

Biological Resources Assessment Rodeo Property Project City of Salinas, Monterey County, California

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SECTION 1: INTRODUCTION

At the request of the SyWest Development, FirstCarbon Solutions (FCS) conducted a biological resources assessment for the proposed industrial space in Salinas. The purpose of this biological resources assessment is to describe on-site vegetation communities, identify potentially jurisdictional waters of the U.S., and assess the potential for occurrence of special-status plant and wildlife species within the project site.

1.1 - Project Summary

1.1.1 - Site Location

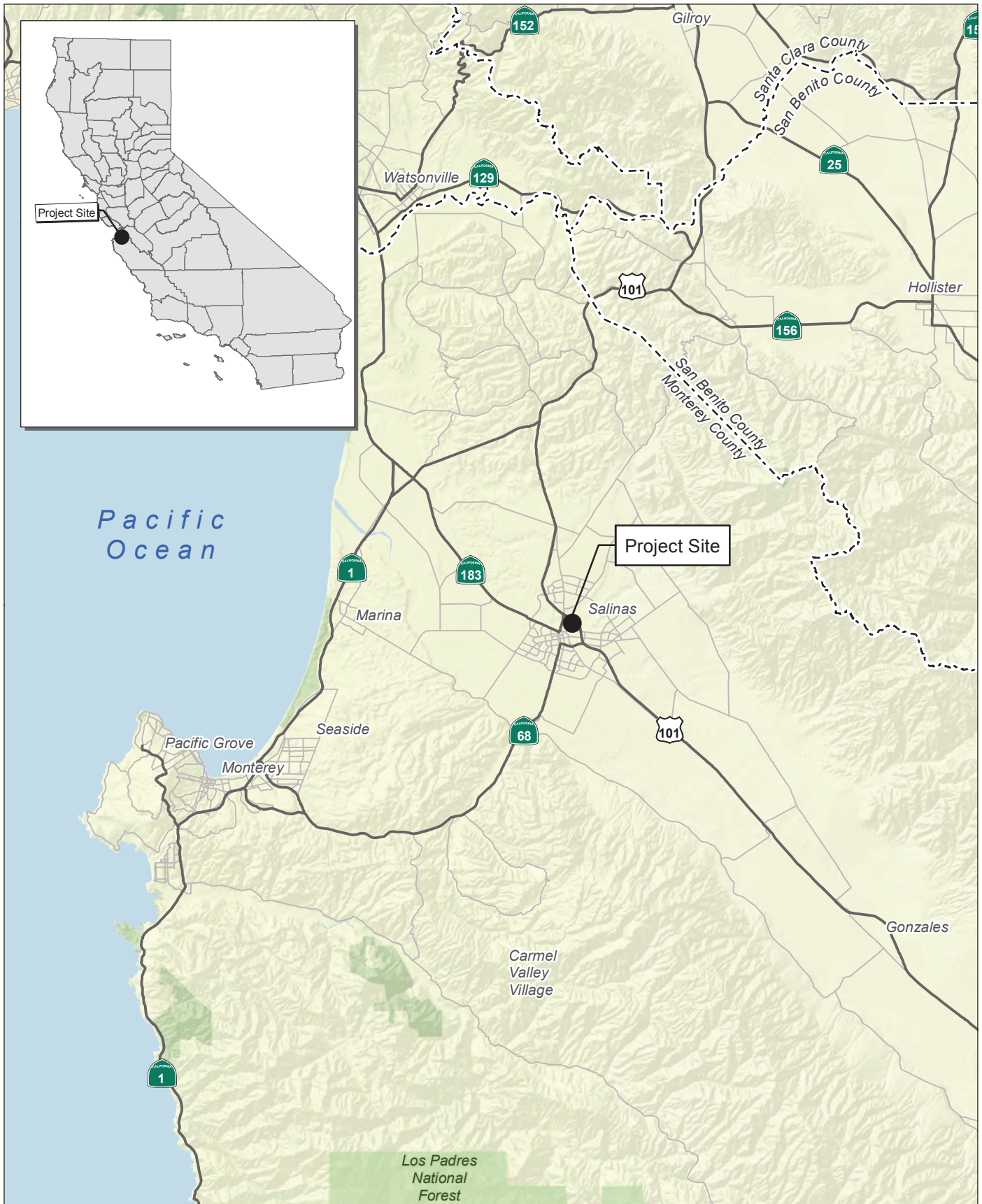
The Rodeo Property Project is located at 295 Sun Way, south and west of US 101 in the central part of the City of Salinas, Monterey County, California (see Exhibit 1). North and south of the Project site are existing warehouse/light industrial uses. To the north of the Project site is Security Public Storage; to the south at 10 Simas Street is Celebration Church and at 34 Simas Street is a light industrial building containing an ambulance dispatch business and an electrical supply company. To the southwest of the Project at 8 Sun Street is Sun Street Centers Men's Residential Program. Adjacent to and west of the Project is open space; however, there is a mix of land uses further west of the Project, including St. James CME Church located at 285 Calle Cebu, Haciendas Place multi-family residential located at 245 Calle Cebu, and the Rancho Salinas Mobile Park located at 150 Sherwood Drive. The Project site is bounded by Sun Street and Sun Way to the west, US 101 to the east, Security Public Storage to the north, and light industrial uses to the south (see Exhibit 2). The project site is located on the Salinas, California United States Geological Survey 7.5-minute topographic quadrangle, Assessor's Parcel Number 003-212-017-000.

The project site comprises one parcel that consists of semi-developed land equaling a total of approximately 6 acres. The project site currently contains a soccer field, a baseball diamond with associated lighting, a gravel parking lot, gravel walking trail, playground area, and restrooms. The project site has been used recreationally activities and was actively managed (mowed) for recreational purposes.

1.1.2 - Project Description

The project is a General Plan amendment and Rezone that would allow development of industrial and commercial uses on a 6.8-acre site located on Sun Street adjacent to US 101. The proposed land use designation would allow the site to be developed at a floor area ratio of 0.4, which would allow for the development of up to 188,600 square feet of industrial floor space. The site is designated in the General Plan as Open Space. Access to the site is provided via Sun Street and its connections to Calle Cebu and E. Market Street.

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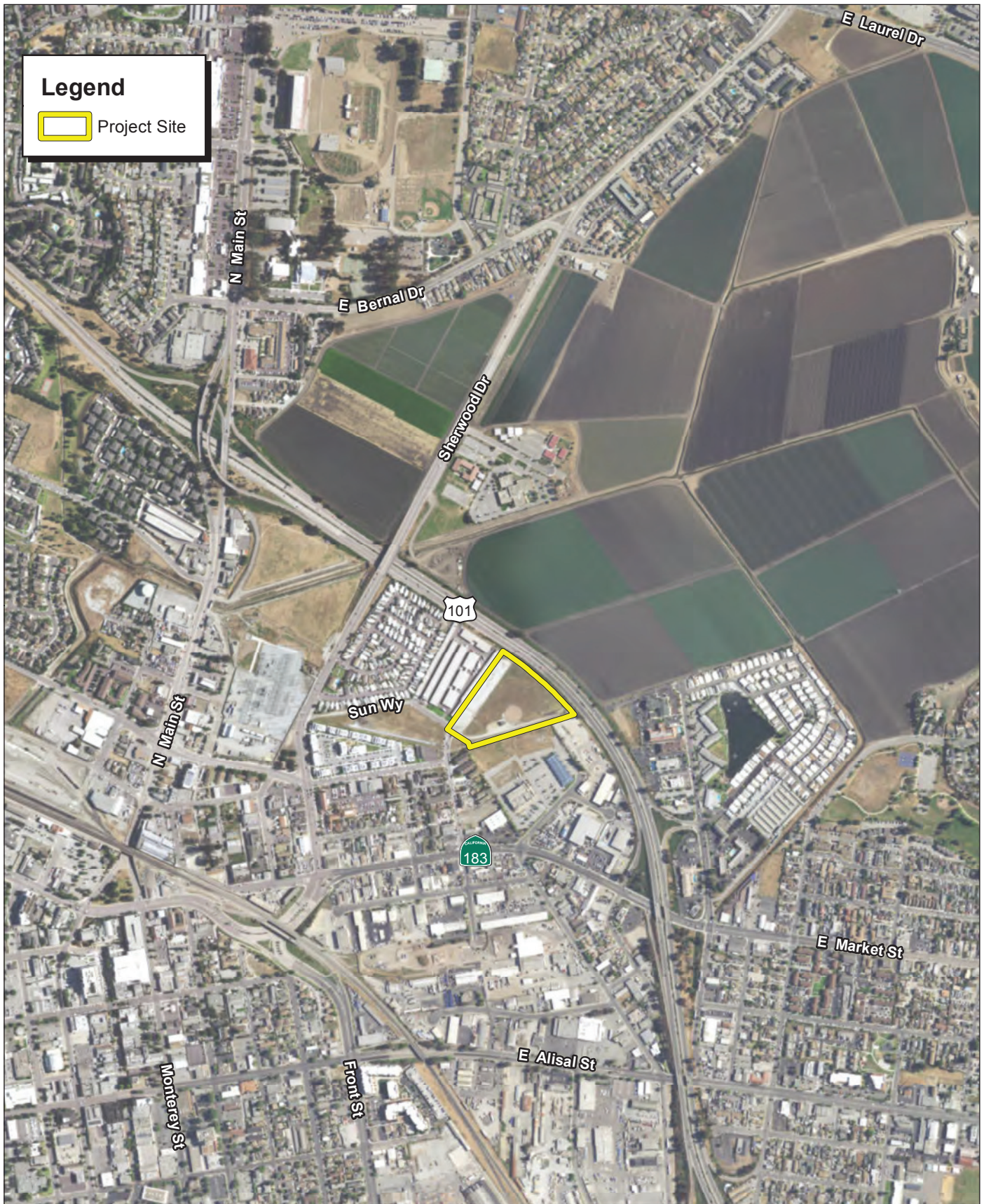
Source: Census 2000 Data, The CaSIL, FCS GIS 2016.

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Exhibit 1 Regional Location Map

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Legend

Project Site

Source: ESRI Imagery

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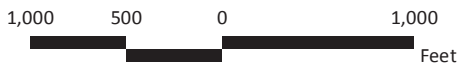


Exhibit 2
Local Vicinity Map
Aerial Base

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SECTION 2: METHODOLOGY

Analysis of the biological resources associated with the project site began with a thorough review of relevant literature followed by a reconnaissance-level field survey. The survey area included the entire project site as well as the immediate vicinity.

The primary objective of the survey was to document existing site conditions and determine the potential presence of special-status biological resources.

For the purpose of this report, special-status species refers to all species formally listed as threatened and/or endangered under Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); California Species of Special Concern; designated as Fully Protected by CDFW; given a status of 1A, 1B, or 2 by the California Native Plant Society (CNPS); or designated as special-status by city, county, or other regional planning documents. Federal and state listed threatened and/or endangered species are legally protected under ESA/CESA. The designated special-status species listed by CNPS have no direct legal protection, but they require an analysis of the significance of potential impacts under CEQA guidelines.

2.1 - Literature Review

The literature review provides a baseline from which to evaluate the biological resources potentially occurring on the project site as well as the surrounding area.

2.1.1 - Existing Environmental Documentation

As part of the literature review, an FCS biologist examined existing environmental documentation for the project site and local vicinity. This documentation included literature pertaining to habitat requirements of special-status species potentially occurring near the site; and federal register listings, protocols, and species data provided by the USFWS and CDFW. These and other documents are listed in the references section of this report.

2.1.2 - Topographic Maps and Aerial Photographs

An FCS biologist reviewed current USGS 7.5-minute topographic quadrangle map(s) and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential drainage feature locations (USGS 1986). Aerial photographs provide a perspective of the most current site conditions relative to on-site and off-site land use, plant community locations, and potential locations of wildlife movement corridors.

2.1.3 - Soil Surveys

The United States Department of Agriculture (USDA) has published soil surveys that describe the soil series (a group of soils with similar profiles) occurring within a particular area (USDA 1980). These profiles include major horizons with similar thickness, arrangement, and other important characteristics. These series are further subdivided into soil mapping units that provide specific

information regarding soil characteristics. Many special-status plant species have a limited distribution based exclusively on soil type. Therefore, pertinent USDA soil survey maps were reviewed to determine the existing soil mapping units within the project site and to establish if soil conditions on-site are suitable for any special-status plant species (Soil Survey Staff 2017).

2.1.4 - Special-Status Species Database Search

An FCS biologist compiled a list of threatened, endangered, and otherwise special-status species previously recorded within the general project vicinity. The list was based on a search of the CDFW's California Natural Diversity Database (CNDDDB; CDFW 2017), a special-status species and plant community account database, the CNPS's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California database (CNPS 2017), and a USFWS Information Planning and Conservation Report Search (USFWS 2017), for the Salinas California USGS 7.5-minute topographic quadrangle maps and nine surrounding topographic quadrangles (Moss Landing, Prunedale, San Juan Bautista, Marina, Natividad, Seaside, Spreckels, and Chualar). The database search results can be found in Appendix A.

The CNDDDB Biogeographic Information and Observation System (BIOS 5; CDFW 2017) database was used to determine the distance between known recorded occurrences of special-status species and the project site.

2.1.5 - Trees

Prior to conducting the reconnaissance-level survey, FCS's biologists reviewed any applicable City and County ordinances pertaining to tree preservation and protective measures and their tree replacement conditions or permits required. Species listed in any applicable ordinances identified on-site were noted, and their locations were recorded using a handheld GPS unit and were identified on a topographic map. Any potential tree removal that takes place will have to abide by the regulations set in place by Monterey County and the City of Salinas. Specifically, the proposed project would have to follow:

- Monterey County Municipal Code 21.64.260 regarding the preservation of oak and other protected trees
- Monterey County Municipal Code Chapter 35 regarding the language and definitions for tree and shrub removal
- 2010 Monterey County Zoning Ordinances for tree removal polices
- During the bird nesting season (February 22 through August 1) tree consultants shall identify any nests within 300 feet of the proposed tree removal(s) in the tree assessment. If a nest is found, a County-qualified biologist must conduct a nest survey prior to the approval of the tree removal permit. The biologist's recommendations will be added as condition of approval (See condition list on the back of the Tree Removal Application form).
- If the tree removal report/evaluation indicates any sudden oak death, the proposed removal must be referred to the Ag. Commissioner's Office (Brad Oliver: 759-7332). Do not go any further until written direction is received from the Ag/ Commissioner's Office.

- Proposed tree removal located within the coastal and non-coastal sections of the Del Monte Forest require a report/letter by Pebble Beach Company (Eric Love: 625-8421).

Additionally, any trees where removal is necessary will require the client to submit a city tree permit removal application.

2.1.6 - Jurisdictional Waters and Wetlands

Prior to conducting the reconnaissance-level survey, FCS's biologists reviewed USGS topographic maps and aerial photography to identify any potential natural drainage features and water bodies. In general, all surface drainage features identified as blue-line streams on USGS maps and linear patches of vegetation are expected to exhibit evidence of flows and considered potentially subject to state and federal regulatory authority as "waters of the U.S. and/or State." A preliminary assessment was conducted to determine the location of any existing drainages and limits of project-related grading activities, to aid in determining if a formal delineation of waters of the U.S. or State is necessary.

2.1.7 - Reconnaissance-Level Field Survey

An FCS biologist conducted a field survey on June 7, 2017. The reconnaissance-level survey was conducted on foot during daylight hours. The purpose of the survey was not to extensively search for every species occurring within the project site, but to ascertain general site conditions and identify potentially suitable habitat areas for various special-status plant and wildlife species. Special-status or unusual biological resources identified during the literature review were ground-truthed during the reconnaissance-level survey for mapping accuracy. Special attention was paid to sensitive habitats and areas potentially supporting special-status floral and faunal species.

Plant Species

Common plant species observed during the reconnaissance-level survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Uncommon and less familiar plants were identified off-site with the use of taxonomical guides, such as Clarke et al. (2007), Hitchcock (1971), McAuley (1996), and Munz (1974). Taxonomic nomenclature used in this study follows Baldwin et al. (2012). Common plant names, when not available from Baldwin et al. (2012), were taken from other regionally specific references.

Wildlife Species

Wildlife species detected during the reconnaissance-level survey by sight, calls, tracks, scat, or other signs were recorded in a field notebook. Notations were made regarding suitable habitat for those special-status species determined to potentially occur within the project site (CDFW 2017). Appropriate field guides were used to assist with species identification during surveys, such as Peterson (2010), Reid (2006), and Stebbins (2003).

Wildlife Movement Corridors

Wildlife movement corridors link areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. Urbanization and the resulting

fragmentation of open space areas create isolated “islands” of wildlife habitat, forming separated populations. Corridors act as an effective link between populations.

The project site was evaluated for evidence of a wildlife movement corridor during the reconnaissance-level survey. The focus of this study was to determine if the change of current land use of the project site may have significant impacts on the regional movement of wildlife. These conclusions are made based on the information compiled during the literature review, including aerial photographs, USGS topographic maps and resource maps for the vicinity, the field survey conducted, and professional knowledge of desired topography and resource requirements for wildlife potentially utilizing the project site and vicinity.

SECTION 3: EXISTING CONDITIONS

An FCS biologist conducted the reconnaissance-level field survey on June 7, 2017 from 12:00 p.m. to 2:00 p.m. (1200 to 1400 hours). Weather conditions during the field survey were partly cloudy with moderate wind gusts and average temperature of 65 degrees Fahrenheit (°F).

3.1 - Environmental Setting

The project site is relatively flat and does not show signs of sloping. The project site overlaps with FEMA's 100-year flood plain, which is described as a flood event that has a 1 percent probability of occurring in any given year.

3.1.1 - Soils

The United States Department of Agriculture, Natural Resources Conservation Service indicates that the vast majority of the project site contains the Clear Lake Clay soil series, with minor components of Pacheco, Mocho, Cropley, and Salinas soil series.

Clear Lake Clay

The Clear Lake series consists of deep, poorly drained soils that formed in fine textured alluvium derived from sandstone and shale. Clear Lake soils are in basins and in swales of drainageways. Slopes are 0 to 2 percent. The mean annual precipitation is about 20 inches and the mean annual air temperature is about 60°F. Used for production of row crops, irrigated, and dry farmed pasture; also used for rangeland (USDA 2017).

Pacheco Silt Loam

The Pacheco series consists of deep, somewhat poorly drained soils that formed in alluvium derived mostly from sedimentary rocks. Pacheco soils are on flood plains and have slopes of 0 to 2 percent. Mean annual precipitation is approximately 16 inches and the mean annual temperature is approximately 58°F. Used for production of small grain field crops and pasture vegetation (USDA 2017).

Mocho Loam

The Mocho series consists of deep, well-drained soils that formed in alluvium derived mostly from sandstone and shale rock sources. Mocho soils are on alluvial fans and have slopes of 0 to 9 percent. The mean annual precipitation approximately about 16 inches and the mean annual air temperature is approximately 59°F. Used for production of field and truck crops; nontilled areas have a cover of naturalized vegetation of annual grasses and forbs (USDA 2017).

Cropley Clay

The Cropley series consists of deep, well-drained soils that formed in alluvium from mixed rock sources. Cropley soils are on alluvial fans, floodplains and in small basins. Slopes range from 0 to 15 percent. The mean annual precipitation is approximately 16 inches and the mean annual

temperature is approximately 60°F. Used for production of row and truck crops and for urban development (USDA 2017).

Salinas Clay Loam

The Salinas series consists of deep, well-drained soils that formed in alluvium weathered from sandstone and shale. Salinas soils are on alluvial plains, fans, and terraces and have slopes of 0 to 9 percent. The mean annual precipitation is approximately 16 inches and the mean annual air temperature is approximately 59 °F. Used for production of truck, field, and forage crops (USDA 2017).

3.1.2 - Biological Communities

The vegetation communities on the project site consist of non-native ruderal (weedy) grass and weeds. The entirety of the project site shows evidence of disturbance. The project site does not contain any sensitive biological communities.

Non-Native Grassland

Non-native ruderal grassland is found throughout the project site with the majority of the site showing evidence of recent mowing.

Non-native grassland is found throughout California and is generally characterized by a dense to sparse cover of non-native, annual grasses often associated with numerous weedy species as well as some native annual forbs (wildflowers), especially in years of ample rain. Seed germination occurs with the onset of fall-winter rains. Some plant growth occurs in winter, but most growth and flowering occurs in the spring. Plants then die in the summer, and persist as seeds in the uppermost layers of soil until the next rainy season. The project site consists of almost entirely of non-native weeds, grasses, with some native weedy forbs. Plants included telegraph weed (*Heterotheca grandiflora*), wild oats (*Avena* spp.), and ripgut brome (*Bromus diandrus*), due to high levels of disturbance on the site and its surrounding areas.

Wildlife species likely to be found in this habitat include mammals such as Botta's pocket gopher (*Thomomys bottae*), house mouse (*Mus musculus*), and deer mouse (*Peromyscus*). Reptiles such as gopher snake (*Pituophis melanoleuces*), western fence lizard (*Sceloporus occidentalis*), and common garter snake (*Thamnophis sirtalis*) may be present. A variety of bird species including lesser goldfinch (*Carduelis psaltria*), house finch (*Carpodacus mexicanus*), house sparrow (*Passer domesticus*), American crow (*Corvus brachyrhychos*), mourning dove (*Zenaidura macroura*) and Brewer's blackbird (*Spizella breweri*) are likely to occur in grassland habitats. Aerial foragers, including tree swallow (*Tachycineta bicolor*), cliff swallow (*Petrochelidon pyrrhonota*), barn swallow (*Hirundo rustica*), and whitethroated swift (*Aeronautes saxatilis*) may be present in this area, foraging within this habitat. Raptor species potentially feeding on small mammals within this habitat include red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparverius*). Because of high levels of disturbance, the only wildlife species observed on the project site was the American crow.

Disturbed

Vegetation communities characterized as disturbed habitat occur in areas of disturbances such as along roadsides, trails, parking lots, etc. These communities are subjected to ongoing or past human activity (e.g., vehicle activities, recreational activities, mowing). These areas are generally barren or exhibit sparse vegetative cover consisting mainly of ruderal species that typically appear after severe disturbance or clearing. Typical opportunistic weeds that occur in disturbed areas include Russian thistle or “tumbleweed” (*Salsola tragus*), tocalote (*Centaurea melitensis*), and some native weedy forbs such as telegraph weed (*Heterotheca grandiflora*), fascicled tarweed, and non-native annual grasses of this area. Dominant plant species observed in the disturbed areas included telegraph weed (*Heterotheca grandiflora*), wild oat (*Avena fatua*) and annual grass (*Festuca bromoides*).

The vegetation community and land cover types above provide habitat for a variety of wildlife species, briefly described under each community type. Wildlife activity was low during the field survey and consisted primarily of avian species flying over the project site. Wildlife observed during the survey included the American crow.

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SECTION 4: SENSITIVE BIOLOGICAL RESOURCES

The following section discusses existing conditions and the potential for special-status biological resources to occur within the project site.

4.1 - Special-status Plant Communities

Special-status plant communities are considered sensitive biological resources based on federal, state, or local laws regulating their development, limited distributions, and habitat requirements of special-status plant or wildlife species that occur within them. There are no sensitive plant communities recorded on or near the project site.

4.1.1 - Special-status Plant Species

The CNDDDB, CNPS, and background data were reviewed for the Salinas 7.5-minute topographic quadrangle in addition to the nine surrounding topographic quadrangles to identify special-status species that are known to occur in the region, or have the potential to occur on the project site.

Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) is listed as a California Rare Plant 1B.1 and was found to occur in the surrounding areas near the proposed site. The species does reside in grassland habitats with clay loam soils but due to the highly disturbed nature of the site in addition to the absence of the species during the site survey, it is unlikely for the species to occur within the project boundaries.

A plant's potential to occur on the project site was based on the presence of suitable habitats, soil types, occurrences recorded by the USFWS, CNPS, or CNDDDB in the project region. Habitat suitability was determined for 47 special-status plant species within the project site, also listed in Appendix A. Frequent mowing of the project site reduces the potential for disturbance-intolerant perennials to be present, but it is not expected to exclude the presence of some annuals. No special-status species were found during the survey.

4.1.2 - Special-status Wildlife

Wildlife's potential to occur on the project site was based on the presence of suitable habitats, recorded occurrences by CNDDDB (CDFW 2017) and known to occur by the Information for Planning and Consultation (IPAC) (USFWS 2017) within Salinas topographic quadrangle (USGS 1986) and the nine surrounding topographical quadrangles. Several species were found to be present in the surrounding area, such as California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), and burrowing owl (*Athene cunicularia*), and these species are listed in the special-status species table as well as discussed below.

The California tiger salamander is a federally and locally threatened species that requires seasonal water sources for breeding and nesting. It is generally found nesting in underground refuges. Due to the lack of water onsite, it is unlikely for the species to occur within the project boundaries.

The California red-legged frog is a federally threatened species, as well as a California species of special concern, that requires permanent water sources for larval development and appropriate aquatic habitat for estivation. Due to the lack of water onsite, it is unlikely for the species to occur within the project boundaries.

The western burrowing owl is a federal species of concern and a California species of special concern. Burrowing owls are year-round residents in the open, dry grasslands of the Central Valley. During fall and winter, local residents may move from nesting areas, and migrants may move in. Burrowing owls nest and take shelter in burrows in the ground: typically, burrows excavated by other species such as ground squirrels. They forage in grasslands and agricultural fields. While there are similar habitat qualities in the area of the proposed site, the high level of disturbance in conjunction with the absence of the species during a site survey precludes the potential presence of the species. It is unlikely for the species to occur within the project boundaries.

Table 1 summarizes the potential for occurrence and rationale for nine special-status wildlife species occurring in the vicinity of the project, based on the database search (Appendix A). The database search revealed a total of 42 special-status wildlife species. All special-status wildlife species that have been determined unlikely to occur on-site, primarily based on the absence of suitable habitat, have also been included in Table 1 to justify their exclusion from further discussion. FCS biologists did not observe special-status species during the field survey.

Table 1: Special-status Wildlife Species Potentially Occurring within the Project Site

Scientific Name Common Name	Status		Habitat Description ³	Potential to Occur and Rationale	Included in Impact Analysis
	USFWS ¹	CDFW ²			
Amphibians					
<i>Ambystoma californiense</i> California tiger salamander	FT	ST	Needs underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	Potential to Occur: unlikely . The site lacks suitable nesting and foraging habitat due to lack of water on site.	Yes
<i>Rana boylei</i> Foothill yellow-legged frog	—	SSC	Frequents rocky streams and rivers with rocky substrate and open, sunny banks, in forests, chaparral, and woodlands. Sometimes found in isolated pools, vegetated backwaters, and deep, shaded, spring-fed pools.	Potential to Occur: unlikely . The site lacks suitable nesting and foraging habitat due to lack of water on site.	No
<i>Rana draytonii</i> California red-legged frog	FT	SSC	Found mainly near ponds in humid forests, woodlands, grasslands, coastal scrub, and streamsides with plant cover. Most common in lowlands or foothills. Frequently found in woods adjacent to streams. Breeding habitat is in permanent or ephemeral water sources; lakes, ponds, reservoirs, slow streams, marshes, bogs, and swamps.	Potential to Occur: unlikely . The site lacks suitable nesting and foraging habitat due to lack of water on site.	Yes
Reptiles					
<i>Anniella pulchra nigra</i> Black legless lizard	—	SSC	Occurs in moist warm loose sand or soil with plant cover. Moisture is essential. Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks.	Potential to Occur: unlikely . The site lacks suitable nesting habitat due to lack of plant cover and sand.	No
Birds					
<i>Agelaius tricolor</i> Tricolored blackbird	— MBTA	SSC	Highly colonial species, most numerous in Central and San Joaquin Valleys. Found in areas near water, such as freshwater marsh, grasslands, and wetlands. Requires open water, protected nesting substrate, and foraging area with insect prey in the vicinity of the colony.	Potential to Occur: unlikely . No nesting habitat is present due to the lack of aquatic vegetation. Furthermore, the site lacks suitable foraging habitat.	No

Table 1 (cont.): Special-status Wildlife Species Potentially Occurring within the Project Site

Scientific Name Common Name	Status		Habitat Description ³	Potential to Occur and Rationale	Included in Impact Analysis
	USFWS ¹	CDFW ²			
<i>Athene cunicularia</i> Burrowing owl	— MBTA	SSC FGC	Found in open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. A subterranean nester, dependent upon burrowing mammals, most notably the California ground squirrel	Potential to Occur: low . Marginal nesting and foraging habitat is present within the project site. However, high levels of disturbance within the project site reduce the potential of occurrence.	Yes
<i>Eremophila alpestris actia</i> California horned lark	— MBTA	—	Temperate species that prefers large open land devoid of large obstacles such as trees. It can generally be found in fields, prairies, and dry tundra. Also known to inhabit places with widespread lawns, such as airports. They are most often found on the ground.	Potential to Occur: unlikely . Marginal nesting and foraging habitat is present within the project site. However, high levels of disturbance and a lack of bare ground within the project site reduce the potential of occurrence.	No
Mammals					
<i>Corynorhinus townsendii</i> Townsend’s big-ear bat	—	SSC	Wide ranging habitat. Most western populations live in montane forest with pine, fir, and aspen trees bounded by shrub and grasslands. Roosting sites include caves, cliffs, and rock ledges. Extremely sensitive to human disturbance.	Potential to Occur: unlikely . High levels of human disturbance within the project site and its immediate surroundings.	No
<i>Reithrodontomys megalotis distichlis</i> Salinas harvest mouse	—	—	Coastal salt marshes, freshwater wetlands and sandhill grasslands near the seacoast in the vicinity of the Salinas River mouth	Potential to Occur: unlikely . The site does not contain suitable habitat.	No

Table 1 (cont.): Special-status Wildlife Species Potentially Occurring within the Project Site

Scientific Name Common Name	Status		Habitat Description ³	Potential to Occur and Rationale	Included in Impact Analysis
	USFWS ¹	CDFW ²			
Code Designations					
¹ Federal Status: 2017 USFWS Listing			² State Status: 2017 CDFW Listing		
ESU = Evolutionary Significant Unit is a distinctive population. FE = Listed as endangered under the FESA. FT = Listed as threatened under the FESA. FC = Candidate for listing (threatened or endangered) under FESA. FD = Delisted in accordance with the FESA. FPD = Federally Proposed to be Delisted. MBTA = protected by the Migratory Bird Treaty Act — = Not federally listed			SE = Listed as endangered under the CESA. ST = Listed as threatened under the CESA. SSC = Species of Special Concern as identified by the CDFW. FP = Listed as fully protected under FGC. CFG = FGC =protected by FGC 3503.5 CR = Rare in California. — = Not state listed		
³ Habitat description: Habitat description adapted from CNDDDB (CDFW 2017a).					

Birds

Marginal foraging habitat is present for one special-status bird potentially occurring on or near the project site, listed below and in Table 1; however, marginal nesting habitat occurs for any of the species within the project site. The property has few shrubs and trees or rodent burrows and shows evidence of high human disturbance.

SECTION 5: CONCLUSIONS AND RECOMMENDATIONS

Complete avoidance of special-status plant and animal species and their associated habitats is the ecologically preferred method for preservation of these resources. However, to meet project goals, avoidance is not always feasible. The following discussion looks at the potential impacts and offers recommendations if needed on avoidance, minimization, and/or compensation measures in compliance with the various laws that regulate natural resources and land use. This information is offered to help the applicant design a development that meets both financial and ecological objectives to the extent possible.

5.1 - Special-status Species

As noted in the discussion above, the project has the potential to support 47 special-status plant species and 42 special-status wildlife species. It also has the potential to support birds and raptors protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (FGC).

5.1.1 - Special-status Plants

As discussed in Section 4.1.1, an FCS biologist conducted a field survey on June 7, 2017. As a result of the recurrent mowing of the project site no special-status species were observed and are not expected to be found on site. No significant impacts to special-status plants species is expected due to high levels of disturbance. No mitigation is recommended at this time.

5.1.2 - Special-status Wildlife

Assessment of the potential for each special-status species to occur within the project site was based on known occurrences of the species within the Salinas quadrangle and nine surrounding quadrangles, suitability of habitat within the project site, the field survey completed on June 7, 2017, and professional expertise. Focused surveys are recommended for sensitive wildlife species that are federally or state-listed as endangered or threatened or species of special concern and have potential to occur on the project site.

Special-status Birds and Birds Protected by the MBTA

Three special-status birds were determined to have some potential to occur on the project site. The habitats on the project site provide marginal foraging habitat for all avian species identified as having the potential to occur on the project site, and marginal nesting habitat is present for only a few of the species known to nest in grassland habitats.

Potential impacts could occur to resident and migratory species during project construction, which would render the project temporarily unsuitable for nesting birds because of the noise, vibration, and increased activity levels associated with various construction activities. These activities could potentially subject birds to risk of death or injury, and they are likely to avoid using the area until such construction activities have dissipated or ceased. Relocation, in turn, could cause hunger or stress among individual birds by displacing them into adjacent territories belonging to other

individuals. However, the project is located in a region with abundant access to agricultural fields and operations that provide equal to greater foraging quality for nesting migratory birds.

With the implementation of the following recommendations, any potential impacts on special-status wildlife species, including birds protected by the MBTA, would be avoided.

- Prior to any site-disturbing activities, including grading or woody vegetation and tree removal, the applicant will retain a qualified wildlife biologist to conduct a nesting bird survey to determine if nests are active or occupied on the project site. Any active nests observed on the project site will be avoided until after the nestlings have fledged and left the nest. If avoidance is not feasible, then a biological monitor will be present if construction activities occur during the nesting season. Construction activity within the vicinity of the active nests may only be conducted at the discretion of the biological monitor. If construction activity will likely result in nest failure, the applicant shall consult with CDFW and/or USFWS to determine what mitigation or permitting is required.

The non-native ruderal grassland provides marginal habitat for the burrowing owl. The potential for this species to occur in the project site is considered low to moderate because of regular mowing of the grassland habitat. However, the possibility that burrowing owls will not nest on the project site in the future cannot be ruled out. Therefore, the following conservation measures are recommended:

- No more than 30 days prior to the first ground-disturbing activities, the project Applicant shall retain a qualified biologist to conduct a preconstruction survey on the project site. The survey shall establish the presence or absence of western burrowing owl and/or habitat features, and evaluate use by owls in accordance with CDFW survey guidelines.
- On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat on or directly adjacent to any disturbance area. Survey results will be valid only for the season during which the survey is conducted.
- If burrowing owls are not discovered, further mitigation is not required. If burrowing owls are observed during the pre-construction surveys, the applicant shall perform the following measures to limit the impact on the burrowing owls:
 1. Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1–January 31), the project proponent shall avoid the owls and the burrows

they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone.

2. If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

5.2 - Wildlife Movement Corridors

The project site was evaluated for evidence of a wildlife movement corridor during the reconnaissance-level survey. As discussed in Section 2, the focus of this study was to determine if the change of current land use of the project site has adverse effects on the regional movement of wildlife. These conclusions are based on the information compiled during the literature review, including aerial photographs, USGS topographic maps and resource maps for the vicinity, the field survey conducted, and professional knowledge of desired topography and resource requirements for wildlife potentially utilizing the project site and vicinity.

Given the location of the site, adjacent to US 101 with high traffic volumes, and between existing warehouse and industrial uses, reduces the ability for most species to use the project site as a migratory corridor. No significant impacts to wildlife movement are expected as a result of existing barriers coupled with the lack of suitable habitat due to high levels of disturbance on the project site. No mitigation is recommended at this time.

5.3 - Potential Jurisdictional Features

The project was evaluated for the presence of potential wetland features under both state and federal jurisdiction. There is a cement-lined storm water drainage ditch running along the south edge of the site. The proposed development of the project will not be affected this feature, thus no mitigation measures will be required. If any changes are made to the proposed project plan and the feature will be affected in anyway, several other steps including permitting, additional site visits, and potential delineations may be required.

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SECTION 6: CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: August 17, 2018 Signed:



Brian Mayerle, Senior Biologist
FirstCarbon Solutions
1350 Treat Blvd., Suite 380
Walnut Creek, CA 94597

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SECTION 7: REFERENCES

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**Appendix A:
Database Search Results**

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Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: Quad (Salinas (3612166) OR Moss Landing (3612177) OR Prunedale (3612176) OR San Juan Bautista (3612175) OR Marina (3612167) OR Natividad (3612165) OR Seaside (3612157) OR Spreckels (3612156) OR Chualar (3612155))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i>	PDFAB0F8R1	None	None	G2T2	S2	1B.2
American badger <i>Taxidea taxus</i>	AMAJF04010	None	None	G5	S3	SSC
American peregrine falcon <i>Falco peregrinus anatum</i>	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP
bank swallow <i>Riparia riparia</i>	ABPAU08010	None	Threatened	G5	S2	
burrowing owl <i>Athene cunicularia</i>	ABNSB10010	None	None	G4	S3	SSC
California horned lark <i>Eremophila alpestris actia</i>	ABPAT02011	None	None	G5T4Q	S4	WL
California linderiella <i>Linderiella occidentalis</i>	ICBRA06010	None	None	G2G3	S2S3	
California red-legged frog <i>Rana draytonii</i>	AAABH01022	Threatened	None	G2G3	S2S3	SSC
California Ridgway's rail <i>Rallus obsoletus obsoletus</i>	ABNME05016	Endangered	Endangered	G5T1	S1	FP
California tiger salamander <i>Ambystoma californiense</i>	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
Carmel Valley bush-mallow <i>Malacothamnus palmeri</i> var. <i>involucratus</i>	PDMAL0Q0B1	None	None	G3T2Q	S2	1B.2
Carmel Valley malacothrix <i>Malacothrix saxatilis</i> var. <i>arachnoidea</i>	PDAST660C2	None	None	G5T2	S2	1B.2
Central Dune Scrub <i>Central Dune Scrub</i>	CTT21320CA	None	None	G2	S2.2	
Central Maritime Chaparral <i>Central Maritime Chaparral</i>	CTT37C20CA	None	None	G2	S2.2	
Choris' popcornflower <i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i>	PDBOR0V061	None	None	G3T1Q	S1	1B.2
coast horned lizard <i>Phrynosoma blainvillii</i>	ARACF12100	None	None	G3G4	S3S4	SSC
Coast Range newt <i>Taricha torosa</i>	AAAAF02032	None	None	G4	S4	SSC
Coastal and Valley Freshwater Marsh <i>Coastal and Valley Freshwater Marsh</i>	CTT52410CA	None	None	G3	S2.1	



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Coastal Brackish Marsh <i>Coastal Brackish Marsh</i>	CTT52200CA	None	None	G2	S2.1	
Congdon's tarplant <i>Centromadia parryi ssp. congdonii</i>	PDAST4R0P1	None	None	G3T2	S2	1B.1
Contra Costa goldfields <i>Lasthenia conjugens</i>	PDAST5L040	Endangered	None	G1	S1	1B.1
Cooper's hawk <i>Accipiter cooperii</i>	ABNKC12040	None	None	G5	S4	WL
Eastwood's goldenbush <i>Ericameria fasciculata</i>	PDAST3L080	None	None	G2	S2	1B.1
ferruginous hawk <i>Buteo regalis</i>	ABNKC19120	None	None	G4	S3S4	WL
foothill yellow-legged frog <i>Rana boylei</i>	AAABH01050	None	Candidate Threatened	G3	S3	SSC
Fort Ord spineflower <i>Chorizanthe minutiflora</i>	PDPGN04100	None	None	G1	S1	1B.2
fragrant fritillary <i>Fritillaria liliacea</i>	PMLIL0V0C0	None	None	G2	S2	1B.2
globose dune beetle <i>Coelus globosus</i>	IICOL4A010	None	None	G1G2	S1S2	
golden eagle <i>Aquila chrysaetos</i>	ABNKC22010	None	None	G5	S3	FP
Hickman's onion <i>Allium hickmanii</i>	PMLIL02140	None	None	G2	S2	1B.2
hoary bat <i>Lasiurus cinereus</i>	AMACC05030	None	None	G5	S4	
Hooker's manzanita <i>Arctostaphylos hookeri ssp. hookeri</i>	PDERI040J1	None	None	G3T2	S2	1B.2
Hospital Canyon larkspur <i>Delphinium californicum ssp. interius</i>	PDRAN0B0A2	None	None	G3T3	S3	1B.2
Hutchinson's larkspur <i>Delphinium hutchinsoniae</i>	PDRAN0B0V0	None	None	G2	S2	1B.2
Jolon clarkia <i>Clarkia jolonensis</i>	PDONA050L0	None	None	G2	S2	1B.2
Kellogg's horkelia <i>Horkelia cuneata var. sericea</i>	PDROS0W043	None	None	G4T1?	S1?	1B.1
least Bell's vireo <i>Vireo bellii pusillus</i>	ABPBW01114	Endangered	Endangered	G5T2	S2	
legenere <i>Legenere limosa</i>	PDCAM0C010	None	None	G2	S2	1B.1
longfin smelt <i>Spirinchus thaleichthys</i>	AFCHB03010	Candidate	Threatened	G5	S1	SSC



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
marsh microseris <i>Microseris paludosa</i>	PDAST6E0D0	None	None	G2	S2	1B.2
Menzies' wallflower <i>Erysimum menziesii</i>	PDBRA160R0	Endangered	Endangered	G1	S1	1B.1
mimic tryonia (=California brackishwater snail) <i>Tryonia imitator</i>	IMGASJ7040	None	None	G2	S2	
monarch - California overwintering population <i>Danaus plexippus pop. 1</i>	IILEPP2012	None	None	G4T2T3	S2S3	
Monterey gilia <i>Gilia tenuiflora ssp. arenaria</i>	PDPLM041P2	Endangered	Threatened	G3G4T2	S2	1B.2
Monterey pine <i>Pinus radiata</i>	PGPIN040V0	None	None	G1	S1	1B.1
Monterey Pine Forest <i>Monterey Pine Forest</i>	CTT83130CA	None	None	G1	S1.1	
Monterey spineflower <i>Chorizanthe pungens var. pungens</i>	PDPGN040M2	Threatened	None	G2T2	S2	1B.2
northern California legless lizard <i>Anniella pulchra</i>	ARACC01020	None	None	G3	S3	SSC
Northern Coastal Salt Marsh <i>Northern Coastal Salt Marsh</i>	CTT52110CA	None	None	G3	S3.2	
northern curly-leaved monardella <i>Monardella sinuata ssp. nigrescens</i>	PDLAM18162	None	None	G3T2	S2	1B.2
obscure bumble bee <i>Bombus caliginosus</i>	IIHYM24380	None	None	G4?	S1S2	
Oregon meconella <i>Meconella oregana</i>	PDPAP0G030	None	None	G2G3	S2	1B.1
Pacific Grove clover <i>Trifolium polyodon</i>	PDFAB402H0	None	Rare	G1	S1	1B.1
Pajaro manzanita <i>Arctostaphylos pajaroensis</i>	PDERI04100	None	None	G1	S1	1B.1
pallid bat <i>Antrozous pallidus</i>	AMACC10010	None	None	G5	S3	SSC
pine rose <i>Rosa pinetorum</i>	PDROS1J0W0	None	None	G2	S2	1B.2
pink Johnny-nip <i>Castilleja ambigua var. insalutata</i>	PDSCR0D403	None	None	G4T2	S2	1B.1
Pinnacles buckwheat <i>Eriogonum nortonii</i>	PDPGN08470	None	None	G2	S2	1B.3
Pinnacles optioservus riffle beetle <i>Optioservus canus</i>	IICOL5E020	None	None	G1	S1	
Point Reyes horkelia <i>Horkelia marinensis</i>	PDROS0W0B0	None	None	G2	S2	1B.2



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
prairie falcon <i>Falco mexicanus</i>	ABNKD06090	None	None	G5	S4	WL
redwood shoulderband <i>Helminthoglypta sequoicola consors</i>	IMGASC2421	None	None	G2T1	S1	
robust spineflower <i>Chorizanthe robusta var. robusta</i>	PDPGN040Q2	Endangered	None	G2T1	S1	1B.1
Salinas harvest mouse <i>Reithrodontomys megalotis distichlis</i>	AMAFF02032	None	None	G5T1	S1	
saline clover <i>Trifolium hydrophilum</i>	PDFAB400R5	None	None	G2	S2	1B.2
San Francisco collinsia <i>Collinsia multicolor</i>	PDSCR0H0B0	None	None	G2	S2	1B.2
San Francisco popcornflower <i>Plagiobothrys diffusus</i>	PDBOR0V080	None	Endangered	G1Q	S1	1B.1
sand-loving wallflower <i>Erysimum ammophilum</i>	PDBRA16010	None	None	G2	S2	1B.2
sandmat manzanita <i>Arctostaphylos pumila</i>	PDERI04180	None	None	G1	S1	1B.2
Santa Cruz clover <i>Trifolium buckwestiorum</i>	PDFAB402W0	None	None	G2	S2	1B.1
Santa Cruz long-toed salamander <i>Ambystoma macrodactylum croceum</i>	AAAAA01082	Endangered	Endangered	G5T1T2	S1S2	FP
Santa Cruz microseris <i>Stebbinsoseris decipiens</i>	PDAST6E050	None	None	G2	S2	1B.2
Santa Cruz tarplant <i>Holocarpha macradenia</i>	PDAST4X020	Threatened	Endangered	G1	S1	1B.1
seaside bird's-beak <i>Cordylanthus rigidus ssp. littoralis</i>	PDSCR0J0P2	None	Endangered	G5T2	S2	1B.1
short-eared owl <i>Asio flammeus</i>	ABNSB13040	None	None	G5	S3	SSC
Smith's blue butterfly <i>Euphilotes enoptes smithi</i>	IILEPG2026	Endangered	None	G5T1T2	S1S2	
steelhead - south-central California coast DPS <i>Oncorhynchus mykiss irideus pop. 9</i>	AFCHA0209H	Threatened	None	G5T2Q	S2	
Swainson's hawk <i>Buteo swainsoni</i>	ABNKC19070	None	Threatened	G5	S3	
tidewater goby <i>Eucyclogobius newberryi</i>	AFCQN04010	Endangered	None	G3	S3	SSC
Toro manzanita <i>Arctostaphylos montereyensis</i>	PDERI040R0	None	None	G2?	S2?	1B.2
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	AMACC08010	None	None	G3G4	S2	SSC



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
tricolored blackbird <i>Agelaius tricolor</i>	ABPBXB0020	None	Candidate Endangered	G2G3	S1S2	SSC
two-striped gartersnake <i>Thamnophis hammondi</i>	ARADB36160	None	None	G4	S3S4	SSC
umbrella larkspur <i>Delphinium umbraculorum</i>	PDRAN0B1W0	None	None	G3	S3	1B.3
Valley Needlegrass Grassland <i>Valley Needlegrass Grassland</i>	CTT42110CA	None	None	G3	S3.1	
vernal pool bent grass <i>Agrostis lacuna-vernalis</i>	PMPOA041N0	None	None	G1	S1	1B.1
western bumble bee <i>Bombus occidentalis</i>	IIHYM24250	None	None	G2G3	S1	
western pond turtle <i>Emys marmorata</i>	ARAAD02030	None	None	G3G4	S3	SSC
western snowy plover <i>Charadrius alexandrinus nivosus</i>	ABNNB03031	Threatened	None	G3T3	S2S3	SSC
white-tailed kite <i>Elanus leucurus</i>	ABNKC06010	None	None	G5	S3S4	FP
woodland woollythreads <i>Monolopia gracilens</i>	PDAST6G010	None	None	G3	S3	1B.2
Yadon's rein orchid <i>Piperia yadonii</i>	PMORC1X070	Endangered	None	G1	S1	1B.1
yellow rail <i>Coturnicops noveboracensis</i>	ABNME01010	None	None	G4	S1S2	SSC

Record Count: 93

Plant List

Inventory of Rare and Endangered Plants

4 matches found. [Click on scientific name for details](#)

Search Criteria

California Rare Plant Rank is one of [1B, 2B], FESA is one of [Endangered, Threatened], CESA is one of [Endangered, Threatened, Rare], Found in Quads 3612177, 3612176, 3612175, 3612167, 3612166, 3612165, 3612157 3612156 and 3612155;

[Modify Search Criteria](#)
[Export to Excel](#)
[Modify Columns](#)
[Modify Sort](#)
[Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
Erysimum menziesii	Menzies' wallflower	Brassicaceae	perennial herb	Mar-Sep	1B.1	S1	G1
Gilia tenuiflora ssp. arenaria	Monterey gilia	Polemoniaceae	annual herb	Apr-Jun	1B.2	S2	G3G4T2
Holocarpha macradenia	Santa Cruz tarplant	Asteraceae	annual herb	Jun-Oct	1B.1	S1	G1
Lupinus tidestromii	Tidestrom's lupine	Fabaceae	perennial rhizomatous herb	Apr-Jun	1B.1	S1	G1

Suggested Citation

California Native Plant Society, Rare Plant Program. 2018. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed 15 August 2018].

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Questions and Comments

rareplants@cnps.org

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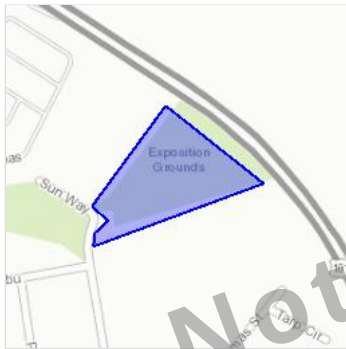
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Monterey County, California



Local office

Ventura Fish And Wildlife Office

☎ (805) 644-1766

📠 (805) 644-3958

2493 Portola Road, Suite B
Ventura, CA 93003-7726

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service.

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
California Condor <i>Gymnogyps californianus</i> There is a final critical habitat designated for this species. Your location is outside the designated critical habitat. https://ecos.fws.gov/ecp/species/8193	Endangered
Least Bell's Vireo <i>Vireo bellii pusillus</i> There is a final critical habitat designated for this species. Your location is outside the designated critical habitat. https://ecos.fws.gov/ecp/species/5945	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is a final critical habitat designated for this species. Your location is outside the designated critical habitat. https://ecos.fws.gov/ecp/species/6749	Endangered

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is a final critical habitat designated for this species. Your location is outside the designated critical habitat. https://ecos.fws.gov/ecp/species/2891	Threatened
California Tiger Salamander <i>Ambystoma californiense</i> There is a final critical habitat designated for this species. Your location is outside the designated critical habitat. https://ecos.fws.gov/ecp/species/2076	Threatened
Santa Cruz Long-toed Salamander <i>Ambystoma macrodactylum croceum</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7405	Endangered

Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is a final critical habitat designated for this species. Your location is outside the designated critical habitat. https://ecos.fws.gov/ecp/species/498	Threatened

Flowering Plants

NAME	STATUS
Contra Costa Goldfields <i>Lasthenia conjugens</i> There is a final critical habitat designated for this species. Your location is outside the designated critical habitat. https://ecos.fws.gov/ecp/species/7058	Endangered
Marsh Sandwort <i>Arenaria paludicola</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2229	Endangered
Monterey Gilia <i>Gilia tenuiflora</i> ssp. <i>arenaria</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/856	Endangered

<p>Monterey Spineflower <i>Chorizanthe pungens</i> var. <i>pungens</i></p> <p>There is a final critical habitat designated for this species. Your location is outside the designated critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/396</p>	Threatened
<p>Yadon's Piperia <i>Piperia yadonii</i></p> <p>There is a final critical habitat designated for this species. Your location is outside the designated critical habitat.</p> <p>https://ecos.fws.gov/ecp/species/4205</p>	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any activity that results in the take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service³. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data <http://www.birdscanada.org/birdmon/default/datasummaries.jsp>

The migratory birds species listed below are species of particular conservation concern (e.g. [Birds of Conservation Concern](#)) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the [AKN Histogram Tools](#) and [Other Bird Data Resources](#). To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

NAME	SEASON(S)
<p>Allen's Hummingbird <i>Selasphorus sasin</i></p> <p>https://ecos.fws.gov/ecp/species/9637</p>	Breeding
<p>Bald Eagle <i>Haliaeetus leucocephalus</i></p> <p>https://ecos.fws.gov/ecp/species/1626</p>	Year-round
<p>Black Oystercatcher <i>Haematopus bachmani</i></p> <p>https://ecos.fws.gov/ecp/species/9591</p>	Year-round
<p>Black Swift <i>Cypseloides niger</i></p> <p>https://ecos.fws.gov/ecp/species/8878</p>	Breeding
<p>Burrowing Owl <i>Athene cunicularia</i></p> <p>https://ecos.fws.gov/ecp/species/9737</p>	Year-round
<p>Costa's Hummingbird <i>Calypte costae</i></p> <p>https://ecos.fws.gov/ecp/species/9470</p>	Year-round

Flammulated Owl <i>Otus flammeolus</i> https://ecos.fws.gov/ecp/species/7728	Breeding
Fox Sparrow <i>Passerella iliaca</i>	Wintering
Lesser Yellowlegs <i>Tringa flavipes</i> https://ecos.fws.gov/ecp/species/9679	Wintering
Lewis's Woodpecker <i>Melanerpes lewis</i> https://ecos.fws.gov/ecp/species/9408	Wintering
Long-billed Curlew <i>Numenius americanus</i> https://ecos.fws.gov/ecp/species/5511	Wintering
Marbled Godwit <i>Limosa fedoa</i> https://ecos.fws.gov/ecp/species/9481	Wintering
Nuttall's Woodpecker <i>Picoides nuttallii</i> https://ecos.fws.gov/ecp/species/9410	Year-round
Oak Titmouse <i>Baeolophus inornatus</i> https://ecos.fws.gov/ecp/species/9656	Year-round
Olive-sided Flycatcher <i>Contopus cooperi</i> https://ecos.fws.gov/ecp/species/3914	Breeding
Peregrine Falcon <i>Falco peregrinus</i> https://ecos.fws.gov/ecp/species/8831	Year-round
Rufous Hummingbird <i>selasphorus rufus</i> https://ecos.fws.gov/ecp/species/8002	Migrating
Rufous-crowned Sparrow <i>Aimophila ruficeps</i> https://ecos.fws.gov/ecp/species/9718	Year-round
Short-billed Dowitcher <i>Limnodromus griseus</i> https://ecos.fws.gov/ecp/species/9480	Wintering
Short-eared Owl <i>Asio flammeus</i> https://ecos.fws.gov/ecp/species/9295	Wintering
Snowy Plover <i>Charadrius alexandrinus</i>	Breeding
Tricolored Blackbird <i>Agelaius tricolor</i> https://ecos.fws.gov/ecp/species/3910	Year-round
Western Grebe <i>aechmophorus occidentalis</i> https://ecos.fws.gov/ecp/species/6743	Wintering
Yellow Warbler <i>dendroica petechia</i> ssp. <i>brewsteri</i> https://ecos.fws.gov/ecp/species/3230	Breeding

What does IPaC use to generate the list of migratory bird species potentially occurring in my specified location?

Landbirds:

Migratory birds that are displayed on the IPaC species list are based on ranges in the latest edition of the National Geographic Guide, Birds of North America (6th Edition, 2011 by Jon L. Dunn, and Jonathan Alderfer). Although these ranges are coarse in nature, a number of U.S. Fish and Wildlife Service migratory bird biologists agree that these maps are some of the best range maps to date. These ranges were clipped to a specific Bird Conservation Region (BCR) or USFWS Region/Regions, if it was indicated in the 2008 list of Birds of Conservation Concern (BCC) that a species was a BCC species only in a particular Region/Regions. Additional modifications have been made to some ranges based on more local or refined range information and/or information provided by U.S. Fish and Wildlife Service biologists with species expertise. All migratory birds that show in areas on land in IPaC are those that appear in the 2008 Birds of Conservation Concern report.

Atlantic Seabirds:

Ranges in IPaC for birds off the Atlantic coast are derived from species distribution models developed by the National Oceanic and Atmospheric Association (NOAA) National Centers for Coastal Ocean Science (NCCOS) using the best available seabird survey data for the offshore Atlantic Coastal region to date. NOAA/NCCOS assisted USFWS in developing seasonal species ranges from their models for specific use in IPaC. Some of these birds are not BCC species but were of interest for inclusion because they may occur in high abundance off the coast at different times throughout the year, which potentially makes them more susceptible to certain types of development and activities taking place in that area. For more refined details about the abundance and richness of bird species within your project area off the Atlantic Coast, see the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other types of taxa that may be helpful in your project review.

About the NOAA/NCCOS models: the models were developed as part of the NOAA/NCCOS project: [Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#). The models resulting from this project are being used in a number of decision-support/mapping products in order to help guide decision-making on activities off the Atlantic Coast with the goal of reducing impacts to migratory birds. One such product is the [Northeast Ocean Data Portal](#), which can be used to explore details about the relative occurrence and abundance of bird species in a particular area off the Atlantic Coast.

All migratory bird range maps within IPaC are continuously being updated as new and better information becomes available.

Can I get additional information about the levels of occurrence in my project area of specific birds or groups of birds listed in IPaC?

Landbirds:

The [Avian Knowledge Network \(AKN\)](#) provides a tool currently called the "Histogram Tool", which draws from the data within the AKN (latest survey, point count, citizen science datasets) to create a view of relative abundance of species within a particular location over the course of the year. The results of the tool depict the frequency of detection of a species in survey events, averaged between multiple datasets within AKN in a particular week of the year. You may access the histogram tools through the [Migratory Bird Programs AKN Histogram Tools](#) webpage.

The tool is currently available for 4 regions (California, Northeast U.S., Southeast U.S. and Midwest), which encompasses the following 32 states: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

In the near future, there are plans to expand this tool nationwide within the AKN, and allow the graphs produced to appear with the list of trust resources generated by IPaC, providing you with an additional level of detail about the level of occurrence of the species of particular concern potentially occurring in your project area throughout the course of the year.

Atlantic Seabirds:

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA/NCCOS [Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project](#) webpage.

Facilities

Wildlife refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGES AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or

classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Appendix B:
Regulatory Framework

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SENSITIVE PLANT AND WILDLIFE SPECIES

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

Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) administers the Federal Endangered Species Act (ESA). The ESA provides a process for listing species as either threatened or endangered, and methods of protecting listed species. The ESA defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its known geographic range. A “threatened” species is a species that is likely to become endangered. A “proposed” species is one that has been officially proposed by the USFWS for addition to the federal threatened and endangered species list.

According to Section 9 of the ESA, “take” of threatened or endangered species is prohibited. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. Take can include disturbance to habitats used by a threatened or endangered species during any portion of its life history. The presence of any federally threatened or endangered species in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the ESA, the USFWS may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) administers the California Endangered Species Act (CESA). The State of California considers an “endangered” species one whose prospects of survival and reproduction are in immediate jeopardy. A “threatened” species is one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A “rare” species is one present in such small numbers throughout its portion of its known geographic range that it may become endangered if its present environment worsens. The rare species designation applies to California native plants. State threatened and endangered species are fully protected against take, as defined above. The term “species of special concern” is an informal designation used by CDFW for some declining wildlife species that are not state candidates for listing. This designation does not provide legal protection, but signifies that these species are recognized as sensitive by CDFW.

California Native Plant Society

The California Native Plant Society (CNPS) is a California resource conservation organization that has developed an inventory of California’s sensitive plant species. This inventory summarizes information on the distribution, rarity, and endangerment of California’s vascular plants. The

inventory is divided into four lists based on the rarity of the species. In addition, the CNPS provides an inventory of plant communities that are considered sensitive by the state and federal resource agencies, academic institutions, and various conservation groups. Determination of the level of sensitivity is based on the number and size of remaining occurrences as well as recognized threats.

Migratory Bird Treaty Act

The MBTA protects all common wild birds found in the United States (U.S.) except exotic species identified in the Federal Register. Resident game birds are managed separately by each state. The MBTA makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird including feathers, parts, nests, or eggs.

California Fish and Game Code—Section 3503 and Section 3511

The CDFW administers the California Fish and Game Code (CFG Code). There are particular sections of the CFG Code that are applicable to natural resource management. For example, Section 3503 of the CFG Code states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird that is protected under the MBTA. CFG Code Section 3503.5 further protects all birds in the orders Falconiformes and Strigiformes, birds of prey such as hawks and owls, and their eggs and nests from any form of take. CFG Code Section 3511 lists fully protected bird species where the CDFW is unable to authorize the issuance of permits or licenses to take these species.

Impacts to natural drainage features and wetland areas are regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW based upon the policies and regulations discussed below.

United States Army Corps of Engineers Regulations

Federal Clean Water Act—Section 404

The USACE administers Section 404 of the federal Clean Water Act (CWA). This section regulates the discharge of dredge and fill material into Waters of the U.S. USACE has established a series of nationwide permits that authorize certain activities in Waters of the U.S., if a proposed activity can demonstrate compliance with standard conditions. Normally, USACE requires an individual permit for an activity that will affect an area equal to or in excess of 0.5 acre of Waters of the U.S. Projects that result in impacts to less than 0.5 acre can normally be conducted pursuant to one of the nationwide permits, if consistent with the standard permit conditions. USACE also has discretionary authority to require an Environmental Impact Statement for projects that result in impacts to an area between 0.1 and 0.5 acre. Use of any nationwide permit is contingent on the activities having no impacts to endangered species.

Waters of the United States

Waters of the U.S., as defined in the Code of Federal Regulations (CFR) Section 328.3, include all waters or tributaries to waters such as lakes, rivers, intermittent and perennial streams, mudflats, sand-flats, natural ponds, wetlands, wet meadows, and other aquatic habitats. Frequently, Waters of the U.S., with at least intermittently flowing water or tidal influences, are demarcated by an ordinary high water mark (OHWM). The OHWM is defined in CFR Section 328.3(e) as the 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. In this region, the OHWM is typically indicated by the presence of an incised streambed with defined bank shelving.

In June 2001, the USACE South Pacific Division has issued Guidelines for Jurisdictional Delineations for Waters of the United States in the Arid Southwest. The purpose of this document was to provide background information concerning physical characteristics of dryland drainage systems. These guidelines were reviewed and used to identify jurisdictional drainage features within the project site.

Wetlands

According to the USACE Wetlands Delineation Manual, Technical Report, three criteria must be satisfied to classify an area as a jurisdictional wetland:

1. A predominance of plant life that is adapted to life in wet conditions (hydrophytic vegetation)
2. Soils that saturate, flood, or pond long enough during the growing season to develop anaerobic conditions in the upper part (hydric soils)
3. Permanent or periodic inundation or soils saturation, at least seasonally (wetland hydrology)

Wetland vegetation is characterized by vegetation in which more than 50 percent of the composition of dominant plant species are obligate wetland, facultative wetland, and/or facultative species that occur in wetlands. As a result of the 2001 Solid Waste Agency of North Cook County (SWANCC) case, a wetland must show connectivity to a stream course in order for such a feature to be considered jurisdictional. Although wetland criteria was used to identify if areas were considered wetlands, the exact limits of jurisdiction were not measured based on the standard wetland delineation protocol as described in the 1987 USACE manual.

United States Army Corps of Engineers Regulated Activities

The USACE regulates the discharge of dredged or fill material including, but not limited to, grading, placing of rip-rap for erosion control, pouring concrete, laying sod, and stockpiling excavated material. Activities that generally do not involve a regulated discharge, if performed specifically in a manner to avoid discharges, include driving pilings, drainage channel maintenance, temporary mining and farm/forest roads, and excavating without stockpiling.

Regional Water Quality Control Board Regulations

Clean Water Act—Section 401

As stated in Section 401 of the CWA, “any applicant for a Federal permit for activities that involve a discharge to Waters of the State, shall provide the federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the Federal Clean Water Act.” Therefore, before the USACE will issue a

Section 404 permit, applicants must apply for and receive a Section 401 water quality certification from the RWQCB.

Porter-Cologne Water Quality Act

The RWQCB regulates actions that would involve “discharging waste, or proposing to discharge waste, within any region that could affect the water of the state” (water code Section 13260(a)), pursuant to provisions of the Porter-Cologne Water Quality Act. “Waters of the State” are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state” (water code Section 13050 (e)).

Regional Water Quality Control Board Regulated Activities

Under Section 401 of the CWA, the RWQCB regulates all activities that are regulated by the USACE. Additionally, under the Porter-Cologne Water Quality Act, the RWQCB regulates all activities, including dredging, filling, or discharge of materials into waters of the state that are not regulated by the USACE, due to a lack of connectivity with a navigable water body and/or lack of an OHWM.

California Department of Fish and Game Regulations

California Fish and Game Code—Section 1600 to Section 1603

The CFG Code mandates that “it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds, without first notifying the department of such activity.” CDFW jurisdiction includes ephemeral, intermittent, and perennial watercourses, including dry washes, characterized by the presence of hydrophytic vegetation, the location of definable bed and banks, and the presence of existing fish or wildlife resources.

Furthermore, CDFW jurisdiction is often extended to habitats adjacent to watercourses, such as oak woodlands in canyon bottoms or willow woodlands that function as part of the riparian system. Historic court cases have further extended CDFW jurisdiction to include watercourses that seemingly disappear, but re-emerge elsewhere. Under the CDFW definition, a watercourse need not exhibit evidence of an OHWM to be claimed as jurisdiction. However, CDFW does not regulate isolated wetlands; that is, those that are not associated with a river, stream, or lake.

California Department of Fish and Game Regulated Activities

The CDFW regulates activities that involve diversions, obstruction, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife resources.