	T/-
White-faced ibis	<i>Plegadis chihi</i>	-/WL
White-tailed kite	<i>Elanus leucurus</i>	-/FP
Yellow warbler	<i>Setophaga petechial</i>	-/SSC
Yellow-breasted chat	<i>Icteria virens</i>	-/SSC
Fish		
Tidewater goby	<i>Eucyclogobius newberryi</i>	E/-
Invertebrate/Insect		
San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	E/-
Monarch – California overwintering population	<i>Danaus plexippus</i> pop. 1	Proposed-under review
Mammal		
Lesser long-nosed bat	<i>Leptonycteris yerbabuena</i>	-/SSC
Northwestern San Diego pocket mouse	<i>Chaetodipus fallax fallax</i>	-/SSC
Pacific pocket mouse	<i>Perognathus longimembris pacificus</i>	F/SSC
Pallid bat	<i>Antrozous pallidus</i>	-/SSC
Pocketed free-tailed bat	<i>Nyctinomops femorosaccus</i>	-/SSC
San Diego black-tailed jackrabbit	<i>Lepus californicus bennettii</i>	-/SSC

**Table 2-2. Special-Status Animals Species Documented within
3 Miles of the Project Area**

Common Name	Scientific Name	Status Federal/State
Stephens' kangaroo rat	<i>Dipodomys stephensi</i>	F/T
Western yellow bat	<i>Lasiurus xanthinus</i>	-/SSC
Reptile		
California glossy snake	<i>Arizona elegans occidentalis</i>	-/SSC
Orange-throated whiptail	<i>Aspidoscelis hyperythra</i>	-/SSC
Red-diamond rattlesnake	<i>Crotalus ruber</i>	-/SSC
South coast gartersnake	<i>Thamnophis sirtalis</i> pop. 1	-/SSC
Southern California legless lizard	<i>Anniella stebbinsi</i>	-/SSC

Notes: C = Candidate; E = Endangered; FP = Fully Protected; SSC = Species of Special Concern; T = Threatened; WL = Watch List

¹ Observed within the project area during the habitat assessment on January 7, 2019.

Attachment 3: Species Observed

- Table 3-1. Plant Species Observed in the Project Area
- Table 3-2. Animal Species Observed in the Project Area

This page intentionally left blank.

Table 3-1. Plant Species Observed in the Project Area

Scientific Name	Common Name	Wetland Status ²
Angiosperms – Dicots		
Asteraceae		
Sunflower Family		
<i>Ambrosia psilostachya</i>	Western ragweed	FACU
<i>Baccharis salicifolia</i>	Mule fat	FAC
<i>Erigeron bonariensis</i> ¹	Flax-leaved horseweed	FACU
<i>Glebionis coronaria</i> ¹	Garland daisy	NI
<i>Hedypnois cretica</i> ¹	Crete weed	NI
<i>Heterotheca grandiflora</i>	Telegraph weed	NI
<i>Hypochaeris glabra</i> ¹	Smooth cat's ear	NI
<i>Isocoma menziesii</i>	Goldenbush	FAC
<i>Lactuca serriola</i> ¹	Prickly lettuce	FACU
Brassicaceae		
Mustard Family		
<i>Capsella bursa-pastoris</i> ¹	Shepard's purse	FACU
<i>Hirschfeldia incana</i> ¹	Shortpod mustard	NI
<i>Sisymbrium irio</i> ¹	London rocket	NI
Chenopodiaceae		
Chenopod Family		
<i>Atriplex semibaccata</i> ¹	Australian saltbush	FAC
<i>Salsola tragus</i> ¹	Russian thistle	FACU
Crassulaceae		
Stonecrop Family		
<i>Crassula connata</i>	Sand pygmy weed	FAC
Geraniaceae		
Geranium Family		
<i>Erodium cicutarium</i> ¹	Coastal heron's bill	NI
Lythraceae		
Loosestrife Family		
<i>Lythrum hyssopifolia</i> ¹	Hyssop loosestrife	OBL
Malvaceae		
Mallow Family		
<i>Malva pariflora</i> ¹	Cheeseweed	NI
Polygonaceae		
Buckwheat Family		
<i>Rumex crispus</i> ¹	Curly dock	FAC
Polygonaceae		
Plantain Family		
<i>Plantago coronopus</i> ¹	Cut leaf plantain	FAC
Solanaceae		
Nightshade Family		
<i>Datura wrightii</i>	Sacred thorn apple	UPL
Urticaceae		
Nettle Family		
<i>Urtica dioica</i>	Stinging nettle	FAC
Angiosperms – Monocots		
Arecaceae		
Palm Family		
<i>Washingtonia robusta</i> ¹	Mexican fan palm	FACW
Poaceae		
Grass Family		
<i>Avena sp.</i> ¹	Wild oats	NI
<i>Bromus diandrus</i> ¹	Ripgut grass	NI

Table 3-1. Plant Species Observed in the Project Area

Scientific Name	Common Name	Wetland Status ²
<i>Bromus madritensis</i> ssp. <i>madritensis</i> ¹	Foxtail chess	UPL
<i>Cynodon dactylon</i> ¹	Bermuda grass	FACU
<i>Setaria parviflora</i>	Marsh bristlegrass	FAC

Notes:

¹ = Non-native

² = Wetland Indicator status: OBL = Obligate wetland species
FACW = Facultative wetland species – occur in wetlands greater than 67 percent of the time
FAC = Facultative species, equally occur in wetlands and uplands
UPL= Upland – obligate upland species
NI = No indicator

Table 3-2. Animal Species Observed in the Project Area

Family	Common Name	Scientific Name
Birds		
Accipitriformes		
Accipitridae Hawk, Eagle, Kite, Harrier	Red-tailed hawk ¹	<i>Buteo jamaicensis</i>
Caprimulgiformes		
Trochilidae Hummingbird	Anna's hummingbird	<i>Calypte anna</i>
Passeriformes		
Alaudidae Lark	California horned lark	<i>Eremophila alpestris actia</i>
Columbiformidae Dove	Rock dove	<i>Columba livia</i>
Corvidae Corvid	American crow	<i>Euphagus cyanocephalus</i>
Icteridae Blackbird	Brewer's blackbird	<i>Zonotrichia leucophrys</i>
Passerellidae Passerine	White-crowned sparrow	<i>Zonotrichia leucophrys</i>
Tyrannidae Tyrant Flycatcher	Black phoebe	<i>Sayornis nigricans</i>
	Western kingbird	<i>Tyrannus verticalis</i>
Parulidae Wood-Warbler	Yellow-rumped warbler	<i>Setophaga coronata</i>
Laridae Gull	California gull	<i>Larus californicus</i>
	Ring-billed gull ²	<i>Larus delawarensi</i>
	Western gull	<i>Larus occidentalis</i>
Charadriiformes		
Charadriidae Plover	Killdeer	<i>Charadrius vociferus</i>
Mammals		
Sciuridae Squirrel and Chipmunk	California ground squirrel	<i>Spermophilus beecheyi</i>
Geomyidae Pocket Gopher	Botta's pocket gopher	<i>Thomomys bottae</i>

Notes:

¹ Flew over site, chased by an American crow.

² Observed more than 100 individuals roosting, with a few California and western gulls on the south side of the site.

This page intentionally left blank.