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**APPENDIX A  
BIOLOGICAL RESOURCES TECHNICAL REPORT  
HORNE STREET PARCEL MAP PROJECT  
(SARKARIA PARCEL MAP PROJECT (TENTATIVE PARCEL MAP P18-00011))**

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# **BIOLOGICAL RESOURCES TECHNICAL REPORT**

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## **SARKARIA PARCEL MAP PROJECT TENTATIVE PARCEL MAP P18-00011**

**Oceanside, California**

**September 2019**

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## ACRONYMS AND ABBREVIATIONS

401 Certification	Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification
404 Permit	U.S. Army Corps of Engineers Clean Water Act Section 404 Permit
AS	Arrowweed Scrub
BMP	Best Management Practice
CDFW	California Department of Fish and Wildlife
CEQA Guidelines	California Environmental Quality Act Guidelines
CEQA	California Environmental Quality Act
CESA	California Endangered Species Acts
CFG	California Fish and Game
City	City of Oceanside
CNDDB	California Natural Diversity Database
CRPR	California Rare Plant Rank
CVFM	Coastal and Valley Freshwater Marsh
CWA	Clean Water Act
DEV	Developed Land
ESA	Endangered Species Act
EW	Eucalyptus Woodland
HCP	Habitat Conservation Plan
LFRR	Light-footed Ridgway's Rail
LSAA	Lake and Streambed Alteration Agreement
MBTA	Migratory Bird Treaty Act
MHCP	Multiple Habitat Conservation Program
NCCP	Natural Community Conservation Planning
NNG	Non-native Grassland
NNV	Non-native Vegetation
NPPA	Native Plant Protection Act
Project	Sarkaria Parcel Map Project, Tentative Map Project
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SAP	Subarea Plan
SWPPP	Storm Water Pollution Prevention Plan
SWS	Southern Willow Scrub
TDI	Tierra Data Inc.
U.S.C.	U.S. Code
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

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## SUMMARY

The proposed Sarkaria Parcel Map Project is a lot split to divide an existing 50,780-square-foot parcel into two new parcels that will add to the two existing parcels at 2102 South Nevada Street, in the City of Oceanside (City), California. The Project site is bordered to the south by Buena Vista Lagoon, to the west by two previously subdivided, maintained vacant parcels and other residential development, to the north by residential development between South Horne and South Nevada streets, and to the east by the South Horne Street terminus, the slope of Buena Vista Lagoon and the Lagoon itself. No development of the new parcels and no removal of existing structures is proposed as part of this project.

The proposed Project site is part of one of the older properties in this portion of the City. Historical imagery (Historic Aerials 2019) shows that in the 1930s, the lands north of Buena Vista Lagoon were almost entirely agricultural, with housing only to the west at the beachfront or further inland. By 1940, however, this property had been isolated from the agriculture and the current home on the parcel had been constructed and the surrounding yard landscaped. The landscaping transitioned to a more tree-filled state in later decades until partially or fully cleared, presumably for brush management purposes. By the mid-90s the conservation easements on the property had taken effect and a shrub vegetation patch on the upper slope of the Lagoon bluff had begun to grow. A portion of the trees and shrubs on the parcel were managed then cleared in the early 90s, and the parcel has remained generally in this state since, with a few trees and minimal landscaping.

The majority of the proposed project site has been previously mapped mostly as disturbed on the bluffs, and marsh at the Lagoon (San Diego Association of Governments 2003). The proposed Project parcel is adjacent to the Multiple Habitat Conservation Program (MHCP) Core Focused Planning Area that covers Buena Vista Lagoon and the 200-meter edge effect buffer that is a Hardline Preserve area within the draft MHCP Subarea Plan (City 2010). The parcel is identified as being outside the Off-site Mitigation Zone. The parcel is within the City's Coastal Zone and subject to the requirements of the City's Local Coastal Program.

The field visit for this report confirmed the disturbed nature of the flat portion of the site, Arrowweed Scrub on the slope down to the Lagoon, and riparian at the edge of, and freshwater marsh in, the Lagoon. Most plants identified were non-native apart from those plants contributing to the identification of the Arrowweed Scrub, Southern Willow Scrub, and Freshwater Marsh. Three individuals of the Channel Island native and California Rare Plant Rank 1B.1 island mallow (*Lavatera assurgentiflora* ssp. *assurgentiflora*) occur within the maintained portion of the site and are assumed to be holdovers from prior landscaping and not a natural occurrence. A federal- and state-listed endangered Light-footed Ridgway's Rail (*Rallus obsoletus levipes*) was heard calling from the freshwater marsh in the far south of the Project parcel.

While the proposed Project would not directly or indirectly impact sensitive biological resources on site, future development of the new vacant parcel, and redevelopment of the existing residence is likely. While all future development would be constrained within the developed/landscaped portion of the Project site, indirect impacts to the native habitats are unlikely with the requirements for City approval of future development, adherence to Best Management Practices, and the Light-footed Ridgway's Rails being too far away to be impacted by the noise that would be generated by home construction.

Impacts to nesting birds will be avoided through clearing occurring outside the bird-breeding season (January 15–August 31) unless a preconstruction survey demonstrates no active nests would be affected.

Application of MHCP Standard Best Management Practices plus preclusion of use of invasive species in landscaping would ensure indirect impacts are less than significant and both the proposed Project and



potential future development would be in compliance with the federal Endangered Species Act, California Environmental Quality Act, MHCP, Migratory Bird Treaty Act, and California Fish and Game Code.

As a result of the lack of impacts from the proposed Project and the design requirements and approval restrictions on any future development, the proposed Project and potential future development would have a less than significant effect on biological resources.

## 1.0 INTRODUCTION

This biological report for the proposed Sarkaria Parcel Map Project, Tentative Map Project (Project) at 2102 S. Nevada Street in the City of Oceanside (City) and identifies the current biological resources at the site that could be impacted development of the subsequent parcels. The report also identifies measures to avoid, minimize, or mitigate for impacts to resources identified as sensitive in compliance with federal, state, and City regulations and ordinances.

This report draws upon previous studies of the site (LMA 1996) and updates past reports with current natural resource conditions. Additional field observations were collected to ensure existing conditions were evaluated to provide the City, California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), other agencies, and the public with information to satisfy review under the California Environmental Quality Act (CEQA).

### 1.1 Property Location

The proposed Project site is located approximately one-half mile east of the Pacific Ocean, 2.3 miles southeast of Oceanside City Hall, and approximately 34.5 miles northwest of downtown San Diego, Oceanside, San Diego County, California (Figure 1). The site is the eastern parcel of three at 2102 S. Nevada Street (Figure 2) bordered to the south by Buena Vista Lagoon, to the west by two maintained vacant parcels and residential development, to the north by residential development between South Horne and South Nevada streets, and to the east by the South Horne Street terminus, the slope of Buena Vista Lagoon and the Lagoon itself (Figure 3).

The approximately 1.16-acre site is identified as County of San Diego Assessor's Parcel Number 155-130-42-00, located in Township 11 South, Range 5 West, Section 36.

### 1.2 Proposed Project

The purpose of this project is to split an existing 50,780-square-foot parcel into two new parcels—Parcel A and Parcel B. Parcel A shall be a gross 23,780 square feet in size, with a net 10,390 square feet of developable land, and Parcel B shall be a gross 27,000 square feet in size, with a net 8,872 square feet of developable land. The southern portions of Parcels A and B includes two conservation easements dedicated to the City, one being for the installation and maintenance landscaping, the other for conservation of biological resources.

No development of the new parcels and no removal of existing structures is proposed as part of this project.

## 2.0 METHODS

### 2.1 Surveys and Limitations

The site was visited by Tierra Data, Inc. (TDI) biologists Derek Langsford and Ben Van Allen on September 13, 2019. Conditions for the survey varied as the sky was at times clear or obscured by clouds or fog from the ocean. Temperatures were in the low to mid 70s (degrees Fahrenheit) with the morning starting sunny with fog and then with partly overcast skies forming as mid-day drew closer.

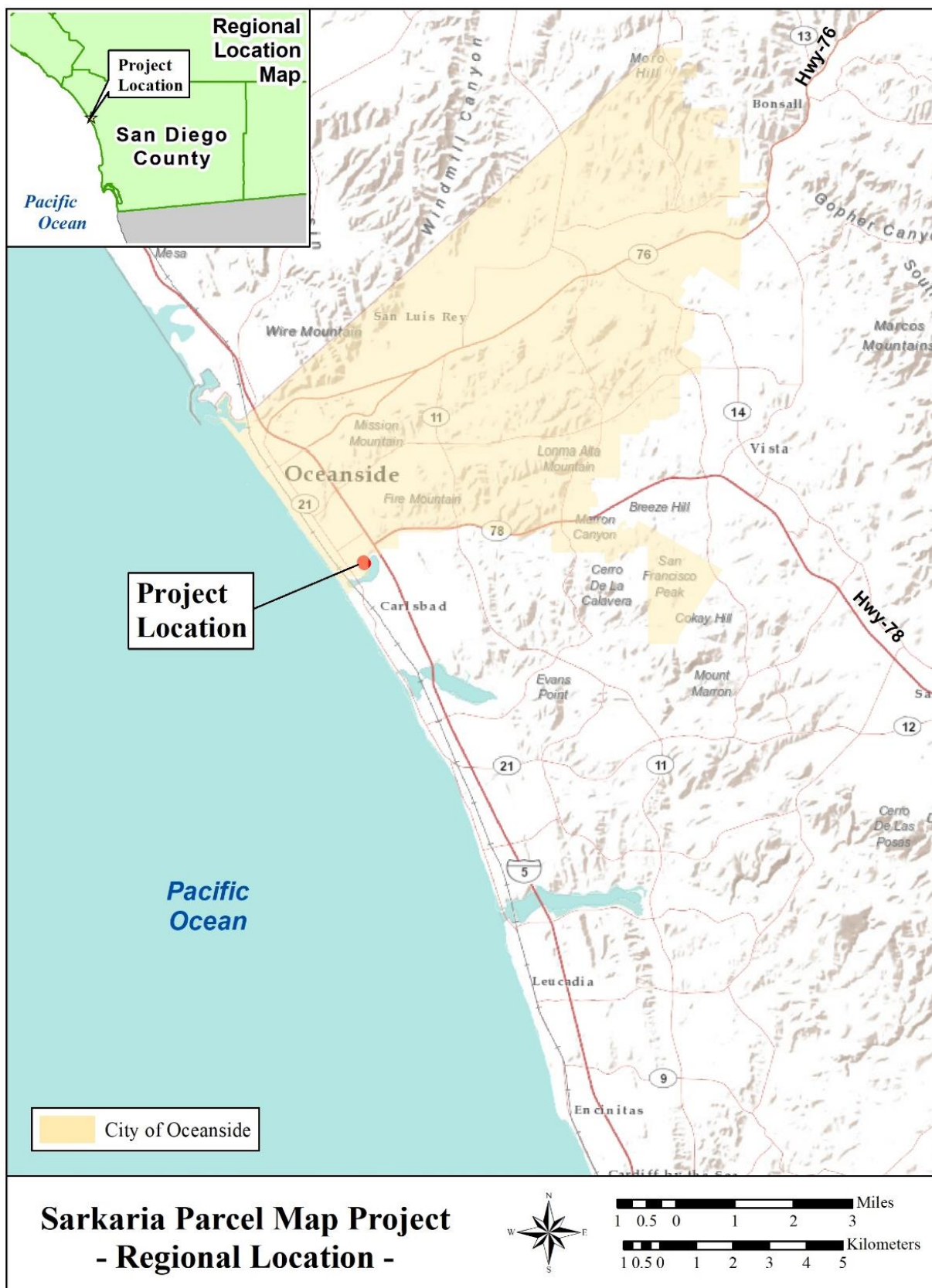


Figure 1. Sarkaria Parcel Map Project – Regional Location.

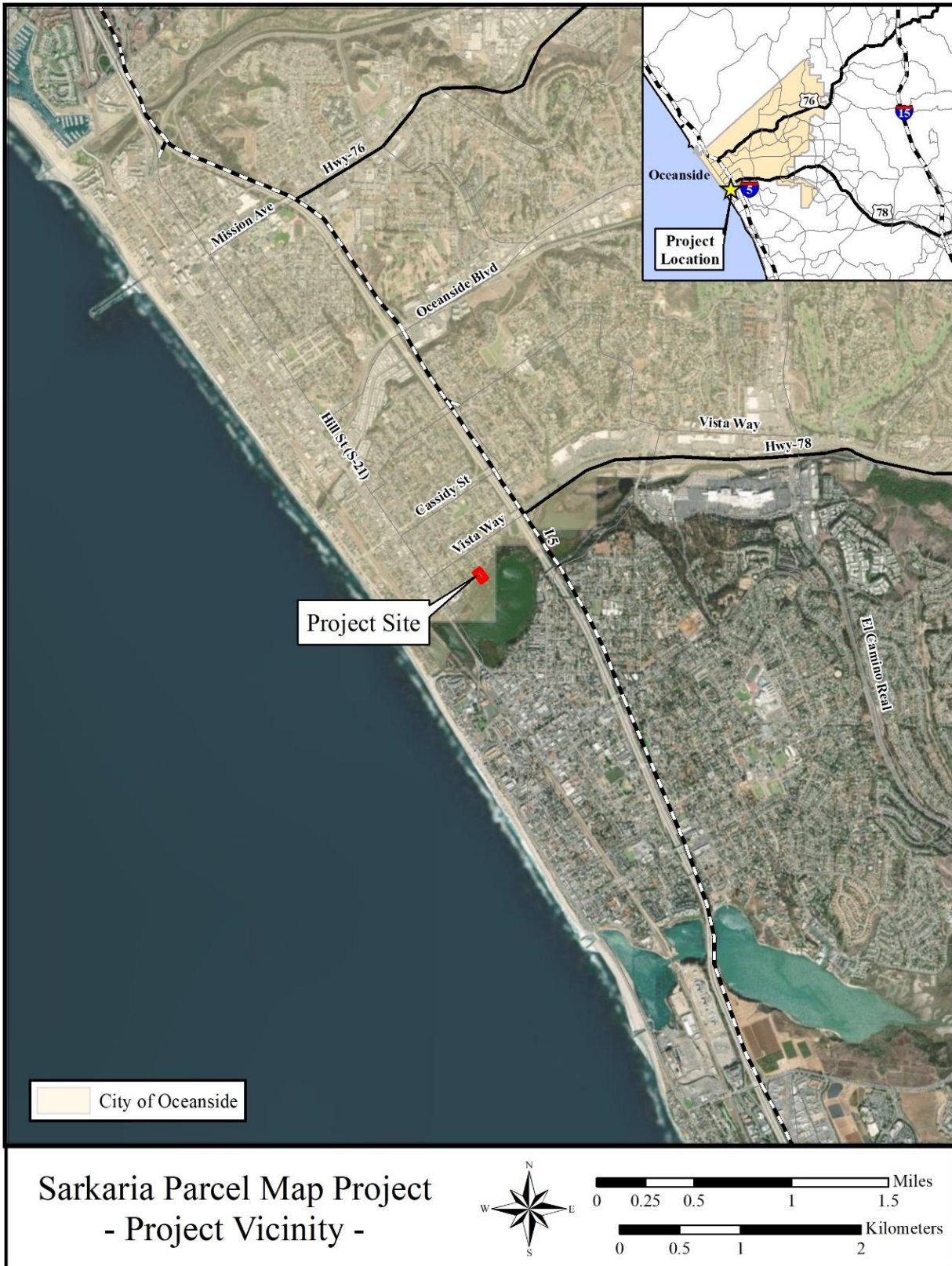


Figure 2. Sarkaria Parcel Map Project – Project Vicinity.



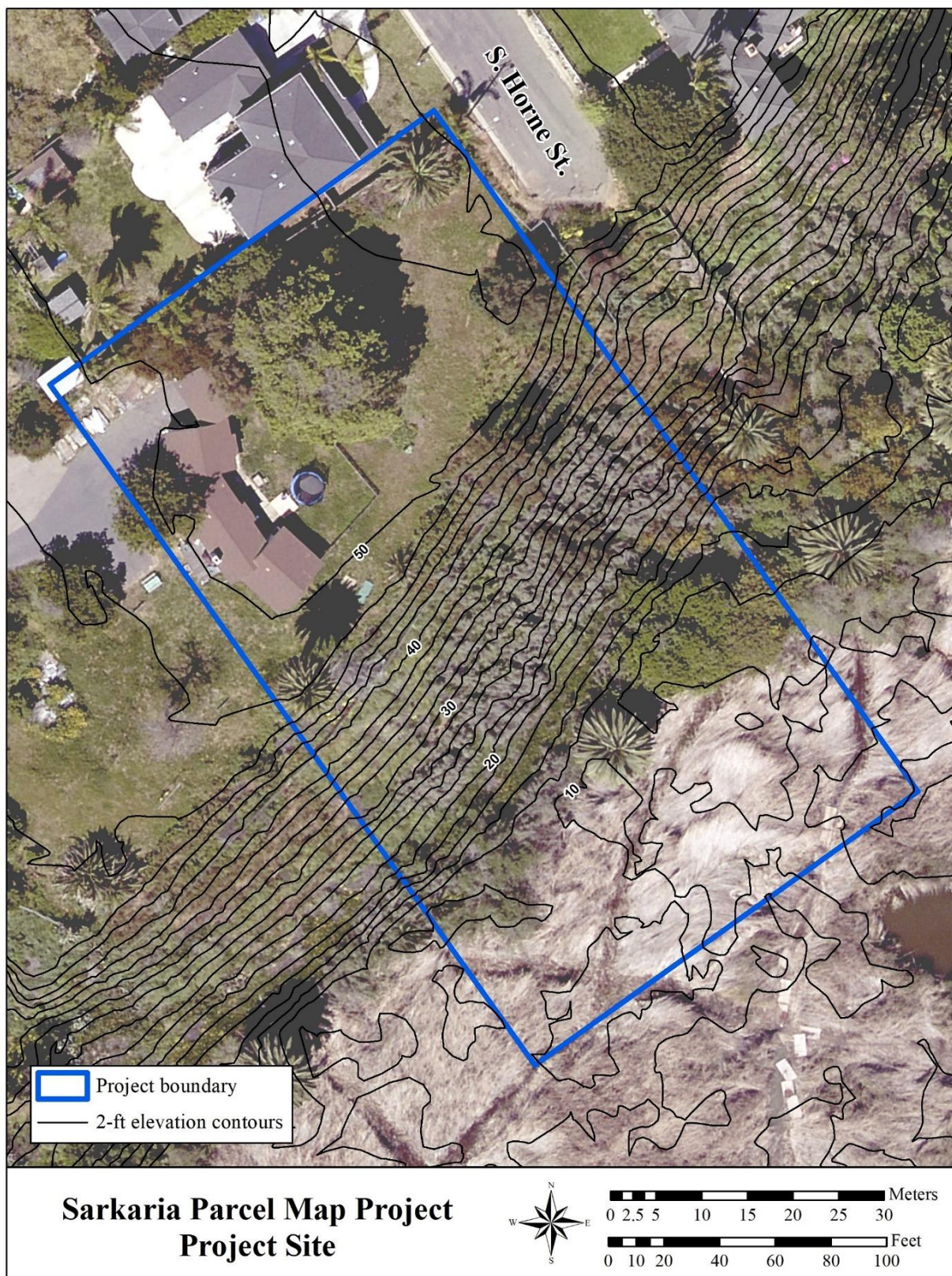


Figure 3. Sarkaria Parcel Map Project – Aerial Image and Topography.

The biologists spent approximately two hours between 9 am and 11 am conducting wandering transects throughout the property. The biologists recorded all plant and wildlife species observed and assessed the conditions within the two conservation easements on the property.

The scientific nomenclature used for species in this document is consistent with that of Baldwin et al. (2012) for plants and for wildlife, American Ornithological Society Check-list of North American Birds (Chesser et al. 2019) for birds, California Herps (Nafis 2019) for reptiles and lizards, and Wilson and Reeder (2005) for mammals. Plant community classification is per Holland (1986) and as revised by Oberbauer et al. (2008).

## 3.0 RESULTS

### 3.1 Site History

The proposed Project site is part of one of the older properties in this part of Oceanside. Imagery over the past 90 years (Historic Aerials 2019) shows that in the 1930s, Oceanside on the north bank of Buena Vista Lagoon was almost entirely agricultural, with housing only at the beachfront and further inland than the project area. By 1940 however, this parcel had been established and the current home on the parcel had been constructed, along with just a few others in the area. The landscaping on the terrace top around the home was much more elaborate in the 1940s, but the property transitioned to a more tree-filled state in later decades. It is not clear, but it seems likely that the upper section of the slope was partially or fully cleared, perhaps as a brush management zone for most of the parcel's existence. By the mid-90s at least the conservation easements on the property had taken effect and the Arrowweed Scrub (AS) patch on the upper slope of the Lagoon bank had begun to grow. As changes in the slope vegetation occurred naturally over time, a portion of the trees and shrubs on the parcel were managed then cleared in the early 90s, and the parcel remains generally in this, a few trees and minimal landscaping, to today state (Google Earth 2019).

The extant trees on the terrace-top part of the property consist mostly of exotic species, including Canary Island fan palms (*Phoenix canariensis*), Brazilian pepper tree (*Schinus terebinthifolius*), fern pine (*Podocarpus macrophyllus*), and Peruvian pepper tree (*Schinus molle*). Several smaller tree/shrubs occur in the southeast corner of the parcel, including non-natives like tree tobacco (*Nicotiana glauca*) and the rare native plant island mallow (*Lavatera assurgentiflora* ssp. *assurgentiflora*). The mowed lawn consists of mainly short cut invasive herbs, a mixture of Bermuda grass (*Cynodon dactylon*) and saltgrass (*Distichlis spicata*), and a few non-native shrubs and vines (morning glory [*Convolvulus* sp.]) occur as well. In the lower part of the upper conservation easement area (south of the chain-link fence) on the slope down towards the Lagoon, a large stand of the native arrowweed (*Pluchea sericea*), present up to 40 feet above the Lagoon dominates much of the area, but as a facultative wetland plant is sitting somewhat out of typical landscape position. Non-native brome (*Bromus diandrus*) grassland with a scattering of native scrub species fills the rest of the upper slope. The Lagoon edge also has one native and one non-native assemblage, with many of the same trees that occur on the flat top of the parcel on the eastern side and a mix of arroyo willow (*Salix lasiolepis*) and arrowweed on the west side. Since the early 1990s, the narrowleaf cattails (*Typha domingensis*) in Buena Vista Lagoon have expanded significantly and have filled out the southern end of the parcel for more than a decade now.



## 3.2 Existing Conditions and Surrounding Land Uses

### Physical Characteristics

The proposed Project site, above the conservation easements and Buena Vista Lagoon, is mostly flat with an elevation of approximately 50 feet above mean sea level sloping down to 40-45 feet elevation at edge of the first conservation easement on the slope above the Lagoon. Beyond this easement edge the slope continues to the Lagoon where the elevation is a few feet above sea level.

The soils at the property (Natural Resource Conservation Service 2019) are Tujunga sand (0-5% slopes) on the level terrace top above the Lagoon, terrace escarpments on the slope down to the Lagoon, and lagoon water at the Lagoon. The Tujunga sand soil type can support farmland of statewide importance and was used for farming in this immediate area even after the existing home on the property was built in the 1940s.

The Tujunga sand soil type with 0 to 5 percent slopes is characterized by very deep, somewhat excessively drained, granitic alluvium-derived soil. This soil generally has a surface of loam which rapidly grades into a substratum of coarse to fine sand. This soil is not a wetland soil and rarely is prone to flooding. The property lies within the El Salto hydrological subarea of the Buena Vista Creek hydrological area.

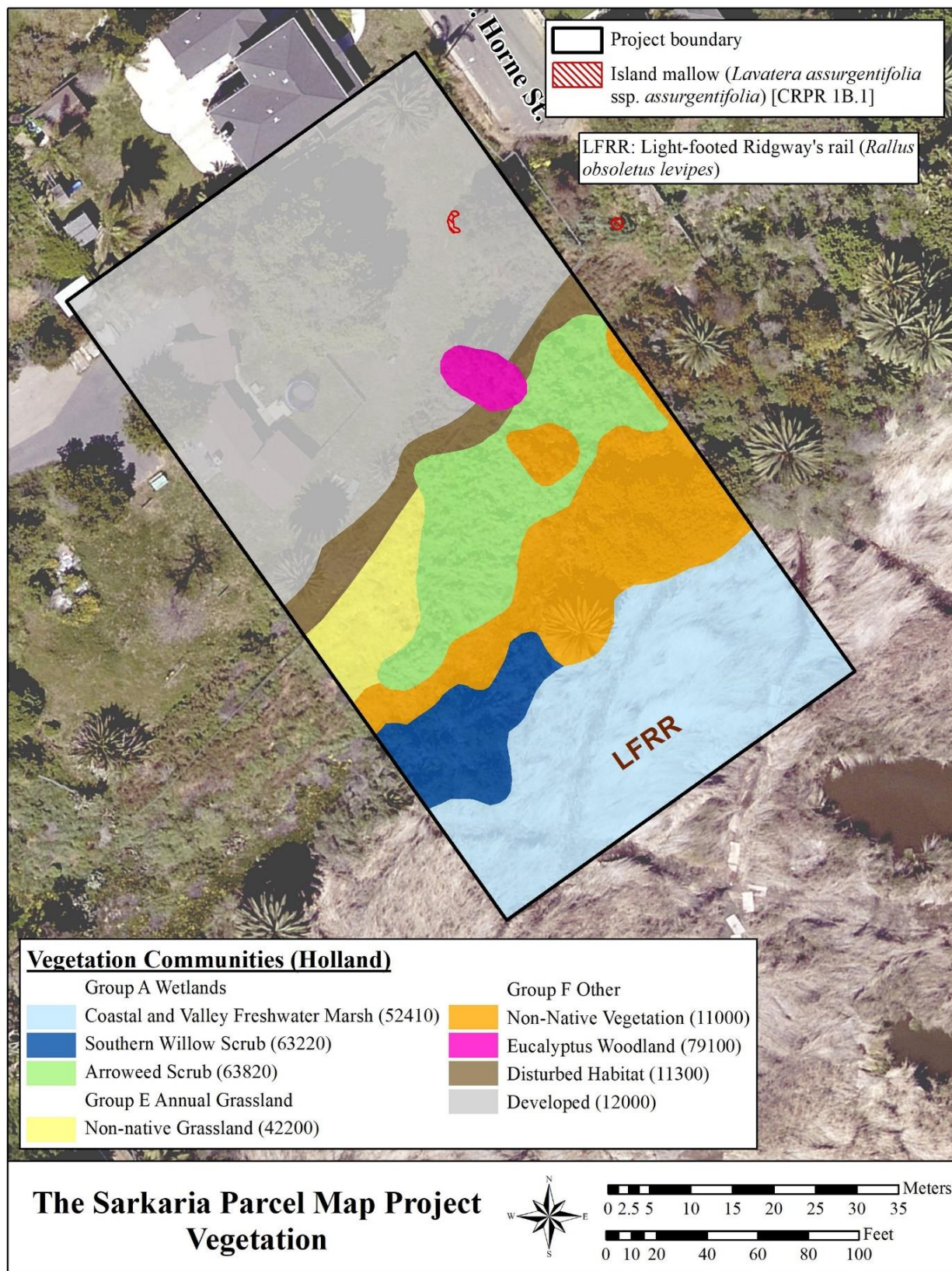
## 3.3 Biological Resources

### 3.3.1 Vegetation Communities

The vegetation on site is the result of different histories of past use for different areas, the terrace top containing the home of the property has been developed and managed since the 1940s, while the area in the two conservation easements on the property have different histories of disturbance over time (Figure 4). Acreages are provided in Table 1.

**Table 1. Vegetation Communities/Cover Types on Site.**

<b>Vegetation Community</b>	<b>On Site (acres)</b>
<b>Group A - Wetlands</b>	
Coastal Valley Freshwater Marsh (52410)	0.25
Southern Willow Scrub (63220)	0.05
Arrowweed Scrub (63820)	0.12
<b>Group E – Annual Grasslands</b>	
Non-Native Grassland (422000)	0.04
<b>Group F - Other</b>	
Non-Native Vegetation (11000)	0.15
Eucalyptus Woodland (79100)	0.01
Disturbed Habitat (11300)	0.04
Developed (12000)	0.49
<b>Total</b>	<b>1.17</b>



**Figure 4. Sarkaria Parcel Map Project - Vegetation Communities Identified on the Project Site.**



### **3.3.1.1 Urban/Developed (12000)**

Developed land (DEV) is where permanent structures and/or pavement has been placed, which prevents the growth of vegetation, or where landscaping is clearly tended and maintained.

On this property DEV includes the house, the driveway and the mowed yard with scattered landscaping trees and shrubs within it including Bermuda grass, saltgrass, Perez's sea lavender (*Limonium perezii*), Canary Island fan palm, carob tree (*Ceratonia siliqua*), fern pine, and Peruvian pepper tree.

### **3.3.1.2 Non-Native Vegetation (11000)**

Non-native Vegetation (NNV) is the name ascribed to cultivated plants that have become naturalized in native habitat areas or that are remnants of previous cultivated land uses.

On site, NNV occurs in the conservation easements on the slope and at the edge of the Lagoon and consists of Canary Island fan palm clusters, Brazilian and Peruvian pepper trees, golden wattle (*Acacia cyclops*), and hottentot fig (*Carpobrotus edulis*). While also present in the developed portion of the site, the hottentot fig identified as NNV grows in a band just above the bottom of the slope at the marsh edge.

### **3.3.1.3 Non-Native Grassland (42200)**

Non-native Grassland (NNG) consists of largely non-native annual grasses and associated upright forbs.

On the property NNG consists patches of ripgut grass (*Bromus diandrus*) above and to the west of the AS on the slope but outside of the chain-link fence. Within this matrix of ripgut grass, Russian thistle (*Salsola tragus*) is common and a few native flattop buckwheat (*Eriogonum fasciculatum*) and single individuals of California sagebrush (*Artemisia californica*) and coast cholla (*Cylindropuntia prolifera*) occurred.

### **3.3.1.4 Eucalyptus Woodland (79100)**

Eucalyptus Woodland (EW) is dominated by eucalyptus trees (*Eucalyptus* sp.), introduced species that have often been planted purposely for wind blocking, ornamental, and hardwood production purposes. Most groves are monotypic, with the most common species being either the blue gum (*E. gunnii*) or red gum (*E. camaldulensis* ssp. *obtusa*). The understory within well-established groves is usually very sparse due to the closed canopy and potentially allelopathic nature of the abundant leaf and bark litter. If sufficient moisture is available, this species becomes naturalized and can reproduce and expand its range. The sparse understory offers only limited wildlife habitat; however, as a wildlife habitat, these woodlands provide excellent nesting sites for a variety of raptors.

A single eucalyptus tree occurs on the crest of the slope above the Lagoon.

### **3.3.1.5 Arrowweed Scrub (63820)**

AS consists of moderate to dense thickets typically along water courses which are strongly dominated by arrowweed.

Within the conservation easement on the property, downslope of the chain-link fence, a thick stand of arrowweed dominates the majority of the upper slope above the Lagoon. Arrowweed is a wetland associated plant, so its dominance on a relatively dry slope above the Lagoon is somewhat unusual suggesting it may have been planted as part of the landscape maintenance or maintained by irrigation before it became established. It is somewhat resilient to increased soil salinity, so its presence may be supported by the ocean breezes and fogs which come into the Lagoon.

### **3.3.1.6 Southern Willow Scrub (63220)**

Southern Willow Scrub (SWS) is a formerly extensive habitat occurring along the major rivers of coastal Southern California. It is much reduced by development now, but consists of dense, broadleaved, winter-deciduous riparian thickets dominated by several willow species (*Salix* spp.). It tends to also contain scattered Fremont cottonwoods (*Populus fremontii*) and California sycamores (*Platanus racemosa*). Most stands are too dense to allow much understory development. This vegetation community provides habitat for a number of riparian species, in particular multiple bird species of conservation concern.

Within the property, SWS occurs at the edge of the Lagoon on the western end of the survey area. Here it consists primarily of a stand of arroyo willow and an adjacent stand of arrowweed at the Lagoon edge.

### **3.3.1.7 Coastal and Valley Freshwater Marsh (52410)**

Quiet (as in lacking current) bodies of fresh water which are permanently flooded begin to accumulate deep, peaty soils. Coastal and Valley Freshwater Marsh (CVFM) grows in these soils as a community of perennial, emergent monocots 4-5 meters tall, often forming completely closed canopies. *Typha* and *Scirpus* species often dominate these areas.

At the southern end of the property, the parcel extends out into Buena Vista Lagoon. This conserved area is dominated by a thickly growing *Typha* species, likely narrowleaf cattail.

### ***3.3.2 Jurisdictional Wetlands***

No wetland delineation was performed on the property, as the section of property which is not in a conservation easement and could be developed is clearly an upland area. Buena Vista Lagoon at the bottom of the property's slope is a U.S. Army Corps of Engineers (USACE) and CDFW regulated jurisdictional feature. The SWS at the edge of the Lagoon is additionally part of the Buena Vista Lagoon wetland and likely under CDFW jurisdiction. All jurisdictional features on the property are already protected within a conservation easement.

### ***3.3.3 Plants***

The flat section of the property supported managed vegetation which was largely composed of non-native trees, shrubs and forbs, while a mix of native and non-native plants occurred on the slope that occurs between the flat portion of the site and the Lagoon. The most common species have already been identified above and a list of all plant species detected is provided in Appendix A.

### ***3.3.4 Animals***

The site supports a selection, though not an abundance, of animal species commonly found in upland and wetland habitats in coastal San Diego County.

Several insects were observed including green darner dragonfly (*Anax junius*), fiery skipper (*Hylephila phyleus*), several cloudless sulphur butterflies (*Phoebis sennae*), and a gray hairstreak (*Strymon melinus*). A Great Basin fence lizard (*Sceloporus occidentalis longipes*) was the only reptile on site seen and likely more were present but the site would likely not support a high diversity of reptiles. Evidence of one mammal species, the desert cottontail (*Sylvilagus audubonii*) were noted as well.

Birds were the most obvious users of the site. A mixture of native and non-native birds was observed. A White-throated Swift (*Aeronautes saxatalis*) foraged for insects over the site, while the two abundant species of hummingbird in coastal San Diego County (Anna's [*Calypte anna*] and Allen's [*Selasphorus sasin*]) chased insects below and sipped nectar from the flowers of both the NNV, primarily tree tobacco

(*Nicotinea glauca*) and the special status plant on the property, island mallow (*Lavatera assurgentiflora* ssp. *assurgentiflora*). Red-winged Blackbirds (*Agaius phoeniceus*) were seen using the cattails in Buena Vista Lagoon on the property, while the rail species Sora (*Porzana carolina*) and state and federally listed Light-footed Ridgway's Rail (LFRR; *Rallus obsoletus levipes*) were heard calling in them. A list of animal species detected is provided in Appendix B.

### **3.3.5 Rare, Endangered, or Sensitive Species and Habitats**

The latest version of the California Natural Diversity Database (CNDDB) was used to identify species that could occur in the project vicinity, the results of that search are depicted in Figure 5 (CDFW 2019) within a 1-mile radius from the site.

#### **3.3.5.1 Sensitive Habitats**

Special status natural communities are communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects. These communities may or may not contain special status species or their habitat. The most current version of the CDFW's *List of California Terrestrial Natural Communities* (CDFW 2018) indicates which natural communities are of special status given the current state of the California classification.

Most types of wetlands and riparian communities are considered special status natural communities due to their limited distribution in California. These natural communities often contain special status plants. Buena Vista Lagoon is a sensitive habitat and is protected by a conservation easement buffer on this property. The CVFM, SWS, and AS. are considered sensitive.

#### **3.3.5.2 Sensitive Plant Species**

Island mallow, California Rare Plant Rank [CRPR] rating 1B.1) was found on the property. A group of three flowering individuals, and the stumps of approximately three more cut some time ago were found growing from under a Peruvian pepper tree in the northwest of the site (Figure 4).

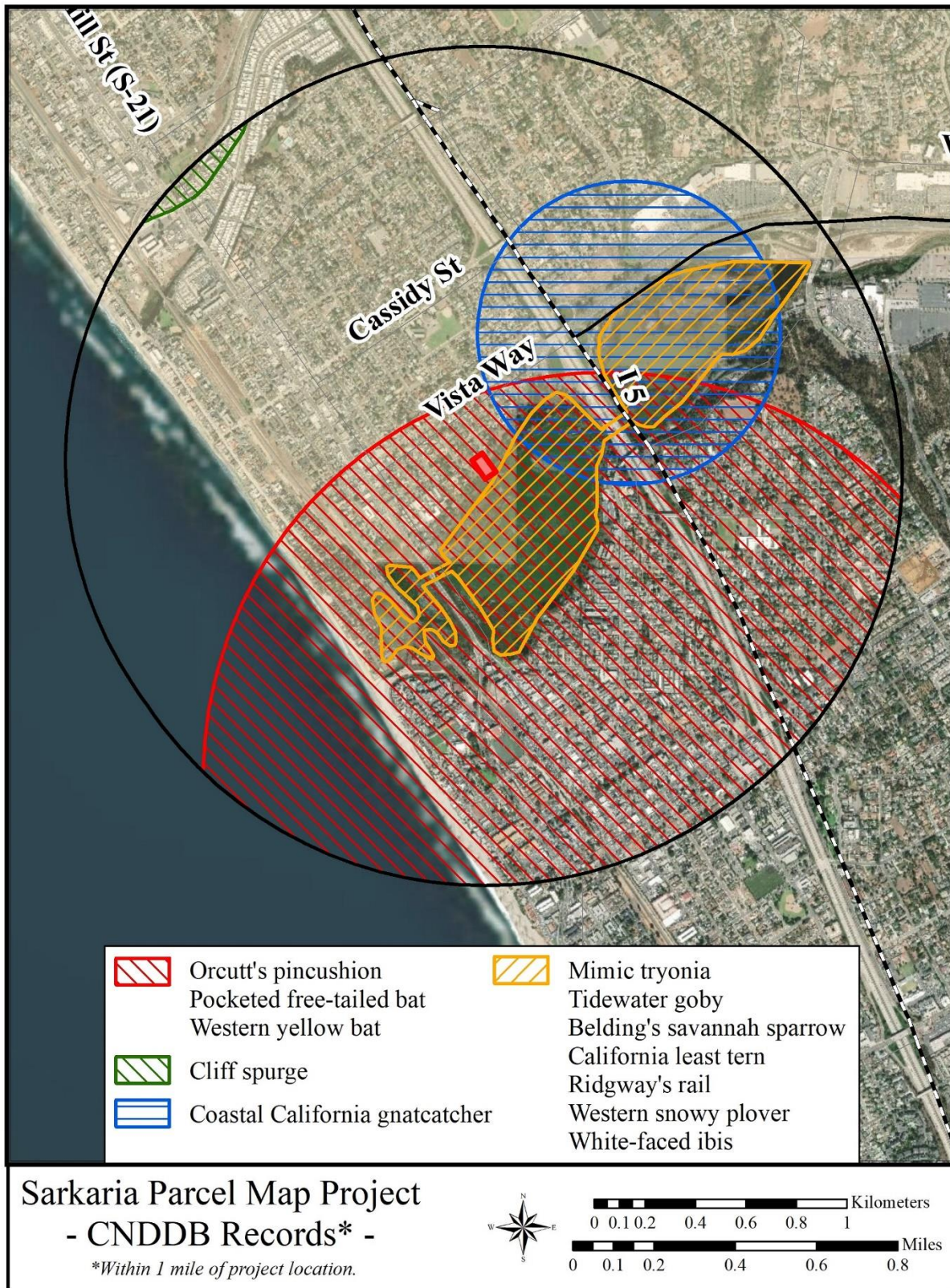
Island mallow is endemic to California, and the rating of 1B means that it is rare, threatened or endangered in California and elsewhere. The .1 indicates it is "Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat." While two subspecies are recognized and ranked as CRPR 1B.1 by CDFW, only the species is recognized in Jepson (Baldwin et al. 2012), with it stating that the species only occurs naturally on the Channel Islands but was cultivated on the mainland and naturalized.

It is likely the plants on site were planted after development in the 1940s though a bluff above a Lagoon is also an appropriate location for the species, and other records of the species (Calflora 2019) occur at the edge of Buena Vista Lagoon to the south. A large individual was also seen off site on the slope down to the Lagoon.

No other sensitive plants were found during the survey.

#### **3.3.5.3 Sensitive Animal Species**

Buena Vista Lagoon provides habitat for several sensitive animal species. The densely vegetated shores of the Lagoon provide habitat for the federal and state-listed as endangered LFRR. Indeed, LFRR have been released at the Lagoon as recently as 2016, and surveys in 2017 counted seven pairs of LFRR in the cattails that surround the Lagoon (Zemba et al. 2017). During the survey the calls of a likely single LFRR were heard coming from the cattails of the Lagoon either inside of, or just outside, the property line. LFRR likely use the cattails throughout the southern end of the property, but as this area is in a conservation easement and down the slope from the flat portion of the site which could be developed, the species is very unlikely to be affected by this Project or any future work.



**Figure 5. Sarkaria Parcel Map Project - CNDDDB Records for a One-Mile Radius from the Project Site.**

Other sensitive species that can occur on the Lagoon, such as Least Tern (*Sterna antillarum browni*), Western Snowy Plover (*Charadrius alexandrinus nivosus*), and Belding's Savanna Sparrow (*Passerculus sandwichensis beldingi*) would not use the site as there is no suitable foraging or nesting habitat for them.

### 3.4 Sensitive Species with Potential to Occur

Sensitive species that occur in the immediate vicinity according to database records but were not observed and which may have some potential to occur on site are assessed below (Tables 2 and 3). Some species with highly specific habitat needs (e.g. vernal pools, marshes, coastal dunes etc.) were not considered, nor were species for which the site is far from the known range of the species.

**Table 2. Sensitive Plants with Potential to Occur.**

Species		Status		Characteristics	Potential to Occur on Site
Common Name	Scientific Name	Federal/State/MHCP	CRPR		
San Diego ambrosia <sup>1</sup>	<i>Ambrosia pumila</i> <sup>1</sup>	FE/--/Covered	1B.1	Rhizomatous perennial herb found in Chaparral, Coastal Sage Scrub, Valley and foothill grassland, vernal pools in sandy loam or clay soils, often in disturbed areas.	None. Site has been mostly developed and kept mowed and clear. Nearest locations are historic locations along San Luis Rey River. Would have been detected if present.
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	FT/SE/Covered <sup>2</sup>	1B.1	Ephemeral perennial monocot prefers clay lens soils in annual grasslands and vernal pools of the interior valley regions in Riverside and San Diego counties.	None. Location where most likely has been developed and mowed for decades.
Orcutt's pincushion	<i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>	--/--/--	1B.1	Annual herb found on coastal bluffs from San Diego through Ventura County.	Very low. Site has been maintained over many decades but could occur on the slope to the Lagoon.
cliff spurge	<i>Euphorbia misera</i>	--/--/Covered	2B.2	Woody subshrub found in coastal areas of San Diego and Orange counties plus the Channel Islands.	None. No suitable habitat occurs on site. Would have been detected if present
island mallow	<i>Lavatera assurgentiflora</i> spp <i>assurgentiflora</i>	--/--/--	1B.1	Shrub native to coastal bluffs on Channel Islands but species may be naturalized on mainland in coastal areas from San Diego to Bay Area and Channel Islands after initial cultivation.	Present. Three individuals found on site and one seen immediately off site.



Species		Status		Characteristics	Potential to Occur on Site
Common Name	Scientific Name	Federal/State/MHCP	CRPR		
Robinson's peppergrass	<i>Lepidium virginicum robinsonii</i>	--/--/--	4.3	Annual occurs in dry, exposed openings within coastal sage scrub and chaparral. Typically found on volcanic soils like those found on site.	Very low. Peppergrass was not detected on site but can be found in disturbed areas
mud nama	<i>Nama stenocarpum</i>	--/--/--	2B.2	Annual found in riparian, lake-margins, stream banks and edges.	None. No such features occur on site.
Parry's tetraococcus	<i>Tetracoccus dioicus</i> <sup>3</sup>	--/--/--	1B.2	Perennial deciduous shrub found is coastal sage scrub and chaparral	None. No coastal sage scrub or chaparral occur on site. Species is conspicuous and would have been seen if present.

**Status****Federal:**

FE = Federal Endangered

FT = Federal Threatened

**State:**

SE = State Endangered

ST = State Threatened

**MHCP:**

NE = Narrow Endemic

covered = covered by MHCP

**California Rare Plant Rank (CRPR)**

1A = Plants Presumed Extinct in California 1B = Plants Rare, Threatened or Endangered in California and Elsewhere

2B = Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

3 = Plants About Which We Need More Information, A Review List

4 = Plants of Limited Distribution, A Watch List

State Rank and CRPR is followed by threat code (e.g., State Rank S2.2 or CRPR 1B.2)

.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 (&lt;20% of occurrences threatened)

<sup>1</sup> San Diego ambrosia is one of six plant species that is identified as having major or critical populations within the MHCP study area, near Mission Avenue towards the eastern boundary of the City.

<sup>2</sup> Coverage in Oceanside subarea is contingent upon approved Subarea Plan in Carlsbad and San Marcos.

<sup>3</sup> This species was originally evaluated but is not considered for coverage due to minimal suitable habitat and lack of occurrence in the City.

**Table 3. Sensitive Animals with Potential to Occur.**

Species		Status	Characteristics	Potential to Occur on Site
Common Name	Scientific Name	Federal/ State/MHCP		
Invertebrates				
<i>Mimic tryonia</i>	<i>Tryonia imitator</i>	--/--/--	A very small brackish water snail that has an operculum. Little is know about the species.	None. Lagoon is now freshwater.

Species		Status	Characteristics	Potential to Occur on Site
Common Name	Scientific Name	Federal/ State/MHCP		
Fish				
tidewater goby	<i>Eucyclogobius newberryi</i>	FE/SSC/--	Found in coastal lagoons from Del Mar, CA to Del Norte, CA, and in brackish bays at the mouths of freshwater streams.	None. Lagoon is now freshwater.
Reptiles				
orange-throated whiptail	<i>Aspidoscelis hyperythra beldingi</i>	--/WL/Covered	Occurs in open sage scrub, chaparral and often in brushy patches on stream terraces and other sandy areas in southern Orange County, western Riverside County, and western San Diego County, south into central Baja California.	Moderate. slopes support limited shrub habitat.
coast patch-nosed snake	<i>Salvadora hexalepis virgultea</i>	--/SSC/--	Found in coastal shrublands, rocky hillsides and from San Luis Obispo to San Diego counties, south in to Baja.	None. Site is mostly flat and has no rocks.
south coast garter snake	<i>Thamnophis sirtalis</i> ssp.	--/SSC/--	Restricted to habitats near permanent water with riparian vegetation for foraging and refuge, west of mountains from Ventura through San Diego counties. This is a dubious taxonomic group based upon color patterns that are not correlated with phylogeny.	Moderate. may be found along edges Buena Vista Lagoon.
Birds				
southern California Rufous-crowned Sparrow	<i>Aimophila ruficeps canescens</i>	--/WL/Covered <sup>1</sup>	Prefers steep, dry, rocky hillsides with plenty of grasses and a scattering of shrubs and small trees from Los Angeles County through San Diego County into northern Baja.	None. Little shrub habitat on this mostly flat parcel with no rocks. Bluff slopes also not appropriate.
Bell’s Sage Sparrow	<i>Artemisiospiza belli</i>	--/--/Covered	An iconic species of coastal sagebrush. Breeds in semi-open habitat with evenly spaces shrubs 1-2 m high.	None. Little shrub habitat on this parcel.
Swainson's Hawk	<i>Buteo swainsoni</i>	--/ST/--	A species of the open lands in the Great Plains and the West. May be seen in San Diego County on its annual migration between Argentina and central California/ the western mountain states.	Very low. Migrant might be observed flying over but unlikely to stop and forage on site.

Species		Status	Characteristics	Potential to Occur on Site
Common Name	Scientific Name	Federal/State/MHCP		
southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	FE/SE/Covered	Found in riparian woodlands along streams and rivers with mature, dense tree or shrub cover where surface water or soil moisture present. Southwestern subspecies nests in a select few river systems in southern California and Central Valley.	None. Willows at edge of Lagoon provide little habitat.
Yellow-breasted Chat	<i>Icteria virens</i>	--/SSC/Covered	Found in dense, relatively wide riparian woodlands and thickets of willows, and dense brush in coastal California, foothills of Sierra Nevada.	Low. Riparian woodland along Lagoon is not very wide. Moderate chance to occur during migration.
coastal California gnatcatcher	<i>Poliophtila californica californica</i>	FT/SSC/Covered	Found in typically open Coastal Sage Scrub with some California sagebrush from Ventura through San Diego counties into northern Baja.	None. No suitable habitat on site.
Yellow Warbler	<i>Setophaga petechial brewsteri</i>	BCC/SSC/--	Nests in lowland and foothill riparian woodlands; montane chaparral, open ponderosa pine, mixed conifer habitats. Breeds throughout non-desert areas of California.	Low. Not detected on site but could use willows and eucalyptus tree on site. High chance to occur during migration.
Least Bell's Vireo	<i>Vireo bellii pusillus</i>	FE/SE/Covered	Found in willows and low, dense valley foothill riparian habitat and lower portions of canyons from San Diego through Ventura counties and into the southern Central Valley.	Low. Requires willow thickets larger than those found on site.
coastal Cactus Wren	<i>Campylorhynchus brunneicapillus cousei</i>	--/--/Covered	Found in dense stands of native cactus occurring in coastal sagebrush habitat.	None. Insufficient cactus in the area.
California Least Tern	<i>Sternula antillarum browni</i>	FE/SE/Covered Fully Protected	Nests on open and undisturbed beaches. Forages in both fresh and saltwater.	None. Does forage in open water of adjacent Lagoon, but not in dense vegetation on property.
Elegant Tern	<i>Thalasseus elegans</i>	--/--/Covered	Nests on coastal ground in large mixed species groups. Forages in coastal waters.	None. Does forage in open water of adjacent Lagoon but not in dense vegetation on property.
Belding's Savannah Sparrow	<i>Passerculus sandwichensis beldingi</i>	--/SE/Covered	Nests in pickleweed salt marsh. Forages in salt marshes.	None. No appropriate salt marsh habitat.



Species		Status	Characteristics	Potential to Occur on Site
Common Name	Scientific Name	Federal/State/MHCP		
Large-billed Savannah Sparrow	<i>Passerculus sandwichensis rostratus</i>	--/--/Covered	Winters at localized sites in San Diego County with low salt marsh vegetation.	None. Not a currently known wintering site and no appropriate salt marsh habitat.
Western Snowy Plover	<i>Charadrius nivosus nivosus</i>	FT/--/Covered	Nests on ground in barren landscapes.	None. No open beaches or other habitat.
Black Rail	<i>Ixobrychus exilis</i>	--/ST/-- Fully Protected	Nests in tidal and freshwater marshes. Nest and forages in dense vegetation.	Low. Prefers larger expanses of shallow water.
Light-footed Ridgway's Rail	<i>Rallus obsoletus levipes</i>	SE/FE/Covered Fully Protected	Nests in tidal and freshwater coastal marshes. Nests and forages in dense vegetation.	Present. Calls heard from cattails on site.
California Brown Pelican	<i>Pelicanus occidentalis californicus</i>	--/--/-- Fully Protected	Nest on ground in protected areas of the oceans coast. Forages in open water.	None. Does forage in open water of adjacent Lagoon, but not in dense vegetation on property.
Bald Eagle	<i>Haliaeetus leucocephalus</i>	SE/--/-- Fully Protected	Nests in large trees near water. Forages in fresh or salt water.	Very Low. No appropriate perches or nest sites on or adjacent to the site.
Osprey	<i>Pandion haliaetus</i>	--/--/Covered	Nests in large trees and nest platforms/towers over or adjacent to water. Hunts for fish in fresh and coastal marine habitat.	Very Low. No suitable nesting or foraging locations on the parcel. Could perch in or fly over parcel.
Peregrine Falcon	<i>Falco peregrinus anatum</i>	--/--/Covered Fully Protected	Nests on cliffs and sometimes nesting platforms and high rises. Forages in air, on ground and from surface of water.	Low. Occurs in area but habitat on site is not open enough.
Cooper's Hawk	<i>Accipiter cooperii</i>	--/--/Covered	Nests and forages in open to moderately dense woodland. Has adapted well to suburban areas with trees.	High. Occurs in Oceanside neighborhoods.
Western Bluebird	<i>Sialia mexicana</i>	--/--/Covered	Nests and forages in open woodland. Has adapted well to suburban areas with trees.	Very High. Juveniles observed within a few blocks of the property this year (eBird 2019).
<b>Mammals</b>				
pallid bat	<i>Antrozous pallidus</i>	--/SSC/--	Grasslands, shrublands, woodlands, forests; most common in open dry habitats with rocky outcrops for roosting. Found throughout low elevations of California.	Low. May forage for insects which may be abundant close to the Lagoon.

Species		Status	Characteristics	Potential to Occur on Site
Common Name	Scientific Name	Federal/State/MHCP		
Stephens' kangaroo rat	<i>Dipodomys stephensi</i>	FE/ST/Covered	Species found in sparse shrublands and grasslands on flat or gently sloping ground with sandy soils in western riverside, and western and central San Diego counties.	None. Site has been in use for too long and soils not suitable.
western yellow bat	<i>Lasiurus xanthinus</i>	--/SSC/--	Feeds on flying insects. Forages over water and among trees, roosts in trees. Uncommon in California, known only in Los Angeles and San Bernardino Cos. south to the Mexican border.	Moderate. Trees and palms on site could provide roosting and maternity habitat, and Lagoon provides foraging.
pocketed free-tailed bat	<i>Nyctinomops femorosaccus</i>	--/SSC/--	More typical of deserts habitats. Found in Riverside, San Diego, and Imperial cos. This species is rare in California, but is more common in Mexico.	None. Prefers rocky areas with high cliffs for rock outcrops. No suitable roosting or breeding habitat on site.

#### Status

##### Federal:

FE = Federal Endangered

FT = Federal Threatened

BCC = Bird of Conservation Concern

##### State:

SE = State Endangered

ST = State Threatened

FP = Fully Protected

WL = CDFW Watchlist

##### MHCP:

NE = Narrow Endemic

Covered = covered by MHCP

<sup>1</sup> Coverage in Oceanside subarea is contingent upon approved Subarea Plan in Carlsbad and Escondido.

## 3.5 Regulatory Environment

This section describes the regulatory requirements for the proposed Project, and the proposed Project site's regional resource planning status. Biological resources are subject to regulation by the federal government, State of California, and local jurisdiction. The proposed Project is subject to CEQA analysis under which adjudicates the project against applicable state and federal regulations.

Under federal law, the USFWS and National Oceanic and Atmospheric Administration share responsibility for implementing the federal Endangered Species Act (ESA) of 1973 (Public Law 93-205, 16 U.S. Code [U.S.C.] § 1531) as amended. Waters of the U.S. (wetlands and non-wetlands) are regulated by the USACE. California law regarding wetland, water-related, and wildlife issues is administered by the CDFW.

### 3.5.1 California Environmental Quality Act

The City is the Lead Agency for the proposed Project for the CEQA environmental review process in accordance with state law and local ordinances.

### 3.5.2 Federal and State Regulations

Regulations that apply or potentially apply to future development of the Project site include the federal ESA and California Endangered Species Acts (CESA), Migratory Bird Treaty Act (MBTA), California Fish and

Game (CFG) Code, federal Clean Water Act (CWA), and CEQA. Impacts to any jurisdictional drainage features would require a USACE CWA Section 404 Permit (404 Permit), a Regional Water Quality Control Board (RWQCB) CWA Section 401 Water Quality Certification (401 Certification), and CFG Code Section 1602 Lake and Streambed Alteration Agreement (LSAA).

### **3.5.2.1 Federal Government**

The ESA provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. Actions that result in harm or death to endangered or threatened species, including habitat modification that substantially impairs feeding, breeding, or sheltering activities constitutes “take” under the ESA. The ESA defines take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” “Harm” and “harass” are further defined in federal regulations and case law to include actions that adversely impair or disrupt a listed species’ behavioral patterns.

Sections 7 and 10(a) of the ESA regulate actions that could jeopardize endangered or threatened species. Section 7 describes a process of federal interagency consultation for use when actions with federal agency involvement may adversely affect listed species. A biological assessment is required for any major construction activity if it may affect listed species. A Section 7 consultation (formal or informal) is required when there is a nexus between endangered or threatened species’ use of a site and impacts to USACE jurisdictional areas.

The USFWS designates areas of critical habitat for endangered or threatened species. Critical habitat is defined as areas of land that are considered necessary for the endangered or threatened species to recover. The ultimate goal is to restore healthy populations of listed species within their native habitat so they can be removed from the list of threatened or endangered species. Once an area is designated as critical habitat, all federal agencies must consult with USFWS to ensure that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of the critical habitat. No critical habitat occurs on site. The nearest designated critical habitat is for the Coastal California Gnatcatcher (*Poliopitila californica californica*) and is 1.25 miles away to the north and 1.8 miles to the northeast (USFWS 2015).

The MBTA is administered by the U.S. Department of the Interior, acting through the USFWS (16 U.S.C. § 703-712). Almost all native bird species found in the U.S. are included in the MBTA, including species that do not migrate at all. The MBTA prohibits taking any bird, part, nest, or eggs and is implemented using 50 Code of Federal Regulation 10.12 of the MBTA regulations, which defines “take” as to: pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities. Take does not include habitat destruction or alteration, as long as there is not a direct taking of birds, active nests, eggs, or parts thereof. The MBTA does not stipulate the type of protection required. In common practice, USFWS places restrictions on disturbances allowed near active bird nests during the bird-breeding season (January 1–September 15).

### **3.5.2.2 State of California**

The CESA is similar to the ESA in that it contains a process for listing species and regulating potential impacts to listed species. Section 2081 of the CESA authorizes CDFW to enter into a memorandum of agreement for take of listed species for scientific, educational, or management purposes.

Pursuant to Section 3503, 3503.5, 3505, and 3513 of the CFG Code, it is unlawful to take, possess, or needlessly destroy the active nest or eggs of any bird. The CFG Code defines “take” as to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

The Native Plant Protection Act (NPPA) enacted a process by which plants are listed as rare or endangered. The NPPA regulates collection, transport, and commerce in listed plants. The CESA followed the NPPA

and covers both plants and animals determined to be endangered or threatened with extinction. Plants listed as rare under NPPA were also designated rare under the CESA.

CEQA and its implementing guidelines (CEQA Guidelines) require discretionary projects with potentially significant effects (or impacts) on the environment to be submitted for environmental review. Mitigation for significant impacts to the environment is determined through the environmental review process, in accordance with existing laws and regulations.

### **3.5.2.3 City of Oceanside**

The Natural Community Conservation Planning (NCCP) Act (Section 2835) allows CDFW to authorize take of species covered by plans in agreement with NCCP guidelines. An NCCP initiated by the State of California under Section 4(d) of the federal ESA focuses on conserving coastal sage scrub to avoid the need for future federal and state listing of coastal sage scrub-dependent species. The Coastal California Gnatcatcher is presently listed as threatened under the ESA, while several additional species inhabiting coastal sage scrub are candidates for federal and/or state listing. The MHCP and draft Subarea Plans (SAPs) are intended to act as plans under the NCCP and Habitat Conservation Plan (HCP) processes.

The MHCP Subregional Plan was adopted and certified by San Diego Association of Governments (SANDAG) Board of Directors on March 28, 2003. Each of the seven jurisdictions within the MHCP planning area (including Oceanside) is required to implement their respective portion of the MHCP via citywide SAPs. The City's draft MHCP SAP (City 2010) has yet to be adopted by the city or approved by the CDFW or USFWS, though the City uses it as guidance when reviewing impacts to biological resources.

The City has no specific ordinances that regulate biological resources resulting in reliance on its existing planning regulations, NCCP Guidelines, CEQA, and using the draft MHCP SAP (City 2010) as guidance for determining the significance of impacts and mitigation. Mitigation ratios for impacts to habitats reflect the intention to preserve areas within the Focused Planning Area as identified for the MHCP in each jurisdiction or within specific areas identified in each SAP. The proposed Project parcel is adjacent to the MHCP Core Focused Planning Area that covers Buena Vista Lagoon and the 200-meter edge effect buffer that is a Hardline preserve area within the draft MHCP SAP (City 2010). The parcel is identified as being outside the Off-site Mitigation Zone. The parcel is within the City's Coastal Zone and subject to the requirements of the City's Local Coastal Program.

### **3.5.3 *Wetland Regulation***

Impacts to wetlands are a regulated by both federal and state agencies.

#### **3.5.3.1 U.S. Army Corps of Engineers**

The regulatory authority of the USACE comes from Section 404 of the CWA (33 U.S.C. §1251 et seq.). The Act requires USACE authorization for work involving intentional or unintentional placement of fill or discharge of dredge materials into any of the Waters of the U.S. USACE jurisdiction extends to the high water mark for non-tidal waters and includes ephemeral drainages that are typical of the Southern California hills and mountains and which show a distinct bed and bank. Authorization for such activity is through a 404 Permit from the USACE.

#### **3.5.3.2 CDFW**

CDFW requires a CFG Code 1602 LSAA for projects that will divert or obstruct the natural flow of water, change the bed, channel, or bank of any stream, remove riparian vegetation, or use any material from a streambed. The LSAA is a contract between a project proponent and CDFW stating what activities are permissible and what compensation is required for those activities.

### **3.5.3.3 RWQCB**

A federal CWA 401 Certification is required from the State Water Resources Control Board if a proposed project may result in a discharge into any Waters of the U.S. The program is administered by the RWQCB district in which the project is proposed. If a 404 Permit is required from the USACE, a 401 Certification is required from the RWQCB. The RWQCB also administers the State's Porter-Cologne Act which regulates discharge into Waters of the State.

## **4.0 IMPACTS**

### **4.1 Impact Definitions**

#### ***4.1.1 Direct Impacts***

A direct impact occurs when the primary effect is loss of a biological resource through direct mortality during clearing and grading and removal of existing habitat, often replacing it with development and landscaping.

#### ***4.1.2 Indirect Impacts***

An indirect impact consists of secondary effects of a project (such as noise, changes in drainage patterns, water quality, lighting, invasive plant species, and barriers to wildlife movement) that leads to habitat degradation and loss of species or habitat. The magnitude of an indirect impact may be the same as a direct impact; however, the effect usually takes a longer time to become apparent.

#### ***4.1.3 Cumulative Impacts***

Although impacts to sensitive biological resources may not be significant when considered independently, when multiple impacts such as from several development projects within an area are combined, they may be cumulatively significant.

The significance of impacts to biological resources present or to those with potential to occur was determined based upon the sensitivity of the resource and the extent of the anticipated impacts.

### **4.2 Thresholds of Significance**

Pursuant to Appendix G Section IV of the CEQA Guidelines, a proposed project would result in a significant impact if it would:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the USFWS or CDFW;
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by USFWS or CDFW;
- c) Have a substantial adverse effect on federally protected wetlands as defined by CWA Section 404;
- d) Interfere substantially with movement of any native resident, migratory fish or wildlife species, or established native resident or migratory wildlife corridors; or impede 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; or
- f) Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state conservation plan.

### 4.3 Direct Impacts

While the proposed Project is to split the lot into two, and no construction or demolition is proposed, the plans identify areas that could be developed with single family homes on each subsequent lot. Direct impacts would occur from future development of the lots (Figure 6). Per CEQA, it must be assumed that the areas outside of the conservation easements will be graded and developed and will be directly and permanently impacted by future work.

CEQA Appendix G Section IV Significance thresholds a) through f) are assessed below as BIO 1–BIO 6.

***BIO 1: Have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by USFWS or CDFW.***

While no development is proposed for this project, and no adverse effects would occur to any special status species from the subdivision, three Island mallow shrubs occur within with proposed new Parcel B outside of any currently existing conservation easements. This species is identified as CRPR 1B.1 by CDFW; however, it is also identified as being native to the Channel Islands and naturalized on the mainland after cultivation (Baldwin et al. 2012). As a result, the individuals on site may be survivors from past cultivation in the area or may have been planted on site by a former occupant as part of the residential landscaping, given that it is within the maintained yard of the existing residence. With the provenance of the specimens on site likely being from prior cultivation, and an individual occurring off site to provide propagules for future maintenance of the species in the vicinity, any future impacts from development of the lots would not be significant.

The federal-listed as endangered Light-footed Ridgway's Rail was detected in thick cattail marsh in Buena Vista Lagoon approximately 200 feet from the flat portions of the site. The density and height of the cattails and the elevation difference and distance of the developable portion of the parcels from the habitat plus the fact that building a home would not generate the noise levels typically associated with larger development, mean that impacts to the rails are not expected. As a result, no significant impacts to special status are expected from the proposed project, nor future development.

***BIO 2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by USFWS or CDFW.***

There is no development or activity proposed as part of this project, so no adverse effects to any sensitive habitat can occur. All riparian and other sensitive habitats occur outside of the future development area on the two proposed parcels and are within the existing conservation easements B and C (Figure 6) so no substantial adverse impacts would occur to sensitive habitats.

***Bio 3: Have a substantial adverse effect on federally protected wetlands as defined by CWA Section 404.***

No development is planned as part of this project, but if development occurs on this parcel in the future the wetlands on the site are protected by conservation easements that protect and buffer the resources. As a result, no adverse effects will occur to protected wetlands as a from this project or future development of the parcels.

***BIO 4: Interfere substantially with movement of any native resident, migratory fish or wildlife species, or established native resident or migratory wildlife corridors; or impede use of native wildlife nursery sites.***

The proposed Project site is outside of any known wildlife corridor and is outside the City's Wildlife Corridor Planning Zone (City 2010). The site is bound by development on three sides and so wildlife cannot pass through it to access habitat to the north, west, or northeast. Movement may be possible along the slope



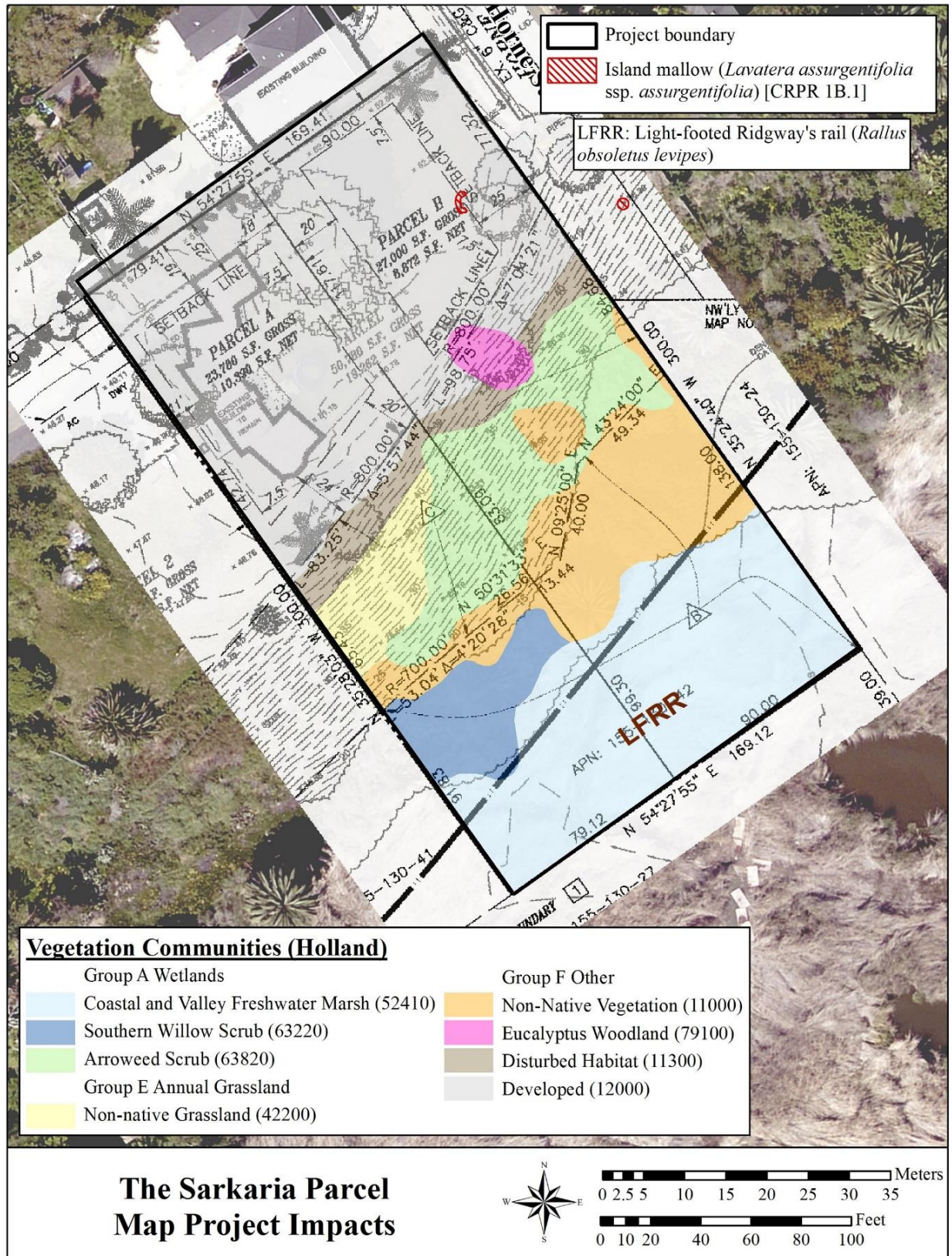


Figure 6. Sarkaria Parcel Map Project - Impacts to Biological Resources.

above the Lagoon or through the marsh, but those areas are within conservation easements and would not be affected by any proposed or future actions. This proposed Project specifically involves no activity or development, so it will not interfere with animal movement in any way.

While no effects are expected from the proposed Project, the proximity of sensitive habitat and mature trees on site provide potential nesting sites for birds. Future construction activity and noise could potentially interfere with nesting of native birds protected by the federal MBTA and CFG Code. To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (January 15–August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the bird breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds within the construction area.

***BIO 5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.***

As a matter of administrative policy, the City requires replacement of trees removed by development if the trees or palms are greater than 10 inches in diameter as measured 2-1/2 feet above grade. There are several trees that likely meet this criterion on site that could be affected by further development. While the proposed Project involves no activity or development, any future development will need to comply with this policy.

Impacts to the trees protected by this policy would not be significant with approval of the proposed Project but compliance with the administrative policy will be required for any future development.

***BIO 6: Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state conservation plan.***

The City participates in the MHCP, a regional conservation plan under the state's NCCP Program that will also act as an HCP under the ESA (SANDAG 2003). While the City's draft MHCP SAP has not been adopted, the City complies with the MHCP by using the draft MHCP SAP as guidance during project review.

The proposed Project site is currently mapped as DEV, DH, and Freshwater Marsh and located outside the "Offsite Mitigation Zone" of the draft MHCP SAP (City 2010). The project is required to comply with the SAP Project Implementation Guidelines and the requirements. The proposed Project will not have any impacts and because the sensitive habitats are within conservation easements, no mitigation for impacts from future development of the parcels will be required. The draft MHCP SAP identifies a Habitat Development Fee program for other undeveloped areas but this would only occur upon adoption of Draft MHCP SAP. As the SAP has not been adopted the fee does not apply. Therefore, the project will not conflict with the provisions of the MHCP.

## **4.4 Indirect Impacts**

Indirect impacts to sensitive habitats or species can occur from errant grading impacts, construction or operation noise, changes in drainage patterns after grading that modify habitats, degraded surface water quality from runoff during construction, lighting onto habitat areas, introduction of invasive plant species, and brush management that leads to habitat degradation.

No grading or construction are part of the proposed Project and future actions would be required to avoid impacts to the conservation easements, so indirect impacts to sensitive habitats or species are unlikely.



#### **4.4.1 Errant Grading**

Impacts beyond the limits of work can occur for numerous reasons and could potentially impact sensitive habitat if present outside the proposed Project footprint. As no grading will occur as part of the proposed Project, no impacts will occur. Future development would be required to avoid impacts from errant grading to the conservation easements and sensitive habitats they contain.

#### **4.4.2 Noise**

Noise from machinery during grubbing, earthwork, and construction would be a temporary impact to local wildlife. Noise-related impacts, when construction noise exceeds 60 dBA<sub>Leq</sub>, would be considered significant if listed species or raptors were displaced and failed to breed.

No raptor nests were detected during the field survey and habitat for the federal-listed as endangered LFRR is far enough away that if machinery were to work on the parcel during future development, sound levels would not reach 60 dBA<sub>leqh</sub> (60 decibels, A-weighted, hourly average) so impacts would not be significant.

#### **4.4.3 Drainage**

As no grading will occur as part of the proposed Project, no impacts will occur. For future development, storm water drainage requirements ensure the amount of water leaving a site is not changed by installation of a project or will not modify the drainage patterns off site. Compliance with storm water regulations will ensure no impacts from drainage occur.

#### **4.4.4 Surface Water Quality**

Surface water can be contaminated by sediment during grubbing, grading, and construction, from fuels, oils, and lubricants from construction vehicles, and post-construction by run off from rooftops, hardscaping and landscaping. Decreased water quality may adversely affect native vegetation, aquatic animals, and terrestrial wildlife that depend upon these resources.

While no affects are expected from the proposed project, future development will be required to apply Best Management Practices (BMPs) as stipulated in a project Storm Water Pollution Prevention Plan (SWPPP) which would be used to control erosion, sedimentation, and pollution that could impact surface water quality during construction. Post-construction treatments would clean surface water and prevent run off of pollutants into surrounding areas. Based on compliance with a SWPPP and all storm water regulations and applications, effects of future development would not be significant.

#### **4.4.5 Lighting**

Exterior night lighting has the potential to illuminate native habitats off site, which could interfere with wildlife movement and could unbalance predator/prey relationships and provide nocturnal predators with an added advantage over their prey. This could adversely affect native wildlife, especially if listed species would be affected.

No lighting is needed for the proposed Project and no effects would occur. With sensitive habitats occurring in the conservation easements and a listed species being detected in the adjacent marsh, night lighting could be an issue for future development. Any outdoor lighting around future buildings shall be shielded to prevent light from illuminating habitat in the conservation easements, using fixtures that physically direct light away from the outer edges of the developable area, fences, or other barriers on the edge of development to prevent light overspill. Such measures, if implemented, would reduce potential night-lighting effects from future development to below a level of a significance.

#### **4.4.6 Invasive Plant Species**

Invasive weed species could colonize areas disturbed by grading, construction, and development if invasive species are used in landscaping, that could spread into adjacent native habitats and degrade habitat quality for native wildlife.

Invasive weeds already occur in the conservation easements (Russian thistle, castor bean [*Ricinus communis*], ripgut grass on the slope; hottentot fig and Brazilian pepper at the marsh edge); but unless controlled, introduction of additional weed species into the conservation easements could be significant.

No effect will occur from the proposed Project and any future development should be conditioned to control weeds during construction and any landscaping should involve only appropriate native or non-invasive ornamental plant species. Any project landscaping shall not include species identified as an invasive non-native plant species as identified by the California Invasive Plant Council at <http://www.cal-ipc.org/paf/>.

#### **4.4.7 Brush Management**

No additional brush management is required for the proposed Project. Any future development will have to comply with the requirements of current fire regulations for defensible space. Provided substantial effects to sensitive vegetation in the conservation easements are avoided, this indirect impact would not be significant.

### **4.5 Cumulative Impacts**

The MHCP was designed to compensate for the loss of regional biological functionality that would otherwise occur on a project-by-project basis under CEQA. Compliance with the requirements of the MHCP would not result in cumulatively considerable impacts for those resources covered by the plan. As no impacts to sensitive resources occur on site and the project is in compliance with the draft SAP, impacts are not cumulatively considerable and not significant.

## **5.0 MITIGATION MEASURES**

Pursuant to CEQA requirements and the MHCP, as no impacts from the proposed Project would occur, no mitigation measures are required. Potential impacts from future development would be offset by conditions applied during review of development plans.

### **5.1 Indirect Impacts**

To ensure all indirect effects are avoided or remain below a level of significance, the MCHP includes a list of 21 Standard BMPs that are required to limit indirect impacts (SANDAG 2003: Volume II, Appendix B see below). Specifically, for the Proposed project, none would apply; but, for future development, Measures 3, 8, and 13-18 would apply:

1. A qualified biologist shall conduct a training session for all project personnel prior to proposed activities. At a minimum, the training shall include a description of the target species of concern and its habitats, the general provisions of the ESA and the MHCP, the need to adhere to the provisions of the Act and the MHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the target species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished. NOT APPLICABLE.

2. A water pollution and erosion control plan shall be developed that describes sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices, and other factors deemed necessary by reviewing agencies. Erosion control measures shall be monitored on a regularly scheduled basis, particularly during times of heavy rainfall. Corrective measures will be implemented in the event erosion control strategies are inadequate. Sediment/ erosion control measures will be continued at the project site until such time as the revegetation efforts are successful at soil stabilization. NOT APPLICABLE.
3. The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.
4. The upstream and downstream limits of projects disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work. NOT APPLICABLE.
5. Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern. NOT APPLICABLE.
6. Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of the target species of concern. NOT APPLICABLE.
7. When steam flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing or other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments off-site. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from re-entering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream. NOT APPLICABLE.
8. Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. All necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. All project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, USFWS, CDFW, and RWQCB, and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.
9. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks. NOT APPLICABLE.
10. The qualified project biologist shall monitor construction activities throughout the duration of the project to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the project footprint. Construction monitoring reports shall be completed and provided to the jurisdictional City, USFWS, and the CDFW summarizing how the project is in compliance with applicable conditions. The project biologist should be empowered to halt work activity if necessary and to confer with staff from the applicable City, USFWS, and CDFW to ensure the proper implementation of species and habitat protection measures. NOT APPLICABLE.
11. The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species. All revegetation plans shall be prepared and implemented consistent with MHCP Revegetation Guidelines (MHCP Appendix C) and shall require written concurrence of the USFWS and CDFW. NOT APPLICABLE.

12. Exotic species that prey upon or displace target species of concern should be permanently removed from the site.
13. To avoid attracting predators of the target species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s). Pets of project personnel shall not be allowed on-site where they may come into contact with any listed species.
14. Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. All employees shall be instructed that their activities are restricted to the construction areas.
15. Any habitat destroyed that is not in the identified project footprint shall be disclosed immediately to the jurisdictional city, USFWS, and CDFW and shall be compensated at a minimum ratio of 5:1.
16. If dead or injured listed species are located, initial notification must be made within three working days, in writing, to the Service's Division of Law Enforcement in Torrance, California and by telephone and in writing to the applicable jurisdiction, Carlsbad Field Office of the USFWS, and CDFW.
17. The jurisdictional City shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMP. The USFWS and CDFW may accompany City representatives on this inspection.
18. Any planting stock to be brought onto the site for landscaping or ecological restoration shall first be inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to Argentine ants, fire ants, and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats.
19. Projects adding new utility lines or towers or modifying existing utility lines or towers will implement designs that preclude or minimize harm to wildlife due to collisions or electrocution. Information on such designs can be found at [www.migratorybirds.fws.gov/issues/towers](http://www.migratorybirds.fws.gov/issues/towers). NOT APPLICABLE.
20. Where appropriate based on site-specific survey results, wildlife undercrossings shall be designed and implemented for new roads or road improvement projects that could disrupt wildlife movements or result in increased roadkill. Such undercrossings, along with any necessary wildlife fencing or other facilities, shall be designed based on best available information to maximize use of the undercrossing by species of concern. Undercrossing design shall strive to maximize the openness index ( $[\text{width} \times \text{height}] / \text{length}$ ), minimize traffic noise within the crossing, use appropriate fencing to funnel wildlife into the crossing rather than across the road surface, and screen the undercrossing openings with natural vegetation. NOT APPLICABLE.
21. All mitigation sites shall be conserved through fee title acquisition or conservation easement, and proof of recordation shall be provided to the jurisdictional city prior to land disturbance. NOT APPLICABLE.

## 6.0 CONCLUSION

No direct or indirect impacts would occur to sensitive habitats or species from the proposed Project and no avoidance, minimization, or mitigation would be required. Future development at the site would avoid impacts through compliance with the MHCP and City codes.

Any future development would be within Developed Habitat. Impacts to MHCP Group F habitats (Other) are not significant and do not require mitigation per the MHCP.

Impacts to nesting birds will be avoided through clearing outside the bird-breeding season (January 15–August 31) unless a preconstruction survey demonstrates no active nests would be affected. As a result, future development would be in compliance with the MBTA, and CFG Code.

Application of MHCP Standard BMPs would ensure the proposed Project would be in compliance with CEQA and the MHCP.

After application of the MMRP, no significant direct or indirect impacts to sensitive or special status, riparian or sensitive vegetation communities, species, wetlands, wildlife corridors or nursery sites, local policies or ordinances, would occur and future development would be in compliance with the MHCP, all state or federal laws, codes, and treaties.

As a result of the proposed Project design and MMRP, the proposed Project and future development would have a less than significant effect on biological resources.

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## APPENDIX A: PLANT SPECIES OBSERVED ON SITE

FAMILY	SCIENTIFIC NAME	COMMON NAME	HABITATS	STATUS
<b>MONOCOTS</b>				
Arecaceae	<i>Phoenix canariensis</i> *	Canary Island fan palm	DEV, NNV	*
Poaceae	<i>Bromus diandrus</i> *	ripgut grass	AS, DEV, NNG	*
	<i>Cynodon dactylon</i> *	Bermuda grass	DEV	*
	<i>Distichlis spicata</i>	saltgrass	DEV	
<b>DICOTS</b>				
Aizoaceae	<i>Carprobrotus edulis</i> *	hottentot fig	AS, DEV, NNV	*
	<i>Drosanthemum</i> sp.*	dewflower	DEV, DH	*
Ameranthaceae	<i>Salsola tragus</i> *	Russian thistle	DEV, DH, NNG	*
Anacardiaceae	<i>Schinus molle</i> *	Peruvian pepper tree	DEV, NNV	*
	<i>Schinus terebinthifolius</i> *	Brazilian pepper tree	NNV	*
Asteraceae	<i>Artemisia californica</i>	California sagebrush	AS	
	<i>Erigeron canadensis</i>	Canada horseweed	AS, DEV	
	<i>Lactuca serriola</i> *	prickly lettuce	DH	*
	<i>Pluchea sericea</i>	arrowweed	AS	
Brassicaceae	<i>Raphanus sativus</i> *	wild radish	AS, NNG	*
Chenopodiaceae	<i>Chenopodium album</i> *	lamb's quarters	DH	*
Convolvulaceae	<i>Convolvulus</i> sp.*	morning glory	DEV	*
Crassulaceae	<i>Crassula ovata</i> *	jade plant	DEV	*
Euphorbiaceae	<i>Euphorbia maculata</i> *	spotted spurge	DEV	*
	<i>Ricinus communis</i> *	castor bean	DH, DEV	*
Fabaceae	<i>Acacia cyclops</i> *	golden wattle	NNV	*
	<i>Ceratonia siliqua</i> *	carob	DEV	*
Malvaceae	<i>Lavatera assurgentiflora</i> ssp. <i>assurgentiflora</i>	island mallow	DEV	CRPR 1B.1
Myrtaceae	<i>Eucalyptus</i> sp.*	gum tree	EW	*
Pittosporaceae	<i>Pittosporum tobira</i> *	wheeler's dwarf	DEV	*
Plumbaginaceae	<i>Limonium perezii</i> *	Perez's sea lavender	AS, DEV, NNG	*
Podocarpaceae	<i>Podocarpus macrophyllus</i> *	fern pine	DEV	*
Polygonaceae	<i>Eriogonum fasciculatum</i>	California buckwheat	AS, NNG	
Rosaceae	<i>Raphiolepis indica</i> *	Indian hawthorn	DEV	*
Salicaceae	<i>Salix lasiolepis</i>	arroyo willow	SWS	
Solanaceae	<i>Nicotiana glauca</i> *	tree tobacco	DEV, DH	*
Typhaceae	<i>Typha domingensis</i> .	narrowleaf cattail	CVFWM	

Habitats: AS = Arrowweed Scrub, CVFWM = Coastal Valley Freshwater Marsh, DEV = Developed, DH = Disturbed Habitat, EW = Eucalyptus Woodland, NNG = Non-native Grassland, NNV = Non-native Vegetation, SWS = Southern Willow Scrub

CRPR (California Rare Plant Rank) 1B.1 = rare, threatened or endangered in California and elsewhere (0.1 seriously threatened in California)

\*Non-native Species



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## APPENDIX B: ANIMAL SPECIES OBSERVED OR DETECTED

FAMILY	SCIENTIFIC NAME	COMMON NAME	HABITATS	STATUS
<b>INSECTS</b>				
Hesperiidae	<i>Hylephila phyleus</i> .	fiery skipper	AS	
Lycaenidae	<i>Strymon melinus</i>	gray hairstreak	AS	
Nymphalidae	<i>Nymphalis antiopa</i>	mourning cloak	AS	
Pieridae	<i>Phoebis</i> sp.	sulpher	AS, NNV	
Aeshnidae	<i>Anax junius</i>	green damer	AS, CVFM, DH	
Scarabidae	<i>Cotinis mutabilis</i>	green fig beetle	NNV	
<b>AMPHIBIANS</b>				
Hylidae	<i>Pseudacris hypochondriaca</i>	Baja California treefrog	CVFM	
<b>BIRDS</b>				
Accipitridae	<i>Buteo lineatus</i>	Red-shouldered Hawk	Flyover	
Apodidae	<i>Aeronautes saxatalis</i>	White-throated Swift	Flyover	
Parulidae	<i>Setophaga townsendi</i>	Townsend's Warbler	NNV	
	<i>Geothlypis trichas</i>	Common Yellowthroat	CVFM	
Columbidae	<i>Columba livia</i>	Rock Pigeon	DH	
	<i>Zenaida macroura</i>	Mourning Dove	DH	
	<i>Streptopelia decaocto</i>	Eurasian Collared-Dove	DH	
Trochilidae	<i>Calypte anna</i>	Anna's Hummingbird	NNV	
	<i>Selasphorus</i> sp.	Rufous/Allen's Hummingbird	NNV	
Corvidae	<i>Corvus brachyrhynchos</i>	American Crow	Flyover	
Tyrannidae	<i>Sayornis nigricans</i>	Black Phoebe	DH, NNV	
Rallidae	<i>Porzana carolina</i>	Sora	CVFM	
	<i>Rallus obsoletus levipes</i>	Light-footed Ridgway's Rail	CVFM	FE/SE, FP
Troglodytidae	<i>Troglodytes aedon</i>	House Wren	NNV	
Vireonidae	<i>Vireo gilvus</i>	Warbling Vireo	NNV	
Mimidae	<i>Mimus polyglottus</i>	Northern Mocking Bird	DH, NNV	
Passerellidae	<i>Pipilo crissalis</i>	California Towhee	AS, NNV	
	<i>Melospiza melodia</i>	Song Sparrow	AS	
Passeridae	<i>Passer domesticus</i>	House Sparrow	DH, NNV	
Icteridae	<i>Agelaius phoeniceus</i>	Red-winged Blackbird	CVFM	
	<i>Molothrus ater</i>	Brown-headed Cowbird	Flyover	
Fringillidae	<i>Carpodacus mexicanus</i>	House Finch	AS, NNV	
	<i>Spinus psaltria</i>	Lesser Goldfinch	AS, NNV	
<b>MAMMALS</b>				
Leporidae	<i>Sylvilagus auduboni</i>	desert cottontail	AS	Scat
Status:				
FE_ federal-listed as endangered				
SE= California-listed as endangered				
FP = California Fully Protected				

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## APPENDIX C: SITE PHOTOS



Looking northeast to the house on site from the southwest mowed grass, hottentot fig, and landscape trees.

Looking east from off site showing the break in slope in the south of the parcel that drops to the Lagoon. A Canary Island fan palm is at the top of the slope.



Looking southeast down the slope to the Lagoon. AS is present on the slope above the Lagoon. Conservation easement actually extends above fence.





Looking west along top of slope at maintained yard.

Looking southwest across AS on slope, SWS and CVFM at the Lagoon.



Looking north to neighboring residence from east portion of site.





Peruvian pepper tree in eastern portion of the yard with 3 island mallow poking out of it.

Island mallow is a CRPR 1B.1 species endemic to the Channel Islands. The specimens present on the parcel were likely planted or derived from planted stock.







Looking west towards the home on the northwestern portion of the parcel.

Looking south to the east of the Project site with the off-site Island Mallow in center.



NNG in the conservation easement on the slope.





AS on slope within conservation easement.

SWS at base of slope in conservation easement.





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