



September 20, 2021

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SHOPOFF ADVISORS, L.P.

Attention: *Blair Ruffner*

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Irvine, California 92614

SUBJECT: Biological Resources Assessment for the Proposed Project Located at 16300 Euclid Street in the City of Fountain Valley, Orange County, California

Introduction

This report contains the findings of ELMT Consulting’s (ELMT) biological resources assessment for the proposed project located at 16300 Euclid Street (project, project site) located in the City of Fountain Valley, Orange County, California. The habitat assessment was conducted by biologist Jacob H. Lloyd Davies on September 1, 2021 to document baseline conditions and assess the potential for special-status¹ plant and wildlife species to occur within the project site that could pose a constraint to implementation of the proposed project. Special attention was given to the suitability of the project site to support special-status plant and wildlife species identified by the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB), and other electronic databases as potentially occurring in the general vicinity of the project site.

Project Location

The project site is generally located north of Interstate 405, west of State Route 55, and South of State Route 22 in the City of Fountain Valley, Orange County, California. The site is depicted on the Newport Beach quadrangle of the United States Geological Survey’s (USGS) 7.5-minute map series within Section 21 of Township 5 South, Range 10 West. Specifically, the site is located at 16300 Euclid Street (southwest corner of the intersection of Euclid Street and Blue Alim Avenue) within Assessor Parcel Number (APN) 144-111-01. Refer to Exhibits 1-3 in Attachment A.

Project Description

Per the most recent site plan dated January 21, 2025, the proposed project will consist of (36) two-story triplex units, (183) three-story townhome units, 304 multi-family units in a five-story apartment building, and 83 senior units in a four-story apartment building above a single-story podium parking structure located at the corner of Euclid Street and Heil Avenue.

¹ As used in this report, “special-status” refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

Methodology

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. In addition to the literature review, a general habitat assessment or field investigation of the project site was conducted to document existing conditions and assess the potential for special-status biological resources to occur within the project site.

Literature Review

Prior to conducting the field investigation, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project site were determined through a query of the CDFW's QuickView Tool in the Biogeographic Information and Observation System (BIOS), CNDDDB Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, and the United States Fish and Wildlife Service (USFWS) species listings.

All available reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the project site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred within the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1985-2021);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey²;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

The literature review provided a baseline from which to inventory the biological resources potentially occurring within the project site. The CNDDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project site.

Habitat Assessment/Field Investigation

Following the literature review, biologist Jacob H. Lloyd Davies inventoried and evaluated the condition of the habitat within a 200-foot buffer around the project site, where applicable, on September 1, 2021. Plant communities and land cover types identified on aerial photographs during the literature review were

² A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

verified by walking meandering transects throughout the project site. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field investigation.

Soil Series Assessment

On-site and adjoining soils were researched prior to the field investigation using the USDA NRCS Soil Survey for Orange County, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the project site has undergone.

Plant Communities

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009), delineated on an aerial photograph, and then digitized into GIS Arcview. The Arcview application was used to compute the area of each plant community and/or land cover type in acres.

Plants

Common plant species observed during the field investigation were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less-familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual (Hickman 2012). In this report, scientific names are provided immediately following common names of plant species (first reference only).

Wildlife

Wildlife species detected during the field investigation by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are well standardized, scientific names are provided immediately following common names in this report (first reference only).

Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program “My Waters” data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the

vicinity of the project site.

Existing Site Conditions

The proposed project site is located in predominately developed area in the City of Fountain Valley. Surrounding land uses include residential development to the north, east, and south, and a recreational park complex to the west. The site itself supports undeveloped land that is subject to ongoing agricultural activities.

Topography and Soils

Elevation ranges from approximately 41 to 48 feet above mean sea level and slopes marginally from north to south. Due to existing land uses, the site is entirely flat. Based on the NRCS USDA Web Soil Survey, the project site is historically underlain by Metz loamy sand (moderately fine substratum). Refer to Exhibit 4, *Soils*, in Attachment A. Soils on-site have been compacted by anthropogenic disturbances such as agricultural activities.

Vegetation

Due to historic and existing land uses and surrounding development, no native plant communities or natural communities of special concern were observed within the project footprint. Refer to Attachment B, *Site Photographs*, for representative site photographs. The project site supports two (2) land cover types that would be classified as agricultural fields and disturbed (refer to Exhibit 5, *Vegetation*, in Attachment A).

The majority of the project site supports active agricultural fields. These fields support row crops such as corn (*Zea mays*), strawberries (*Fragaria* sp.), tomatoes (*Solanum* sp.), and a variety of gourd crops (*Cucurbita* sp.). These areas are actively irrigated and weeded, although some areas support weedy/early successional species such as lamb's quarters (*Chenopodium album*), prostrate knotweed (*Polygonum prostrata*), horsetweed (*Erigeron* sp.), and puncture vine (*Tribulus terrestris*).

Disturbed areas supported by the project site include site boundaries and dirt access roads that traverse the site between agricultural fields. These areas are unvegetated or support a variety of non-native ornamental and agricultural plants, in addition to weedy/early successional species. Common species observed in disturbed areas include nopal (*Opuntia ficus-indica*), pomegranate (*Punica granatum*), prostrate knotweed, horsetweed, puncture vine, and white horehound (*Marrubium vulgare*).

Wildlife

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the project site. The discussion is to be used a general reference and is limited by the season, time of day, and weather conditions in which the field investigation was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation. The project site provides limited habitat for wildlife species except those adapted to a high degree of anthropogenic disturbances and development.

Fish

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the project site. Therefore, no fish are expected to occur and are presumed absent from the project site.

Amphibians

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the project site. Therefore, no amphibians are expected to occur on the project site and are presumed absent.

Reptiles

The survey area provides marginal habitat for local reptile species adapted to routine disturbance and development. The only reptilian species observed was Great Basin fence lizard (*Sceloporus occidentalis longipes*). Common reptilian species that may occur on-site include western side-blotched lizard (*Uta stansburiana elegans*) and San Diego alligator lizard (*Elgaria multicarinata webbii*).

Birds

The project site provides marginal foraging and nesting habitat for bird species adapted to routine disturbance and development. Bird species detected during the field investigation include American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*), cliff swallow (*Petrochelidon pyrrhonota*), house finch (*Haemorhous mexicanus*), killdeer (*Charadrius vociferus*), American kestrel (*Falco sparverius*), red-shouldered hawk (*Buteo lineatus*), black phoebe (*Sayornis nigricans*), European starling (*Sturnus vulgaris*), and Cooper's hawk (*Accipiter cooperii*).

Mammals

The survey area provides marginal foraging and cover habitat for mammalian species adapted to routine disturbance and development. Mammalian species detected during the field investigation include feral domestic cat (*Felis catus*) and coyote (*Canis latrans*). Common mammalian species that could be expected to occur include pocket gopher (*Thomomys bottae*), possum (*Didelphis virginiana*), and raccoon (*Procyon lotor*). Due to the nature and frequency of routine anthropogenic disturbances associated with on-site agricultural activities and adjacent roadways and development, no bats species are expected to roost on-site.

Nesting Birds

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted outside of the breeding season (generally February 1st through August 31st). Although subjected to routine disturbance, the ornamental vegetation bordering the project site, associated with the adjacent golf course and residential homes, has the potential to provide suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to urban environments. In addition, the project site has the potential to provide suitable nesting opportunities for birds that nest on the open ground and those acclimated to routine disturbances (e.g. killdeer (*Charadrius vociferus*)). No raptors are expected to nest on-site due to lack of suitable nesting opportunities.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

Migratory Corridors and Linkages

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The proposed project will be confined to existing areas that have been heavily disturbed and are isolated from regional wildlife corridors and linkages. In addition, there are no riparian corridors, creeks, or useful patches of steppingstone habitat (natural areas) within or connecting the site to a recognized wildlife corridor or linkage. As such, implementation of the proposed project is not expected to impact wildlife movement opportunities. Therefore, impacts to wildlife corridors or linkages are not expected to occur.

Jurisdictional Areas

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented within or immediately surrounding the project site. Based on this review, no riverine resources were identified on the project site.

No jurisdictional drainage and/or wetland features were observed on the project site during the field investigation. Further no blueline streams, have been recorded on the project site. Therefore, development of the project will not result in impacts to Corps, Regional Board, or CDFW jurisdiction and regulatory approvals will not be required.

Special-Status Biological Resources

The CNDDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Newport Beach USGS 7.5-minute quadrangle. Only one quadrangle was used due the proximity of the site to quadrangle boundaries, geographical similarities with adjacent

quadrangles, and surrounding development. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified twenty-nine (29) special-status plant species, sixty-nine (69) special-status wildlife species, and four (4) special-status plant communities as having potential to occur within the Newport Beach USGS 7.5-minute quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the project site is presented in Attachment C: *Potentially Occurring Special-Status Biological Resources*.

Special-Status Plants

According to the CNDDDB and CNPS, twenty-nine (29) special-status plant species have been recorded in the Newport Beach quadrangle (refer to Attachment C). No special-status plant species were observed on-site during the habitat assessment. The project site has been subject to anthropogenic disturbances from agricultural activities and surrounding development. These disturbances have reduced the suitability of the habitat to support special-status plant species known to occur in the general vicinity of the project site. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and all are presumed to be absent from the project site. No focused surveys are recommended.

Special-Status Wildlife

According to the CNDDDB, sixty-nine (69) special-status wildlife species have been reported in the Newport Beach quadrangle (refer to Attachment C). The only special-status wildlife species observed on-site during the habitat assessment was Cooper's hawk (*Accipiter cooperii*). The project site and surrounding area have been subject to a variety of anthropogenic disturbances from agricultural activities and surrounding development. These disturbances have eliminated the natural plant communities that once occurred onsite which has reduced potential foraging and nesting/denning opportunities for wildlife species.

Based on habitat requirements for specific species and the availability and quality of onsite habitats, it was determined that the proposed project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the project site has been heavily disturbed from historic and existing land uses and surrounding development.

Cooper's hawk is neither federally or state listed as endangered or threatened. In order to ensure impacts to Cooper's hawk do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of the pre-construction nesting bird clearance survey, impacts to Cooper's hawk will be less than significant and no mitigation will be required.

Special-Status Plant Communities

According to the CNDDDB, four (4) special-status plant communities have been reported in the Newport Beach USGS 7.5-minute quadrangle: southern coastal salt marsh, southern cottonwood willow riparian forest, southern dune scrub, and southern foredunes. Based on the results of the field investigation, no special-status plant communities were observed onsite. Therefore, no special-status plant communities will be impacted by project implementation.

Critical Habitats

Under the federal Endangered Species Act, “Critical Habitat” is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the USFWS regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a Clean Water Act Permit from the United States Army Corps of Engineers). If there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The project site is not located within federally designated Critical Habitat. Further, the closest Critical Habitat designations are located approximately 5.6 miles south of the site for California gnatcatcher (*Poliioptila californica californica*), approximately 6.2 miles south of the project site San Diego fairy shrimp (*Branchienecta sandiegonensis*), and approximately 5.7 miles south and southwest of the project site for western snowy plover (*Charadrius nivosus nivosus*) (Exhibit 6, *Critical Habitat*). Therefore, no impacts to federally designated Critical Habitat will occur from implementation of the proposed project.

Conclusion

Based literature review and field survey, and existing site conditions discussed in this report, implementation of the project will have no significant impacts on federally or State listed species known to occur in the general vicinity of the project site. Additionally, the project will have no effect on designated Critical Habitat or regional wildlife corridors/linkage because none exists within the area. No jurisdictional drainage and/or wetland features were observed on the project site during the field investigation. No further surveys are recommended. With completion of the recommendations provided below, no impacts to year-round, seasonal, or special-status avian residents or special-status species will occur from implementation of the proposed project.

Recommendations

Migratory Bird Treaty Act and Fish and Game Code

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and

Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions this report.

Sincerely,



Thomas J. McGill, Ph.D.
Managing Director



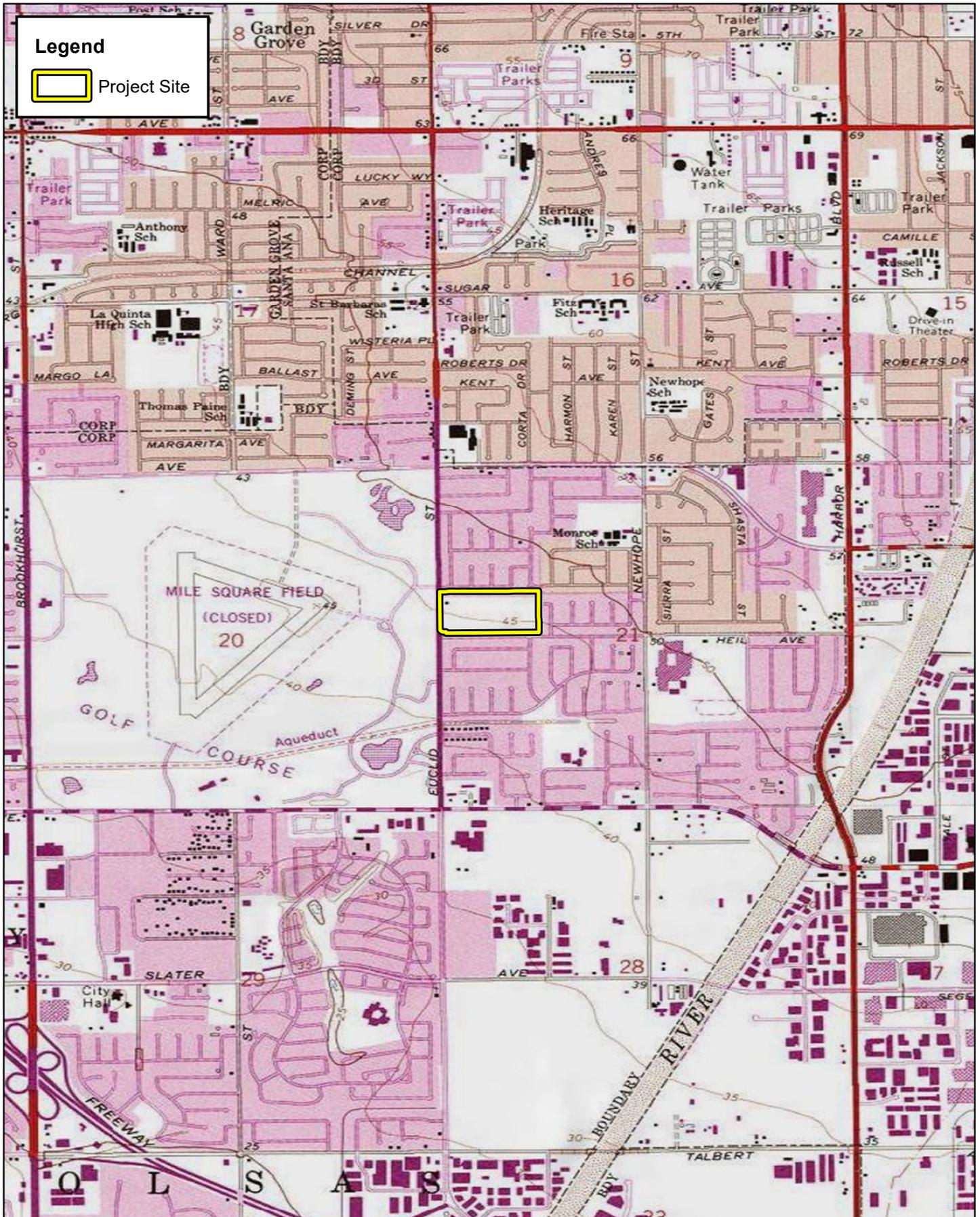
Travis J. McGill
Director

Attachments:

- A. *Project Exhibits*
- B. *Site Photographs*
- C. *Potentially Occurring Special-Status Biological Resources*
- D. *Regulations*

Attachment A

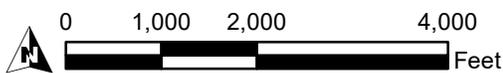
Project Exhibits



Legend

 Project Site

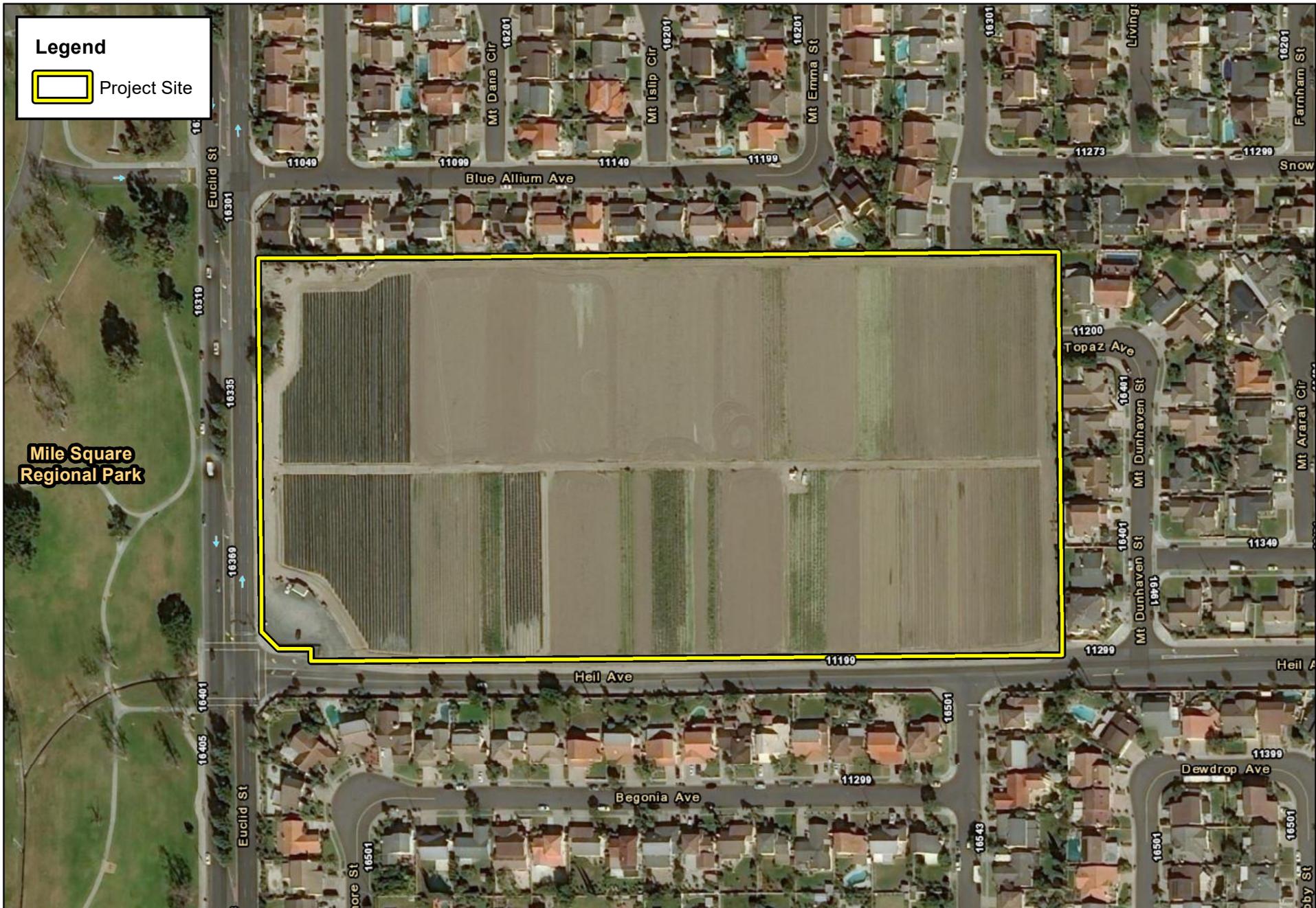
16300 EUCLID STREET
 BIOLOGICAL RESOURCES ASSESSMENT
Site Vicinity



Source: USA Topographic Map, Orange County

B-12

Exhibit 2



Legend

 Project Site

Mile Square Regional Park



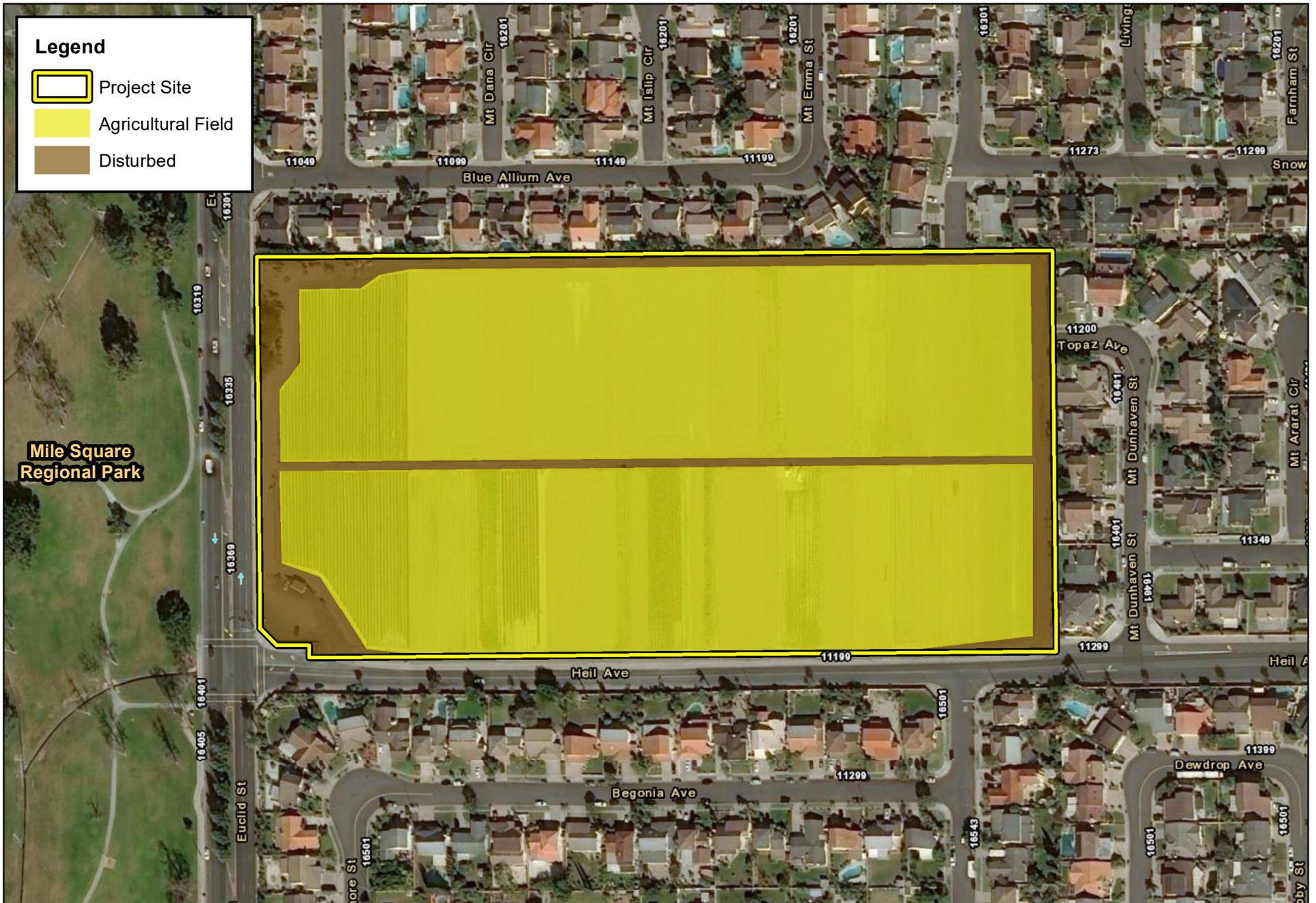
Source: ESRI Aerial Imagery, Orange County

B-13

16300 EUCLID STREET
BIOLOGICAL RESOURCES ASSESSMENT

Project Site

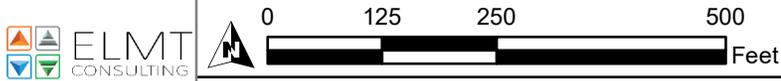
Exhibit 3



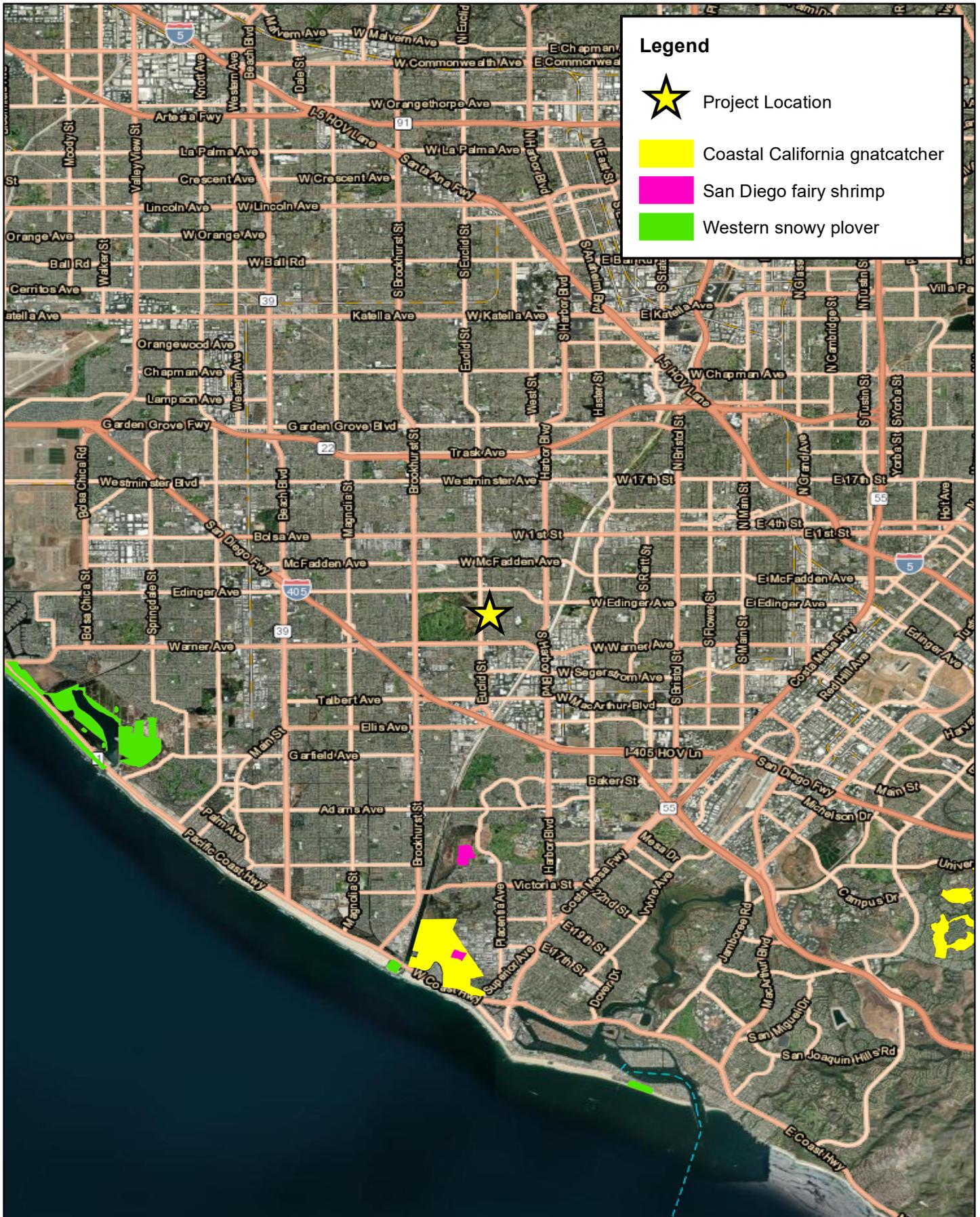
Legend

- Project Site
- Agricultural Field
- Disturbed

Mile Square Regional Park



Source: ESRI Aerial Imagery, Orange County



Source: ESRI Aerial Imagery, USFWS Critical Habitat, Orange County

16300 EUCLID STREET
 BIOLOGICAL RESOURCES ASSESSMENT
Critical Habitat

Attachment B

Site Photographs



Photograph 1: From the northwest corner of the project site looking south along the western boundary.



Photograph 2: From the northwest corner of the project site looking east along the northern boundary.



Photograph 3: From the northeast corner looking west along the northern boundary.



Photograph 4: From the northeast corner looking south along the eastern boundary.



Photograph 5: From the southeast corner of the project site looking north along the eastern boundary.



Photograph 6: From the southeast corner of the project site looking west along the southern boundary.



Photograph 7: From the southwest corner of the project site looking east along the southern boundary.



Photograph 8: From the southeast corner of the project site looking north along the western boundary.



Photograph 9: From the middle of the eastern boundary looking west along the access road that separates the northern and southern agricultural crops.



Photograph 10: Active agricultural crops on the project site.

Attachment C

Potentially Occurring Special-Status Biological Resources

Table C-1: Potentially Occurring Special-Status Biological Resources

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
SPECIAL-STATUS WILDLIFE SPECIES				
<i>Accipiter cooperii</i> Cooper's hawk	Fed: None CA: WL	Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests, but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	Yes	Present. There is suitable foraging habitat onsite, but no suitable nesting opportunities. This species is well-adapted to urban environments and occurs commonly.
<i>Aimophila ruficeps canescens</i> southern California rufous-crowned sparrow	Fed: None CA: WL	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated shrublands on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (<i>Artemisia californica</i>), but can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Anniella stebbinsi</i> southern California legless lizard	Fed: None CA: SSC	Mostly found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans. They live mostly underground, burrowing in the loose sandy soils.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Antigone canadensis canadensis</i> lesser sandhill crane	Fed: None CA: SSC	Nest in open grasslands, such as wet meadows, and freshwater marshes or bogs. Prefer to be far from human habitation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Ardea alba</i> great egret	Fed: None CA: None	Yearlong resident throughout California, except for the high mountains and deserts. Feeds and rests in fresh, and saline emergent wetlands, along the margins of estuaries, lakes, and slow-moving streams, on mudflats and salt ponds, and in irrigated croplands and pastures.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Ardea herodias</i> great blue heron	Fed: None CA: None	Forages along streams, marshes, lakes, and meadows. Nests colonially in tall trees (typically <i>Eucalyptus</i> sp.), on cliffsides, or in isolated spots in marshes.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Asio flammeus</i> short-eared owl	Fed: None CA: SSC	Suitable habitats include salt- and freshwater marshes, irrigated alfalfa or grain fields, and ungrazed grasslands and old pastures. Tule marsh or tall grasslands with cover 30 to 50 cm in height can support nesting pairs.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Aspidoscelis hyperythra</i> orangethroat whiptail	Fed: None CA: WL	Semi-arid brushy areas typically with loose soil and rocks, including washes, streamsides, rocky hillsides, and coastal chaparral.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Athene cunicularia</i> burrowing owl	Fed: None CA: SSC	Occurs in dry, open areas such as grasslands, prairies, savannas, deserts, farmlands, golf courses and other urban areas. Usually nests in old burrow of ground squirrel, or other small mammal.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Bombus crotchii</i> Crotch bumble bee	Fed: None CA: CE	Exclusive to coastal California east towards the Sierra-Cascade Crest; less common in western Nevada.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Branchinecta sandiegonensis</i> San Diego fairy shrimp	Fed: END CA: None	Small, shallow vernal pools, occasionally ditches and road ruts.	No	Presumed Absent. There is no suitable habitat.
<i>Bucephala islandica</i> Barrow's goldeneye	Fed: None CA: SSC	Winters in rocky coastal marine and estuarine habitats including bays, inlets, harbors, and large interior lakes and rivers. Prefers shallow, slow-flowing waters, but can swing in strong currents. In breeding season, found around invertebrate-rich freshwater and alkaline lakes that are surrounded by mature boreal forests, where nesting occurs in tree cavities.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Calypte costae</i> Costa's hummingbird	Fed: None CA: None	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	Presumed Absent No suitable habitat is present within or adjacent to the project site.
<i>Campylorhynchus brunneicapillus sandiegensis</i> coastal cactus wren	Fed: None CA: SSC	The coastal population inhabits cactus scrub from southern Ventura County and southwestern San Bernardino County to northwestern Baja California.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Charadrius montanus</i> mountain plover	Fed: None CA: SSC	Found in short grasslands, freshly-plowed fields, newly-sprouting grain fields, and sometimes in sod farms. Prefers short vegetation or bare ground with flat topography, particularly grazed areas or areas with fossorial rodents.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Charadrius nivosus nivosus</i> western snowy plover	Fed: THR CA: SSC	Occurs on sandy beaches, salt pond levees and along the shores of large alkali lakes. Requires sandy or gravelly substrate for nesting.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Cicindela hirticollis gravida</i> sandy beach tiger beetle	Fed: None CA: None	Coastal dunes	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Cicindela latesignata latesignata</i> western beach tiger beetle	Fed: None CA: None	Inhabits estuaries and mudflats along the coast of southern California. Found on dark-colored mud in the lower zone and on dry saline flats of estuaries.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Cicindela tranquebarica viridissima</i> greenest tiger beetle	Fed: None CA: None	Normally occurs in sand flats along streams but can occur in sandy areas with active irrigation. Known from a few small colonies within the Santa Ana River watershed.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Circus hudsonius</i> northern harrier	Fed: None CA: SSC	Frequents meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands; seldom found in wooded areas. Mostly found in flat, or hummocky, open areas of tall, dense grasses moist or dry shrubs, and edges for nesting, cover, and feeding.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Coccyzus americanus occidentalis</i> western yellow-billed cuckoo	Fed: THR CA: END	In California, the breeding distribution is now thought to be restricted to isolated sites in Sacramento, Amargosa, Kern, Santa Ana, and Colorado River valleys. Obligate riparian species with a primary habitat association of willow-cottonwood riparian forest.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Coelus globosus</i> globose dune beetle	Fed: None CA: None	Coastal dunes	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Coturnicops noveboracensis</i> yellow rail	Fed: None CA: SSC	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass, and rice fields.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Danaus plexippus</i> pop. 1 monarch butterfly	Fed: CE CA: None	Occurs in open fields and meadows dominated by milkweed. In winter, species can be found on the coast of southern California in Eucalyptus groves and at high altitudes in central Mexico.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Egretta thula</i> snowy egret	Fed: None CA: None	Widespread in California along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. In southern California, common yearlong in the Imperial Valley and along the Colorado River.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Elanus leucurus</i> white-tailed kite	Fed: None CA: FP	Occurs in low elevation, open grasslands, savannah-like habitats, agricultural areas, wetlands, and oak woodlands. Uses trees with dense canopies for cover. Important prey item is the California vole.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Emys marmorata</i> western pond turtle	Fed: None CA: SSC	Found in ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches, with abundant vegetation, either rocky or muddy bottoms, in woodland, forest, and grassland. In streams, prefers pools to shallower areas. Logs, rocks, cattail mats, and exposed banks are required for basking. May enter brackish water and even seawater. Found at elevations from sea level to over 5,900 feet (1,800 m).	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Enhydra lutris nereis</i> southern sea otter	Fed: THR CA: FP	Found in a variety of coastal habitats shallower than 40m in depth. Most often occurs in areas with rocky coastlines with diverse sea bottoms and kelp forests. Also found in sandy areas, barrier reefs, and intertidal areas.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Eremophila alpestris actia</i> California horned lark	Fed: None CA: WL	Prefers riparian woodlands along streams and rivers with mature, dense stands of willows, cottonwoods or smaller spring fed or boggy areas with willows or alders.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Eucyclogobius newberryi</i> tidewater goby	Fed: END CA: None	Inhabits lagoons formed by streams meeting the ocean, where sand bars block limit oceanic currents, resulting in limited salinity. Prefer sandy bottoms near emergent vegetation beds.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Eumops perotis californicus</i> western mastiff bat	Fed: None CA: SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least three meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Falco columbarius</i> merlin	Fed: None CA: WL	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Falco peregrinus anatum</i> American peregrine falcon	Fed: DL CA: DL, FP	Uncommon winter resident of the inland region of southern California. Active nesting sites are known along the coast north of Santa Barbara, in Orange County, in the Sierra Nevada, and in other mountains of northern California. Breeds mostly in woodland, forest, and coastal habitats. Riparian areas and coastal and inland wetlands are important habitats yearlong, especially in nonbreeding seasons.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Gavia immer</i> common loon	Fed: None CA: SSC	Lakes with coves and islands are preferred habitat as they provide cover from predators. In their winter range along the coasts, they occur fairly close to the shore and in bays and estuaries.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Habroscelimorpha gabbii</i> western tidal-flat tiger beetle	Fed: None CA: None	Salty coastal habitats including salt marshes, tidal flats, and beaches.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Haliotis sorenseni</i> white abalone	Fed: END CA: None	Occurs in coastal waters between 20 and 65 meters deep. Found in open rock or boulder habitat interspersed with sand channels.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Hydroprogne caspia</i> Caspian tern	Fed: None CA: None	Occurs near large lakes, coastal waters, beaches, and bays. Found on both fresh and salt water, favoring protected waters such as bays and lagoons, rivers, not usually foraging over open sea. Nests on open ground on islands, coasts.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Icteria virens</i> yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Lanius ludovicianus</i> loggerhead shrike	Fed: None CA: SSC	Often found in broken woodlands, shrublands, and other habitats. Prefers open country with scattered perches for hunting and fairly dense brush for nesting.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Larus californicus</i> California gull	Fed: None CA: WL	Require isolated islands in rivers, reservoirs and natural lakes for nesting, where predations pressures from terrestrial mammals are diminished. Uses both fresh and saline aquatic habitats at variable elevations and degrees of aridity for nesting and for opportunistic foraging.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Lasiurus cinereus</i> hoary bat	Fed: None CA: None	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Laterallus jamaicensis coturniculus</i> California black rail	Fed: None CA: THR, FP	Occurs in salt marshes, freshwater marshes, and wet meadows. Requires dense cover of upland vegetation to provide protection from predators.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Lepus californicus bennettii</i> San Diego black-tailed jackrabbit	Fed: None CA: SSC	Occupies many diverse habitats, but primarily is found in arid regions supporting short-grass habitats, agricultural fields, or sparse coastal scrub.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Numenius americanus</i> long-billed curlew	Fed: None CA: WL	Preferred winter habitats include large coastal estuaries, upland herbaceous areas, and croplands. On estuaries, feeding occurs mostly on intertidal mudflats.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Nycticorax nycticorax</i> black-crowned night heron	Fed: None CA: None	Fairly common, yearlong resident in lowlands and foothills throughout most of California, including the Salton Sea and Colorado River areas, and very common locally in large nesting colonies. Feeds along the margins of lacustrine, large riverine, and fresh and saline emergent habitats and rarely, on kelp beds in marine sub tidal habitats. Nests and roosts in dense-foliaged trees and dense emergent wetlands.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Nyctinomops macrotis</i> big free-tailed bat	Fed: None CA: SSC	Prefers rugged, rocky terrain and canyons and often roosts in buildings, caves, and occasionally in holes in trees.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Oncorhynchus mykiss irideus pop. 10</i> steelhead – southern California DPS	Fed: END CA: None	Found in permanent coastal streams from San Diego to the Smith River.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Pandion haliaetus</i> osprey	Fed: None CA: WL	Associated strictly with large, fish-bearing waters, primarily in ponderosa pine through mixed conifer habitats. Uses large trees, snags, and dead-topped trees in open forest habitats for cover and nesting. Requires open, clear waters for foraging and uses rivers, lakes, reservoirs, bays, estuaries, and surf zones.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Panoquina errans</i> wandering (saltmarsh) skipper	Fed: None CA: None	Found in salt marsh, alkali meadow, and upland habitats.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Passerculus sandwichensis beldingi</i> Belding's savannah sparrow	Fed: None CA: END	Found in salt marshes, grasslands, tundra, mountain meadows, sandy regions, and short-grass prairies.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Pelecanus occidentalis californicus</i> California brown pelican	Fed: DL CA: DL, FP	Coastal areas, with nesting occurring on islands. Species found occasionally along Arizona's lakes and rivers. This species inhabits shallow inshore waters, estuaries and bays, avoiding the open sea. Its diet is comprised mostly of fish, causing great congregations in areas with abundant prey. Prey species include sardines and anchovies, but has been seen to take shrimps and carrion, and even nestling egrets. It regularly feeds by plunging and is often the victim of kleptoparasites.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Phalacrocorax auritus</i> double-crested cormorant	Fed: None CA: WL	Common yearlong resident in southern California. Occurs widely in freshwater and marine habitats along coastlines. Require open water where they can forage for schooling fish.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Phoebastria albatrus</i> short-tailed albatross	Fed: END CA: SSC	Nests exclusively on islands near China and Japan. Outside of breeding season, can be found foraging in pelagic waters and near coastal islands as far east as California.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Phrynosoma blainvillii</i> coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Polioptila californica californica</i> coastal California gnatcatcher	Fed: THR CA: SSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush (<i>Artemisia californica</i>). This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. It prefers habitat with more low-growing vegetation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Progne subis</i> purple martin	Fed: None CA: SSC	Summer resident in a variety of wooded, low-elevation habitats throughout the state. Uses valley foothill and montane hardwood, valley foothill and montane hardwood-conifer, and riparian habitats. Also occurs in coniferous habitats, including closed-cone pine-cypress, ponderosa pine, Douglas-fir, and redwood.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Pyrocephalus rubinus</i> vermillion flycatcher	Fed: None CA: SSC	Occupies desert riparian habitat, particularly cottonwoods, willows, mesquite, and other large desert riparian trees, in habitat adjacent to irrigated fields, irrigation ditches, pastures, and other open, mesic areas where it can forage.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Rallus obsoletus levipes</i> light-footed Ridgeway's rail	Fed: END CA: END, FP	Occurs in coastal saline emergent wetlands along Southern California. Prefers emergent wetland dominated by pickleweed and cordgrass. Requires shallow water and mudflats for foraging, with adjacent higher vegetation for cover during high water.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Riparia riparia</i> bank swallow	Fed: None CA: THR	Most commonly found around natural bluffs or eroding streamside banks, human-made sites, such as sand and gravel quarries or road cuts. Live in low areas along rivers, streams, ocean coasts, or reservoirs with lowland vegetation types including riparian forests dominated by willows (<i>Salix</i> spp.) and Fremont cottonwood (<i>Populus fremontii</i>), irrigated pastures, and desert shrub habitats. Nesting occurs along vertical faces of banks and bluffs from sea level at the coastal sites to over 2,000 meters.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Selasphorus rufus</i> rufous hummingbird	Fed: None CA: None	Breed in open or shrubby areas, forest openings, yards, and parks. During migration they are commonly found in disturbed areas where its food flowers are in bloom. Breeds in the northeastern United States and Canada.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Setophaga petechia</i> yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Sorex ornatus salicornicus</i> southern California saltmarsh shrew	Fed: None CA: SSC	Occur in coastal salt marshes in Orange, Los Angeles, and Ventura counties.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Sternula antillarum browni</i> California least tern	Fed: END CA: END, FP	Prefers broad, level expanse of open sandy or gravelly beach, dredge spoil and other open shoreline areas, and broad river valley sandbars.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Streptocephalus woottoni</i> Riverside fairy shrimp	Fed: END CA: None	Freshwater crustacean that is found in vernal pools in the coastal California area.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Taxidea taxus</i> American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Thalasseus elegans</i> elegant tern	Fed: None CA: WL	Favors shallow waters in bays and estuaries, occasionally pelagic. Nests on isolated and flat, sandy or rocky islands with minimal vegetation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Tryonia imitator</i> mimic tryonia (California brackishwater snail)	Fed: None CA: None	Found in coastal lagoons and areas where creek mouths join tidal marshes.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Vireo bellii pusillus</i> least Bell's vireo	Fed: END CA: END	Primarily occupy Riverine riparian habitat that typically feature dense cover within 1 -2 meters of the ground and a dense, stratified canopy. Typically it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodlands, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Xanthocephalus xanthocephalus</i> yellow-headed blackbird	Fed: None CA: SSC	Uncommon yearlong resident of southern California throughout freshwater emergent wetlands, and moist, open areas along agricultural areas, and mudflats of lacustrine habitats. Prefers to nest in dense wetland vegetation characterized by cattails, tules, or other similar plant species along the border of lakes and ponds.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
SPECIAL-STATUS PLANT SPECIES				
<i>Abronia maritima</i> red sand-verbena	Fed: None CA: None CNPS: 4.2	Grows in coastal dunes habitats. Found at elevations ranging from 0 to 330 feet. Blooming period is from February to November.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Abronia villosa var. aurita</i> chaparral sand-verbena	Fed: None CA: None CNPS: 1B.1	Found on the coastal side of the southern California mountains in chaparral and coastal sage scrub plant communities in areas of full sun and sandy soils. From 262 to 5,249 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Aphanisma blitoides</i> aphanisma	Fed: None CA: None CNPS: 1B.2	Found on bluffs, coastal sage scrub, and coastal dunes in sandy soils. From 3 to 1,001 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Astragalus hornii var. hornii</i> Horn's milk-vetch	Fed: None CA: None CNPS: 1B.1	Occurs in lake margins in playas, meadows and seeps. Found at elevations ranging from 197 to 2,789 feet. Blooming period is from May to October.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Atriplex coulteri</i> Coulter's saltbush	Fed: None CA: None CNPS: 1B.2	Coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland. Ocean bluffs, ridgetops, as well as alkaline low places. From 33 to 1,444 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Atriplex pacifica</i> south coast saltscale	Fed: None CA: None CNPS: 1B.2	Occurs on alkali soils in coastal scrub, coastal bluff, and playas. From 3 to 1,640 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Atriplex serenana var. davidsonii</i> Davidson's saltscale	Fed: None CA: None CNPS: 1B.2	Occurs in coastal bluff scrub and coastal scrub on alkaline soils. From 33 to 656 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Camissoniopsis lewisii</i> Lewis' evening primrose	Fed: None CA: None CNPS: 3	Found in coastal bluff scrub, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grassland in sandy or clay soils. From 0 to 984 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Centromadia parryi ssp. australis</i> southern tarplant	Fed: None CA: None CNPS: 1B.1	Occurs in disturbed areas near coastal salt marshes, grasslands, vernal pools, and coastal sage scrub habitat. From 0 to 1,575 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Chloropyron maritimum ssp. maritimum</i> salt marsh bird's-beak	Fed: END CA: END CNPS: 1B.2	Upper terraces and higher edges of coastal salt marshes where tidal inundation is periodic. From 0 to 99 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Dudleya multicaulis</i> many-stemmed dudleya	Fed: None CA: None CNPS: 1B.2	Often occurs on clay soils and around granitic outcrops in chaparral, coastal sage scrub, and grasslands. From 0 to 2,592 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Eleocharis parvula</i> small spikerush	Fed: None CA: None CNPS: 4.3	Grows within marshes and swamps habitats. Found at elevations ranging from 5 to 9,910 feet. Blooming period is generally June through August, and can range from April to September.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Eryngium aristulatum var. parishii</i> San Diego button celery	Fed: END CA: END CNPS: 1B.1	Occurs in coastal scrub, valley and foothill grassland, and vernal pools in mesic soils. From 66 to 2,034 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Helianthus nuttallii ssp. parishii</i> Los Angeles sunflower	Fed: None CA: None CNPS: 1A	Occurs in marshes, swamps, and on damp river banks. From 16 to 5,495 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Hordeum intercedens</i> vernal barley	Fed: None CA: None CNPS: 3.2	Grows within coastal dunes, coastal scrub, valley and foothill grassland (saline flats and depressions), and vernal pools habitats. Found at elevations ranging from 16 to 3,280 feet. Blooming period is from March to June.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Isocoma menziesii var. decumbens</i> decumbent goldenbush	Fed: None CA: None CNPS: 1B.2	Occurs in coastal sage scrub and grassland habitat. Prefers clay soils to other closely related varieties. From 33 to 443 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Juncus acutus ssp. leopoldii</i> southwestern spiny rush	Fed: None CA: None CNPS: 4.2	Found in coastal dunes (mesic), meadows and seeps (alkaline seeps), and marshes and swamps (coastal salt). Found at elevations ranging from 0 to 3,115 feet. Blooming period is from May to July.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Lasthenia glabrata ssp. coulteri</i> Coulter's goldfields	Fed: None CA: None CNPS: 1B.1	Usually alkaline soils in marshes, playas, vernal pools, and valley and foothill grassland. From 3 to 3,397 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Lycium californicum</i> California box-thorn	Fed: None CA: None CNPS: 4.2	Grows within coastal bluff scrub and coastal scrub habitats. found at elevations ranging from 16 to 492 feet. Blooming period is typically March, June, July, and August, and include December.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Nama stenocarpa</i> mud nama	Fed: None CA: None CNPS: 2B.2	Grows on the muddy embankments of ponds and lakes. Also reported to utilize river embankments. From 16 to 1,640 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Nasturtium gambelii</i> Gambel's water cress	Fed: END CA: THR CNPS: 1B.1	Brackish marsh, freshwater marsh, swamps, and wetlands. From 16 to 1,083 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Navarretia prostrata</i> prostrate vernal pool navarretia	Fed: None CA: None CNPS: 1B.2	Coastal scrub, valley and foothill grasslands, and vernal pools. From 49 to 2,297 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Nemacaulis denudata var. denudata</i> coast woolly-heads	Fed: None CA: None CNPS: 1B.2	Occurs in coastal dunes and sandy soils. From 0 to 328 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Orcuttia californica</i> California Orcutt grass	Fed: END CA: END CNPS: 1B.1	Primarily restricted to the southern basaltic claypan vernal pools at the Santa Rosa Plateau, and alkali vernal pools at Skunk Hollow, and at Salt Creek. Grows in elevations ranging from 45 to 2,165 feet above msl. Blooming period is from April to August.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Phacelia ramosissima var. australitoralis</i> south coast branching phacelia	Fed: None CA: None CNPS: 3.2	Found in chaparral, coastal dunes, coastal scrub, and coastal salt marshes and swamps in sandy or sometimes rocky soils. From 16 to 984 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed Onsite	Potential to Occur
<i>Sidalcea neomexicana</i> Salt Spring checkerbloom	Fed: None CA: None CNPS: 2B.2	Habitat includes chaparral, coastal scrub, lower montane coniferous forest, plays, and mojavean desert scrub. Found at elevations ranging from 49 to 5,020 feet. Blooming period is from March to June.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Suaeda esteroa</i> estuary seablite	Fed: None CA: None CNPS: 1B.2	Occurs in coastal salt marshes and swamps. From 0 to 16 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Suaeda taxifolia</i> woolly seablite	Fed: None CA: None CNPS: 4.2	Grows within coastal bluff scrub, coastal dunes, and marshes and swamps (margins of coastal salt) habitats. Found at elevations ranging from 0 to 164 feet. Blooming period is from January to December.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
<i>Symphotrichum defoliatum</i> San Bernardino aster	Fed: None CA: None CNPS: 1B.2	Grows in grasslands and disturbed areas in the San Gabriel and San Bernardino Mountains and Peninsular Range. Occurs in vernal wet sites including ditches, streams, and springs in many plant communities. From 6 to 6,693 feet in elevation.	No	Presumed Absent. No suitable habitat is present within or adjacent to the project site.
SPECIAL-STATUS PLANT COMMUNITIES				
Southern Coastal Salt Marsh	CDFW Sensitive Habitat	Found in flat, protected waters usually within the protection of a barrier island, estuary, or along low-energy coastlines.	No	Absent.
Southern Cottonwood Willow Riparian Forest	CDFW Sensitive Habitat	Dominated by cottonwood (<i>Populus</i> spp.) and willow (<i>Salix</i> spp.) trees and shrubs. Considered to be an early successional stage as both species are known to germinate almost exclusively on recently deposited or exposed alluvial soils.	No	Absent.
Southern Dune Scrub	CDFW Sensitive Habitat	Dense coastal scrub community of scattered shrubs, subshrubs, and herbs that are generally less than 1 meter in height.	No	Absent.
Southern Foredunes	CDFW Sensitive Habitat	Occur within a short distance from the water's edge and is dominated by sea rocket, saltgrass, and sand verbena.	No	Absent.

U.S. Fish and Wildlife Service (USFWS) - Federal
 END- Federal Endangered
 THR- Federal Threatened
 Candidate END – Under Review

California Department of Fish and Wildlife (CDFW) - California
 END- California Endangered
 SSC- California Species of Concern
 WL- Watch List
 FP- California Fully Protected

California Native Plant Society (CNPS)
California Rare Plant Rank
 1A- Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
 1B- Plants Rare, Threatened, or Endangered in California and Elsewhere
 2B- Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere
 4- Plants of Limited Distribution – A Watch List

Threat Ranks
 0.1- Seriously threatened in California
 0.2- Moderately threatened in California
 0.3- Not very threatened in California

Attachment D

Regulations

Special status species are native species that have been afforded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels.

Federal Regulations

Endangered Species Act of 1973

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA). Section 9 of the ESA prohibits “take” of threatened or endangered species. “Take” under the ESA is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct.” The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the ESA, the United States Fish and Wildlife Service (USFWS) may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

Critical Habitat is designated for the survival and recovery of species listed as threatened or endangered under the ESA. Critical Habitat includes those areas occupied by the species, in which are found physical and biological features that are essential to the conservation of an ESA listed species and which may require special management considerations or protection. Critical Habitat may also include unoccupied habitat if it is determined that the unoccupied habitat is essential for the conservation of the species.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy Critical Habitat, they must consult with USFWS under Section 7 of the ESA. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a permit from the U.S. Army Corps of Engineers (Corps)).

If USFWS determines that Critical Habitat will be adversely modified or destroyed from a proposed action, the USFWS will develop reasonable and prudent alternatives in cooperation with the federal institution to ensure the purpose of the proposed action can be achieved without loss of Critical Habitat. If the action is not likely to adversely modify or destroy Critical Habitat, USFWS will include a statement in its biological opinion concerning any incidental take that may be authorized and specify terms and conditions to ensure the agency is in compliance with the opinion.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) makes it unlawful to pursue, capture, kill, possess, or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21).

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered “take.” This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds and many relatively common species.

State Regulations

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines “endangered” and “rare” species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, “endangered” species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while “rare” species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

California Endangered Species Act (CESA)

In addition to federal laws, the state of California implements the CESA which is enforced by CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in “take” of individuals (defined in CESA as; “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) are regulated by CDFW. Habitat degradation or modification is not included in the definition of “take” under CESA. Nonetheless, CDFW has interpreted “take” to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the

absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

The CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

Fish and Game Code

Fish and Game Code Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 3503 of the Code makes it unlawful to destroy any birds' nest or any birds' eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the Fish and Game Code which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the Fish and Game Code lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected by the State include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the Fish and Game Code makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Native Plant Protection Act

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance Rare and Endangered plants in the state of California. The 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 the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society Rare and Endangered Plant Species

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under FESA or CESA are defined as follows:

California Rare Plant Rank

- 1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere
- 1B- Plants Rare, Threatened, or Endangered in California and Elsewhere

- 2A- Plants Presumed Extirpated in California, But More Common Elsewhere
- 2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
- 3- Plants about Which More Information is Needed - A Review List
- 4- Plants of Limited Distribution - A Watch List

Threat Ranks

- .1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- .2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- .3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates activities pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFG regulates activities under the Fish and Game Code Section 1600-1616, and the Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

Federal Regulations

Section 404 of the Clean Water Act

Since 1972, the Corps and U.S. Environmental Protection Agency (EPA) have jointly regulated the filling of “waters of the U.S.,” including wetlands, pursuant to Section 404 of the Clean Water Act (CWA). The Corps has regulatory authority over the discharge of dredged or fill material into the waters of the United States under Section 404 of the CWA. The Corps and EPA define “fill material” to include any “material placed in waters of the United States where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of the waters of the United States.” Examples include, but are not limited to, sand, rock, clay, construction debris, wood chips, and “materials used to create any structure or infrastructure in the waters of the United States.” In order to further define the scope of waters protected under the CWA, the Corps and EPA published the Clean Water Rule on June 29, 2015. Pursuant to the Clean Water Rule, the term “waters of the United States” is defined as follows:

- (i) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (ii) All interstate waters, including interstate wetlands¹.
- (iii) The territorial seas.
- (iv) All impoundments of waters otherwise defined as waters of the United States under the definition.
- (v) All tributaries² of waters identified in paragraphs (i) through (iii) mentioned above.
- (vi) All waters adjacent³ to a water identified in paragraphs (i) through (v) mentioned above, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

¹ The term *wetlands* means 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.

² The terms *tributary* and *tributaries* each mean a water that contributes flow, either directly or through another water (including an impoundment identified in paragraph (iv) mentioned above), to a water identified in paragraphs (i) through (iii) mentioned above, that is characterized by the presence of the physical indicators of a bed and banks and an ordinary high water mark.

³ The term *adjacent* means bordering, contiguous, or neighboring a water identified in paragraphs (i) through (v) mentioned above, including waters separated by constructed dikes or barriers, natural river berms, beach dunes, and the like.

- (vii) All prairie potholes, Carolina bays and Delmarva bays, Pocosins, western vernal pools, Texas coastal prairie wetlands, where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (i) through (iii) mentioned above.
- (viii) All waters located within the 100-year floodplain of a water identified in paragraphs (i) through (iii) mentioned above and all waters located within 4,000 feet of the high tide line or ordinary high water mark of a water identified in paragraphs (i) through (v) mentioned above, where they are determined on a case-specific basis to have a significant nexus to a waters identified in paragraphs (i) through (iii) mentioned above.

The following features are not defined as “waters of the United States” even when they meet the terms of paragraphs (iv) through (viii) mentioned above:

- (i) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act.
- (ii) Prior converted cropland.
- (iii) The following ditches:
 - (A) Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
 - (B) Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
 - (C) Ditches that do not flow, either directly or through another water, into a water of the United States as identified in paragraphs (i) through (iii) of the previous section.
- (iv) The following features:
 - (A) Artificially irrigated areas that would revert to dry land should application of water to that area cease;
 - (B) Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds;
 - (C) Artificial reflecting pools or swimming pools created in dry land;
 - (D) Small ornamental waters created in dry land;
 - (E) Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water;
 - (F) Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of a tributary, non-wetland swales, and lawfully constructed grassed waterways; and
 - (G) Puddles.
- (v) Groundwater, including groundwater drained through subsurface drainage systems.
- (vi) Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.

- (vii) Wastewater recycling structures constructed in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

Section 401 of the Clean Water Act

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits, and helps insure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Water Quality Control Boards (Regional Board) that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board assumed this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

State Regulations

Fish and Game Code

Fish and Game Code Sections 1600 et. seq. establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided.

Fish and Game Code Section 1602 requires any person, state, or local governmental agency or public utility to notify the CDFW before beginning any activity that will do one or more of the following:

- (1) substantially obstruct or divert the natural flow of a river, stream, or lake;
- (2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake;
or
- (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Fish and Game Code Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. CDFW's regulatory authority extends to include riparian habitat (including wetlands) supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. Generally, the CDFW takes jurisdiction to the top of bank of the stream or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. A Section 1602 Streambed Alteration Agreement would be required if impacts to identified CDFW jurisdictional areas occur.

Porter Cologne Act

The California *Porter-Cologne Water Quality Control Act* gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Act has become an important tool in the post SWANCC and Rapanos regulatory environment, with respect to the state’s authority over isolated and insignificant waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although “waste” is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include fill discharged into water bodies.