3.3 BIOLOGICAL RESOURCES

This section describes the environmental and regulatory setting for biological resources which includes aquatic resources. It also describes impacts on biological resources that would result from implementation of the Project and mitigation measures for potentially significant impacts, where feasible.

The analysis in this section is based on the Biological Resources Technical Report (BRTR) prepared by Stantec Consulting Services (2024) for the Project. This document is provided in Appendix C of the Draft EIR. Results incorporated into these documents are based on a desktop review of biological and aquatic resources surveys conducted for each of the components of the Project. The City of Seal Beach is proposing implementation of the City's Housing Element Updates and its resulting zoning code update and rezoning program. The Housing Element Update has identified eight Housing Opportunity Sites, a pipeline site, and the Main Street Program area throughout the City with potential to provide additional housing.

The City of Seal Beach has almost no vacant, residentially zoned, developable land remaining, and large areas of vacant land are not available for development due to environmental restrictions or federal ownership. The eight Housing Opportunity Sites that have been selected can be categorized in two ways: Underutilized Sites that do not require zoning code changes, and Candidate Sites for Rezoning.

The City of Seal Beach is located at the northwestern edge of Orange County, California. It borders the City of Long Beach and Los Angeles County to the northwest, the Orange County Cities of Los Alamitos to the north, Westminster to the east, Huntington Beach to the southeast, and the Pacific Ocean to the west. The Project area is comprised of eight Housing Opportunity Sites and the Main Street Program area. The eight Housing Opportunity Sites have a total land area of approximately 83.45 acres with a developable acreage of 35.05 acres and the Main Street Program covers approximately 21 acres. Therefore, the Project has a total acreage of 104.45 acres; however, only 56.05 acres would be developable. The Project area is located in the City of Seal Beach and falls within the Seal Beach and Los Alamitos United States Geological Survey (USGS) 7.5-minute quadrangles.

In addition, this EIR includes a discussion of the residential component of the ORCC Specific Plan Project based on the site location and the proposed buildout of the 167 dwelling units that are include within the City's site inventory to meet its RHNA allocation. The ORCC Specific Plan Project covers a land area of approximately 155 acres, 4 acres of which is proposed for the residential component of the ORCC Specific Plan Project. The ORCC Specific Plan Project is subject to its own discretionary review and is being evaluated separately by the City in a standalone EIR.

SUMMARY OF IMPACTS

The Project could have a substantial adverse effect, either directly or through habitat modifications on any species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. However, with implementation of Mitigation Measures BIO-1 through BIO-3, impacts would be less than significant.

The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and there would be no impact.

The Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means and there would be no impact.

The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites and there would be no impact.

The Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan and there would be no impact.

Due to the existing nature of the ORCC Specific Plan Project site as a golf course, the site could provide suitable habitat for special-status plant and wildlife species. The residential component of the ORCC Specific Plan Project would result in increased development at the site and would change the existing character of the site. Specific impact findings associated with the development of the ORCC Specific Plan Project are being evaluated separately by the City in a standalone EIR.

3.3.1 Environmental Setting

The Project area is located within the City of Seal Beach in Orange County, California, and is comprised of the eight Housing Opportunity Sites and the Main Street Program area which total approximately 104.45 acres. In addition, as described above, the ORCC Specific Plan Project covers a land area of approximately 155 acres, 4 acres of which is proposed for development with the residential component of the ORCC Specific Plan Project. Appendix C, Figure 1 shows the Project Location Overview. Average summer high temperatures are approximately 74 degrees Fahrenheit (ºF), average winter low temperatures are approximately 55ºF, and annual precipitation averages 12.26 inches (U.S. Climate Data 2024).

Portions of the Project area are located within the Coastal Zone and regulated by the California Coastal Act. Development and certain land use policies within the Coastal Zone (all areas south of Westminster Boulevard) are therefore subject to review by the California Coastal Commission (CCC) for consistency with the California Coastal Act of 1976. The City of Seal Beach is in the process of developing a Local Coastal Program (LCP) which will implement the Coastal Act at the local level.

The western edge of the City of Seal Beach, including areas directly adjacent to portions of the Project area, includes shoreline, beaches, and marinas which support areas of biological diversity. The Seal Beach National Wildlife Refuge, established in 1972, is a protected wetland and marsh located at the Seal Beach Naval Weapons Station. The Seal Beach National Wildlife Refuge includes habitats that are

essential to migratory birds of the Pacific Flyway, which includes federal- and state-listed species. The Seal Beach National Wildlife Refuge is under a Management Plan to 1) preserve habitat necessary for perpetuation of two endangered species, the light-footed Ridgeway's rail, and the California least tern, and 2) preservation of habitat used by migratory waterfowl, shorebirds, and other waterbirds (USFWS 2024c). Other species of concern found in the Seal Beach National Wildlife Refuge include the Eastern Pacific green sea turtle, Belding's savannah sparrow, and other year-round species including ospreys, peregrine falcons, red-tailed hawks, great blue herons, great egrets, snowy egrets, brown pelicans, crabs, and snails. There are several winter migration species as well, including Canada, snow, and Ross' geese, various duck species, black-necked stilt, American avocet, black-bellies plover, and least and western sandpipers. Additionally, many California native wildflowers and shrubs occur in this area. Within the aquatic reaches of the wetlands, may also be small rays and sharks within the protected waters of the Seal Beach National Wildlife Refuge (USFWS 2024c). In addition, the Los Cerritos Wetlands complex is located within the City which includes approximately 503 acres of publicly and privately owned open space in the cities of Long Beach and Seal Beach that were historically part of a much larger tidal estuarine system at the mouth of the San Gabriel River. In its current state, the Los Cerritos Wetlands consists mostly of degraded tidal and non-tidal salt march habitats behind levees and weedy uplands where tidal marshes were filed over the last 100 plus years (LCWA 2021).

Vegetation Communities and Land Cover Types

Vegetation communities and other land cover types within the Project area were determined based on review of aerial imagery and are presented below. No vegetation communities classified in the Manual of California Vegetation (Sawyer et al. 2009) are present within the Project area. All areas are categorized as land cover types.

Land Cover Types

Ruderal Herbaceous

Ruderal herbaceous vegetation is generally comprised of non-native or naturalized species that populate previously disturbed areas. Common ruderal species include bull thistle (*Cirsium vulgare*), telegraph weed (*Heterotheca grandiflora*), giant reed (*Arundo donax*), tree tobacco (*Nicotiana glauca*), castor bean (*Ricinus communis*), wild radish (*Raphanus sativus*), Maltese star-thistle (*Centaurea melitensis*), black mustard (*Brassica nigrea*), and shortpod mustard (*Hirschfeldia incana*); this is the dominant land cover type in all areas not falling under the disturbed/developed cover type (see below).

Disturbed/Developed

The disturbed or developed land cover type includes City parks, recreational vehicle storage, a golf course, commercial buildings, paved or graded roadways, concrete pads, and landscaped areas. The vegetated areas within this land cover type primarily contain ornamental planters, such as within residential yards and landscaped areas. These areas are generally periodically maintained for weed control, precluding any significant growth of non-ornamental species, but may be sparsely interspersed with ruderal pioneer plant species that readily colonize open disturbed soil. These include bristly oxtongue (*Helminthotheca echioides*), castor bean (*Ricinus communis*), black mustard (*Brassica nigra*), shortpod

mustard (*Hirschfeldia incana*), wild radish (*Raphanus raphanistrum*), bull thistle (*Cirsium vulgare*), and non-native grasses. This land cover type is present on all the proposed Housing Opportunity Sites and Main Street Program area.

Common Wildlife

Terrestrial Invertebrates

As in all ecological systems, invertebrates inhabiting the Project area play a crucial role in several biological processes. They serve as the primary or secondary food sources for a variety of bird, reptile, and mammal predators; they provide important pollination vectors for numerous plant species; they act as components in controlling pest populations; and they support the naturally occurring maintenance of an area by consuming detritus and contributing to necessary soil nutrients. Though heavily urbanized, habitat conditions within the Project area provide a suite of microhabitat conditions for a wide variety of terrestrial insects and other invertebrates that are known to adapt to such disturbance. A focused insect survey was not performed within the Project area; however, a variety of common insects are expected to be present within the Project area.

Fish

There is no flowing water identified within the Project area; therefore, there is no potential for fish in the Project area. However, there may be fish in the surrounding areas.

Amphibians

Amphibians often require a source of standing or flowing water to complete their life cycle. However, some terrestrial species can survive in drier areas by remaining in moist environments found beneath leaf litter and fallen logs, or by burrowing into the soil. These species are highly cryptic and often difficult to detect. Downed logs, bark, and other woody material in various stages of decay (often referred to as coarse woody debris), which is generally not present within the Project area, could provide shelter and feeding sites for a variety of wildlife, including amphibians and reptiles (Aubry et al. 1988; Maser and Trappe 1984).

Species known to occur in the area include the western toad (*Anaxyrus boreas*), California toad (*Anaxyrus boreas halophilus*), Baja California treefrog (*Pseudacris hypocondriaca*), and garden slender salamander (*Batrachoseps major major*).

Reptiles

The number and type of reptile species that may occur at a given site is related to several biotic and abiotic features. These include the diversity of plant communities, substrates, soil types, and presence of refugia such as rock piles, boulders, and native debris. Many reptile species, even if present, are difficult to detect because they are cryptic and their life history characteristics (e.g., foraging, thermoregulatory behavior, fossorial nature, camouflage) limit their ability to be observed during most surveys. Further, many species are only active within relatively narrow thermal limits, avoiding both cold and hot conditions, and most species take refuge in microhabitats that are not directly visible to the casual observer, such as

rodent burrows, in crevices, under rocks and boards, and in dense vegetation, where they are protected from unsuitable environmental conditions and predators (USACE and CDFG 2010). In some cases, they are only observed when flushed from their refugia. Weather conditions during the survey were favorable for reptile activity.

Common reptiles are known to occur in the area include the red diamond rattlesnake (*Crotalus ruber*), San Diego gopher snake (*Pituophis catenifer annectens*), and California king snake (*Lampropeltis californiae*). Although the Project area does not contain suitable habitat for these species, there is potential for them to be present in areas adjacent to the Project. A small population of green sea turtles (*Chelonia mydas*) are present near the mouth of San Gabriel River; however, this species requires shallow coastal waters and open ocean, which is not present within the Project area (NOAA 2024).

Birds

It is possible that many birds use the Project area at different periods, either as wintering habitat, seasonal breeding, or as occasional migrants. Suitable habitat conditions for several common birds known to occur in the region. Species that may be expected to occur include Cooper's hawk (*Accipiter cooperii*), whimbrel (*Numenius phaeopus*), Say's phoebe (*Sayornis saya*), common yellowthroat (*Geothlypis trichas*), belted kingfisher (*Megaceryle alcyon*), barn owl (*Tyto alba*), Canada goose (*Branta canadensis*), California gull (*Larus californicus*), western gull (*Larus occidentalis*), great blue heron (*Ardea herodias*), and black-crowned heron (*Nycticorax nycticorax*).

Mammals

Generally, the distribution of mammals on a given site is associated with the presence of factors such as access to perennial water, topographical and structural components (e.g., rock piles, vegetation) that provide cover and support prey base, and the presence of suitable soils for fossorial mammals (e.g., sandy areas). Common mammals habituated to urban environments may move through the Project area, including striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginiana*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), domestic species such as cats (*Felis cattus*), and various rodent species.

Bats likely forage and roost in the region, particularly along riparian corridors. Many bats tend to concentrate foraging activities in riparian habitats similar to those occurring adjacent to the Project area where insect abundance is high.

Aquatic Resources

Coastal Zone

There are four key agencies that regulate activities within inland streams, wetlands, and riparian areas in California, including the coastal zone: the USACE Regulatory Program regulates activities pursuant to Section 404 of the federal CWA and Section 10 of the Rivers and Harbors Act; the California Department of Fish and Wildlife (CDFW) regulates activities under the FGC Sections 1600-1607; and the RWQCB

regulates activities under Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

Housing Opportunity Sites 1, 3, 7, 8, and the Main Street Program, fall within the Coastal Zone. Development within these areas will require coordination with CCC and a Coastal Development Permit for the Project, which would require that the Project adhere to the policies of the California Coastal Act.

National Wetlands Inventory

The National Wetlands Inventory (NWI) has mapped a variety of wetland and water resources within and adjacent to the Project area (see Appendix C). These features include Estuarine and Marine Deepwater, Estuarine and Marine Wetland, Freshwater Emergent Wetland, Freshwater Forested/Shrub Wetland, Freshwater Pond, and Riverine (USFWS 2024b).

The San Gabriel River flows west of the Project area and the Pacific Ocean is south of the Project area. The Los Alamitos Channel, a concrete lined riverine feature, flows directly to the west of Housing Opportunity Site 2 - Leisure World. The remaining wetlands and waters features are more than 100 feet from the Housing Opportunity Sites and Main Street Program area.

A formal jurisdictional delineation was not conducted as part of this assessment. The Los Alamitos Channel is a known Waters of the United States (WOTUS) as it is a tributary to the San Gabriel River. The San Gabriel Riber is also a WOTUS. Additionally, these areas would qualify as Waters of the State and CDFW jurisdictional waters.

Special-Status Biological Resources

Special-Status Natural Communities

Sensitive natural communities are defined by CDFW (2018) as, "...communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects." All vegetation is ranked with an "S" state rarity rank; however, only those that are of special concern (S1-S3 rank) are evaluated under CEQA.

The California Natural Diversity Database (CNDDB) records search indicated that there are four sensitive vegetation communities within a 10-mile radius of the Project area: Southern Coastal Salt Marsh, Southern Dune Scrub, Southern Foredunes, and Southern Cottonwood Willow Riparian Forest. The Southern Dune Scrub has a state rank of S1/Critically imperiled, at very high risk of extirpation in the jurisdiction due to very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors. The Southern Coastal Salt Marsh and Southern Foredunes has a state rank of S2/Imperiled, at high risk of extirpation in the jurisdiction due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors. The Southern Cottonwood Riparian Forest has a state rank of S3/Vulnerable, at moderate risk of extirpation in the jurisdiction due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.

The Project area does not contain any of these sensitive natural communities. The Project area does occur within the Orange County Transportation Authority (OCTA) Natural Community Conservation Plan (NCCP) or Habitat Conservation Plan (HCP) but HCP is not relevant for the Project.

Designated Critical Habitat

Designated critical habitat is defined by the U.S. Fish and Wildlife Service (USFWS) (2020) as, ". . .a term defined and used in the Endangered Species Act. It is specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. Designated Critical Habitat (DCH) may also include areas that are not currently occupied by the species but will be needed for its recovery."

There is no DCH within the Project area. The nearest DCH is for the western snowy plover (*Charadrius nivosus nivosus*), located approximately 3.3 miles southeast; and coastal California gnatcatcher (*Polioptila californica californica*), located approximately 9.5 miles northeast of the Project area (USFWS 2024a, USFW 2024c).

Special-Status Plants

Special-status plant species include those listed as threatened or endangered under the Federal Endangered Species Act (FESA) or California Endangered Species Act (CESA), taxa proposed for such listing, Species of Special Concern (SSC), California Rare Plant Ranks (CRPR), and other taxa that have been identified by USFWS, CDFW, or local jurisdictions as unique or rare and that have the potential to occur within the Project area.

Table 3.3-1 and Table 3.3-2 summarize the special-status plant taxa known to occur regionally and their potential for occurrence in the Project area. Appendix C, Figure 4 provides a depiction of previously reported species locations from the CNDDB records searches. Sources comprise the CNDDB, California Native Plant Society (CNPS), USFWS, and OCTA NCCP/HCP. Each of the taxa identified in the database records searches were assessed for its potential to occur within the Project area based on the following criteria:

- **High**: Both a documented recent record (within 10 years) exists of the taxa within the Project area or immediate vicinity (approximately 10 miles) and the environmental conditions (including soil type) associated with taxa presence occur within the Project area.
- **Moderate**: Both a documented recent record (within 10 years) exists of the taxa within the Project area, or the immediate vicinity (approximately 10 miles) and the environmental conditions associated with taxa presence are marginal and/or limited within the Project area; the Project area is located within the known current distribution of the taxa and the environmental conditions (including soil type) associated with taxa presence occur within the Project area.
- **Low**: A historical record (over 10 years) exists of the taxa within the Project area or general vicinity (approximately 10 miles) and the environmental conditions (including soil type) associated with taxa presence are marginal and/or limited within the Project area.

- **Not Likely to Occur**: The environmental conditions associated with taxa presence do not occur within the Project area.

Table 3.3-1: Special-Status Plant Species Evaluated for Potential Occurrence

Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
red sand-verbena	*Abronia maritima*	-- / -- / 4.2 / --	Perennial herb that occurs in coastal dune habitats. Elevation range: below 328 feet. Typical blooming period is February – October.
chaparral sand-verbena	*Abronia villosa* var. *aurita*	-- / -- / 1B.1 / --	Annual herb that occurs in chaparral, coastal and desert dune habitats. Elevation range: 246 – 5,249 feet. Typical blooming period is January – September.
aphanisma	*Aphanisma blitoides*	-- / -- / 1B.2 / --	Annual herb adapted to saline soils, found in sand or scrub along the immediate coast. Elevation range: below 328 feet. Typical blooming period is in March – June.
Horn's milk-vetch	*Astragalus hornii* var. *hornii*	-- / -- / 1B.1 / --	Annual herb that occurs in lake margins, salty flats, meadows, seeps, and playas. Adapted to alkaline soils. Elevation range: 197 –. 984 feet. Typical blooming period is May – September.
Ventura marsh milk-vetch	*Astragalus pycnostachyus* var. *lanosissimus*	FE / SE / 1B.1 / --	Perennial herb that occurs in coastal dunes, coastal scrub, marshes, and swamps (edges, coastal salt, or brackish); within reach of high tide or protected by barrier beaches; rarely occurs near seeps on sandy bluffs. Elevation range: 3 – 115 feet. Typical blooming period is August - October.
Coulter's saltbush	*Atriplex coulteri*	-- / -- / 1B.2 / --	Perennial herb that occurs in coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland, ocean bluffs, ridgetops, as well as alkaline low places. Occurs in alkaline, dry, or clay soils. Elevation range: 7– 1,509 feet. Typical blooming period is March to October.
south coast saltscale	*Atriplex pacifica*	-- / -- / 1B.2 / --	Annual herb that occurs in coastal bluff scrub, coastal dune, coastal scrub, and playa habitats. Elevation range: below 984 feet. Typical blooming period is March to October.
Parish's brittlescale	*Atriplex parishii*	-- / -- / 1B.1 / --	Annual herb that occurs in dry lake beds, playas, ephemeral vernal pools, and chenopod scrub habitats. Present in saline and alkaline soils. Elevation range: 0 – 1,542 feet. Typical blooming period is June – October.
Davidson's saltscale	*Atriplex serenana* var. *davidsonii*	-- / -- / 1B.2 / --	Annual herb that occurs in coastal scrub, bluffs, chenopod scrub, playas, and vernal pools from southern California to Baja California. Occurs in alkaline soils. Elevation range: 0 – 656 feet. Typical blooming period is April – October.

Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
Catalina mariposa lily	*Calochortus catalinae*	-- / -- / 4.2 / --	Perennial herb that occurs in coastal sage scrub, foothill woodland, chaparral, and valley grassland habitats. Elevation range: below 2,297 feet. Typical blooming period is March – June.
Plummer's mariposa lily	*Calochortus plummerae*	-- / -- / 4.2 / --	Perennial herb that occurs in chaparral, cismontane woodland, coastal scrub, lower montane forest, and valley and foothill grasslands. Occurs in granitic and rocky substrates. Elevation range: 328– 5,577 feet. Typical blooming period is May – July.
intermediate mariposa lily	*Calochortus weedii* var. *intermedius*	-- / -- / 1B.2 / Listed	Perennial herb that occurs in chaparral, coastal scrub, and valley and foothill grasslands; typically in rocky, calcareous substrates. Elevation range: 345 – 2,805 feet. Typical blooming period is May – June.
lucky morning-glory	*Calystegia felix*	-- / -- / 1B.1 / --	Annual herb historically associated with wetland and marshy places, but possibly in drier situations as well. May occur in silty loam and alkaline soils in meadows and seeps, and riparian scrub habitats. Elevation range: 98 – 705 feet. Typical blooming period is March – September.
Lewis' evening-primrose	*Camissoniopsis lewisii*	-- / -- / 3 / --	Annual herb that occurs in coastal and dune habitats. Associated with coastal strand, coastal sage scrub, foothill woodland, and valley grassland communities. Elevation range: below 984 feet. Typical blooming period is March – June.
southern tarplant	*Centromadia parryi* ssp. *australis*	-- / -- / 1B.1 / Listed	Annual herb the occurs on the margins of marshes and swamps, vernally mesic portions of valley and foothill grasslands, depressions, waterway banks and beds, open poorly drained flats, and disturbed area. Occurs in alkaline substrates. Elevation range: 0 – 1,575 feet. Typical blooming period is May – November.
smooth tarplant	*Centromadia pungens* ssp. *laevis*	-- / -- / 1B.1 / --	Annual herb that occurs in chenopod scrub; meadows and seeps; playas; riparian woodlands; valley and foothill grasslands; depressions; waterway banks and beds; open, poorly drained flats; and disturbed areas. Occurs in alkaline soils. Elevation range: 295 – 1,640 feet. Typical blooming period is April – September.
salt marsh bird's-beak	*Chloropyron maritimum* ssp. *maritimum*	FE / -- / 1B.2 / --	Annual herb that occurs in coastal dune, marsh, and swamp habitats. Elevation range: 0-98 feet. Typical blooming period is May – October.
seaside cistanthe	*Cistanthe maritima*	-- / -- / 4.2 / --	Annual herb that occurs in coastal sage scrub and valley grassland communities. Elevation range: 0 – 984 feet. Typical blooming period is March – June.
small-flowered morning-glory	*Convolvulus simulans*	-- / -- / 4.2 / --	Annual herb that occurs in seeps. This species has a strong affinity for ultramafic substrates. Elevation range: 98 – 2,870 feet. Typical blooming period is March – July.

Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
many-stemmed dudleya	*Dudleya multicaulis*	-- / -- / 1B.2 / Listed	Perennial herb that occurs in chaparral, coastal scrub, and valley and foothill grasslands. Often occurs in clay soils. Elevation range: 49 – 2,592 feet. Typical blooming period is April-July.
small spikerush	*Eleocharis parvula*	-- / -- / 4.3 / --	Perennial grass-like herb that occurs in salt marsh and coastal habitats. Elevation range: below 164 feet. Typical blooming period is July – August.
San Diego button-celery	*Eryngium aristulatum* var. *parishii*	FE / SE / 1B.1 / --	Annual or perennial herb that occurs in vernal pools. Elevation range: below 2,313 feet. Typical blooming period is April – June.
Los Angeles sunflower	*Helianthus nuttallii* ssp. *parishii*	-- / -- / 1A / --	Perennial herb (rhizomatous) that historically occurred in Los Angeles, Orange, Riverside, and San Bernardino counties; however, it is presumed to be extinct. It occurred in salt or freshwater marshes and swamps. Elevation range: 33 – 5,003 feet. Typical blooming period is August – October.
vernal barley	*Hordeum intercedens*	-- / -- / 3.2 / --	Annual grass-like herb that occurs in coastal dune, coastal scrub, saline flats and depressions in valley and foothill grassland, and vernal pool habitats. Elevation range: 16 – 3,280 feet. Typical blooming period is March – June.
decumbent goldenbush	*Isocoma menziesii* var. *decumbens*	-- / -- / 1B.2 / --	Shrub that occurs in coastal scrub and chaparral habitats, and disturbed areas. Occurs in sandy soils. Elevation range: 3 – 3,002 feet. Typical blooming period is April – November.
Southern California black walnut	*Juglans californica*	-- / -- / 4.2 / --	Tree that occurs in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Elevation range: 164 – 2,953 feet. Typical blooming period is March – August.
southwestern spiny rush	*Juncus acutus* ssp. *leopoldii*	-- / -- / 4.2 / --	Perennial grass-like herb (rhizomatous) that occurs in seeps, meadows, salt marshes, and dune coastal habitats. Elevation range: below 984 feet. Typical blooming period is May – June.
Coulter's goldenfields	*Lasthenia glabrata ssp. coulteri*	-- / -- / 1B.1 / --	Annual herb that occurs in coastal salt marshes and swamps, playas, coastal dunes, coastal sage scrub, valley and foothill grasslands, and vernal pools. Usually found in clay and alkaline soils. Elevation range: 3 – 4,511 feet. Typical blooming period is February – June.
California box-thorn	*Lycium californicum*	-- / -- / 4.2 / --	Shrub found in coastal sage scrub communities. Elevation range: below 492 feet. Typical blooming period is March – August.
mud nama	*Nama stenocarpa*	-- / -- / 2B.2 / --	Annual herb that occurs in marshes and swamps, lake shores, riverbanks, and other intermittently wet areas. Elevation range: 16 – 1. Typical blooming period is January – July.

Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
Gambel's water cress	*Nasturtium gambelii*	FE / ST / 1B.1 / --	Perennial herb (rhizomatous) that occurs in freshwater or brackish marshes and swamps. Elevation range: 16 – 1,083 feet. Typical blooming period is April – October.
prostrate vernal pool navarretia	*Navarretia prostrata*	-- / -- / 1B.2 / --	Annual herb that occurs in coastal scrub, valley and foothill grassland, vernal pool, and meadow and seep habitats. Occurs in alkaline soils. Elevation range: 10 – 4,052 feet. Typical blooming period is April – June.
coast woolly-heads	*Nemacaulis denudate* var. *denudate*	-- / -- / 1B.2 / --	Annual herb that occurs on coastal dunes and beaches. Elevation range: below 328 feet. Typical blooming period is March – August.
California Orcutt grass	*Orcuttia californica*	FE / SE / 1B.1 / --	Annual grass-like herb that occurs in large and deep vernal pools, typically with clay soils and an impervious subsurface layer. Elevation range: 49 – 2,165 feet. Typical blooming period is April -August.
Lyon's pentachaeta	*Pentachaeta lyonia*	-- / -- / 1B.1 / --	Annual herb that occurs in chaparral openings, and valley and valley and foothill grasslands. Elevation range: 98 – 2,264 feet. Typical blooming period is March – June.
south coast branching phacelia	*Phacelia ramosissima* var. *austrolitoralis*	-- / -- / 3.2 / --	Perennial herb that occurs in wetland below 12,467 feet in elevation. Typical blooming period is March – August.
Brand's star phacelia	*Phacelia stellaris*	-- / -- / 1B.1 / --	Annual herb that occurs on bluffs and slopes in coastal dunes, coastal scrub, and coastal bluff scrub habitats. Occurs in sandy or clay soils. Elevation range: 3 - 1,312 feet. Typical blooming period is March – June.
Engelmann oak	*Quercus engelmannii*	-- / -- / 4.2 / --	Tree that occurs in riparian habitats in foothill woodland, chaparral, and valley grassland communities. Elevation range: below 4,265 feet. Typical blooming period is March – June.
Sanford's arrowhead	*Sagittaria sanfordii*	-- / -- / 1B.2 / --	Perennial herb (rhizomatous) that occurs in freshwater marsh habitats. Elevation range: below 984 feet. Typical blooming period is May – October.
salt spring checkerbloom	*Sidalcea neomexicana*	-- / -- / 2B.2 / --	Perennial herb that occurs in playa, chaparral, coastal scrub, lower montane coniferous forest, and Mojavean desert scrub habitats. Also occurs in alkali springs and marshes. Elevation range: 49 – 5,020 feet. Typical blooming period is March – June.
estuary seablite	*Suaeda esteroa*	-- / -- / 1B.2 / --	Perennial herb that occurs in marshes and swamps, including coastal salt marshes. Occurs in clay, silt, and sand substrates. Elevation range: 0 – 262 feet. Typical blooming period is July – October.

Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
woolly seablite	*Suaeda taxifolia*	-- / -- / 4.2 / --	Shrub that occurs in salt marsh habitats on the edges of coastal sage scrub and wetland riparian communities. Elevation range: below 49 feet. Typical blooming period is January – December.
San Bernardino aster	*Symphyotrichum defoliatum*	-- / -- / 1B.2 / --	Perennial herb (rhizomatous) that occurs in meadow and seep, cismontane woodland, coastal scrub, lower montane coniferous forest, marsh and swamp, and valley foothill grassland habitats. Generally found in vernally mesic grassland habitats near ditches, streams, and springs. May also occur in disturbed areas. Elevation range: 10 – 6,709 feet. Typical blooming period is July – November.

General References:

USFWS IPaC 10-mile centered on each Housing Opportunity Site and Main Street Program area (accessed January 2024)
CNDDB RareFind 10-mile centered on each Housing Opportunity Site and Main Street Program area (accessed January 2024).
CNPS Inventory of Rare and Endangered Plants 8-quad search (accessed January 2024)
Orange County Transportation Authority NCCP/HCP (accessed 2024)

Status Codes:

No Status (--)

Federal
Federal Endangered (FE)
Federal Threatened (FT)
Federal Proposed Endangered (FPE)
Federal Proposed Threatened (FPT)
Federal Candidate (FC)

State
State Endangered (SE)
State Threatened (ST)
State Candidate (SC)
State Rare (SR)

California Rare Plant Rank (CRPR) from the California Native Plant Society (CNPS)
Rare, threatened, or endangered in California and elsewhere (Rank 1B);

Rare, threatened, or endangered in California, but more common elsewhere (Rank 2);

Plants that about which more information is needed (Rank 3);

A watch list plant of limited distribution (Rank 4)

Threat Code:

Seriously endangered in California (≥80% of occurrences threatened / high degree and immediacy of threat) (.1);

Fairly endangered in California (20-80% occurrences threatened) (.2);

Not very endangered I California (≤20% of occurrences threatened, or no current threats known) (.3).

Orange County Transportation Authority (OCTA) NCCP/HCP
Listed

Table 3.3-2: Special-Status Plant Species and Potential for Occurrence on Each Housing Opportunity Site and Main Street Program

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 8. 99 Marina	Main Street Program
red-sand verbena	N	N	N	N	N	N	N	N	N
chaparral sand-verbena	N	N	N	N	N	N	N	N	N
aphanisma	N	N	N	N	N	N	N	N	N
Horn's milk-vetch	N	N	N	N	N	N	N	N	N
Ventura marsh milk-vetch	N	N	N	N	N	N	N	N	N
Coulter's saltbush	N	N	N	N	N	N	N	L	N
south coast saltscale	N	N	N	N	N	N	N	N	N
Parish's brittlescale	N	N	N	N	N	N	N	N	N
Davidson's saltscale	N	N	N	N	N	N	N	N	N
Catalina marisposa lily	N	N	N	N	N	N	N	N	N
Plummer's mariposa lily	N	N	N	N	N	N	N	N	N
intermediate mariposa lily	N	N	N	N	N	N	N	N	N
lucky morning-glory	N	N	N	N	N	N	N	N	N

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 8. 99 Marina	Main Street Program
Lewis' evening-primrose	N	N	N	N	N	N	N	N	N
southern tarplant	N	N	N	N	N	N	N	L	N
smooth tarplant	N	N	N	N	N	N	N	N	N
salt-march birds's beak	N	N	N	N	N	N	N	N	N
seaside cistanthe	N	N	N	N	N	N	N	N	N
small-flowered morning-glory	N	N	N	N	N	N	N	N	N
many-stemmed dudleya	N	N	N	N	N	N	N	N	N
small spikerush	N	N	N	N	N	N	N	N	N
San Diego button-celery	N	N	N	N	N	N	N	N	N
Los Angeles sunflower	N	N	N	N	N	N	N	N	N
vernal barley	N	N	N	N	N	N	N	N	N
decumbent goldenbush	N	N	N	N	N	N	N	N	N
Southern California black walnut	N	N	N	N	N	N	N	N	N
southwestern spiny rush	N	N	N	N	N	N	N	N	N
Coulter's goldenfields	N	N	N	N	N	N	N	L	N
California box-thorn	N	N	N	N	N	N	N	N	N

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 8. 99 Marina	Main Street Program
mud nama	N	N	N	N	N	N	N	N	N
Gambel's water cress	N	N	N	N	N	N	N	N	N
prostrate vernal pool navarretia	N	N	N	N	N	N	N	N	N
coasty woolly-heads	N	N	N	N	N	N	N	N	N
California Orcutt grass	N	N	N	N	N	N	N	N	N
Lyon's pentachaeta	N	N	N	N	N	N	N	N	N
south coast branching phacelia	N	N	N	N	N	N	N	N	N
Brand's star phacelia	N	N	N	N	N	N	N	N	N
Engelmann oak	N	N	N	N	N	N	N	N	N
Sanford's arrowhead	N	N	N	N	N	N	N	N	N
salt spring checkerbloom	N	N	N	N	N	N	N	N	N
estuary seablite	N	N	N	N	N	N	N	N	N
woolly seablite	N	N	N	N	N	N	N	N	N
San Bernardino aster	N	N	N	N	N	N	N	N	N

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 8. 99 Marina	Main Street Program

High (H): Both a documented recent record (within 10 years) exists of the taxa within the Project area or immediate vicinity (approximately 10 miles) and the environmental conditions (including soil type) associated with taxa presence occur within the Project area.

Moderate (M): Both a documented recent record (within 10 years) exists of the taxa within the Project area, or the immediate vicinity (approximately 10 miles) and the environmental conditions associated with taxa presence are marginal and/or limited within the Project area; the Project area is located within the known current distribution of the taxa and the environmental conditions (including soil type) associated with taxa presence occur within the Project area.

Low (L): A historical record (over 10 years) exists of the taxa within the Project area or general vicinity (approximately 10 miles) and the environmental conditions (including soil type) associated with taxa presence are marginal and/or limited within the Project area.

Not Likely to Occur (N): The environmental conditions associated with taxa presence do not occur within the Project area

Special-Status Wildlife

Special-status wildlife include those listed as threatened or endangered under the FESA or CESA, taxa proposed for such listing, SSC, and other taxa that have been identified by USFWS, CDFW, or local jurisdictions as unique or rare and that have the potential to occur within the Project area.

Table 3.3-3 and Table 3.3-4 summarize the special-status wildlife taxa known to occur regionally and their potential for occurrence in the Project area. Appendix C, Figure 4 provides a depiction of previously reported species locations from the CNDDB records searches. Sources comprise the CNDDB, USFWS, and OCTA NCCP/HCP. Each of the taxa identified in the database records searches were assessed for its potential to occur within the Project area based on the following criteria:

- **High**: Habitat (including soils) for the taxa occurs onsite, and a known occurrence occurs within the Project area or adjacent areas (within 5 miles of the Project area) within the past 20 years; however, these taxa were not detected during the most recent surveys.
- **Moderate**: Habitat (including soils) for the taxa occurs onsite, and a known regional record occurs within the database search, but not within 5 miles of the Project area or within the past 20 years; or a known occurrence occurs within 5 miles of the Project area and within the past 20 years and marginal or limited amounts of habitat occurs onsite; or the taxa's range includes the geographic area and suitable habitat exists.
- **Low**: Limited habitat for the taxa occurs within the Project area and no known occurrences were found within the database search and the taxa's range includes the geographic area.
- **Not Likely to Occur**: The environmental conditions associated with taxa presence do not occur within the Project area.

Table 3.3-3: Special-Status Animal Species Evaluated for Potential Occurrence

Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
tricolored blackbird	*Agelaius tricolor*	-- / ST / SSC / --	Highly colonial species, most numerous in the Central Valley and vicinity, and largely endemic to California. Breeds near freshwater, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, and tall herbs. Forages in grassland and cropland habitats with insect prey within a few kilometers of the colony. They are itinerant breeders, nesting more than once at different locations during the breeding season.

Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
southern California legless lizard	*Anniella stebbinsi*	-- / -- / SSC / --	Generally, south of the transverse range, extending to northwestern Baja California, Mexico. Occurs in sandy or loose loamy soils under sparse vegetation. Disjunct populations in the Tehachapi and Piute mountains in Kern County. Variety of habitats; generally, in moist, loose soil. They prefer soils with a high moisture content.
orange-throated whiptail	*Aspidoscelis hyperythra*	-- / -- / WL / Listed	Found in sage scrub and chaparral habitats.
burrowing owl	*Athene cunicularia*	-- / -- / SSC / --	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably the California ground squirrel.
Crotch bumble bee	*Bombus crotchii*	-- / -- / SA / --	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include *Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia,* and *Eriogonum*.
San Diego fairy shrimp	*Branchinecta sandiegonensis*	FE / -- /-- / --	Restricted to vernal pools in coastal southern California and northwestern Baja California, Mexico.
ferruginous hawk	*Buteo regalis*	-- / -- / WL / --	Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon and juniper habitats. Eats mostly lagomorphs, ground squirrels, and mice. Population trends may follow lagomorph population cycles.
Swainson's hawk	*Buteo swaisoni*	-- / ST / -- / --	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.
coastal cactus wren	*Campylorhynchus brunneicapillus sandiegensis*	-- / -- / SSC / Listed	Southern California coastal sage scrub. Wrens require tall cactus for nesting and roosting.
western snowy plover	*Charadrius nivosus nivosus*	FT / -- / SSC / --	Sandy beaches, salt pond levees, and shores of large alkali lakes. Needs sandy, gravelly, or friable soils for nesting.
green turtle	*Chelonia mydas*	FT / -- / -- / --	Usually occur in relatively shallow waters (except when migrating) inside reefs, bays, and inlets. Occur in lagoons and shoals with an abundance of marine grass and algae.

Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT / SE / -- / --	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian forests of willow, often mixed with cottonwoods, with well-developed understories of blackberry, nettles, or wild grape.
monarch – California overwintering population	*Danaus plexippus plexippus* pop. 1	FC / -- / -- / --	Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile creek in Mendocino County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation. Roosts located in wind-protected tree groves (eucalyptus, pine, cypress), with nectar and water sources nearby. Larvae require the host plant, (*Asclepias* ssp.) for development.
southwestern willow flycatcher	*Empidonax traillii extimus*	FE / SE / -- / Listed	Breeds in dense riparian areas associated with nearby rivers, swamps, and wetlands.
western pond turtle	*Emys marmorata*	FPT / -- / SSC / Listed	A thoroughly aquatic turtle of small ponds and lakes, marshes, permanent and ephemeral shallow wetlands, stock ponds, reservoirs, treatment lagoons, irrigation ditches, and slow-moving permanent or intermittent rivers, streams, usually with aquatic vegetation, below 6000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying. Abundant cover necessary including logs, rocks, and submerged vegetation.
western mastiff bat	*Eumops perotis californicus*	-- / -- / SSC / --	Open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, chaparral. Roosts in crevices in cliff faces, high buildings, bridges, trees, and tunnels. In California, most records are from rocky areas at low elevations.
quino checkerspot butterfly	*Euphydryas Editha quino*	FE / -- / -- / --	Native to southern California and northwestern Mexico. Occurs in localized colonies closely associated with the high densities of larval food plant, *Plantago erecta, P. insularis,* and *Orthocarpus purpurescens*. Adults use several chaparral annual flowers for food. Six known populations in southwestern Riverside and San Diego counties and at least one population near Tecate, Mexico. Associated with sunny openings within chaparral and coastal sage shrublands hills and mesas near the coast.

Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
Arroyo chub	*Gila orcuttii*	-- / -- / SSC / Listed	Found in habitats characterized by slow-moving water, mud or sand substrate, and depths greater than 40 cm. Most abundant in low gradient pools that support at least some aquatic vegetation.
Palos Verdes blue butterfly	*Glaucopsyche lygdamus palosverdesensis*	FE / -- / -- / --	Dependent on two known larval host plants, Santa Barbara milkvetch (Astragalus trichopodus var. lonchus)—also known as locoweed—and common deerweed (Acmispon glaber) within coastal scrub habitat. Known only from Palos Verdes peninsula.
western yellow bat	*Lasiurus xanthinus*	-- / -- / SSC / --	Primarily roost in trees hanging from the underside of leaves. Commonly found in riparian woodland habitat with dead fronds of non-native palms (for roosting).
California black rail	*Laterallus jamaicensis* ssp. *coturniculus*	-- / ST / FP / --	Nests in wet meadows, shallow freshwater marshes, and the shallower or drier portions of salt marshes. Winters in shallow coastal and interior marshes the do not freeze. Occasionally found in rice fields. Does not migrate.
bobcat	*Lynx rufus*	-- / -- / -- / Listed	Common throughout the United States, southern Canada, and northern Mexico. Preferred habitats include dense chaparral, low and mid elevation conifer, oak, pinyon-juniper woodlands, riparian, and desert environments.
south coast marsh vole	*Microtus californicus*	-- / -- / SSC / --	Occurs in areas of tidal marshes in Los Angeles, Orange, and southern Ventura counties.
big free-tailed bat	*Nyctinomops macrotis*	-- / -- / SSC / --	Occurs in low-lying arid areas in southern California. Prefers rugged, rocky terrain. Often forages over water sources. Roosts in buildings, caves, and occasionally in holes in trees. Also roosts in crevices in high cliffs or rock outcrops.
steelhead – southern California Distinct Population Segement (DPS)	*Oncorhynchus mykiss irideus* pop. 10	FE / -- / -- / --	Inhabits seasonally accessible rivers and streams with gravel for spawning. Requires sufficient flows in their natal streams to be able to return from oceans and lakes to spawn. Federal listing refers to populations from Santa Maria River south to southern extent of range (San Mateo Creek in San Diego County). Southern steelhead likely have greater physiological tolerance to warmer water and more variable conditions.

Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
Belding's savannah sparrow	*Passerculus sandwichensis beldingi*	-- / SE / -- / --	Locally common non-migratory resident of coastal saltmarsh. An obligate breeder in middle elevation saltmarsh, nearly always characterized by pickleweed (Salicornia spp.), either in tidal situations or non-tidal alkaline flats nearby. Foraging primarily stems from saltmarsh and mudflat, individuals, particularly post-breeding birds, can be found foraging in a wide variety of habitats including upper marsh, adjacent ruderal and ornamental vegetation, open beach and mudflat, and even dirt and gravel parking lots.
Pacific pocket mouse	*Perognathus longimembris pacificus*	FE / -- / SSC / --	An obligate resident of fine-grained sandy soils of coastal strand, coastal dunes, river and marine alluvium, and coastal sage scrub near the ocean and has never been collected more than 2 miles from the coast. Occurrences are closely associated with loose or friable soils that permit burrowing.
short-tailed albatross	*Phoebastria albatrus*	FE / -- / SSC / --	Located on remote islands of the western Pacific.
coast horned lizard	*Phrynosoma blainvillii*	-- / -- / SSC / Listed	Primarily in sandy soil in open areas, especially sandy washes and floodplains, in many plant communities. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and an abundant supply of ants or other insects. Main prey item is harvester ants. Occurs west of the deserts from northern Baja California, Mexico, north to Shasta County below 2,400 meters elevation.
coastal California gnatcatcher	*Polioptila californica californica*	FE / -- / SSC / Listed	Obligate, permanent resident of coastal sage scrub below 2500 feet in southern California. Low, coastal sage scrub in arid washes and on mesas and slopes with California sagebrush (Artemisia californica) as a dominant or co-dominant species. Not all areas classified as coastal sage scrub are occupied.
Hawaiian Petrel	*Pterodroma sandwichensis*	FE / -- / -- / --	Endemic to Hawaii.
light-footed Ridgway's rail	*Rallus obsoletus levipes*	FE / SE / FP / --	Found in salt marshes where cordgrass and pickleweed are the dominant vegetation. Requires dense growth of either pickleweed or cordgrass for nesting or escape cover, feeds on mollusks and crustaceans.

Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
bank swallow	*Riparia riparia*	-- / ST / -- / --	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole. Forage in open areas and avoid places with tree cover.
black skimmer	*Rynchops niger*	-- / -- / SSC / --	Open sandy beaches, on gravel or shell bars with sparse vegetation, or on mats of sea wrack (tide-stranded debris) in saltmarsh. Occasionally seen at inland lakes such as the Salton Sea of California. Much of this species' original beach habitat has been developed as houses and attractions for beachgoers. Particularly in the southeastern U.S., artificial islands made from dredge spoils are an important nesting habitat for this and other species.
yellow warbler	*Setophaga petechia*	-- / -- / SSC / --	Thickets and other disturbed or regrowing habitats, particularly along streams and wetlands. Often found in willow thickets, dwarf birch stands, aspen trees, and along the edges of fields. May occur up to 9,000 feet in elevation. Overwinter in dry scrub, marshes, and forests of lowlands.
southern California saltmarsh shrew	*Sorex ornatus salicornicus*	-- / -- / SSC / --	Coastal marshes in Los Angeles, Orange, and Ventura counties. Requires dense vegetation and woody debris for cover.
western spadefoot	*Spea hammondii*	-- / -- / SSC / --	Occurs in the Central Valley and adjacent foothills and the non-desert areas of southern California and Baja California, Mexico. Grassland habitats, valley-foothill hardwood woodlands, and coastal sage scrub. Vernal pools and other temporary rain pools, cattle tanks, and occasionally pools of intermittent streams are essential for breeding and egg-laying. Burrows in loose soils during dry season.

Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
California least tern	*Sternula antillarum browni*	FE / SE / FP / --	Nests on sandy upper ocean beaches, open barren sites, and occasionally uses mudflats. Forages on adjacent surf line, estuaries, or the open ocean where fish is abundant. Colonies are located near the ocean shoreline (within 0.5 mile [about 800 meters]), typically on nearly flat, loose sandy substrates with lightly scattered short vegetation and debris, although some colonies have been located on hard-packed surfaces, even unused asphalt. Colony sites must provide access to the shoreline for juveniles and must be relatively free of predators or the colony may abandon breeding efforts before completion.
Riverside fairy shrimp	*Streptocephalus woottoni*	FE / -- / -- / --	Restricted to vernal pools and other non-vegetated ephemeral pools in inland areas of Riverside County, Orange County, and the vicinity of Ramona, San Diego County; and coastal areas of San Diego County and northwestern Baja California, Mexico.
least Bell's vireo	*Vireo bellii pusillus*	FE / SE / -- / Listed	Summer resident of southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 feet. Often inhabits structurally diverse woodlands along watercourses including cottonwood-willow and oak woodlands and mulefat scrub. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, mulefat, or mesquite.

General References:

USFWS IPaC 10-mile centered on each Housing Opportunity Site and Main Street Program area (accessed January 2024)

CNDDB RareFind 10-mile search centered on each Housing Opportunity Site and Main Street Program area (accessed January 2024).

Orange County Transportation Authority NCCP/HCP (Accessed 2024)

Status Codes:

No status (--)

Federal
Federal Endangered (FE)
Federal Threatened (FT)
Federal Proposed Endangered (FPE)
Federal Proposed Threatened (FPT)
Federal Candidate (FC)

State
State Endangered (SE)
State Threatened (ST)
State Candidate (SC)
State Fully Protected Species (FP)
CDFW California Special Concern Species (SSC)
Included in CDFW "Watch List" (WL)
Critically Imperiled (S1)
Imperiled (S2)
Vulnerable (S3)
Apparently Secure (S4)
Unranked (SNR)

Orange County Transportation Authority (OCTA) NCCP/HCP
Listed

Table 3.3-4: Special-Status Animal Species and Potential for Occurrence on Each Housing Opportunity Site and Main Street Program

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 8. 99 Marina Drive	Main Street Program
tricolored blackbird	N	N	N	N	N	N	N	N	N
southern California legless lizard	N	N	N	N	N	N	N	H	N
orange-throated whiptail	N	N	N	N	N	N	N	N	N
burrowing owl	N	N	N	N	N	N	N	N	N
Crotch bumble bee	N	N	N	N	N	N	N	H (foraging) H (nesting)	N
San Diego fairy shrimp	N	N	N	N	N	N	N	N	N
ferruginous hawk	N	N	N	N	N	N	N	M (foraging) M (nesting)	N

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 8. 99 Marina Drive	Main Street Program
Swainson's hawk	N	N	N	N	N	N	N	M (foraging) M (nesting)	N
coastal cactus wren	N	N	N	N	N	N	N	N	N
western snowy plover	N	N	N	N	N	N	N	N	N
green turtle	N	N	N	N	N	N	N	N	N
western yellow-billed cuckoo	N	N	N	N	N	N	N	N	N
monarch – California overwintering population	N	N	N	N	N	N	N	M (adults) L (larva)	N
southwestern willow flycatcher	N	N	N	N	N	N	N	N	N
western pond turtle	N	N	N	N	N	N	N	N	N
western mastiff bat	N	N	N	N	N	N	N	N	N
quino checkerspot butterfly	N	N	N	N	N	N	N	N	N
Arroyo chub	N	N	N	N	N	N	N	N	N

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 8. 99 Marina Drive	Main Street Program
Palos Verdes blue butterfly	N	N	N	N	N	N	N	N	N
western yellow bat	N	N	N	N	N	N	N	N	N
California black rail	N	N	N	N	N	N	N	N	N
bobcat	N	N	N	N	N	N	N	N	N
south coast marsh vole	N	N	N	N	N	N	N	N	N
big free-tailed bat	N	N	N	N	N	N	N	N	N
steelhead – southern California DPS	N	N	N	N	N	N	N	N	N
Belding's savannah sparrow	N	N	N	N	N	N	N	H (foraging) H (nesting)	N
Pacific pocket mouse	N	N	N	N	N	N	N	N	N
short-tailed albatross	N	N	N	N	N	N	N	N	N
coast horned lizard	N	N	N	N	N	N	N	N	N

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 8. 99 Marina Drive	Main Street Program
coastal California gnatcatcher	N	N	N	N	N	N	N	N	N
Hawaiian petrel	N	N	N	N	N	N	N	N	N
light-footed Ridgeway's rail	N	N	N	N	N	N	N	N	N
bank swallow	N	N	N	N	N	N	N	N	N
black skimmer	N	N	N	N	N	N	N	N	N
yellow warbler	N	N	N	N	N	N	N	N	N
southern California saltmarsh shrew	N	N	N	N	N	N	N	N	N
western spadefoot	N	N	N	N	N	N	N	N	N
California least tern	N	N	N	N	N	N	N	N	N
Riverside fairy shrimp	N	N	N	N	N	N	N	N	N
least Bell's vireo	N	N	N	N	N	N	N	N	N

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 8. 99 Marina Drive	Main Street Program

High (H): Habitat (including soils) for the taxa occurs onsite, and a known occurrence occurs within the Project area or adjacent areas (within 5 miles of the Project area) within the past 20 years; however, these taxa were not detected during the most recent surveys.

Moderate (M): Habitat (including soils) for the taxa occurs onsite, and a known regional record occurs within the database search, but not within 5 miles of the Project area or within the past 20 years; or a known occurrence occurs within 5 miles of the Project area and within the past 20 years and marginal or limited amounts of habitat occurs onsite; or the taxa's range includes the geographic area and suitable habitat exists.

Low (L): Limited habitat for the taxa occurs within the Project area and no known occurrences were found within the database search and the taxa's range includes the geographic area.

Not Likely to Occur (N): The environmental conditions associated with taxa presence do not occur within the Project area.

Wildlife Corridors and Special Linkages

Linkages and corridors facilitate regional animal movement and are generally centered in or around waterways, riparian corridors, flood control channels, contiguous habitat, and upland habitat. Drainages generally serve as movement corridors because wildlife can move easily through these areas, and fresh water is available. Corridors also offer wildlife unobstructed terrain for foraging and for dispersal of young individuals.

As the movements of wildlife species are more intensively studied using radio-tracking devices, there is mounting evidence that some wildlife species do not necessarily restrict their movements to some obvious landscape element, such as a riparian corridor. For example, recent radio-tracking and tagging studies of Coast Range newts, California red-legged frogs, southwestern pond turtles, and two-striped garter snakes found that long-distance dispersal involved radial or perpendicular movements away from a water source with little regard to the orientation of the assumed riparian "movement corridor" (Bulger et al. 2002; Hunt 1993; Ramirez 2002, 2003a, 2003b; Rathbun et al. 1992; Trenham 2002). Likewise, carnivores do not necessarily use riparian corridors as movement corridors, frequently moving overland in a straight line between two points when traversing large distances (Beier 1993, 1995; Newmark 1995; Noss et al. 1996, n.d.). In general, the following corridor functions can be utilized when evaluating impacts to wildlife movement corridors:

- Movement corridors are physical connections that allow wildlife to move between patches of suitable habitat. Simberloff et al. (1992) and Beier and Loe (1992) correctly state that for most species, we do not know what corridor traits (length, width, adjacent land use, etc.) are required for a corridor to be useful. But, as Beier and Loe (1992) also note, the critical features of a movement corridor may not be its physical traits but rather how well a particular piece of land fulfills several functions, including allowing dispersal, plant propagation, genetic interchange, and recolonization following local extirpation.

- Dispersal corridors are relatively narrow, linear landscape features embedded in a dissimilar matrix that link two or more areas of suitable habitat that would otherwise be fragmented and isolated from one another by rugged terrain, changes in vegetation, or human-altered environments. Corridors of habitat are essential to the local and regional population dynamics of a species because they provide physical links for genetic exchange and allow animals to access alternative territories as dictated by fluctuating population densities.

- Habitat linkages are broader connections between two or more habitat areas. This term is commonly used as a synonym for a wildlife corridor (Meffe and Carroll 1997). Habitat linkages may themselves serve as source areas for food, water, and cover, particularly for small- and medium-size animals.

- Travel routes are usually landscape features, such as ridgelines, drainages, canyons, or riparian corridors, within larger natural habitat areas that are frequently used by animals to facilitate movement and provide access to water, food, cover, den sites, and other necessary resources. A travel route is generally preferred by a species because it provides the least amount of

topographic resistance in moving from one area to another yet still provides adequate food, water, or cover (Meffe and Carroll 1997).

- Wildlife crossings are small, narrow areas of limited extent that allow wildlife to bypass an obstacle or barrier. Crossings typically are human-made and include culverts, underpasses, drainage pipes, bridges, tunnels to provide access past roads, highways, pipelines, or other physical obstacles. Wildlife crossings often represent “choke points” along a movement corridor because unseable habitat is physically constricted at the crossing by human-induced changes to the surrounding areas (Meffee and Carroll 1997).

Wildlife Movement in the Project Area

The Project area includes disturbed/developed and ruderal herbaceous landcover types. These are comprised of shopping centers and paved parking lots, fenced parks, disturbed open space, and a golf course. The surrounding area is characterized by development, roadways, undeveloped/disturbed open space, agriculture, and the Seal Beach National Wildlife Refuge to the southeast of the Project area. Most of the landcover types pose significant barriers to terrestrial wildlife movement including buildings, fences, and multi-lane roadways. These areas may harbor common species habituated to life in urban environments such as Virginia opossum, raccoon, desert cottontail, California ground squirrel, coyote, various birds, and small rodents. In addition, the Project area is within the Pacific Flyway, a major north-south flyway for migratory birds in America, extending from Alaska to Patagonia. Each year, at least one billion birds migrate along the Pacific Flyway (Audubon 2024).

Within the Project area, the level of urban development and the presence of physical barriers surrounding the Project area would significantly constrain the passage of most large terrestrial wildlife known to occur in the region. Based on the location of the sites, the sites do not function as a wildlife movement corridor. The Project area does not occur within any known wildlife movement corridor or habitat linkage as identified by the Wildlands Network (2024).

3.3.2 Regulatory Setting

Regulatory authority over biological resources is shared by federal, state, and local authorities under a variety of legislative acts. The following section summarizes the federal, state, and local regulations for special-status species, jurisdiction over waters of the United States and State of California, and sensitive biological resources. This section provides a listing and overview of these federal and state laws; only select regulations are applicable to the Project.

Federal

Federal Endangered Species Act

FESA provisions protect federally listed threatened and endangered species and their habitats from unlawful “take” and ensure that federal actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of DCH. Under FESA, take 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 USFWS regulations define harm to mean "an act which actually kills or injures wildlife." Such an act "may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR Section 17.3).

DCH is defined in FESA Section 3(5)(A) as "(i) the specific areas within the geographical area occupied by the species on which are found those physical or biological features: (I) essential to the conservation of the species; (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species upon a determination by the Secretary of Commerce or the Secretary of the Interior that such areas are essential for the conservation of the species." The effects analyses for DCH must consider the role of the critical habitat in both the continued survival and the eventual recovery (i.e., the conservation) of the species in question, consistent with the recent Ninth Circuit judicial opinion, *Gifford Pinchot Task Force v. USFWS*.

Activities that may result in "take" of federally listed species are regulated by USFWS. USFWS produced an updated list of candidate species December 6, 2007 (72 Federal Register [FR] 69034). Candidate species are not afforded any legal protection under FESA; however, candidate species typically receive special attention from federal and state agencies during the environmental review process.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711) makes it unlawful to possess, buy, sell, purchase, barter or take any migratory bird listed in Title 50 of CFR Part 10. "Take" is defined as possession or destruction of migratory birds, their nests, and eggs. Disturbances that cause nest abandonment or loss of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the MBTA. The MBTA prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA encompasses whole birds, parts of birds, bird nests, and eggs.

Bald and Golden Eagle Protection Act of 1940 (16 USC 668)

The Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 USC 668, enacted by 54 Stat. 250) protects bald and golden eagles by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this Act. Take of bald and golden eagles is defined as follows: "disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior'' (72 FR 31132; 50 CFR 22.3).

USFWS is the primary federal authority charged with the management of golden eagles in the United States. A permit for take of golden eagles, including take from disturbance such as loss of foraging habitat, may be required if the Project affects such resources. On November 10, 2009, the USFWS implemented new rules (74 FR 46835) governing the take of golden and bald eagles. The new rules were

released under the existing BGEPA, which has been the primary regulatory protection for unlisted eagle populations since 1940.

All activities that may disturb or incidentally take an eagle or its nest as a result of an otherwise legal activity must be permitted by the USFWS under this act. The definition of disturb (72 FR 31132) includes interfering with normal breeding, feeding, or sheltering behavior to the degree that it causes or is likely to cause decreased productivity or nest abandonment. If a permit is required, due to the current uncertainty on the status of golden eagle populations in the western United States, it is expected that permits would only be issued for safety emergencies or if conservation measures implemented in accordance with a permit would result in a reduction of ongoing take or a net take of zero.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act, as amended in 1964, requires that all federal agencies consult with National Marine Fisheries Service (NMFS), USFWS, and state wildlife agencies (i.e., CDFW) when proposed actions might result in modification of a natural stream or body of water. Federal agencies must consider effects that these projects would have on fish and wildlife development and provide for improvement of these resources. The Fish and Wildlife Coordination Act allows NMFS, USFWS, and CDFW to provide comments to United States Army Corps of Engineers (USACE) during review of projects under Section 404 of the Clean Water Act (concerning the discharge of dredged materials into navigable WOTUS) and Section 10 of the Rivers and Harbors Act regarding obstructions in navigable waterways. NMFS comments provided under the Fish and Wildlife Coordination Act are intended to reduce environmental impacts to migratory, estuarine, and marine fisheries and their habitats.

Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) of 1972 establishes national policy to preserve, protect, develop, and, where possible, restore or enhance the resources of the nation's coastal zones. In accordance with Section 307(c) of the CZMA, after approval by the Secretary of Commerce of a state's management program, any applicant for a required federal license or permit to conduct an activity in or outside of the coastal zone affecting any land or water use or natural resource of the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. The federal government certified the California Coastal Management Program (CCMP) in 1977. The enforceable policies of that document are Chapter 3 of the California Coastal Act of 1976.

For all of the California coast except San Francisco Bay, the state agency responsible for implementing the CZMA is the CCC. The CCC is responsible for reviewing proposed federal and federally licensed or permitted activities to assess their consistency with the approved CCMP. Due to its proximity to the Pacific Ocean, Seal Beach is subject to a state mandated LCP and CCC jurisdiction. Housing Opportunity Sites 1, 3, 7, 8, and the Main Street Program area are within the Seal Beach LCP.

Clean Water Act Section 404 and Federal Jurisdictional Waters

The Clean Water Act (CWA), introduced in 1977 via amendatory legislation of the Federal Water Pollution Control Act, is the primary federal law in the United States regulating water pollution. Section 404 of the CWA regulates the discharge of dredged material, placement of fill material, or certain types of excavation within WOTUS and authorizes the Secretary of the Army, through the Chief of Engineers, to issue permits for such actions. Permits can be issued for individual projects (individual permits) or for general categories of projects (general permits). Terrestrial WOTUS as defined by the CWA have typically included rivers, creeks, streams, and lakes extending to their headwaters and any associated wetlands. Wetlands are defined by the CWA as "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions." The USACE has adopted several revisions to their regulations to more clearly define WOTUS. The protection of federal jurisdictional WOTUS has been particularly contentious and subject to numerous legal decisions since 2001.

1986 Regulations

In 1986, the federal agencies (USACE and USEPA) implemented historic regulations (the 1986 Regulations) that defined WOTUS to mean traditional navigable waters (TNWs), the territorial seas, interstate waters, and intrastate waters whose use or degradation could affect interstate or foreign commence, as well as tributaries of and wetlands adjacent to any of those waters.

2001 Solid Waste Agency of Northern Cook County Ruling

Until the beginning of 2001, WOTUS included, among other things, isolated wetlands and lakes, intermittent streams, prairie potholes, and other waters that are not part of a tributary system to interstate waters or to navigable WOTUS. The jurisdictional extent of USACE regulation changed with the 2001 Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers ruling. The United States Supreme Court held that the USACE could not apply Section 404 of the CWA to extend their jurisdiction over an isolated quarry pit. The Court ruled that the CWA does not extend federal regulatory jurisdiction over non-navigable, isolated, intra-state waters. However, the Court made it clear that non-navigable wetlands adjacent to navigable waters are still subject to USACE jurisdiction.

2006 Rapanos Ruling

In 2006, the United States Supreme Court issued its seminal decision in *Rapanos v. United States (Rapanos).* Justice Scalia narrowly interpreted the statutory term "waters of the United States" in a four-Justice plurality opinion, holding that CWA jurisdiction extended over only "relatively permanent, standing or continuously flowing bodies of water" that are connected to TNWs, plus wetlands with a "continuous surface connection" to such relatively permanent water bodies. Justice Kennedy wrote separately, concurring with the Court's judgment with respect to the facts of the case, but interpreted "waters of the United States" to include wetlands that possess a "significant nexus" to waters that are or were navigable in fact or that could reasonably be so made.

The Court's split decision and lack of a commanding majority opinion in *Rapanos* created confusion among the federal agencies and public. In 2008, the federal agencies released a regulatory guidance document, the 2008 Rapanos Guidance (USACE and USEPA 2008) addressing common questions about federal jurisdiction over WOTUS and clarifying the two jurisdictional standards from Rapanos. In the 2008 Rapanos Guidance, the federal agencies concluded that federal jurisdiction existed over certain waterbodies that meet either the "relatively permanent" standard from Justice Scalia's plurality opinion or Justice Kennedy's "significant nexus" standard.

2015 Clean Water Act

The 1986 Regulations as interpreted by the 2008 Rapanos Guidance were later replaced by the 2015 Clean Water Rule. The federal agencies attempted to provide clarification on jurisdiction following the Rapanos ruling by replacing the numerous categories of waterbodies found in the 1986 Regulations with three broader categories: waters that are categorically "jurisdictional by rule" without the need for further analysis; waters that are subject to case-specific jurisdictional analysis; and waters that are categorically excluded from jurisdiction. The 2015 Clean Water Rule emphasized the "significant nexus" standard over the "relatively permanent" standard to include additional types of waters in the new "jurisdictional by rule" category. Traditional navigable waters, the territorial seas, interstate waters, tributaries of these waters, and wetlands adjacent to these waters were all deemed "jurisdictional by rule." The result of the 2015 Clean Water Rule was an expansion in federal jurisdiction over waterbodies that might have otherwise been excluded from the definition of WOTUS on a case-by-case basis under the 1986 Regulations and the Rapanos ruling.

Federal jurisdictional WOTUS protected under the CWA were defined in a final 2015 Clean Water Rule; however, the Sixth Circuit United States Court of Appeals issued an order staying the 2015 Rule nationwide, pending a determination by the court on jurisdiction to review the rule. The 2015 Clean Water Rule was stayed, and the prior 1986 Regulations published in 1986, along with some changes in 2008 as a result of the Rapanos ruling, remained in effect.

2020 Navigable Waters Protection Rule

In 2017, the Trump Administration issued Executive Order 13778, *"Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule."* The executive order directed the federal agencies to review the 2015 Clean Water Rule for consistency with the policy outlined in Section 1 of the order and to issue a proposed rule rescinding or revising the 2015 Clean Water Rule as appropriate and consistent with law. The federal agencies repealed the 2015 Rule and restored the previous regulatory regime as it existed prior to finalization of the 2015 Clean Water Rule with, *"Definition of 'Waters of the United States'—Recodification of Pre-Existing Rules."*

On January 23, 2020, the federal agencies issued the Navigable Waters Protection Rule (NWPR) to redefine WOTUS. The agencies streamlined the definition to include four simple categories of jurisdictional waters:

1. Traditional navigable waters and the territorial seas;

2. Tributaries of traditional navigable waters and the territorial seas;

3. Certain lakes, ponds, and impoundments of WOTUS; and

4. Wetlands adjacent to other WOTUS.

The NWPR provided clear exclusions for many water features that traditionally have not been regulated, and defined terms in the regulatory text that had never been defined before. Congress, in the CWA, explicitly directed the federal agencies to protect “navigable waters.” The intent of the NWPR was to regulate waters and the core tributary systems that provide perennial or intermittent flow and excluded ephemeral waters. The final NWPR fulfilling Executive Order 13788 became effective on June 22, 2020; however, on August 30, 2021, the United States District Court for the District of Arizona vacated the NWPR finding ““fundamental, substantive flaws that cannot be cured without revising or replacing the NWPR’s definition.”

2023 Revised Definition of ‘‘Waters of the United States’’

On June 9, 2021, the USACE and USEPA under the Biden Administration announced intent to protect more waterways through environmental regulations, beginning a new rulemaking process that restores protections put in place before 2015. Following the federal district court decision vacating the NWPR, USEPA and USACE halted implementation of the NWPR and began interpreting WOTUS consistent with the pre-2015 regulatory regime, deciding that prompt replacement of the NWPR through the administrative rulemaking process was vital.

On January 18, 2023, the federal agencies published the final "Revised Definition of 'Waters of the United States'" rule in the Federal Register and the rule became effective on March 20, 2023 (USACE and USEPA 2023). The 2023 Rule establishes a clear and reasonable definition of WOTUS and exercises their discretion under the statute to return generally to the familiar pre-2015 definition that has bounded the CWA’s protections for decades. The implications of the final 2023 WOTUS rule are such that many ephemeral waters not considered protected under the former 2020 NWPR will now be protected.

With the 2023 WOTUS rule, USEPA and USACE interpreted the term WOTUS to include:

1. Traditional navigable waters, the territorial seas, and interstate waters;

2. Impoundments of other jurisdictional WOTUS;

3. Tributaries to either of the above waters, or when the tributaries meet the “relatively permanent” standard or the “significant nexus” standard, (collectively, “jurisdictional tributaries”);

4. Wetlands adjacent to traditional waters, wetlands adjacent and with a continuous surface connection to relatively permanent tributaries and impoundments, and wetlands adjacent to other jurisdictional tributaries when those wetlands meet the “significant nexus” standard; and

5. Intrastate lakes and ponds, streams, or wetlands as defined in 1–4 above that meet either the “relatively permanent” standard or the “significant nexus” standard.

For purposes of characterizing a "jurisdictional adjacent wetland" under the 2023 WOTUS Rule, a wetland may be considered "adjacent" to WOTUS if any of the following three criteria are satisfied:

1. The wetland has an unbroken surface or shallow subsurface connection to WOTUS;
2. The wetland is physically separated from WOTUS by man-made dikes or barriers, natural river berms, and the like; or
3. The wetland is reasonably proximate to WOTUS such that the wetland has significant effects on water quality and the aquatic ecosystem of WOTUS.

2023 Sackett Ruling

On May 25, 2023, the U.S. Supreme Court issued its ruling in *Sackett v. Environmental Protection Agency (Sackett)*, which established a more stringent test to determine whether the CWA applies to certain categories of wetland. The Sackett family had backfilled a lot near Priest Lake in Idaho, and in agreeing that the Sacketts' lot is a wetland, the U.S. Court of Appeals for the 9th Circuit applied the test outlined by Justice Kennedy in *Rapanos*: whether there is a "significant nexus" between the wetlands and waters that are covered by the CWA, and whether the wetlands "significantly affect" the quality of those waters. With *Sackett*, the U.S. Supreme Court unanimously reversed the 9th Circuit's ruling, where in a majority opinion, lower courts were directed to apply a more stringent test in *Rapanos*, in which the CWA applies to a particular wetland only if it blends or flows into a neighboring water that is a channel for interstate commerce. While the Court decided that it is clear that some "adjacent" wetlands will also qualify under the CWA as "waters of the United States," wetlands that are entirely separate from traditional bodies of water will not qualify. The CWA will apply to wetlands that are "as a practical matter indistinguishable from waters of the United States" because they have a "continuous surface connection" with a larger body of water, "making it difficult to determine where the 'water' ends and the 'wetland' begins."

The result of the *Sackett* ruling is that certain adjacent wetlands formerly protected under the CWA will no longer be federally protected. The USACE and USEPA have acknowledged the *Sackett* ruling and indicated they will interpret the phrase "waters of the United States" consistent with the U.S. Supreme Court's decision in *Sackett*.

Amendment to the 2023 WOTUS Rule

On August 29, 2023, the USEPA and USACE announced a final rule amending the 2023 definition of WOTUS to conform with the recent U.S. Supreme Court decision in Sackett. While EPA's and USACE's 2023 WOTUS rule defining WOTUS was not directly before the Supreme Court, the decision in Sackett made clear that certain aspects of the WOTUS 2023 rule are invalid. The amendments issued are limited and change only parts of the 2023 rule that are invalid under the Sackett decision. For example, the final rule removes the significant nexus test from consideration when identifying tributaries and other waters as federally protected.

Exemptions Under Clean Water Act Section 404

Activities that are exempt under CWA Section 404(f) include

1. Nominal farming, silviculture and ranching activities,
2. (Emergency) maintenance activities,
3. Construction and maintenance of farm ponds, stock ponds, or irrigation ditches or the maintenance of drainage ditches,
4. Construction of temporary sedimentation basins,
5. Any activity with respect to which a state has an approved program under CWA Section 208(b)(4) which meets the requirements of sections 208(b)(4) (B) and (C) (this pertains to certain applicable statewide waste treatment management programs), and
6. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment.

Exceptions to these exemptions include:

1. Discharge of toxic pollutants, and
2. If it is part of an activity whose purpose is to convert an area of a WOTUS into a use to which it was not previously subject, where the flow and/or circulation of waters may be impaired or the reach of the waters reduced.

Extent of Jurisdiction

The extent of CWA Section 404 jurisdiction for non-tidal waters includes non-isolated aquatic features (including wetlands qualifying under the original federal 1986 standards and non-wetland WOTUS) bound by an “ordinary high water mark” as defined by 33 CFR 328.3(e):

> *“The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”*

Features considered isolated from TNWs and the exemptions listed above are not considered WOTUS under the jurisdiction of CWA Section 404.

State

California Environmental Quality Act

CEQA establishes state policy to prevent significant and avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures. CEQA applies to actions directly undertaken, financed, or permitted by state lead agencies. Regulations for implementation are found in the CEQA Guidelines published by the California Natural Resources Agency. These guidelines establish an overall state of California process for the environmental evaluation of projects.

California Endangered Species Act

Provisions of the CESA protect state-listed threatened and endangered species. The CDFW regulates activities that may result in take of individuals (i.e., take is defined as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of take under the California Fish and Game Code (FGC). Additionally, the FGC contains lists of vertebrate species designated as "fully protected" (FGC Sections 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], and 5515 [fish]). Such species may not be taken or possessed.

In addition to federal and state-listed species, the CDFW also has produced a list of SSC to serve as a "watch list." Species on this list are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. SSC may receive special attention during environmental review, but they do not have statutory protection.

Birds of prey are protected in California under the FGC. FGC Section 3503.5 states that it is "unlawful to 'take', possess, or destroy any birds of prey (in the order Falconiformes or Strigiformes) or to 'take', possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered take by the CDFW. Under Sections 3503 and 3503.5 of the FGC, activities that would result in the taking, possessing, or destroying of any birds-of-prey, taking, or possessing of any migratory nongame bird as designated in the MBTA, or the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds protected by the MBTA, or the taking of any non-game bird pursuant to FGC Section 3800 are prohibited.

Section 1602 of the California Fish and Game Code

Section 1602 of the FGC requires any person, state or local governmental agency, or public utility which proposes a project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or use materials from a streambed, or result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake, to first notify the CDFW of the proposed project. Notification is generally required for any project that would 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. Based on the notification materials submitted, the CDFW would determine whether the proposed project may impact fish or wildlife resources.

If the CDFW determines that a proposed project may substantially adversely affect existing fish or wildlife resources, a Lake or Streambed Alteration Agreement (LSAA) would be required. A completed CEQA document must be submitted to CDFW before an LSAA would be issued.

Porter-Cologne Water Quality Control Act

California Regional Water Quality Control Boards (RWQCBs) regulate the "discharge of waste" to "waters of the State". All projects proposing to discharge waste that could affect Waters of the State must file a Waste Discharge Report with the appropriate RWQCB. The board responds to the report by issuing Waste Discharge Requirements or by waiving them for that project discharge. Both terms "discharge of waste" and Waters of the State are broadly defined such that discharges of waste include fill, any material resulting from human activity, or any other "discharge." Isolated wetlands within California, which are no longer considered Waters of the State, as defined by Section 404 of the CWA, are addressed under the Porter Cologne Water Quality Control Act.

State-Regulated Habitats

The State Water Resources Control Board is the state agency (together with the RWQCBs) charged with implementing water quality certification in California.

The CDFW extends the definition of stream to include "intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams (USGS-defined), and watercourses with subsurface flows. Canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife" (CDFW 1994).

Activities that result in the diversion or obstruction of the natural flow of a stream; that substantially change its bed, channel, or bank; or that use any materials (including vegetation) from the streambed may require that the proposed project applicant enter into an LSAA with the CDFW.

Native Plant Protection Act

Under FGC Sections 1900 to 1913, the Native Plant Protection Act (NPPA) requires all state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of NPPA prohibit the taking of listed plants from the wild and require notification of the CDFW at least 10 days in advance of any change in land use. This allows CDFW to salvage listed plant species that would otherwise be destroyed. a project applicant is required to conduct botanical inventories and consult with CDFW during project planning to comply with the provisions of the NPPA and sections of CEQA that apply to rare or endangered plants.

California Native Plant Society Rare Plant program

The mission of the CNPS Rare Plant Program is to develop current, accurate information on the distribution, ecology, and conservation status of California's rare and endangered plants and to use this information to promote science-based plant conservation in California. Once a species has been identified as being of potential conservation concern, it is put through an extensive review process. Once a species has gone through the review process, information on all aspects of the species (e.g., listing status, habitat, distribution, threats, etc.) is entered into the online CNPS Rare Plant Inventory and given a CRPR. The Rare Plant Program currently recognizes more than 1,600 plant taxa (species, subspecies and varieties) as rare or endangered in California.

Vascular plants listed as rare or endangered by the CNPS, but which might not have a designated status under state endangered species legislation, are defined by the following CRPRs:

- CRPR 1A: Plants considered by the CNPS to be extinct in California
- CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere
- CRPR 2: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- CRPR 3: Plants about which we need more information – a review list
- CRPR 4: Plants of limited distribution – a watch list

In addition to the CRPR designations above, the CNPS adds a Threat Rank as an extension added onto the CRPR and designates the level of endangerment by a 0.1 to 0.3 ranking, with 0.1 being the most endangered and 0.3 being the least endangered and are described as follows:

- 0.1: Seriously threatened in California (high degree/immediacy of threat)
- 0.2: Fairly threatened in California (moderate degree/immediacy of threat)
- 0.3: Not very threatened in California (low degree or immediacy of threats or no current threats known)

California Coastal Commission and Coastal Act of 1976

The CCC has planning, regulatory, and permitting responsibilities in partnership with local governments over all development taking place within the coastal zone, a 1.5 million-acre area stretching 1,100 miles along the state's coastline from Oregon to Mexico (and around nine offshore islands). The coastal zone extends seaward 3 miles, while its landward boundary varies from several miles inland in places such as the Eel River and the Elkhorn Slough, to as close as a few hundred feet from the shore in other areas.

The CCC's enabling legislation, the Coastal Act of 1976, created a comprehensive coastal protection program grounded in partnerships between CCC and local government jurisdictions (15 counties and 60 cities) within the coastal zone. Among the coastal resources specifically protected within the Coastal Act are public access to the coastline, wetlands and other environmentally sensitive habitat areas, agriculture,

low-cost visitor-serving recreational uses, visual resources, commercial and recreational fishing, and community character. Coastal streams and wetlands are also protected under the Coastal Act.

The Coastal Act Section 30231 defines a wetland as:

> *…lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.*

The CCC's regulations (CCR Title 14) establishes a "one parameter definition," which requires evidence of a single parameter to establish wetland conditions:

> *Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577).*

The "one parameter" definition adopted by the Coastal Commission is based on the general definition used by USFWS and CDFW from the USFWS wetlands classification system first published in 1979 (Cowardin et al. 1979):

> *Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.*

The Coastal Act definition of a wetland does not distinguish between wetlands based on their quality. Therefore, under the Coastal Act, poorly functioning or degraded areas that meet the definition of wetlands are subject to wetland protection policies. Due to its proximity to the Pacific Ocean, Seal Beach is subject to a state mandated LCP and CCC jurisdiction. The Project is within the Seal Beach LCP.

Local

City of Seal Beach General Plan

The City was incorporated in 1915 primarily as a farming community but has grown into a small city within an urbanized region encompassing 11.5 square miles along the Pacific Coast. The City's General Plan provides a comprehensive long-term plan for its character and physical development through appropriate goals, policies, and programs. Planning was formerly focused on expansion, but as much of Seal Beach is now developed, the focus for the future has evolved towards managing and enhancing development.

The relevant component of the General Plan is the Open Space/Recreation/Conservation Element, which addresses the importance of the provision of recreation areas, preservation of natural resources, avoidance of development in hazardous areas; and the establishment of buffers between incompatible land uses (City of Seal Beach 2003). The purpose of the City's Open Space / Recreation / Conservation Element is:

- To define open space and classify various types of open space uses.
- Describe those parcels or areas that are currently being used for open space/recreation and conservation purposes and discuss in concept future open space needs of the community.
- Determine methods to ensure that the present and future needs of the community are met.

Open space is defined as land set aside for outdoor recreation; the preservation of natural resources; managed production of resources; or the safety and general welfare of the community. Recreation land is categorized as land developed for the use and enjoyment of the community, either as active land or passive land. Conservation land is land for the conservation, enhancement, and utilization of natural resources including water and its hydraulic force; water quality; flood control; beach erosion; harbors; wildlife refuge; rivers; soils; forests; minerals; and other natural resources (City of Seal Beach 2003).

Seal Beach National Wildlife Refuge

The Seal Beach National Wildlife Refuge is approximately 920-acres of salt marsh and upland habitat located within the boundaries of the Naval Weapons Station Seal Beach. This wildlife refuge is one of the last remaining natural, undeveloped areas of coastal Southern California. In 1969, the wetlands were designated by the Navy Preserve and on August 30, 1972, President Richard Nixon signed Public Law 92-408, formally establishing the Seal Beach National Wildlife Refuge. This National Wildlife Refuge is managed by the Department of the Navy and the Fish and Wildlife Service.

Los Cerritos Wetland Authority

The Los Cerritos Wetlands complex is located within the City which includes approximately 503 acres of publicly and privately owned open space in the cities of Long Beach and Seal Beach that were historically part of a much larger tidal estuarine system at the mouth of the San Gabriel River. In its current state, the Los Cerritos Wetlands consists mostly of degraded tidal and non-tidal salt march habitats behind levees and weedy uplands where tidal marshes were filed over the last 100 plus years (LCWA 2021). The Los Cerritos Wetland Authority is a governmental entity developed in 2006 by a joint powers agreement of the State Coastal Conservancy, the Rivers and Mountains Conservancy, and the cities of Long Beach and Seal Beach. The Los Cerritos Wetland Authority was created for the purpose "to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance and operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge, and water conservation." The Los Cerritos Wetland Authority has the ability to acquire and own real property, but it does not have the power of eminent domain.

Orange County Transportation Authority Natural Community Conservation Plan/Habitat Conservation Plan

The OCTA along with the California Department of Transportation (Caltrans), CDFW, and USFWS worked together to create the Orange County Transportation Authority/California Department of Transportation NCCP/HCP in October 2009 with an amendment in 2016 (OCTA 2009). The planning area includes all of Orange County and this plan is meant to work with the existing Orange County planning efforts of the Central Coastal NCCP/HCP and the Southern Orange County HCP.

The plan goals include:

- Provide for the management and conservation of specific covered species within the planning area;
- Preserve, restore, and enhance natural communities and ecosystems that support the specific covered species within the planning area;
- Implement the covered activities in such a way that complies with state and federal fish and wildlife protection laws, including CESA and the FESA;
- Provide a basis for permits necessary to lawfully take specific covered species;
- Provide a way to coordinate and standardize mitigation and compensation requirements of FESA, NCCP, CEQA, and NEPA regarding the impacts of covered activities on the covered species within the planning area;
- Provide an accounting process that will document the net environmental benefits from the NCCP/HCP in exchange for streamlined and timely approval of permits for the Renewed Measure M freeway program;
- Provide a less costly, more efficient project review process that results in greater conservation values than project-by-project, species-by-species review; and
- Provide clear expectations and regulatory predictability for the entities carrying out covered activities within the planning area.

3.3.3 Environmental Impacts

This section analyzes the Project's potential to result in significant biological impacts. When an impact is determined to be significant, mitigation measures are identified that would reduce or avoid impacts.

Methodology

The analysis below examines the potential impacts to plant and wildlife resources that may occur as a result of implementation of the Project. For the purpose of this assessment, project-related impacts take two forms, direct and indirect. Direct impacts are those that involve the loss, modification or disturbance of natural habitats (i.e., vegetation or plant communities), which in turn, directly affect plant and wildlife

species dependent on that habitat. Direct impacts also include the destruction of individual plants or wildlife, which is typically the case in species of low mobility (i.e., plants, amphibians, reptiles, and small mammals). The collective loss of individuals in these manners may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and, hence, population stability.

Indirect impacts are those that involve the effects of increases in ambient levels of sensory stimuli (e.g., noise, light), unnatural predators (e.g., domestic cats and other non-native animals), and competitors (e.g., exotic plants, non-native animals). Indirect impacts may be associated with the construction and/or eventual habitation/operation of a project; therefore, these impacts may be both short-term and long-term in their duration. These impacts are commonly referred to as “edge effects” and may result in changes in the behavioral patterns of wildlife and reduced wildlife diversity and abundance in habitats adjacent to project sites.

The determination of impacts in this analysis is based on both the Project development and the biological values of the habitat and/or sensitivity of plant and wildlife species to be affected.

The biological values of resources within, adjacent to, and outside the area to be affected by the Project were determined by consideration of several factors, as applicable. These included the overall size of habitats to be affected, the previous land uses and disturbance history, the surrounding environment and regional context, the onsite biological diversity and abundance, the presence of special-status plant and wildlife species, the importance to regional populations of these species, and the degree to which onsite habitats are limited or restricted in distribution on a regional basis and, therefore, are considered sensitive in themselves. Therefore, the focus of this impact analysis is on sensitive plant communities/habitats, resources that play an important role in regional biological systems, and special-status species.

Thresholds of Significance

In accordance with the CEQA Guidelines’ Appendix G Environmental Checklist, the following questions were analyzed and evaluated to determine whether the Project’s biological resources impacts are significant.

Would the Project:

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

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

- *Conflict with any local polices or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

The following issues were determined to have no impact or a less than significant impact during the NOP Scoping. These issues are summarized in Section 6.0, Effects Found Not to Be Significant, and are not discussed further in this section.

Would the Project:

- *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Impact Analysis and Mitigation Measures

Candidate, Sensitive, or Special-Status Species

Impact BIO-1	**The Project could have a substantial adverse effect, either directly or through habitat modifications on any species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

Impact Analysis

Candidate, Sensitive, or Special-Status Plants

Based on a review of available database information, no state or federally listed and special-status plant species are known to occur within the Project impact areas. As identified in the Biological Resources Technical Report, Housing Opportunity Sites 1-7 and the Main Street Program area are entirely developed with urban uses and paved and therefore, does not provide suitable habitat for special-status plant species. However, Housing Opportunity Site 8 includes undeveloped areas and two special-status plants, known to occur in the region, were determined to have a low potential to occur on Housing Opportunity Site 8; Coulter's saltbush (Atriplex coulteri [CRPR 1B.2]) and southern tarplant (*Centromadia parryi ssp. Australis* [CRPR 1B.1 and OCTA NCCP/HCP Listed]).

Direct impacts to listed or special-status plants would include, for example, trampling or crushing from heavy equipment, vehicles, or foot traffic, alterations to the native seed bank due to soil compaction, and modifications to existing hydrological conditions. Potential indirect impacts could include the disruption of native seed banks through soil alterations, the accumulation of fugitive dust, increased erosion and sediment transport, and the colonization of non-native, invasive plant species.

If present during construction, impacts to candidate, sensitive, or special-status plant species would be considered significant and require mitigation.

Implementation of Mitigation Measures BIO-1, and BIO-2 would minimize impacts to special-status plant species. Implementation of Mitigation Measures BIO-1 and BIO-2 would protect special-status species and ensure that project design or avoidance mitigation would reduce impacts to a less than significant level. Implementation of these mitigation measures would reduce impacts to listed or special-status plants to a less than significant level.

Candidate, Sensitive, or Special-Status Wildlife

Project related impacts to state or federally listed and special-status wildlife species would be as follows:

Special-Status Invertebrates and Reptiles

The only Housing Opportunity Site identified to provide suitable habitat for special-status invertebrates and reptiles is Housing Opportunity Site 8. Due to the entirely developed nature of Housing Opportunity Sites 1-7 and the Main Street Program area, these sites were determined to not provide suitable habitat.

Within Housing Opportunity Site 8, one special-status reptile, southern California legless lizard (*Anniella stebbinsi* [CDFW Species of Special Concern]) and one special-status invertebrate, Crotch bumble bee (*Bombus crotchii* [State Candidate for Listing]) were determined to have a high potential to occur. Additionally, Monarch butterfly (*Danaus plexippus plexippus* pop. 1 [Federal Candidate and CDFW Special Animal]) was determined to have a moderate potential of occurrence for adults (overwintering) and a low potential for larvae depending on the presence of host plant (milkweed). Construction activities associated with future development projects facilitated by the Project could result in the direct loss of sensitive invertebrates and reptiles. Given the ecology of these species and cryptic nature, it is likely that some or all of the species may occur in or near the Housing Opportunity Sites and Main Street Program area. Direct impacts could result from potential mechanical crushing during construction, fugitive dust, and general disturbance due to increased human activity. Project implementation may also result in permanent loss of habitat. Therefore, to mitigate potential impacts from future development projects facilitated by the Project, Mitigation Measures BIO-1 and BIO-2 would be required. Mitigation Measure BIO-1 requires preparation of documentation of the status of special-status wildlife and plant species on the proposed development site and Mitigation Measure BIO-2 requires preparation of a Mitigation Plan if special-status wildlife and plant species are determined to occur onsite.

Special-Status Birds

Based on database reviews and knowledge of the area, both Ferruginous hawk (*Buteo regalis* [CDFW Watch List Species]) and Swainson's hawk (*Buteo swaisoni* [State listed as Threatened]) were determined to have a moderate potential to occur within Housing Opportunity Site 8. Beldin's savannah sparrow (*Passerculus sandwichensis beldingi* [State listed as Endangered]) was determined to have a high potential for occurrence within Housing Opportunity Site 8. Additionally, potential presence for bird species protected under the MBTA was identified for all Housing Opportunity Sites and the Main Street Program area due to the potential for birds to nest in the trees that are dispersed throughout each site.

Future development project activities facilitated by the Project have the potential to impact nesting birds. During the breeding season, construction activities could result in the displacement of breeding birds and

the abandonment of active nests. Potential indirect impacts could include the deterioration or removal of habitat, increased noise levels and human presence.

If future development projects facilitated by the Project involve construction that were to occur during the avian nesting season (generally considered to be between February 15th through September 15th; although some raptors species may nest as early as January) indirect impacts to nesting birds could occur; the MBTA of 1918 (16 USC 703-711) does not allow for take of migratory birds.

The MBTA makes it unlawful to possess, buy, sell, purchase, barter or "take" any migratory bird listed in Title 50 of the CFR Part 10. "Take" is defined as possession or destruction of migratory birds, their nests or eggs. Disturbances that cause nest abandonment and/or loss of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the MBTA. The MBTA prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Future development project activities facilitated by the Project that result in the degradation to habitat for or the loss of endangered, threatened, or other special-status species would be considered a significant adverse impact requiring mitigation. Therefore, Mitigation Measure BIO-3 has been identified to reduce potential impacts to nesting birds. Mitigation Measure BIO-3 requires preparation of applicable preconstruction surveys for construction activities that would occur during the nesting season and requires appropriate minimization measures be implemented if active nests are found within the project site. Implementation of Mitigation Measure BIO-3 would reduce potential impacts to less than significant.

Specia- Status Mammals

Based on a review of available database information, no special-status mammal species have been documented within Project impact areas nor were any determined to have the potential to occur within the Housing Opportunity Sites or within the Main Street Program area. As no special-status mammals were determined to occur within the Housing Opportunity Sites or within the Main Street Program area, future development projects facilitated by the Project is not anticipated to result in impacts to special-status mammals.

As identified above, to reduce impacts to special-status wildlife and plant species, the City would be required to implement Mitigation Measures BIO-1, BIO-2, and BIO-3. Implementation of Mitigation Measures BIO-1 and BIO-2 would protect special-status species and ensure that project design or avoidance mitigation would reduce impacts to a less than significant level. Mitigation Measure BIO-3 would require preconstruction surveys to evaluate potential nesting bird habitat onsite for future development projects, which would protect protected birds and reduce impacts to less than significant. Implementation of these mitigation measures would reduce impacts to special-status species to a less than significant level.

This EIR includes a discussion of the residential component of the ORCC Specific Plan Project based on the site location and proposed buildout of the 167 dwelling units that are included within the City's site inventory to meet its RHNA requirements. The Biological Resources Assessment prepared for the Project included a 10 mile search radius of the City which includes the ORCC Specific Plan Project site.

Freshwater ponds are identified to be located within the ORCC Specific Plan Project site due to its existing uses as a golf course. Plant species documented or determined to have the potential to occur within the ORCC Specific Plan Project site include Horn's milk vetch. Wildlife specifies documented or determined to have the potential to occur within the ORCC Specific Plan Project site include the American bumble bee, ferruginous hawk, and western tidal-flat tiger beetle. Additionally, as the area is developed with existing golf course uses, the trees located within the ORCC Specific Plan Project site could provide suitable habitat for bird species. As the search radius for the Biological Resources Assessment included a 10 mile radius of the City, the ORCC Specific Plan Project site was included within the search radius for special-status plant and wildlife species. Specific impact findings associated with the development of the ORCC Specific Plan Project are being evaluated separately by the City in a standalone EIR.

Level of Significance Before Mitigation
Potentially Significant Impact.

Mitigation Measures

MM BIO-1: **Documentation of Plant and Wildlife Species.** Prior to the issuance of a building permit, all projects must provide documentation that the site does not include special-status or protected plant and wildlife species. If the species are found on the site, focused surveys shall be conducted prior to any ground disturbance activities. The documentation shall ensure that botanical surveys are conducted during the appropriate blooming period and any nesting bird surveys are conducted during the appropriate avian nesting season. If no special-status species are found on the project site, no additional action is necessary and the project can continue. If special-status species are found, no ground disturbance can occur and the project must either avoid the special-status species, or develop a mitigation plan approved by the City in consultation with the California Department of Fish and Wildlife. If offsite replacement is the only mitigation option available, the performance criteria shall be at a ratio specified by the resource agency such as the Army Corps of Engineers or the California Department of Fish and Wildlife.

MM BIO-2: **Mitigation Plan.** Prior to the issuance of the first action and/or permit which would allow for site disturbance (e.g., grading permit), a detailed mitigation plan shall be prepared by a qualified biologist for approval by the City, the USFWS, and CDFW which shall include: (1) the responsibilities and qualifications of personnel to implement and supervise the plan; (2) site selection; (3) site preparation and planting implementation; (4) a schedule; (5) maintenance plan/guidelines; (6) a monitoring plan; and (7) long-term preservation requirements.

MM BIO-3: **Preconstruction Surveys.** Prior to the issuance of the first action and/or permit which would allow for site disturbance (e.g., grading permit) for future development projects facilitated by the Project, project applicants shall complete a preconstruction survey (or possibly multiple surveys) by a qualified biologist prior to construction activities to identify any active nesting locations within the project site. If the biologist does not find any active nests within the project site, the construction work shall be allowed to proceed. If the

biologist finds an active nest within the project site and determines that the nest may be impacted, the biologist shall delineate an appropriate buffer zone around the nest, and the size of the buffer zone shall depend on the affected species and the type of construction activity. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a biological monitor shall take place within the buffer zone until the nest is vacated. The biologist shall serve as a construction monitor when construction activities take place near active areas to ensure no inadvertent impacts on these nests occur. Results of the preconstruction survey and any subsequent monitoring shall be provided to the California Department of Fish and Wildlife and the City.

Level of Significance After Mitigation
Less Than Significant Impact with Mitigation.

Riparian Habitat or Natural Communities

Impact BIO-2	**The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

Impact Analysis

Sensitive natural communities are defined by CDFW (2018) as, "...communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects." All vegetation is ranked with an "S" state rarity rank; however, only those that are of special concern (S1-S3 rank) are evaluated under CEQA. Based on database and aerial photography review the Project area does not contain any sensitive natural communities.

The CNDDB records search indicated that there are four sensitive vegetation communities within a 10-mile radius of the Project area: Southern Coastal Salt Marsh, Southern Dune Scrub, Southern Foredunes, and Southern Cottonwood Willow Riparian Forest. The Southern Dune Scrub has a state rank of S1/Critically imperiled, at very high risk of extirpation in the jurisdiction due to very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors. The Southern Coastal Salt Marsh and Southern Foredunes has a state rank of S2/Imperiled, at high risk of extirpation in the jurisdiction due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors. The Southern Cottonwood Riparian Forest has a state rank of S3/Vulnerable, at moderate risk of extirpation in the jurisdiction due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.

As identified in Figures 4-1 and 4-2 of the Biological Resources Technical Report, though sensitive communities are identified within a 10-mile radius of the Project area, there are no sensitive natural communities located within any of the Housing Opportunity Sites or within the Main Street Program area. Additionally, as identified in the Biological Resources Technical Report, the entirety of Housing Opportunity Sites 1-7 and the Main Street Program area are developed. Housing Opportunity Site 8 is the only identified site that has undeveloped areas and the primary land cover at the Housing Opportunity

Site 8 is ruderal herbaceous with interspersed trees and disturbed/developed including a paved parking area and handball court. Though Housing Opportunity Site 8 provides some undeveloped areas, the site does not include any sensitive natural communities. Additionally, though all Housing Opportunity Sites and the Main Street Program area contain trees that could be used as potential nesting habitat by bird species protected under the MBTA, the potential nesting habitat for birds do not constitute a sensitive natural community. Therefore, future development projects located within the any Housing Opportunity Sites or within the Main Street Program area are not anticipated to result in impacts to riparian habitat or other sensitive natural communities. Therefore, there would be no impact.

This EIR includes a discussion of the residential component of the ORCC Specific Plan Project based on the site location and proposed buildout of the 167 dwelling units that are included within the City's site inventory to meet its RHNA requirements. The residential component of the ORCC Specific Plan Project is located on an existing golf course site and therefore, though it could be considered as undeveloped, the site includes freshwater ponds and landscaping regularly managed in accordance with the golf course use. Due to the existing uses and landscaping onsite, the ORCC Specific Plan Project site may or may not include riparian habitat or other sensitive natural communities. Specific impact findings associated with the development of the ORCC Specific Plan Project are being evaluated separately by the City in a standalone EIR.

Level of Significance Before Mitigation
No Impact.

Mitigation Measures

No mitigation would be required.

Level of Significance After Mitigation
No Impact.

Protected Wetlands

Impact BIO-3	**The Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**

Impact Analysis

A formal delineation of jurisdictional wetlands, other "waters of the U.S.," Waters of the State, and CDFW jurisdictional waters was not conducted. However, the NWI has mapped a variety of wetland and water resources within and adjacent to the Project area (refer to the BRTR in Appendix C for a map of these resources). These features include Estuarine and Marine Deepwater, Estuarine and Marine Wetland, Freshwater Emergent Wetland, Freshwater Forested/Shrub Wetland, Freshwater Pond, and Riverine (USFWS 2024b).

The San Gabriel River flows west of the Project area and the Pacific Ocean is south of the Project area. The Los Alamitos Channel, a concrete lined riverine feature, flows directly to the west of Housing

Opportunity Site 2 - Leisure World. The remaining wetlands and waters features are more than 100 feet from each Housing Opportunity Sites and Main Street Program area. The Los Alamitos Channel is a known WOTUS because it is a tributary to the San Gabriel River. The San Gabriel River is also a known WOTUS. Additionally, these areas would qualify as Waters of the State and CDFW jurisdictional waters.

As the Los Alamitos Channel is located offsite of Housing Opportunity Site 2 and is separated from the site by a paved EVA access lane, future development of Housing Opportunity Site 2 is not anticipated to result in impacts to the Los Alamitos Channel. Additionally, the propensity of the Los Alamitos Channel to support special-status species and include wildlife habitat is limited as the Los Alamitos Channel is a concrete lined channel. As identified in the Biological Resources Technical Report, none of the Housing Opportunity Sites or the Main Street Program area contain any wetlands. Therefore, future development projects located within the Housing Opportunity Sites or the Main Street Program area would not result in adverse effects to protected wetlands and impacts would be less than significant.

This EIR includes a discussion of the residential component of the ORCC Specific Plan Project based on the site location and proposed buildout of the 167 dwelling units that are included within the City's site inventory to meet its RHNA requirements. The residential component of the ORCC Specific Plan Project is located on an existing golf course site and the only aquatic features identified to occur within the ORCC Specific Plan Project site are freshwater ponds located throughout the golf course. The National Wetlands Inventory does not identify any wetlands to occur on the ORCC Specific Plan Project site. Specific impact findings associated with the development of the ORCC Specific Plan Project are being evaluated separately by the City in a standalone EIR.

Level of Significance Before Mitigation
No Impact.

Mitigation Measures

No mitigation would be required.

Level of Significance After Mitigation
No Impact.

Migratory Wildlife Corridors

Impact BIO-4	**The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.**

Impact Analysis

Wildlife Movement and Migratory Corridors

Studies suggest that habitat fragmentation and isolation of natural areas ultimately results in the loss of native species within those communities (Soulé et al., 1988). The ability for wildlife to move freely among populations is important to long-term genetic variation and demography. Fragmentation and isolation of natural habitat may cause loss of native species diversity in fragmented habitats. In the short term, wildlife

movement may also be important to an animal's ability to occupy home ranges, if a species range extends across a potential movement barrier. These considerations are especially important for rare, threatened, or endangered species, and wide-ranging species such as large mammals, which exist in low population densities.

As identified in the Biological Resources Technical Report, the Project area includes disturbed/developed and ruderal herbaceous landcover types. These are comprised of shopping centers and paved parking lots, fenced parks, and disturbed open space. The surrounding area is characterized by development, roadways, undeveloped/disturbed open space, agriculture, and the Seal Beach National Wildlife Refuge to the southeast of the Project area. Most of the landcover types pose significant barriers to terrestrial wildlife movement including buildings, fences, and multi-lane roadways. Within the Project area, the level of urban development and the presence of physical barriers surrounding the Project area would significantly constrain the passage of most large terrestrial wildlife known to occur in the region. Based on the location of the sites, the sites do not function as a wildlife movement corridor. Therefore, the Housing Opportunity Sites and the Main Street Program area do not occur within any known wildlife movement corridor or habitat linkage.

There are no known bird or bat migratory corridors that would be directly impeded by the Project. Large concentrations of migrants are not known to utilize any specific portion of the proposed Housing Opportunity Sites and Main Street Program area and Project activities are not expected to preclude use of the area. Migrating birds would have access to native habitat communities within adjacent areas. Therefore, the Project is not anticipated to interfere with the movement of wildlife species or with a migratory wildlife corridor and would not impede the use of native wildlife nursery sites and there would be no impact.

This EIR includes a discussion of the residential component of the ORCC Specific Plan Project based on the site location and proposed buildout of the 167 dwelling units that are included within the City's site inventory to meet its RHNA requirements. The residential component of the ORCC Specific Plan Project is located on an existing golf course site which is surrounded by existing urban development. The operation of the golf course and its location within the City would be anticipated to preclude use of the area as a wildlife corridor or wildlife nursery site; however, as the site could provide some suitable habitat for wildlife onsite, it cannot be ruled out. Specific impact findings associated with the development of the ORCC Specific Plan Project are being evaluated separately by the City in a standalone EIR.

Level of Significance Before Mitigation
No Impact.

Mitigation Measures
No mitigation would be required.

Level of Significance After Mitigation
No Impact.

Habitat Conservation Plan

Impact BIO-5	**The Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.**

Impact Analysis

The Orange County General Plan, City of Seal Beach General Plan, and OCTA/California Department of Transportation NCCP/HCP were all reviewed and the Project would not conflict with any of these plans or other City of Seal Beach ordinances, therefore there would be no impact.

This EIR includes a discussion of the residential component of the ORCC Specific Plan Project based on the site location and proposed buildout of the 167 dwelling units that are included within the City's site inventory to meet its RHNA requirements. The development of the residential component of the ORCC Specific Plan Project would not be anticipated to result in conflict with adopted conservation plans as buildout of the ORCC Specific Plan Project would be required to comply with the provisions of applicable conservation plans. Specific impact findings associated with the development of the ORCC Specific Plan Project are being evaluated separately by the City in a standalone EIR.

Level of Significance Before Mitigation
No Impact.

Mitigation Measures
No mitigation is necessary.

Level of Significance After Mitigation
No Impact.

3.3.4 Cumulative Impacts

CEQA requires that EIRs evaluate the potential cumulative impacts of a project. A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 15065(a)(3)). The geographic scope for cumulative biological resources impacts includes the immediate project vicinity and the region. This geographic scope is appropriate for biological resources because it encompasses the mosaic of representative land cover and habitat types (and associated biological resources) affected by the Project.

As discussed in Section 3.0, Environmental Analysis, CEQA Guidelines Section 15130 requires cumulative impact analysis in EIRs to consider a list of planned and pending projects that may contribute to the cumulative impacts of a project. Section 3.0, Table 3.0-3 identifies all past, present, and probable future residential projects in the City and surrounding areas that may impact the Project. Table 3.3-5 identifies the cumulative past, present, and probable future projects from Table 3.0-3 that may drive a potential cumulative impact related to recreation and therefore were analyzed in this cumulative discussion.

Table 3.3-5: Cumulative Projects Related to Biological Resources

#	Project Name	Location	Project Characteristics	Status	Total Dwelling Units
1	Old Ranch Country Club Project	Old Ranch Country Club, City of Seal Beach	Construction of a 116-unit, 4-level (188,500 square feet) multi-family housing development; a 51-unit, 3-level senior housing complex; medical office facility; overnight accommodation, including a bar and lounge and specialty restaurant	Preparation of EIR	167
2	Naval Weapons Station	Pacific Coast Hwy & Seal Beach Boulevard	Potential future housing developments proposed within the Naval Weapons Station	Anticipated	150
3	Water Storage Site	Within the Naval Weapons Station, approximately 1,000 feet east of Seal Beach Boulevard, near the housing community off Anchor Way	Potential future housing developments proposed within the Naval Weapons Station	Anticipated	65
4	Lampson Project	4665 Lampson Avenue, City of Los Alamitos	Redevelopment of existing office building with a residential development consisting of cluster homes, townhomes, and apartments totaling 246 units	Approved (By City of Los Alamitos)	246
5	Onni Marina Shores	6500-6670 E. Pacific Coast Hwy, City of Long Beach (7242011013)	Two, 5-story buildings with a total of 563,529 square feet containing 600 residential units	Approved (By City of Long Beach)	600

#	Project Name	Location	Project Characteristics	Status	Total Dwelling Units
			and 4,000 square-feet of ground-level restaurant space		
6	Carmel Partners	6615 E. Pacific Coast Hwy, City of Long Beach (7237020050)	Construction of a six-story mixed-use project consisting of 390 residential dwelling units and 5,351 square feet of commercial/retail space	Approved (By City of Long Beach)	380
7	Holland Partners	6700 E. Pacific Coast Hwy, City of Long Beach (7242012006)	Construction of a new mixed-use project consisting of 281 residential dwelling units, 3,100 square feet of commercial/retail space in a building with 592,100 square feet of area	Approved (By City of Long Beach)	281
8	Long Beach Housing Element Site	6695 E. Pacific Coast Hwy (7237020040); 6411 E. Pacific Coast Hwy (7237020051); No address (7237020904)	Candidate site identified in the City of Long Beach's Housing Element as a site for potential future residential development	Proposed in Housing Element Update (By City of Long Beach)	940
9	Long Beach Housing Element Site	1000 N Studebaker Rd (7238015021)	Candidate site identified in the City of Long Beach's Housing Element as a site for potential future residential development	Proposed in Housing Element Update (By City of Long Beach)	115
10	Orange County Housing Element Sites	11061 Los Alamitos Blvd (086-521-47); 11031 Los Alamitos Blvd (086-521-46);	Candidate site identified in the County of Orange's Housing Element as a site for potential	Proposed in Housing Element Update (By Orange County)	619

#	Project Name	Location	Project Characteristics	Status	Total Dwelling Units
		3352 Katella Ave (086-521-19); 11131 Los Alamitos Blvd (086-521-23); 11088 Wallingsford Rd (086-521-11); 11171 Los Alamitos Blvd (086-521-24)	future residential development		
11	Westminster Housing Element Sites	13251 Springdale Street (203-073-04); Dorothy Lane /Melanie Lane (203-073-05); Dorothy Lane/Lee Drive (203-073-01 and 203-073-03)	Candidate site identified in the City of Westminster's Housing Element as a site for potential future residential development	Proposed in Housing Element Update (By City of Westminster)	122

Future developments facilitated by the Project in conjunction with cumulative development in the City and nearby areas, would increase development in ruderal and developed/disturbed areas and could result in impacts to biological resources. The Housing Opportunity Sites and the Main Street Program area provide limited value as wildlife corridors due to their proximity to previous developments; however, some sites are in close proximity to natural areas, which could function as a wildlife corridor and could be impacted by future development. Therefore, potential biological impacts would require evaluation on a case-by-case basis at the project level when future development is proposed. Though the City and majority of the surrounding areas are highly urbanized and disturbed, some cumulative developments identified in the table above may be located on sites that are less disturbed and could have the potential to provide habitat for wildlife. Unless exempt, each cumulative project would require separate discretionary permit approval and evaluation under CEQA, which would address potential biological resource impacts and identify necessary mitigation measures, where appropriate.

Consequently, the Project would not result in significant environmental impacts from the violation of biological resource requirements, the taking of special-status plants or wildlife, or degradation of wildlife corridors. Therefore, with the implementation of mitigation and compliance with regulatory requirements, the Project's contribution to cumulatively considerable impacts on biological resources would be less than significant.

3.3.5 References

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