Appendix C

Biological Resources Assessment

Fire Station No. 2 Project

Biological Resources Assessment

prepared for

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Table of Contents

Tables

Figures

Appendices

Executive Summary

This document provides the findings of a Biological Resources Assessment prepared by Rincon Consultants, Inc. (Rincon) for the proposed Fire Station No. 2 Project (project) in the City of Seaside, Monterey County, California. This report documents existing conditions near the project site and provides an assessment of potential impacts to sensitive biological resources based on proposed project activities.

The project site is located in the northwest corner of the City, at the intersection of Gigling Road and 1st Avenue, east of State Route 1. The project is located on the southeastern portion of Assessor's Parcel Number 031-151-012, within the area of the former Fort Ord military base. The project would involve construction and operation of Fire Station No. 2, which would include a fire station and training facility on approximately 6 acres of currently undeveloped land. The proposed fire station would include office, living, and general operations rooms and a covered apparatus bay with front and rear access. Training areas would potentially include a planned three to four-story training tower. Site improvements would also include construction of a fire apparatus storage building, community and staff parking areas, internal driveways, sidewalks along the site frontage and throughout the site, patios, and landscaping.

Rincon conducted a reconnaissance field survey of the Biological Study Area (BSA), including all areas of proposed development or disturbance, to document existing conditions and potential presence of sensitive biological resources. Seasonally timed botanical surveys were also conducted to determine the presence of special-status plants. No native vegetation communities are present within the BSA, and ice plant species (*Carpobrotus edulis*) are dominant. Gowen cypress (*Hesperocyparis goveniana*, federally threatened), Monterey pine (*Pinus radiata*, California Rare Plant Rank 1B.1), Monterey cypress (*Hesperocyparis macrocarpa*, California Rare Plant Rank 1B.2), and coast live oak (*Quercus agrifolia*) were observed in the BSA. Given the dominance of non-native species, isolation from native stands, and lack of trees in historical aerial imagery, trees present within the BSA are likely cultivated ornamental plantings, or offspring established or recruited from ornamental plantings.

One naturally occurring special-status plant species was observed within the BSA during seasonally timed botanical surveys: Monterey spineflower (*Chorizanthe pungens* var. *pungens*, federally threatened). A population of Monterey spineflower occurs in the BSA and construction of the proposed project would result in potentially significant impacts. Impacts to Monterey spineflower will require consultation with United States Fish and Wildlife Service (USFWS) and relocation, as required by the Fort Ord Habitat Management Plan and the associated USFWS final 2017 Programmatic Biological Opinion for the disposal and reuse of Fort Ord. With implementation of avoidance and minimization measures that include protection of populations not proposed for removal and a habitat mitigation and monitoring plan for relocated seed bank, impacts to Monterey spineflower would be less than significant.

No special-status wildlife species were observed during the reconnaissance survey. One special-status species was determined to have a moderate potential to occur in the BSA: Northern California legless lizard (*Anniella pulchra*, California species of special concern). Four special-status species were determined to have a low potential to occur in the BSA incidentally while foraging: Western bumble bee (*Bombus occidentalis*, state candidate for listing [endangered]), Crotch bumble bee (*Bombus crotchii*, state candidate for listing [endangered]), ferruginous hawk (*Buteo regalis*,

state watch list), and white-tailed kite (*Elanus leucurus*, state fully protected). Impacts to California legless lizard could occur if individuals are present during construction; avoidance and minimization measures to conduct a preconstruction survey and provide worker environmental awareness training would reduce these impacts to less than significant. Given the low potential for occurrence and small size of the BSA, impacts to foraging wildlife would not be significant.

The project proposes to remove 30 trees, including one Gowen cypress, one Monterey pine, three Monterey cypress, and 25 coast live oaks. The City's Municipal Code (Chapter 8.54) requires replacement plantings at a 1:1 ratio based on the condition of the trees and need for the project (RRM Design Group 2023). The project would include planting of 30 replacement trees of a size and species satisfactory to the City's architectural review board. With City approval of the project landscaping plan, there would be no conflict with local policies or ordinances.

1 Introduction

Rincon Consultants, Inc. (Rincon) has prepared this Biological Resources Assessment (BRA) on behalf of the City of Seaside for the Fire Station No. 2 project (project). This report presents information on existing conditions, biological resources, jurisdictional waters, and locally protected resources at the project site. The biological evaluation herein includes the results of a background literature review, reconnaissance-level field survey, and seasonally-timed botanical surveys conducted by Rincon, and provides an assessment of potential impacts to sensitive biological resources that could result from project activities.

1.1 Project Location

The project site is located in the City of Seaside, along the southern coast of Monterey Bay in northern Monterey County (Figure 1). Seaside is bordered by the city of Marina to the north; the former Fort Ord military base, and unincorporated Monterey County to the east; the cities of Del Rey Oaks and Monterey to the south; and Sand City and the Pacific Ocean to the west. Land uses in Seaside are mostly residential (approximately 66 percent by land area), with remaining land uses consisting of commercial, industrial, institutional, and public uses, and vacant land (City of Seaside 2017). Seaside is regionally accessible via State Route 1, State Route 68, and State Route 218.

The project site is in the northern portion of the city, northwest of Gigling Road and 1st Avenue on the southeastern portion of Assessor's Parcel Number 031-151-012 (Figure 2). The site is approximately 6 acres and is currently undeveloped. The project site is located within the area of the former Fort Ord military base.

1.2 Project Description

The project would involve construction and operation of Fire Station No. 2 and would include an approximately 13,010-square-foot fire station facility and 54,106 square feet of training facilities. The proposed fire station would include office, living, and general operations rooms and a 3,048 square foot covered apparatus bay with drive through access for both bays. Training areas would consist of a 54,000-square-foot area and would potentially include a planned three to four-story training tower. Site improvements would include a 2,300-square-foot fire apparatus storage building, community and staff parking areas, internal driveways, and sidewalks along the site frontage and throughout the site, patios, and landscaping (Figure 3).

The project would involve subdivision of Assessor's Parcel Number 031-151-012 to create a new parcel that reflects the boundaries of the fire station. The new parcel would be zoned as Public/Institutional under the Seaside Zoning Code. The remainder of the parcel would remain as open space and is not a part of this project.

Figure 1 Regional Location

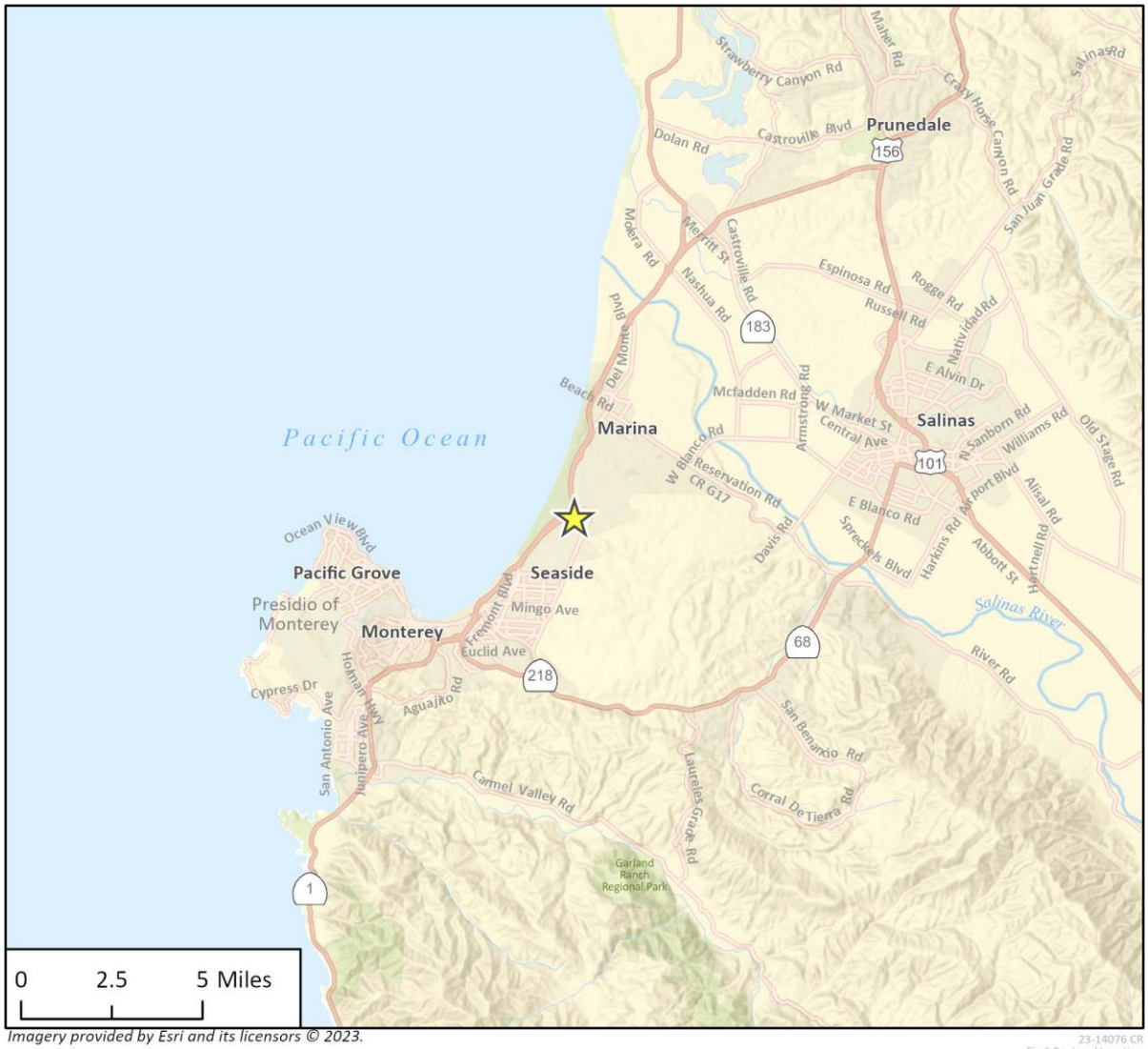

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Fig 1 Regional Location

Project Location

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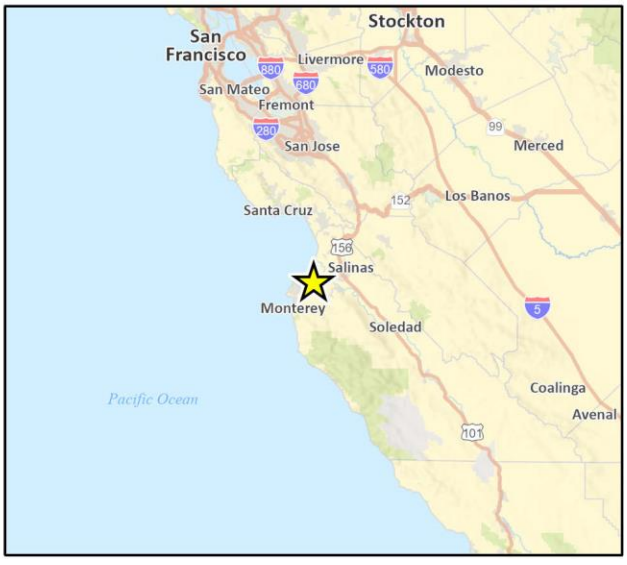

Figure 2 Biological Study Area

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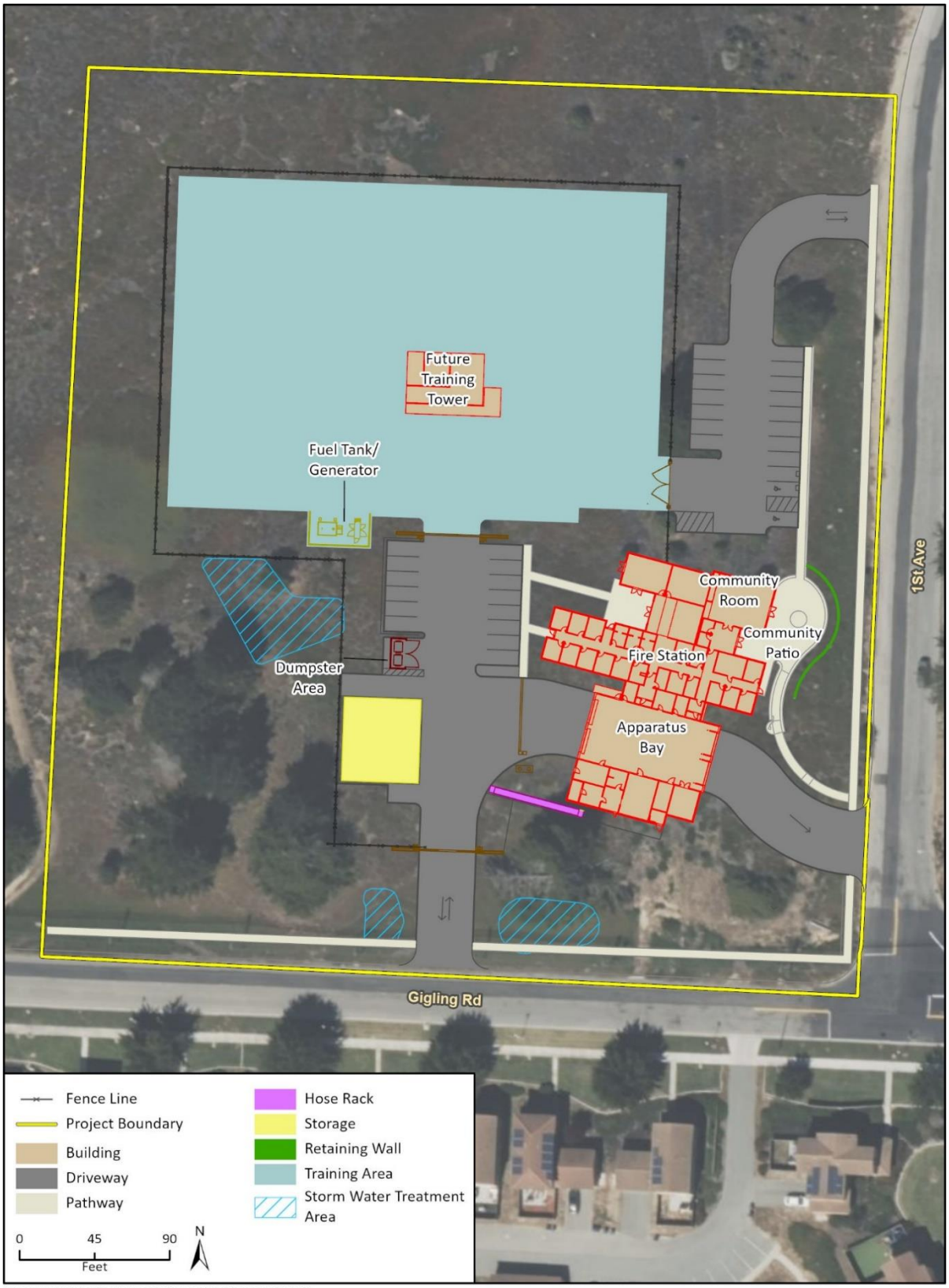
Figure 3 Project Plans



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Site preparation would involve the removal of existing vegetation within the project site, including approximately 30 mature trees. Pursuant to Seaside Municipal Code Section 8.54.060, 30 trees of a size and species satisfactory to the City's architectural review board would be planted within the project site to replace the removed trees.

The project would include ornamental landscaping along the project site's frontage with Gigling Road and the installation of bioretention areas. The bioretention areas would have a combined area of approximately 3,800 square feet and the capacity to treat and infiltrate 3,300 cubic feet of stormwater. The bioretention areas are sized to infiltrate the 95th percentile storm. Paved areas of the proposed project, including the four driveways, parking areas, and training area, would be gently sloped so that stormwater associated with new impervious surfaces would be directed to the bioretention areas. Pursuant to Seaside Municipal Code Section 18.02.070, the project would be required to maintain or enhance on-site stormwater infiltration and would retain 100 percent of runoff on-site.

1.2.1 Construction

Project construction would occur over approximately 1 year from August 2024 to September 2025. The project would be constructed in five phases, outlined in Table 1, and described further below.

Table 1 Proposed Construction Schedule

Construction Phase	Duration	Approximate Start and End Dates
Site Preparation (completed in two phases)	August 2024 May 2025	September 2024 June 2025
Grading	September 2024	June 2025
Building Construction	December 2024	September 2025
Asphalt Paving	June 2025	September 2025
Paving/Architectural Coating	March 2025	September 2025

Construction work would occur Monday through Friday, from approximately 7:00 a.m. to 4:00 p.m. Weekend construction is not anticipated. Construction equipment would be staged on-site, and workers would also park on-site.

1.2.2 Operation

In operation, the fire station would have the capacity to accommodate up to eight full-time firefighters to provide fire protection service to the city of Seaside. The training facility would allow Seaside Fire Department to conduct in-house and countywide training activities. The fire station would be operational full time, initially staffed with a minimum of three full-time firefighters but up to five firefighters could be added.

The training area of the proposed project would accommodate training activities for current and prospective firefighters and would be used for vehicle extrication training with the use of gas-powered tools, driver training, and hose drills. A training tower potentially would be added to the training area of the proposed fire station in a future project phase. Training activities associated with the tower would include live fire training, emergency access and rescue training, and evacuation training.

1.3 Regulatory Summary

Regulated or sensitive resources studied and analyzed herein include special-status plant and wildlife species, nesting birds and raptors, sensitive plant communities, jurisdictional waters and wetlands, wildlife movement corridors, regionally protected resources (e.g., from countywide Habitat Conservation Plans [HCP] and Natural Community Conservation Plans [NCCP]), and locally protected resources, such as protected trees. Regulatory authority over biological resources is shared by federal, State, and local authorities. Primary authority for regulation of general biological resources lies within the land use control and planning authority of local jurisdictions (in this instance, the City of Seaside).

1.3.1 Definition of Special-Status Species

For the purpose of this report, special-status species include:

- Species listed as threatened or endangered under the Federal Endangered Species Act (FESA), including proposed and candidate species
- Species listed as candidate, threatened, or endangered under the California Endangered Species Act (CESA)
- Species designated as Fully Protected by the California Fish and Game Code (CFGC), and Species of Special Concern or Watch List by the California Department of Fish and Wildlife (CDFW)
- Native Plant Protection Act (NPPA) – State Rare (SR)
- California Native Plant Society California Rare Plant Ranks (CRPR) 1A, 1B, 2A and 2B
- Species designated as locally important by the local agency and/or otherwise protected through ordinance, local policy, or HCPs/NCCPs

1.3.2 Environmental Statutes

Potential impacts to biological resources were analyzed based on the following statutes (definitions in Appendix A):

- Federal Clean Water Act (CWA)
- Porter-Cologne Water Quality Control Act
- FESA
- Migratory Bird Treaty Act (MBTA)
- The Bald and Golden Eagle Protection Act (BGEPA)
- CESA
- CFGC
- City of Seaside General Plan
- Seaside Municipal Code (Chapter 8.54, Trees)
- Fort Ord Habitat Management Plan (HMP) and United States Fish and Wildlife Service (USFWS) Final 2017 Biological Opinion (BO)

1.3.3 Guidelines for Determining CEQA Significance

The following threshold criteria, as defined by the *CEQA Guidelines* Appendix G Initial Study Checklist, were used to evaluate potential environmental effects. Based on these criteria, the proposed project would have a significant effect on biological resources if it would:

a) *Have substantial adverse effects, 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 Wildlife or U.S. Fish and Wildlife Service.*

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*

c) *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.*

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

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

f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

2 Methodology

2.1 Biological Study Area

The Biological Study Area (BSA) for this project is defined as the limits of disturbance, including all grading and landscaping activities.

2.2 Literature Review

Rincon conducted a literature review to characterize the nature and extent of biological resources on and adjacent to the BSA. The literature review included an evaluation of current and historical aerial photographs of the site (Google Earth Pro 7.3.6.9345), regional and site-specific topographic maps, and climatic data.

Queries of the USFWS Information for Planning and Consultation system (USFWS 2023a), CDFW California Natural Diversity Database (CNDDB; 2023a), and California Native Plant Society online Inventory of Rare and Endangered Plants of California (2023) were conducted to obtain comprehensive information regarding State and federally listed species, and other special-status species, considered to have potential to occur within the *Marina*, *California* United States Geological Survey 7.5-minute topographic quadrangle and the surrounding six[1] quadrangles (*Salinas, Prunedale, Spreckels, Monterey, Seaside,* and *Moss Landing*). The results of database queries and lists of special-status species were reviewed by Rincon's regional biological experts for accuracy and completeness. The final list of special-status biological resources (species and sensitive natural communities) was evaluated based on documented occurrences within the six-quadrangle search area and biologists' expert opinions on species known to occur in the region. The evaluation results and justification were compiled into a table (Appendix D).

The following resources were reviewed for additional information on existing conditions relating to biological resources within the BSA:

- United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Web Soil Survey (2023)
- USFWS Critical Habitat Portal (USFWS 2023b)
- CDFW Biogeographic Information and Observation System (CDFW 2023b)
- CDFW Special Vascular Plants, Bryophytes, and Lichens List (2023c)
- CDFW Special Animals List (2023d)
- Draft Arborist Report (RRM Design Group 2023)

[1] Quadrangles are not mapped over the ocean; therefore, the seven-quadrangle search covers the project quadrangle and all bordering quadrangles.

2.3 Field Reconnaissance Survey

A reconnaissance survey was conducted within the BSA by Rincon Biologist Samantha Kehr on April 7, 2023. The field reconnaissance survey was conducted on foot to record all biological resources encountered in the BSA. The survey was conducted to document existing site conditions and to evaluate the potential for presence of regulated biological resources, including special-status plant and animal species, sensitive plant communities, and habitat for nesting birds protected by federal and State laws. Animal species were identified by direct observation, vocalization, or by sign (e.g., tracks, scat, or burrows). Plant species nomenclature and taxonomy followed *The Jepson Manual: Vascular Plants of California, Second Edition* (Baldwin et al. 2012). The vegetation classification used for this analysis is based on *A Manual of California Vegetation*, Second Edition (MCV2) (Sawyer et al. 2009), but it has been modified, as needed, to describe the existing vegetation communities and land cover types in the BSA most accurately. Site photographs taken during the survey are included in Appendix B. During the survey, an inventory of all plant and animal species observed was compiled (Appendix C).

2.4 Focused Botanical Surveys

Rincon conducted protocol-level botanical surveys to determine presence or absence of any federally and/or State listed or other special-status plant species in accordance with *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (USFWS 2000), and *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (CDFW 2018). Rincon botanist Frances Glaser conducted the botanical field surveys on April 12 and June 20, 2023. The details regarding the weather conditions on-site during these surveys are provided in Table 2 below.

Table 2 Botanical Field Surveys

Date	Time	Temperature Range (°Fahrenheit)	Average Wind Speed (miles per hour)	Average Cloud Cover (%)
April 12, 2023	1012 - 1430	54-57	18-20	0
June 20, 2023	1045 - 1415	63-68	5-10	0

The botanical field surveys were floristic in nature; meaning that all vascular plant species encountered on-site were identified to the lowest possible taxonomic level required to determine the presence or absence and phenological stage (e.g., vegetative, flowering, fruiting) of the special-status plant species with potential to occur on-site. Reference site visits were used to confirm appropriate timing (see Section 2.4.1 below). Intuitively controlled transects were walked throughout the entire BSA so that 100 percent visual inspection was achieved. During field surveys, an inventory of all plant species observed was compiled, vegetation communities were classified, and the general site conditions were documented. Occurrences of special-status plants were mapped using a Trimble Global Positioning System (GPS) unit and aerial photos. Rincon graphics staff interpreted field maps and GPS data to develop the figures presented herein. Specific special-status plant occurrence data (i.e., number of individuals present at each mapped location) are maintained within the digital Geographic Information System (GIS) location files associated with each occurrence.

The Jepson Manual: Vascular Plants of California, Second Edition (Baldwin et al. 2012) and a 10x hand lens aided in confirmation of species identity in the field. Identification of collected specimens was confirmed in the laboratory with a dissecting microscope.

2.4.1 Botanical Reference Population Visits

Frances Glaser conducted visits to a known reference population of Monterey spineflower (*Chorizanthe pungens* var. *pungens*), Yadon's rein orchid (*Piperia yadonii*), and Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*) during the bloom period to assess phenological state and to determine if conditions and timing were appropriate for the detection of these species and other co-occurring species with similar bloom patterns. On June 20, 2023, Frances Glaser observed Monterey spineflower, Yadon's rein orchid, and Michael's rein orchid. No Monterey gilia were observed at the known reference site.

2.5 Impact Evaluation

Impacts are defined as project-related activities that destroy, damage, alter, or otherwise affect biological resources. This may include injury or mortality to plant or wildlife species, effects on an animal's behavior (such as through harassment or frightening off an animal by construction noise), as well as the loss, modification, or disturbance of natural resources or habitats. Impacts are defined as either direct or indirect, and either permanent or temporary.

Direct impacts are generally those that occur during project implementation and at the same time and location as the cause of the impact. Direct impacts for this project may include injury, death, and/or harassment of special-status wildlife species, if present in the work areas or vicinity. Direct impacts may also include the destruction of habitat necessary for special-status species breeding, feeding, or sheltering. Direct impacts to plants can include crushing of plants, bulbs, or seeds where present in the impact areas.

Indirect impacts are those that are reasonably foreseeable and caused by a project but occur later in time and/or potentially at locations of some distance from the source of the impact. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect impact. Specific examples for this project may include soil compaction that, in the future, following completion of the project, prevents wildlife from digging burrows or allows weedy plant species to thrive.

Permanent impacts are those that result in the long-term or irreversible loss of biological resources are considered permanent. For example, construction of new buildings and paved areas, which would result in a large, developed, and fenced property where native vegetation may have existed before would constitute a permanent impact.

Temporary impacts to biological resources are those that are reversible over time, with or without implementation of avoidance measures. Examples include the generation of fugitive dust and noise during project implementation, trimming or crushing vegetation that will regrow following project completion, and removed vegetation that will be actively restored. These temporary impacts are anticipated to last during project implementation and shortly thereafter. However, the biological resources are anticipated to return to baseline after project completion.

3 Existing Conditions

3.1 Physical Characteristics

The BSA is generally flat and occurs on stabilized back dunes east of State Route 1 and Fort Ord Dunes State Park, along the southern coast of Monterey Bay.

No potentially jurisdictional features were observed in the BSA. The BSA is also outside the Coastal Zone as defined by the California Coastal Commission and is limited to the west side of State Route 1 in the city of Seaside.

One soil type was mapped within the BSA: Oceano loamy sand. This soil type is an excessively drained sandy soil found on dunes. It formed from eolian (wind-blown) deposits and typically occurs near the coast at low elevations (0 to 800 feet). Oceano sand typically has sand textures from the surface to at least 80 inches in depth and is typically moderately acidic. Oceano sand differs from Marina sand by having softer lamella, with fewer and thinner clay bridges among sand grains, making this soil looser and less cohesive (USDA NRCS 2022).

3.2 Vegetation and Other Land Cover

Plant species nomenclature and taxonomy followed *The Jepson Manual: Vascular Plants of California,* Second Edition (Baldwin et al. 2012). All plant species encountered were noted and identified to the lowest possible taxonomic level. The vegetation classification system used for this analysis is based on MCV2 (Sawyer et al. 2009) and *Preliminary Description of Terrestrial Natural Communities of California* (Holland 1986) but has been modified as needed to accurately describe the existing habitats observed on site (Figure 4).

3.2.1 Gowen Cypress

One small (10-feet tall by 25-feet wide) individual Gowen cypress (*Hesperocyparis goveniana*, federally threatened) was observed in the southeast corner of the BSA. This species naturally occurs in California coastal cypress woodland alliances with pygmy cypress (*Hesperocyparis pigmaea*), Monterey cypress (*Hesperocyparis macrocarpa*), Monterey pine (*Pinus radiata*), and coast live oak (*Quercus agrifolia*), with native shrubs, such as chamise (*Adenostoma fasciculatum*), hairy manzanita (*Arctostaphylos columbiana*), and evergreen huckleberry (*Vaccinium ovatum*) in the understory. The understory of all trees and stands of trees within the BSA are largely non-native, with many weedy species, such as ice plant (*Carpobrotus edulis*), English plantain (*Plantago lanceolata*), sourgrass (*Oxalis pes-caprae*), and French broom (*Genista monspessulana*). Given the dominance of non-native species, and isolation from natural vegetation communities, the Gowen cypress, along with the Monterey cypress, Monterey pine, and coast live oak within the BSA, do not constitute a natural woodland alliance as defined by MCV2. Historical aerial imagery of the BSA and surrounding areas show that no trees were present in the BSA before 1956. The spacing of the large Monterey cypress trees indicates they may have been planted; therefore, trees present within the BSA are likely ornamental plantings or offspring established or recruited from ornamental plantings (RRM Design Group 2023). Additionally, only two natural stands of this species remain statewide, one of which occurs on the Monterey Peninsula (USFWS 2004). Individual Gowen cypress outside these natural stands occur as a result of cultivation (USFWS 1998).

Figure 4 Vegetation Communities and Land Cover Types

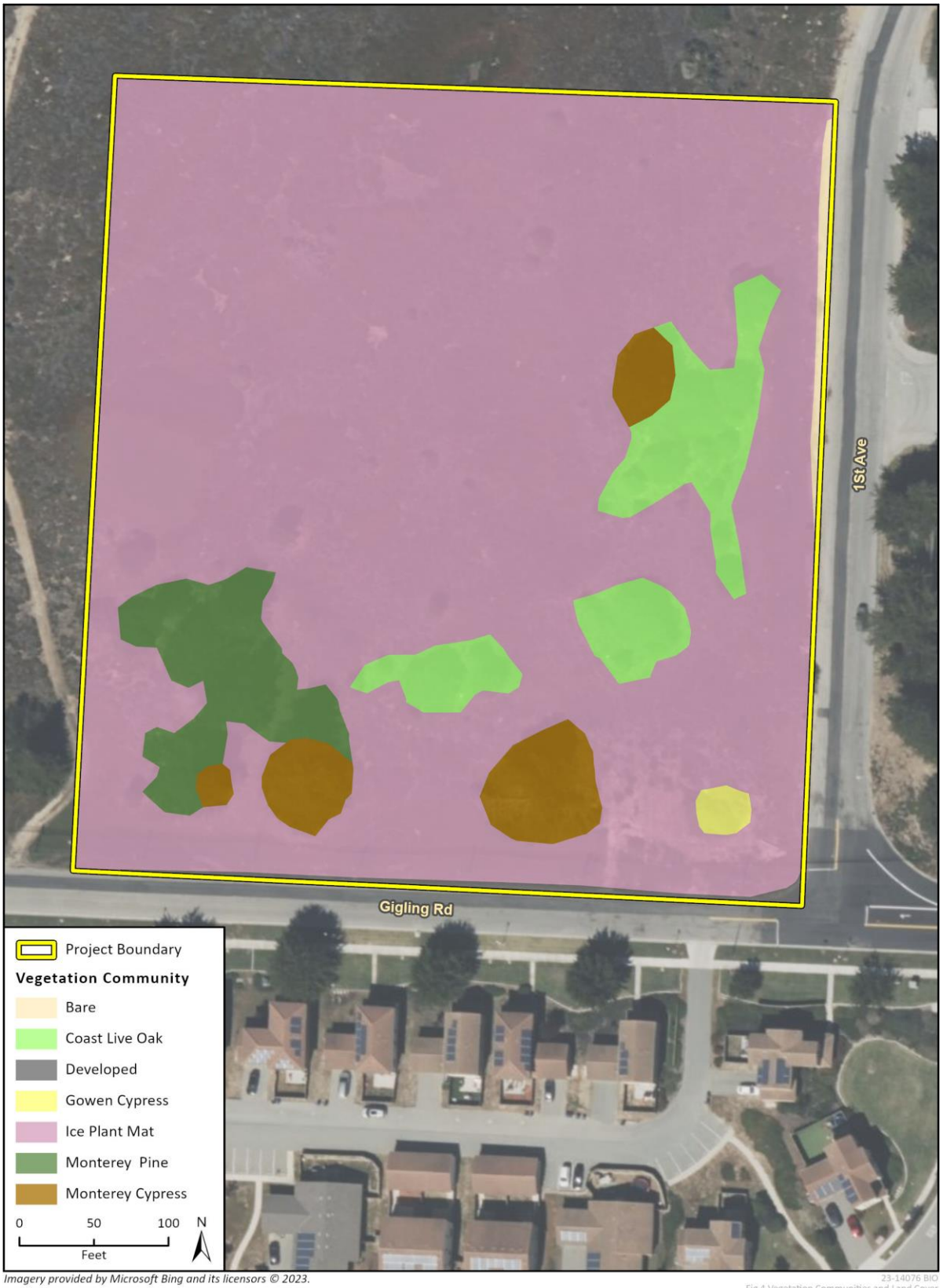

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Fig 4 Vegetation Communities and Land Cover

3.2.2 Ice Plant Mat

Ice plant (*Carpobrotus edulis*) mats cover most of the BSA. Ice plant is a non-native invasive species, originally planted in the 1940s and 1950s for landscaping and dune stabilization (USACE 1992). These perennial ground-hugging succulents form large monospecific mats (Sawyer et al. 2009). Ice plant is an invasive species with a California Invasive Plant Council rating of "High" for its invasive tendencies. This hardy species spreads readily from landscaped areas into dune and scrub habitats, out-competing native species for space, nutrients, and moisture. Ice plant mats have overtaken the BSA, including the understory of tree stands. Within this community, some native species, such as deerweed (*Acmispon glaber*), shrubby coast live oak, and bare patches were observed. Botta's pocket gopher (*Thomomys bottae*) and California ground squirrel (*Otospermophilus beecheyi*) burrows were also observed in ice plant mats.

3.2.3 Coast Live Oak

Small clusters of coast live oak have established and have likely been recruited from coast live oak woodlands to the east. Ice plant, sourgrass, and non-native annual grasses were observed in the understory. Coast live oak trees in the BSA are generally in poor health, due to a combination of poor soil, prolonged drought, and infestation of California oakworm (*Phryganidia californica*) (RRM Design Group 2023).

3.2.4 Monterey Pine

A small stand of Monterey pine occurs in the southwest corner of the BSA and are generally in moderate health (RRM Design Group 2023). These trees have also likely established from wind row plantings to the west along State Route 1. The understory of Monterey pine in the BSA is largely barren, with some sparce ice plant.

3.2.5 Monterey Cypress

Three individual Monterey cypress occur within the BSA and are generally in moderate health (RRM Design Group 2023). These trees may have been planted ornamentally and naturalized over time or may have been established from wind row plantings to the west along State Route 1. The understory of Monterey cypress in the BSA is largely barren, with some sparce ice plant.

3.2.6 Developed and Bare

Developed and bare areas of the BSA include the paved road and road shoulder along 1st Avenue and Gigling Road, on the eastern and southern boarders of the site.

3.3 General Wildlife

Wildlife observed in the BSA is typical of urban and coastal areas of Monterey Bay, including red-tailed hawk (*Buteo jamaicensis*), Anna's hummingbird (*Calypte anna*), European starling (*Sturnus vulgaris*), turkey vulture (*Cathartes aura*), and black-tailed deer (*Odocoileus hemionus*).

4 Sensitive Biological Resources

This section discusses special-status species and sensitive biological resources observed on the project site and evaluates the potential for the project site to support additional sensitive biological resources. Assessments for the potential occurrence of special-status species are based on known ranges, habitat preferences for the species, species occurrence records from the CNDDB and other sources, species occurrence records from other sites near the survey area, previous reports for the project site, and the results of surveys of the project site. The potential for each special-status species to occur in the BSA was evaluated according to the following criteria:

- **No Potential.** Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime), and species would have been identifiable on the site if present (e.g., oak trees). Protocol surveys (if conducted) did not detect species.
- **Low Potential.** Few of the habitat components (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime) meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site. Protocol surveys (if conducted) did not detect species.
- **Moderate Potential**. Some of the habitat components (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime) meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.
- **High Potential.** All the habitat components (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime) meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.
- **Present.** Species is observed on the site or has been recorded (e.g., CNDDB, other reports) on the site recently (within the last 10 years).

4.1 Special-Status Species

4.1.1 Special-Status Plant Species

Fifty-three special-status plant species known to occur in the region were evaluated for their potential to occur in the BSA (Appendix D). Special-status plant species typically have specialized habitat requirements, including plant community types, soils, and/or elevational ranges. Due to the lack of natural coniferous forest, dune, and maritime chaparral vegetation communities, serpentine and rocky soils, and dominance of non-native ice plant mats, 45 species could be eliminated from the potential to occur. Four of the remaining species that have potential to occur in the BSA and would have been blooming or identifiable in April and June: Fort Ord spineflower (*Chorizanthe minutiflora*, CRPR 1B.2), robust spineflower (*Chorizanthe robusta* var. *robusta*, federally endangered), and northern curly-leaved monardella (*Monardella sinuata* ssp. *Nigrescens,* CRPR 1B.2) could also be eliminated based on negative observations during the botanical surveys. One naturally occurring special-status plant species, Monterey spineflower (federally threatened), was observed in the BSA and discussed in more detail below. Gowen cypress, Monterey cypress, and

Monterey pine also occur in the BSA; however, not in natural stands, and as such, these individuals are not considered special status.

Monterey Spineflower

Monterey spineflower is a prostrate annual species in the buckwheat family (Polygonaceae). Flowering occurs from late March to June, depending on weather patterns, and seed is dispersed in mid-summer. The species colonizes open, sandy sites and tends to invade roadsides and firebreaks. It is found in maritime chaparral, coast live oak woodland, coastal scrub, grassland, and coastal dune habitats. Monterey spineflower occurs along the coast of southern Santa Cruz and Monterey counties and inland to the coastal plain of the Salinas Valley. Approximately 300 Monterey spinflower were observed in the northwest corner of the BSA, with 1,000 plus individuals along the access road west of the BSA and partially within the southwest corner of the BSA (Figure 5).

4.1.2 Special-Status Wildlife Species

Thirty-eight special-status wildlife species were evaluated for their potential to occur within the BSA, and five species were found to have potential to occur (Appendix D). The remaining 33 species could be eliminated based on the species-specific habitat requirements and lack of suitable habitat such as perennial streams and rivers, native maritime chaparral and coastal dune habitats, large open grasslands, and connectivity with natural areas. Additionally, native birds have the potential to nest within the BSA. Species determined to have some potential to occur are discussed in further detail below.

Western Bumble Bee and Crotch Bumble Bee

Western bumble bee (*Bombus occidentalis*) and Crotch bumble bee (*Bombus crotchii*) are state candidates for listing (Endangered). The historic range of western bumble bee covered much of the western United States, from the Pacific coast to the Colorado Rocky Mountains. Crotch bumble bee occur in coastal California, including Mediterranean climates, east to the Sierra-Cascade crest and south into Mexico. These species are social insects and utilize small mammal burrows as annual colonies and have a wide variety of plant associations, including maritime chapparal and coastal dune species.

There are six CNDDB occurrences of western bumble bee within 5 miles of the BSA. Flowering plants are present in the BSA, and an unidentified species of bumble bee (*Bombus* sp.) was observed within the BSA during the site visit, although no beehives were observed. Therefore, these species have a low potential to occur within the BSA and may incidentally move through the project site.

Figure 5 Monterey Spineflower

Northern California Legless Lizard

The Northern California legless lizard (*Anniella pulchra*) is a CDFW species of special concern that is typically found in coastal dune, valley-foothill chaparral, and coastal scrub vegetation communities, and areas with sandy or loose organic soils or high amounts of leaf litter. The species prefers moist, warm, loose soil with plant cover, and moisture is an essential component of their habitat requirements. Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands. This species has a moderate potential to occur within the BSA due to the presence of sandy soils and numerous CNDDB occurrences within 5 miles.

Ferruginous Hawk

Ferruginous hawk (*Buteo regalis*) is a CDFW watch list species. A large raptor that winters in open, arid to semi-arid areas of California. They prefer open grasslands for foraging, primarily praying on small mammals, including ground squirrels.

There is one CNDDB record for this species within 5 miles of the BSA, and there are several regional observations documented in eBird (Cornell Lab of Ornithology 2023). Marginal foraging habitat is present in ice plant mats; however, the site is small in comparison to more suitable grassland habitat inland on the former Fort Ord and would not support a large raptor. Red-tailed hawks are more commonly observed in this area. Therefore, this species has a low potential to occur within the BSA and may incidentally fly over or forage within the project site.

White-Tailed Kite

White-tailed kite (*Elanus leucurus*) is a State fully protected species that occurs in open grasslands, meadows, open woodlands, marshes, and cultivated areas. Nests are built near the top of dense-topped trees along the edges of open grasslands and savannas. Prey species consist primarily of small mammals.

White-tailed kite is unlikely to nest or roost in trees on-site, given the general short height, and/or lack of density in the canopy. There is also a high level of human activity, given the proximity to residential housing on the south side of Gigling Road. However, multiple non-breeding occurrences of the species are documented in eBird (Cornell Lab of Ornithology 2023). Therefore, this species has a low potential to occur within the BSA and may incidentally fly over or forage within the project site.

Nesting Birds

Migratory birds protected under the MBTA and nesting birds and raptors protected under CFGC Section 3503 have the potential to breed and forage throughout the BSA. Nesting habitat includes trees, shrubs, grasses, and the ground surface.

4.2 Sensitive Natural Communities and Critical Habitat

Monterey cypress, Gowen cypress, and some coast live oak alliances are considered sensitive when occurring in natural stands or woodlands; however, no naturally occurring vegetation alliances are present, and there are few naturally occurring stands of these species in Seaside, particularly Monterey cypress. There are no naturally occurring stands of Gowen cypress in Seaside. Historical aerial imagery shows no trees were present in the BSA before 1956, and the spacing of the large Monterey cypress indicates they may have been planted (RRM Design Group 2023). Therefore,

individuals present within the BSA are likely ornamental plantings or offspring established or recruited from ornamental plantings and would not be considered sensitive.

4.3 Jurisdictional Waters and Wetlands

No potentially jurisdictional features occur within the BSA.

4.4 Wildlife Movement

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations or those populations that are at risk of becoming isolated. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Others may be important as dispersal corridors for young animals. A group of habitat linkages in an area can form a wildlife corridor network (Zeiner et al 1988).

The study area is not within any Essential Connectivity Areas or Natural Landscape Blocks (CDFW 2023b). Additionally, the BSA is surrounded by development and does not provide connectivity for local wildlife movement.

4.5 Resources Protected by Local Policies and Ordinances

The City of Seaside Municipal Code Chapter 8.54, Trees, provides standards for the removal, protection, and preservation of trees, defined as having a single trunk and a height of 10 feet or more, or has a circumference of 20 inches measured at 24 inches above the ground. The ordinance requires a tree removal permit and replacement plantings for any tree to be removed during project construction. In addition to requiring tree removal permits, the ordinance also requires measures to protect existing trees during project construction.

4.6 Habitat Conservation Plans

The BSA is not within any HCP or NCCP area, but is within former Fort Ord lands designated for development under the Fort Ord Habitat Management Plan (HMP) and 2017 United States Fish and Wildlife Service (USFWS) Biological Opinion (BO).

5 Impact Analysis and Mitigation Measures

This section discusses the potential impacts and effects to special-status species and sensitive biological resources that may occur from implementation of the project and provides recommended mitigation measures that would reduce those impacts where applicable. The analysis and recommendations are based on the *CEQA Guidelines* Appendix G Initial Study Checklist; therefore, Section 5 is organized according to the threshold criteria therein.

5.1 Special-Status Species

The proposed project would have a significant effect on biological resources if it would:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

5.1.1 Special-Status Plants

The BSA is relatively small and isolated from larger areas of natural dune and maritime chaparral habitats by surrounding development. The BSA is also covered by non-native ice plant mats and provides marginal habitat for special-status plant species. Despite these constraints, there is one federally threatened special-status plant species present within the BSA: Monterey spineflower. The project would result in potentially significant impacts to Monterey spineflower. The BSA is located within former Fort Ord parcels designated for development under the HMP and 2017 USFWS BO; however, the HMP and BO do not include coverage for "take" of listed species. The HMP and BO require identification of special-status species that may be salvaged for restoration in habitat reserve areas. Therefore, impacts to Monterey spineflower would require consultation with USFWS and preparation of a salvage and relocation plan. With approval of the salvage plan obtained from USFWS, and Avoidance and Minimization Measures BIO-1(a) and BIO-1(b), impacts to Monterey spineflower would be less than significant.

BIO-1(a) Monterey Spineflower Avoidance and Minimization

Monterey spineflower will be directly and/or indirectly impacted by project development. Wherever possible the project layout should be redesigned to avoid impacting those plants. Monterey spineflower that are not within the immediate disturbance footprint but are located within 50 feet of disturbance limits should be demarcated as an Environmentally Sensitive Area (ESA) and should have bright orange protective fencing installed a minimum of 30 feet beyond their extent prior to and during construction activities. Reduction of avoidance buffer distance must be approved by a qualified biologist. No construction activity should be allowed within these avoidance areas. To avoid encroachment within ESAs, the limits of work should be clearly shown on all project plans and demarcated on-site with high-visibility fencing. Work near such ESAs should be monitored by a qualified biologist to ensure no encroachment occurs. For impacts to Monterey spineflower plants that cannot be avoided, Mitigation Measure BIO-1(b) should be implemented.

BIO-1(b) Habitat Mitigation and Monitoring Plan

If all Monterey spineflower individuals cannot be avoided, habitat restoration or compensatory mitigation shall be required at a minimum ratio of 1:1 for occupied habitat area. Additionally, because Monterey spineflower is a federally-listed plant species, USFWS will likely require a restoration plan to be submitted for their review in support of federal and/or State incidental take authorization(s). Accordingly, a habitat mitigation and monitoring plan (HMMP) shall be prepared by a qualified biologist and submitted to the City for review and approval prior to issuance of grading permits The HMMP shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type)
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values)
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan)
- Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule)
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports)
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria and/or to address catastrophic events, such as wildfires
- Notification of completion of compensatory mitigation and agency confirmation
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism)

5.1.2 Special-Status Wildlife

Five special-status wildlife species have potential to occur within the BSA based on known ranges, habitat preferences, species occurrence records near the BSA, and presence of suitable habitat. Northern California legless lizard has a moderate potential to occur in sandy soils within the BSA; and western bumble bee, Crotch bumble bee, ferruginous hawk, and white-tailed kite have a low potential to occur in the BSA while foraging. Native nesting birds protected by the MBTA and CFGC may also be present in the BSA.

Impacts to western bumble bee, Crotch bumble bee, ferruginous hawk, and white-tailed kite foraging habitat due to development would be small given the size of the BSA and low potential for these species to occur, and impacts would not be significant. However, if Northern California legless lizard is present in the soil during construction activities, individuals may be impacted through vibration and noise disturbance or direct mortality. Given the small size of the BSA, impacts on a population level are not expected; however, impacts to individuals during construction may be significant. In addition, construction could result in injury, harm, or mortality to nesting birds, if

present at the site during construction. Construction disturbance could also result in nest abandonment and failure. These impacts would be significant. Implementation of Avoidance and Minimization Measures BIO-1(c), BIO-1(d), and BIO-1(e) would reduce impacts to special-status wildlife species to less than significant.

BIO-1(c) Worker Environmental Awareness Program

Prior to initiation of construction activities (including staging and mobilization), the project proponent should arrange for all personnel associated with project construction for the applicable phase to attend Worker Environmental Awareness Program (WEAP) training, conducted by a City-approved biologist, to aid workers in recognizing special-status resources that may occur in the construction area. The specifics of this program should include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information should also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees should sign a form provided by the trainer indicating they have attended the WEAP training and understand the information presented to them. The form should be submitted to the City to document compliance.

BIO-1(d) California Legless Lizard Pre-construction Survey and Relocation

A pre-construction clearance survey for Northern California legless lizard should be conducted by a City approved qualified biologist within 14 days prior to the start of construction (including staging and mobilization). The survey should cover the entire disturbance footprint plus a minimum 200-foot buffer, where permissible, and should identify all special-status animal species that may occur on the project site. If Northern California legless lizards are identified, individuals should be relocated by a qualified biologist to suitable cover with loose soils a minimum of 500 feet from the project site, as accessible.

BIO-1(e) Pre-construction Nesting Birds Surveys and Avoidance Buffers

Ground disturbance and vegetation removal activities should be restricted to the non-breeding season for birds (September 16 to January 31), when feasible. For ground disturbance and vegetation-removal activities occurring during the bird nesting season (February 1 to September 15), general pre-construction nesting bird surveys should be conducted by a qualified biologist not more than 14 days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys should include the disturbance area plus a 200-foot buffer around the site if feasible and a 500-foot buffer for raptors. If active nests are located, an appropriate avoidance buffer should be established within which no work activity would be allowed that would impact these nests. The avoidance buffer would be established by the qualified biologist on a case-by-case basis based on the species and site conditions. In no case should the buffer be smaller than 50 feet for non-raptor bird species, or 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) should be closed to all construction personnel and equipment until juveniles have fledged and until the nest is inactive. A City-approved biologist should confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey should be required prior to the start of work.

5.2 Sensitive Natural Communities and Critical Habitat

The proposed project would have a significant effect on biological resources if it would:

b) Have a substantial adverse impact 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 Wildlife or US Fish and Wildlife Service.

No CDFW-listed sensitive natural communities or riparian habitats are present within the BSA. Therefore, no impact to sensitive natural communities are expected.

5.3 Jurisdictional Waters and Wetlands

The proposed project would have a significant effect on biological resources if it would:

c) 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.

No jurisdictional features occur within the BSA. Therefore, no impact to wetlands or waters are expected.

5.4 Wildlife Movement

The proposed project would have a significant effect on biological resources if it would:

d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

No corridors for wildlife movement occur within the BSA, and the site is completely enclosed in the developed area of the city and State Route 1. Therefore, the project would have no impact to wildlife movement.

5.5 Resources Protected by Local Policies and Ordinances

The proposed project would have a significant effect on biological resources if it would:

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

The project would remove 30 trees, including one Gowen cypress, one Monterey pine, three Monterey cypress, and 25 coast live oaks. The City's Municipal Code (Chapter 8.54) requires a tree removal permit and replacement plantings at a 1:1 ratio based on the condition of the trees and necessity of the project to construct improvements (RRM Design Group 2023). The project proponent would plant 30 replacement trees of a size and species satisfactory to the City's architectural review board. With City approval of the project landscaping plan, indicating the size, species, and location of replacement trees, there would be no conflict with local policies or ordinances.

5.6 Habitat Conservation Plans

The proposed project would have a significant effect on biological resources if it would:

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

The site is within former Fort Ord lands designated for development under the HMP and USFWS BO. There are no restrictions on development for this parcel under the HMP, and with consultation with USFWS for impacts to Monterey spineflower, impacts would be less than significant.

6 Limitations, Assumptions, and Use Reliance

This BRA has been performed pursuant to professionally accepted biological investigation practices conducted at this time and in this geographic area. The biological investigation is limited by the scope of work performed. Reconnaissance biological surveys for certain wildlife taxa may have been conducted as part of this assessment but were not performed during a particular nesting period, or particular portion of the season when positive identification would be expected if present, and therefore, cannot be considered definitive. The biological surveys are limited also by the environmental conditions present at the time of the surveys. In addition, general biological (or protocol) surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. In particular, mobile wildlife species could occupy the site on a transient basis, or re-establish populations in the future. Our field studies were based on current industry practices, which change over time and may not be applicable in the future. No other guarantees or warranties, expressed or implied, are provided. The findings and opinions conveyed in this report are based on findings derived from site reconnaissance, jurisdictional areas, review of CNDDB RareFind5, and specified historical and literature sources. Standard data sources relied upon during the completion of this report, such as the CNDDB, may vary with regard to accuracy and completeness. In particular, the CNDDB is compiled from research and observations reported to CDFW that may or may not have been the result of comprehensive or site-specific field surveys. Additional publicly available sources such as eBird contain community science-based data that is reviewed by automated filters and volunteer bird experts. Although Rincon believes the data sources are reasonably reliable, Rincon cannot and does not guarantee the authenticity or reliability of the data sources it has used. Additionally, pursuant to our contract, the data sources reviewed included only those that are practically reviewable without the need for extraordinary research and analysis.

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Appendix A

Regulatory Setting

Regulatory Setting

The following is a brief summary of the regulatory context under which biological resources are managed at the federal, State, and local levels. A number of federal and State statutes provide a regulatory structure that guides the protection of biological resources. Agencies with the responsibility for protection of biological resources within the project site include the following:

- United States Army Corps of Engineers ([USACE] wetlands and other waters of the United States)
- United States Fish and Wildlife Service ([USFWS] federally listed species and migratory birds)
- National Marine Fisheries Service (marine wildlife and anadromous fishes)
- Central Coast Regional Water Quality Control Board ([RWQCB] waters of the State)
- California Department of Fish and Wildlife ([CDFW] riparian areas, streambeds, and lakes; state-listed species; nesting birds, marine resources)
- California Coastal Commission

United States Army Corps of Engineers

The USACE is responsible for administering several federal programs related to ensuring the quality and navigability of the nation's waters.

Clean Water Act Section 404

Congress enacted the Clean Water Act (CWA) "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 404 of the CWA authorizes the Secretary of the Army, acting through the USACE, to issue permits regulating the discharge of dredged or fill materials into the "navigable waters at specified disposal sites."

Section 502 of the CWA further defines "navigable waters" as "waters of the United States, including the territorial seas." "Waters of the United States" are broadly defined at 33 Code of Federal Regulations (CFR) Part 328.3 to include navigable waters, perennial and intermittent streams, lakes, rivers, ponds, as well as wetlands, marshes, and wet meadows. In recent years, the USACE and United States Environmental Protection Agency (USEPA) have undertaken several efforts to modernize their regulations defining "waters of the United States" (e.g., the 2015 Clean Water Rule and 2020 Navigable Waters Protection Rule), but these efforts have been frustrated by legal challenges that have invalidated the updated regulations. Thus, the agencies' longstanding definition of "waters of the United States," dating from 1986, remains in effect, albeit with supplemental guidance interpreting applicable court decisions as described below.

Waters of the United States

In summary, USACE and USEPA regulations define "waters of the United States" as follows:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;

3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
    i. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
    ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    iii. Which are used or could be used for industrial purpose by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States;
5. Tributaries of waters identified in paragraphs (a)(1)-(4) of this section;
6. The territorial sea;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in items 1-6 above.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the USEPA.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States.

The lateral limits of USACE jurisdiction in non-tidal waters is defined by the ordinary high-water mark (OHWM) unless adjacent wetlands are present. The *OHWM* is a line on the shore or edge of a channel established by the fluctuations of water and indicated by physical characteristics, such as a clear, natural line impressed upon the bank, shelving, changes in the character of soil, destruction of vegetation, or the presence of debris (33 CFR 328.3[e]). As such, waters are recognized in the field by the presence of a defined watercourse with appropriate physical and topographic features. If wetlands occur within, or adjacent to, waters of the United States, the lateral limits of USACE jurisdiction extend beyond the OHWM to the outer edge of the wetlands (33 CFR 328.4[c]). The upstream limit of jurisdiction in the absence of adjacent wetlands is the point beyond which the OHWM is no longer perceptible (33 CFR 328.4; see also 51 Federal Register 41217).

Wetlands

The USACE defines wetlands as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3). The USACE’s delineation procedures identify wetlands in the field based on indicators of three wetland parameters: hydrophytic vegetation, hydric soils, and wetland hydrology. The following is a discussion of each of these parameters.

Hydrophytic Vegetation

Hydrophytic vegetation dominates areas where frequency and duration of inundation or soil saturation exerts a controlling influence on the plant species present. Plant species are assigned wetland indicator status according to the probability of their occurring in wetlands. More than 50

percent of the dominant plant species must have a wetland indicator status to meet the hydrophytic vegetation criterion. Published in 2018 by the USACE, the National Wetland Plant List separates vascular plants into the following four basic categories, based on plant species frequency of occurrence in wetlands:

- **Obligate Wetland (OBL).** Almost always occur in wetlands
- **Facultative Wetland (FACW).** Usually occur in wetlands, but occasionally found in non-wetlands
- **Facultative (FAC).** Occur in wetlands or non-wetlands
- **Facultative Upland (FACU).** Usually occur in non-wetlands, but may occur in wetlands
- **Obligate Upland (UPL).** Almost never occur in wetlands

The USACE considers OBL, FACW and FAC species to be indicators of wetlands. An area is considered to have hydrophytic vegetation when greater than 50 percent of the dominant species in each vegetative stratum (tree, shrub, and herb) fall within these categories. Any species not appearing on the USFWS's list is assumed to be an upland species, almost never occurring in wetlands. In addition, an area needs to contain at least 5 percent vegetative cover to be considered as a vegetated wetland.

Hydric Soils

Hydric soils are saturated or inundated for a sufficient duration during the growing season to develop anaerobic or reducing conditions that favor the growth and regeneration of hydrophytic vegetation. Field indicators of wetland soils include observations of ponding, inundation, saturation, dark (low chroma) soil colors, bright mottles (concentrations of oxidized minerals such as iron), gleying (indicates reducing conditions by a blue-grey color), or accumulation of organic material. Additional supporting information includes documentation of soil as hydric or reference to wet conditions in the local soils survey, both of which must be verified in the field.

Wetland Hydrology

Wetland hydrology is inundation or soil saturation with a frequency and duration long enough to cause the development of hydric soils and plant communities dominated by hydrophytic vegetation. If direct observation of wetland hydrology is not possible (as in seasonal wetlands), or records of wetland hydrology are not available (such as stream gauges), assessment of wetland hydrology is frequently supported by field indicators, such as water marks, drift lines, sediment deposits, or drainage patterns in wetlands.

Applicable Case Law and Agency Guidance

The USACE's regulations defining "waters of the United States" have been subject to legal interpretation, and two influential Supreme Court decisions have narrowed the definition to exclude certain classes of waters that bear an insufficient connection to navigable waters. In *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers* (2001), the United States Supreme Court stated that the USACE's CWA jurisdiction does not extend to ponds that "are not adjacent to open water." In reaching its decision, the Court concluded that the "Migratory Bird Rule," which served as the basis for the USACE's asserted jurisdiction, was not supported by the CWA. The Migratory Bird Rule extended CWA jurisdiction to intrastate waters "which are or would be used as habitat by birds protected by Migratory Bird Treaties or which are or would be used as habitat by other migratory birds which cross state lines…" The Court was concerned that application of the

Migratory Bird Rule resulted in "reading the term 'navigable waters' out of the statute. Highlighting the language of the CWA to determine the statute's jurisdictional reach, the Court stated, “the term ‘navigable’ has at least the import of showing us what Congress had in mind as its authority for enacting the CWA: its traditional jurisdiction over waters that were or had been navigable in fact or which could reasonably be so made.” This decision stands for the proposition that non-navigable isolated, intrastate waters are not waters of the United States and thus are not jurisdictional under the CWA.

In 2006, the United States Supreme Court decided *Rapanos v. United States* and *Carabell v. United States* (collectively “Rapanos”), which were consolidated cases determining the extent of CWA jurisdiction over waters that carry only an infrequent surface flow. The court issued no majority opinion in Rapanos. Instead, the justices authored five separate opinions including the “plurality” opinion, authored by Justice Scalia (joined by three other justices) and a concurring opinion by Justice Kennedy. To guide implementation of the decision, the USACE and USEPA issued a joint guidance memorandum (Rapanos Guidance Memorandum) in 2008 stating that “regulatory jurisdiction under the CWA exists over a water body if either the plurality's or Justice Kennedy's standard is satisfied.”

According to the plurality opinion in Rapanos, “the waters of the United States include only relatively permanent, standing or flowing bodies of water” and do not include “ordinarily dry channels through which water occasionally or intermittently flows.” In addition, while all wetlands that meet the USACE definition are considered adjacent wetlands, only those adjacent wetlands that have a continuous surface connection because they directly abut the tributary (e.g., they are not separated by uplands, a berm, dike, or similar feature) are considered jurisdictional under the plurality standard.

Under Justice Kennedy’s opinion, “the USACE’s jurisdiction over wetlands depends on the existence of a significant nexus between the wetlands in question and navigable waters in the traditional sense. Wetlands possess the requisite nexus, and thus come within the statutory phrase ‘navigable waters,’ if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as ‘navigable.’ When, in contrast, wetlands’ effects on water quality are speculative or insubstantial, they fall outside the zone fairly encompassed by the statutory term ‘navigable waters.’” Justice Kennedy identified “pollutant trapping, flood control, and runoff storage” as some of the critical functions wetlands can perform relative to other waters. He concluded that, given wetlands’ ecological role, “mere adjacency” to a non-navigable tributary was insufficient to establish CWA jurisdiction, and that “a more specific inquiry, based on the significant nexus standard, is therefore necessary.”

Interpreting these decisions, and according to the Rapanos Guidance Memorandum, the USACE and USEPA will assert jurisdiction over the following waters:

- Traditional navigable waters;
- Wetlands adjacent to traditional navigable waters;
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months); and,
- Wetlands that directly abut such tributaries.

The USACE and USEPA will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a traditional navigable water:

- Non-navigable tributaries that are not relatively permanent;
- Wetlands adjacent to non-navigable tributaries that are not relatively permanent; and,
- Wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary.

Where a significant nexus analysis is required, the USACE and USEPA will apply the significant nexus standard as follows:

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters; and,
- Significant nexus includes consideration of hydrologic and ecologic factors.

The USACE and USEPA generally will not assert jurisdiction over the following features:

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow); and,
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water.

Rivers and Harbors Act Section 10

Section 10 of the Rivers and Harbors Act of 1899 requires authorization from the USACE for the construction of any structure in or over any navigable water of the United States. Structures or work outside the limits defined for navigable waters of the United States require a Section 10 permit if the structure or work affects the course, location, or condition of the water body. The law applies to any dredging or disposal of dredged materials, excavation, filling, re-channelization, or any other modification of a navigable water of the United States and applies to all structures and work. It further includes, without limitation, any wharf, dolphin, weir, boom breakwater, jetty, groin, bank protection (e.g., riprap, revetment, bulkhead), mooring structures such as pilings, aerial or subaqueous power transmission lines, intake or outfall pipes, permanently moored floating vessel, tunnel, artificial canal, boat ramp, aids to navigation, and any other permanent, or semi-permanent obstacle or obstruction. It is important to note that Section 10 applies only to navigable waters, and thus does not apply to work in non-navigable wetlands or tributaries. In some cases, Section 10 authorization is issued by the USACE concurrently with CWA Section 404 authorization, such as when certain Nationwide Permits are used.

Regional Water Quality Control Board

The State Water Resources Control Board (SWRCB) and nine RWQCBs have jurisdiction over “waters of the State,” which are defined as any surface water or groundwater, including saline waters, within the boundaries of the state (California Water Code Section 13050[e]). These agencies also have responsibilities for administering portions of the CWA.

Clean Water Act Section 401

Section 401 of the CWA requires an applicant requesting a federal license or permit for an activity that may result in any discharge into navigable waters (such as a Section 404 Permit) to provide State certification that the proposed activity will not violate State and federal water quality standards. In California, CWA Section 401 Water Quality Certification (Section 401 Certification) is issued by the RWQCBs and by the SWRCB for multi-region projects. The process begins when an applicant submits an application to the RWQCB and informs the USACE (or the applicable agency from which a license or permit was requested) that an application has been submitted. The USACE will then determine a "reasonable period of time" for the RWQCB to act on the application; this is typically 60 days for routine projects and longer for complex projects but may not exceed 1 year. When the period has elapsed, if the RWQCB has not either issued or denied the application for Section 401 Certification, the USACE may determine that Certification has been waived and issue the requested permit. If a Section 401 Certification is issued it may include binding conditions, imposed either through the Certification itself or through the requested federal license or permit.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code Section 13000 et seq.), the policy of the State is as follows:

- The quality of all the waters of the State shall be protected
- All activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason
- The State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation

The Porter-Cologne Act established nine RWQCBs (based on watershed boundaries) and the SWRCB, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The SWRCB provides program guidance and oversight, allocates funds, and reviews RWQCB decisions. In addition, the SWRCB allocates rights to the use of surface water. The RWQCBs have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The SWRCB and RWQCBs have numerous nonpoint source related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

Section 13260 of the Porter-Cologne Act requires any person discharging or proposing to discharge waste that could affect the quality of waters of the State to file a Report of Waste Discharge with the appropriate RWQCB. The RWQCB may then authorize the discharge, subject to conditions, by issuing Waste Discharge Requirements (WDR). While this requirement was historically applied primarily to outfalls and similar point source discharges, the SWRCB's *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*, effective May 2020, make it clear that the agency will apply the Porter-Cologne Act's requirements to discharges of dredge and fill material as well. The *Procedures* state that they are to be used in issuing CWA Section 401 Certifications and WDRs, and largely mirror the existing review requirements for CWA

Section 404 Permits and Section 401 Certifications, incorporating most elements of the USEPA's *Section 404(b)(1) Guidelines*. Following issuance of the *Procedures*, the SWRCB produced a consolidated application form for dredge/fill discharges that can be used to obtain a CWA Section 401 Water Quality Certification, WDRs, or both.

Non-wetland Waters of the State

The SWRCB and RWQCBs have not established regulations for field determinations of waters of the State except for wetlands currently. In many cases the RWQCBs interpret the limits of waters of the State to be bounded by the OHWM unless isolated conditions or ephemeral waters are present. However, in the absence of statewide guidance each RWQCB may interpret jurisdictional boundaries within their region and the SWRCB has encouraged applicants to confirm jurisdictional limits with their RWQCB before submitting applications. As determined by the RWQCB, waters of the State may include riparian areas or other locations outside the OHWM, leading to a larger jurisdictional area over a given water body compared to the USACE.

Wetland Waters of the State

Procedures for defining wetland waters of the State pursuant to the SWRCB's *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* went into effect May 28, 2020. The SWRCB defines an area as wetland if, under normal circumstances:

- The area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both;
- The duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and
- The area's vegetation is dominated by hydrophytes or the area lacks vegetation.

The SWRCB's *Implementation Guidance for the Wetland Definition and Procedures for Discharges of Dredge and Fill Material to Waters of the State* (2020), states that waters of the United States and waters of the State should be delineated using the standard USACE delineation procedures, taking into consideration that the methods shall be modified only to allow for the fact that a lack of vegetation does not preclude an area from meeting the definition of a wetland.

United States Fish and Wildlife Service

The USFWS implements several laws protecting the Nation's fish and wildlife resources, including the Federal Endangered Species Act ([FESA] 16 United States Code [USC] Sections 153 et seq.), the Migratory Bird Treaty Act ([MBTA] 16 USC Sections 703-711) and the Bald and Golden Eagle Protection Act ([BGEPA] 16 USC Section 668).

Endangered Species Act

The USFWS and National Marine Fisheries Service share responsibility for implementing the FESA. Generally, the USFWS implements the FESA for terrestrial and freshwater species, while the NMFS implements the FESA for marine and anadromous species. Projects that would result in "take" of any threatened or endangered wildlife species, or a threatened or endangered plant species if occurring on federal land, are required to obtain permits from the USFWS or NMFS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan)

of the FESA, depending on the involvement by the federal government in funding, authorizing, or carrying out the project. The permitting process is used to determine if a project would jeopardize the continued existence of a listed species and what measures would be required to avoid jeopardizing the species. *Take*, under federal definition, means to harass, harm (which includes habitat modification), pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Proposed or candidate species do not have the full protection of the FESA; however, the USFWS and NMFS advise project applicants that they could be elevated to listed status at any time.

Migratory Bird Treaty Act

The MBTA of 1918 implements four international conservation treaties that the United States entered into with Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976. It is intended to ensure the sustainability of populations of all protected migratory bird species. The law has been amended with the signing of each treaty, as well as when any of the treaties were amended, such as with Mexico in 1976 and Canada in 1995. The MBTA prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the USFWS.

The list of migratory bird species protected by the law, in regulations at 50 CFR Part 10.13, is primarily based on bird families and species included in the four international treaties. A migratory bird species is included on the list if it meets one or more of the following criteria:

1. It occurs in the United States or United States territories as the result of natural biological or ecological processes and is currently, or was previously listed as, a species or part of a family protected by one of the four international treaties or their amendments.
2. Revised taxonomy results in it being newly split from a species that was previously on the list, and the new species occurs in the United States or United States territories as the result of natural biological or ecological processes.
3. New evidence exists for its natural occurrence in the United States or United States territories resulting from natural distributional changes and the species occurs in a protected family.

In 2004, the Migratory Bird Treaty Reform Act limited the scope of the MBTA by stating the MBTA applies only to migratory bird species that are native to the United States or United States territories, and that a native migratory bird species is one that is present as a result of natural biological or ecological processes. The Migratory Bird Treaty Reform Act requires the USFWS to publish a list of all non-native, human-introduced bird species to which the MBTA does not apply, and an updated list was published in 2020. The 2020 update identifies species belonging to biological families referred to in treaties the MBTA implements but are not protected because their presence in the United States or United States territories is solely the result of intentional or unintentional human-assisted introductions.

Bald and Golden Eagle Protection Act

The BGEPA prohibits anyone, without a permit issued by the USFWS, from "taking" bald or golden eagles, including their parts (including feathers), nests, or eggs. The BGEPA provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter,

transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The BGEPA defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

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."

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment.

California Department of Fish and Wildlife

The CDFW derives its authority from the Fish and Game Code of California and administers several State laws protecting fish and wildlife resources and the habitats upon which they depend.

California Endangered Species Act

The CESA (Fish and Game Code Section 2050 et. seq.) prohibits take of State listed threatened or endangered species. *Take*, under CESA, is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” (Fish and Game Code Section 86). This definition does not prohibit indirect harm by way of habitat modification, except where such harm is the proximate cause of death of a listed species. Where incidental take would occur during construction or other lawful activities, CESA allows the CDFW to issue an Incidental Take Permit upon finding, among other requirements, that impacts to the species have been minimized and fully mitigated. Unlike FESA, CESA’s protections extend to candidate species during the period (typically 1 year) while the California Fish and Game Commission decides whether the species warrants CESA listing.

Native Plant Protection Act

The CDFW also has authority to administer the Native Plant Protection Act ([NPPA] Fish and Game Code Section 1900 et seq.). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare, and prohibits the take of listed plant species. Effective in 2015, CDFW promulgated regulations (14 California Code of Regulations [CCR] 786.9) under the authority of the NPPA, establishing that the CESA’s permitting procedures would be applied to plants listed under the NPPA as "Rare." With this change, there is little practical difference for the regulated public between plants listed under CESA and those listed under the NPPA.

Fully Protected Species Laws

The CDFW enforces Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code, which prohibit take of species designated as Fully Protected. The CDFW is not allowed to issue an Incidental Take

Permit for Fully Protected species; therefore, impacts to these species must be avoided. The exception lies within situations where a Natural Community Conservation Plan is in place that authorizes take of the Fully Protected species.

Avian Protection Laws

California Fish and Game Code Section 3503, 3503.5, and 3513 describe unlawful take, possession, or destruction of native birds, nests, and eggs. Section 3503.5 of the Code protects all birds-of-prey and their eggs and nests against take, possession, or destruction of nests or eggs. Section 3513 makes it a State-level offense to take any bird in violation of the MBTA.

Protection of Lakes and Streambeds

California Fish and Game Code Section 1602 states that it is unlawful for any person to "substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake" without first notifying the CDFW of that activity. Thereafter, if CDFW determines and informs the entity that the activity will not substantially adversely affect any existing fish or wildlife resources, the entity may commence the activity. If, however, the California Department of Fish and Game determines that the activity may substantially adversely affect an existing fish or wildlife resource, the entity may be required to obtain from CDFW a Streambed Alteration Agreement (SAA), which will include reasonable measures necessary to protect the affected resource(s), before the entity may conduct the activity described in the notification. Upon receiving a complete Notification of Lake/Streambed Alteration, CDFW has 60 days to present the entity with a Draft SAA. Upon review of the Draft SAA by the applicant, any problematic terms are negotiated with CDFW and a Final SAA is executed.

The CDFW has not defined the term “stream” for the purposes of implementing its regulatory program under Section 1602, and the agency has not promulgated regulations directing how jurisdictional streambeds may be identified, or how their limits should be delineated. However, four relevant sources of information offer insight as to the appropriate limits of CDFW jurisdiction as discussed below.

- **The plain language of Section 1602 of the California Fish and Game Code** establishes the following general concepts:
  - References “river,” “stream,” and “lake”
  - References “natural flow”
  - References “bed,” “bank,” and “channel”
- **Applicable court decisions**, in particular *Rutherford v. State of California* (188 Cal App. 3d 1276 (1987), which interpreted Section 1602’s use of “stream” to be as defined in common law. The Court indicated that a “stream” is commonly understood to:
  - Have a source and a terminus
  - Have banks and a channel
  - Convey flow at least periodically, but need not flow continuously and may at times appear outwardly dry
  - Represent the depression between the banks worn by the regular and usual flow of the water

  - Include the area between the opposing banks measured from the foot of the banks from the top of the water at its ordinary stage, including intervening sand bars
  - Include the land that is covered by the water in its ordinary low stage
  - Include lands below the OHWM

- **CDFW regulations** defining "stream" for other purposes, including sport fishing (14 CCR 1.72) and streambed alterations associated with cannabis production (14 CCR 722(c)(21)), which indicate that a stream:
  - Flows at least periodically or intermittently
  - Flows through a bed or channel having banks
  - Supports fish or aquatic life
  - Can be dry for a period of time
  - Includes watercourses where surface or subsurface flow supports or has supported riparian vegetation

- **Guidance documents**, *including A Field Guide to Lake and Streambed Alteration Agreements* (California Department of Fish and Game 1994) and *Methods to Describe and Delineate Episodic Stream Processes on Arid Landscapes for Permitting Utility-Scale Solar Power Plants* (Brady and Vyverberg 2013), which suggest the following:
  - A stream may flow perennially or episodically
  - A stream is defined by the course in which water currently flows, or has flowed during the historic hydrologic course regime (approximately the last 200 years)
  - Width of a stream course can reasonably be identified by physical or biological indicators
  - A stream may have one or more channels (single thread vs. compound form)
  - Features such as braided channels, low-flow channels, active channels, banks associated with secondary channels, floodplains, islands, and stream-associated vegetation, are interconnected parts of the watercourse
  - Canals, aqueducts, irrigation ditches, and other means of water conveyance can be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife
  - Biologic components of a stream may include aquatic and riparian vegetation, all aquatic wildlife including fish, amphibians, reptiles, invertebrates, and terrestrial species which derive benefits from the stream system
  - The lateral extent of a stream can be measured in different ways depending on the particular situation and the type of fish or wildlife resource at risk

The tenets listed above, among others, are applied to establish the boundaries of streambeds in various environments. Importance of each factor may be weighted based on site-specific considerations and the applicability of the indicators to the streambed at hand.

Local Jurisdiction

2004 Seaside General Plan

The Conservation/Open Space Element of the Seaside 2004 General Plan includes policies addressing protection of sensitive biological resources. The Goal of COS-4 is to "preserve and protect the sensitive habitats and species within the community." Policy COS-4.1 is to "Preserve ecological and biological resources by maintaining these resources as open space." Implementation Plan COS-4.1.1 is to "Require Proper Analysis and Mitigation of Biological Resources. Use proper land use planning and environmental review to minimize the impact of urban development on sensitive ecological and biological resources. Where feasible, require open space easements and/or buffers to avoid impacts to sensitive biological resources. Where on-site preservation is not feasible, require habitat replacement at locations and ratios acceptable to the State and Federal agencies with jurisdiction over the project."

Policy COS-4.2 is to "Protect and enhance the creeks, lakes, and adjacent wetlands for their value in providing visual amenity, habitat for wildlife, and recreational opportunities."

Policy COS-4.3 is to "Encourage the preservation and enhancement of oak woodland elements in the natural and built environments." Implementation Plan COS-4.3.1 requires "project developers to retain coast live oak trees within the planning area, including oaks within new development areas. All coast live oak trees should be surveyed prior to construction to determine if any raptor nests are present and active. If active nests are observed, the construction should be postponed until the end of the fledgling."

Draft Seaside 2040

The goals, policies, and implementation actions of Draft Seaside 2040 support growth and redevelopment, which includes areas within the jurisdiction of the City's Local Coastal Plan, as well as on undeveloped former Fort Ord lands. New development under Draft Seaside 2040 on former Fort Ord lands would incorporate open space corridors with trails that support natural vegetation communities, and sensitive habitats.

Draft Seaside 2040 includes "Goal POC-8: Sensitive species and habitat protected on former Fort Ord lands." The Fort Ord Habitat Management Plan (HMP) provides a framework "to conserve and manage special-status species, animal communities, and habitat areas on former Fort Ord lands. This goal aims to implement those plans locally, identifying and managing habitat areas and species." Draft Seaside 2040 includes "Goal POC-9: New development supports the preservation or enhancement of the City's natural resources." One of the implementing Policies for POC-9 states "Clustered development. Cluster new development on former Fort Ord lands to minimize impacts to oak woodlands and linkages, preserve habitat management areas, and protect steep slopes, wetlands, and waterways." Other implementing policies for POC-9 state "Integrating oak woodland. Work with developers to promote an understanding of existing oak trees and previously-identified oak woodland linkages as they design new developments."

Seaside Municipal Code

The City of Seaside Municipal Code Title 8 Health and Safety, Chapter 8.54, Trees, provides standards for the removal, protection and preservation of trees. The ordinance requires a tree removal permit and replacement plantings for any tree to be removed during project construction. In addition to requiring tree removal permits, the ordinance also requires measures to protect existing trees during project construction.

Fort Ord Habitat Management Plan

The Fort Ord HMP was published by the USACE in 1997 in compliance with the USFWS Final 2017 Biological Opinion for disposal and reuse of former Fort Ord lands. The HMP establishes guidelines for the conservation and management of plant and wildlife species and their habitat that occur on former Fort Ord lands. The HMP promotes preservation, enhancement, and restoration of habitat and populations of HMP covered species while allowing development on selected properties that promotes economic recovery after closure of the fort.

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Appendix B

Site Photographs

Photograph 1. The southeast corner of the Biological Study Area (BSA), facing east. April 7, 2023.

Photograph 2. The small Gowen cypress at the southeast corner of the BSA (photo center), facing northwest. April 7, 2023.

Photograph 3. The south side of the BSA, facing southwest. April 7, 2023.

Photograph 4. The east side of the BSA west of 1st Avenue, facing north. April 7, 2023.

Photograph 5. Coast live oaks and a Monterey cypress on the east side of the BSA, facing north. April 7, 2023.

Photograph 6. Overview of the BSA from the northeast corner, facing southwest. April 7, 2023.

Photograph 7. The north side of the BSA from the northeast corner, facing west. April 7, 2023.

Photograph 8. The north side of the BSA from the northwest corner, facing east. April 7, 2023.

Photograph 9. Overview of the BSA from the northwest corner, facing southeast. April 7, 2023.

Photograph 10. The south side of the BSA from the west side, facing southeast. April 7, 2023.

Photograph 11. Monterey Cypress and Monterey pine at the southwest corner of the BSA, facing south. April 7, 2023.

Photograph 12. Monterey spineflower patch within BSA, facing northeast. June 20, 2023.

Appendix C

Floral and Faunal Compendium

Plant Species Observed within the Biological Study Area on April 7, April 12, and June 20, 2023

Scientific Name[1]	Common Name	Status	Native or Introduced[2]
Trees			
Acacia longifolia	Sydney golden wattle	–	Non-native
Hesperocyparis goveniana	Gowen cypress	FT; 1B.2	Native
Hesperocyparis macrocarpa	Monterey cypress	1B.2	Native
Pinus radiata	Monterey pine	–	Native
Quercus agrifolia	coast live oak	–	Native
Shrubs			
Baccharis pilularis	coyote brush	None	Native
Ericameria ericoides	mock heather	–	Native
Genista monspessulana	French broom	None	Non-native; Cal-IPC high
Heteromeles arbutifolia	toyon	None	Native
Lupinus chamissonis	silver dune lupine	–	Native
Toxicodendron diversilobum	poison oak	None	Native
Herbs			
Achillea millefolium	common yarrow	–	Native
Acmispon glaber	deerweed	–	Native
Brassica nigra	black mustard	–	Non-native; Cal-IPC moderate
Camissoniopsis micrantha	Spencer primrose	–	Native
Cardionema ramosissimum	sandcarpet	–	Native
Carduus pycnocephalus	Italian thistle	–	Non-native; Cal-IPC moderate
Carpobrotus edulis	ice plant	–	Non-native; Cal-IPC high
Centaurea melitensis	tocalote	–	Non-native; Cal-IPC moderate
Chorizanthe pungens var. *pungens*	Monterey spineflower	–	Native; FT, CRPR 1B.2
Claytonia perfoliata	miner's lettuce	–	Native
Corethrogyne filaginifolia	common sandaster	–	Native
Crassula connata	sandy pygmy weed	–	Native
Deinandra corymbosa	coastal tarweed	–	Native
Dipterostemon capitatus	blue dicks	–	Native
Erigeron canadensis	Canada horseweed	–	Native
Erodium cicutarium	red stemmed filaree	–	Non-native; Cal-IPC limited
Eschscholzia californica	California poppy	–	Native
Fragaria chiloensis	beach strawberry	–	Native
Galium aparine	common bedstraw	–	Native
Geranium dissectum	cutleaf geranium	–	Non-native; Cal-IPC limited
Helminthotheca echioides	bristly ox-tongue	–	Non-native; Cal-IPC limited
Heterotheca grandiflora	telegraphweed	–	Native
Hypochaeris glabra	smooth cat's ear	–	Non-native; Cal-IPC limited
Logfia gallica	narrowleaf cottonrose	–	Non-native

Scientific Name[1]	Common Name	Status	Native or Introduced[2]
Lupinus nanus	sky lupine	–	Native
Lysimachia arvensis	scarlet pimpernel	–	Non-native
Malva parviflora	cheeseweed mallow	–	Non-native
Marah fabacea	California man-root	–	Native
Medicago polymorpha	bur clover	–	Non-native; Cal-IPC limited
Melilotus indicus	annual yellow sweetclover	–	Non-native
Nuttallanthus texanus	blue toadflax	–	Native
Oxalis pes-caprae	sourgrass	–	Non-native; Cal-IPC moderate
Pentagramma triangularis	gold back fern	–	Native
Piperia michaelii	Michael's rein orchid	–	Native
Plantago coronopus	cut leaf plantain	–	Non-native
Plantago erecta	California plantain	–	Native
Plantago lanceolata	English plantain	–	Non-native; Cal-IPC limited
Polygonum aviculare	prostrate knotweed	–	Non-native
Pseudognaphalium ramosissimum	pink cudweed	–	Native
Pseudognaphalium stramineum	cottonbatting plant	–	Native
Rumex acetosella	common sheep sorrel	–	Non-native; Cal-IPC moderate
Sonchus asper	spiny sowthistle	–	Non-native
Trifolium angustifolium	narrow leafed clover	–	Non-native
Urtica urens	annual stinging nettle	–	Non-native
Vicia villosa	hairy vetch	–	Non-native
Grasses			
Aira caryophyllea	silver hairgrass	–	Non-native
Avena barbata	slender oat	–	Non-native; Cal-IPC moderate
Bromus diandrus	ripgut brome	–	Non-native; Cal-IPC moderate
Bromus hordeaceous	soft brome	–	Non-native; Cal-IPC limited
Bromus madritensis	foxtail brome	–	Non-native
Festuca myuros	rattail sixweeks grass	–	Non-native; Cal-IPC moderate
Festuca perennis	Italian rye grass	–	Non-native; Cal-IPC moderate
Hordeum murinum	foxtail barley	–	Non-native; Cal-IPC moderate

Cal-IPC = California Invasive Plant Council

[1] Calflora 2023

[2] California Invasive Plant Council 2006. California Invasive Plant Inventory. Cal-IPC Publication 2006-02. California Invasive Plant Council: Berkeley, CA. www.cal-ipc.org. Accessed 2023

Wildlife Species Observed within the Biological Study Area on April 7, 2023

Scientific Name	Common Name	Status	Native or Introduced
Insects			
Bombus sp.	bumble bee	None	Native
Birds			
Bombycilla cedrorum	cedar waxwing	None	Native
Buteo jamaicensis	red-tailed hawk	None	Native
Calypte anna	Anna's hummingbird	None	Native
Cathartes aura	turkey vulture	None	Native
Corvus brachyrhynchos	American crow	None	Native
Haemorhous mexicanus	house finch	None	Native
Streptopelia decaocto	Eurasian collared dove	None	Introduced
Sturnus vulgaris	European starling	None	Introduced
Junco hyemalis	dark-eyed junco	None	Native
Mammals			
Odocoileus hemionus	black tail deer	None	Native
Otospermophilus beecheyi	California ground squirrel	None	Native
Thomomys bottae	Botta's pocket gopher	None	Native

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Appendix D

Special-Status Species Evaluation Tables

Special-Status Plant and Lichen Species in the Regional Vicinity of the Project Site

Scientific Name Common Name	Status Fed/State ESA CRPR	Habitat Requirements	Potential to Occur	Rationale
Agrostis lacuna-vernalis vernal pool bent grass	None/None G1/S1 1B.1	Annual herb. Vernal pools. In mima mound areas or on the margins of vernal pools. Elevations: 375-475 ft. (115-145 m.) Blooms Apr-May.	Not Expected	Vernal pools are not present
Allium hickmanii Hickman's onion	None/None G2/S2 1B.2	Perennial bulbiferous herb. Chaparral, closed-cone coniferous forest, coastal prairie, coastal scrub, valley and foothill grassland. Sandy loam, damp ground and vernal swales; mostly in grassland though can be associated with chaparral or woodland. Elevations: 15-655 ft. (5-200 m.) Blooms Mar-May.	Not Expected	Natural vegetation communities with mesic soils are not present, this species was not observed during its blooming period, and the BSA is isolated by development.
Arctostaphylos hookeri ssp. *hookeri* Hooker's manzanita	None/None G3T2/S2 1B.2	Perennial evergreen shrub. Chaparral, cismontane woodland, closed-cone coniferous forest, coastal scrub. Sandy. Elevations: 195-1760 ft. (60-536 m.) Blooms Jan-Jun.	Not Expected	Natural vegetation communities are not present; manzanita were not observed on site, and the BSA is isolated by development.
Arctostaphylos montereyensis Toro manzanita	None/None G2?/S2? 1B.2	Perennial evergreen shrub. Chaparral, cismontane woodland, coastal scrub. Sandy. Elevations: 100-2395 ft. (30-730 m.) Blooms Feb-Mar.	Not Expected	Natural vegetation communities are not present; manzanita were not observed on site, and the BSA is isolated by development.
Arctostaphylos pajaroensis Pajaro manzanita	None/None G1/S1 1B.1	Perennial evergreen shrub. Chaparral. Sandy soils. Elevations: 100-2495 ft. (30-760 m.) Blooms Dec-Mar.	Not Expected	There is one known occurrence overlapping the BSA; however, this occurrence is nonspecific; natural vegetation communities are not present, and manzanita were not observed on-site.
Arctostaphylos pumila sandmat manzanita	None/None G1/S1 1B.2	Perennial evergreen shrub. Chaparral, cismontane woodland, closed-cone coniferous forest, coastal dunes, coastal scrub. Openings, sandy. Elevations: 10-675 ft. (3-205 m.) Blooms Feb-May.	Not Expected	Natural vegetation communities are not present; manzanita were not observed on site, and the BSA is isolated by development.
Astragalus tener var. *tener* alkali milk-vetch	None/None G2T1/S1 1B.2	Annual herb. Playas, valley and foothill grassland, vernal pools. Alkaline. Elevations: 5-195 ft. (1-60 m.) Blooms Mar-Jun.	Not Expected	Natural vegetation communities with vernal pools and alkaline soils are not present, and the BSA is isolated by development.

Scientific Name Common Name	Status Fed/State ESA CRPR	Habitat Requirements	Potential to Occur	Rationale
Astragalus tener var. *titi* coastal dunes milk-vetch	FE/SE G2T1/S1 1B.1	Annual herb. Coastal bluff scrub, coastal dunes, coastal prairie. Moist, sandy depressions of bluffs or dunes along and near the Pacific Ocean; one site on a clay terrace. Elevations: 5-165 ft. (1-50 m.) Blooms Mar-May.	Not Expected	Natural coastal dunes vegetation communities are not present, and the BSA is isolated by development.
Castilleja ambigua var. *insalutata* pink Johnny-nip	None/None G4T2/S2 1B.1	Annual herb (hemiparasitic). Coastal prairie, coastal scrub. Wet or moist coastal strand or scrub habitats. Elevations: 0-330 ft. (0-100 m.) Blooms May-Aug.	Not Expected	Natural coastal dunes vegetation communities are not present, and the BSA is isolated by development.
Centromadia parryi ssp. *congdonii* Congdon's tarplant	None/None G3T2/S2 1B.1	Annual herb. Valley and foothill grassland. Alkaline soils, sometimes described as heavy white clay. Elevations: 0-755 ft. (0-230 m.) Blooms May-Oct(Nov).	Not Expected	Natural vegetation communities with alkaline clay soils are not present, and the BSA is isolated by development.
Chorizanthe minutiflora Fort Ord spineflower	None/None G1/S1 1B.2	Annual herb. Chaparral, coastal scrub. Openings, sandy. Elevations: 180-490 ft. (55-150 m.) Blooms Apr-Jul.	Low Potential	Sandy openings are present; however, natural coastal dunes vegetation communities are not present, and the BSA is isolated by development.
Chorizanthe pungens var. *pungens* Monterey spineflower	FT/None G2T2/S2 1B.2	Annual herb. Chaparral, cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland. Sandy. Elevations: 10-1475 ft. (3-450 m.) Blooms Apr-Jun (Jul-Aug).	Present	This species was observed in the northwest corner of the BSA during the focused rare plant survey on June 20, 2023.
Chorizanthe robusta var. *robusta* robust spineflower	FE/None G2T1/S1 1B.1	Annual herb. Chaparral, cismontane woodland, coastal dunes, coastal scrub. Gravelly (sometimes), sandy (sometimes). Elevations: 10-985 ft. (3-300 m.) Blooms Apr-Sep.	Low Potential	Sandy openings are present; however, natural coastal dunes vegetation communities are not present, and the BSA is isolated by development.
Clarkia jolonensis Jolon clarkia	None/None G2/S2 1B.2	Annual herb. Chaparral, cismontane woodland, coastal scrub, riparian woodland. Elevations: 65-2165 ft. (20-660 m.) Blooms Apr-Jun.	Not Expected	Natural vegetation communities are not present, and the BSA is isolated by development.
Collinsia multicolor San Francisco collinsia	None/None G2/S2 1B.2	Annual herb. Closed-cone coniferous forest, coastal scrub. Serpentinite (sometimes). Elevations: 100-900 ft. (30-275 m.) Blooms (Feb) Mar-May.	Not Expected	Natural vegetation communities with serpentine soils are not present; this species was not observed during its blooming period, and the BSA is isolated by development.

Scientific Name Common Name	Status Fed/State ESA CRPR	Habitat Requirements	Potential to Occur	Rationale
Cordylanthus rigidus ssp. *littoralis* seaside bird's-beak	None/SE G5T2/S2 1B.1	Annual herb (hemiparasitic). Chaparral, cismontane woodland, closed-cone coniferous forest, coastal dunes, coastal scrub. Disturbed areas (often), sandy. Elevations: 0-1690 ft. (0-515 m.) Blooms Apr-Oct.	Not Expected	Natural vegetation communities are not present, and the BSA is isolated by development.
Delphinium californicum ssp. *interius* Hospital Canyon larkspur	None/None G3T3/S3 1B.2	Perennial herb. Chaparral, cismontane woodland, coastal scrub. In wet, boggy meadows, openings in chaparral and in canyons. Elevations: 640-3595 ft. (195-1095 m.) Blooms Apr-Jun.	Not Expected	Natural vegetation communities and mesic soils are not present, and the BSA is isolated by development.
Delphinium hutchinsoniae Hutchinson's larkspur	None/None G2/S2 1B.2	Perennial herb. Broadleafed upland forest, chaparral, coastal prairie, coastal scrub. On semi-shaded, slightly moist slopes, usually west-facing. Elevations: 0-1400 ft. (0-427 m.) Blooms Mar-Jun.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Delphinium umbraculorum umbrella larkspur	None/None G3/S3 1B.3	Perennial herb. Chaparral, cismontane woodland. Mesic sites. Elevations: 1310-5250 ft. (400-1600 m.) Blooms Apr-Jun.	Not Expected	Natural vegetation communities and mesic soils are not present, and the BSA is isolated by development.
Eriastrum tracyi Tracy's eriastrum	None/SR G3Q/S3 3.2	Annual herb. Chaparral, cismontane woodland, valley and foothill grassland. Gravelly shale or clay; often in open areas. Elevations: 1035-5840 ft. (315-1780 m.) Blooms May-Jul.	Not Expected	Natural vegetation communities with gravel, shale, or clay soils are not present, and the BSA is isolated by development.
Ericameria fasciculata Eastwood's goldenbush	None/None G2/S2 1B.1	Perennial evergreen shrub. Chaparral, closed-cone coniferous forest, coastal dunes, coastal scrub. In sandy openings. Elevations: 100-900 ft. (30-275 m.) Blooms Jul-Oct.	Not Expected	Natural vegetation communities are not present; no goldenbush were observed, and the BSA is isolated by development.
Eriogonum nortonii Pinnacles buckwheat	None/None G2/S2 1B.3	Annual herb. Chaparral, valley and foothill grassland. Sandy soils; often on recent burns; western Santa Lucias. Elevations: 985-3200 ft. (300-975 m.) Blooms (Apr) Aug (Sep) May-Jun.	Not Expected	Natural vegetation communities are not present; no buckwheat were observed, and the BSA is isolated by development.
Erysimum ammophilum sand-loving wallflower	None/None G2/S2 1B.2	Perennial herb. Chaparral, coastal dunes, coastal scrub. Sandy openings. Elevations: 0-195 ft. (0-60 m.) Blooms Feb-Jun (Jul-Aug).	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.

Scientific Name Common Name	Status Fed/State ESA CRPR	Habitat Requirements	Potential to Occur	Rationale
Erysimum menziesii Menzies' wallflower	FE/SE G1/S1 1B.1	Perennial herb. Coastal dunes. Localized on dunes and coastal strand. Elevations: 0-115 ft. (0-35 m.) Blooms Mar-Sep.	Not Expected	Natural dune vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Fritillaria liliacea fragrant fritillary	None/None G2/S2 1B.2	Perennial bulbiferous herb. Cismontane woodland, coastal prairie, coastal scrub, valley and foothill grassland. Often on serpentine; various soils reported though usually on clay, in grassland. Elevations: 10-1345 ft. (3-410 m.) Blooms Feb-Apr.	Not Expected	Natural vegetation communities with serpentine or clay soils are not present, and the BSA is isolated by development.
Gilia tenuiflora ssp. *arenaria* Monterey gilia	FE/ST G3G4T2/S2 1B.2	Annual herb. Chaparral, cismontane woodland, coastal dunes, coastal scrub. Sandy openings in bare, wind-sheltered areas. Often near dune summit or in the hind dunes; two records from Pleistocene inland dunes. Elevations: 0-150 ft. (0-45 m.) Blooms Apr-Jun.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Hesperocyparis goveniana Gowen cypress	FT/None G1/S1 1B.2	Perennial evergreen tree. Chaparral, closed-cone coniferous forest. Coastal terraces; usually in sandy soils; sometimes with Monterey pine, bishop pine. Elevations: 100-985 ft. (30-300 m.)	Present	One small individual was identified on-site by the arborist and was confirmed during Rincon's botanical surveys. This individual occurs outside the two known populations, however, and is likely the result of cultivation for ornamental plantings.
Hesperocyparis macrocarpa Monterey cypress	None/None G1/S1 1B.2	Perennial evergreen tree. Closed-cone coniferous forest. Granitic soils. Elevations: 35-100 ft. (10-30 m.)	Present	This species was identified in the BSA; however, these individuals are likely the result of naturalized ornamental plantings (RRM Design Group 2023).
Holocarpha macradenia Santa Cruz tarplant	FT/SE G1/S1 1B.1	Annual herb. Coastal prairie, coastal scrub, valley and foothill grassland. Light, sandy soil or sandy clay; often with non-natives. Elevations: 35-720 ft. (10-220 m.) Blooms Jun-Oct.	Not Expected	Natural vegetation communities with clay soils are not present, and the BSA is isolated by development.

Scientific Name Common Name	Status Fed/State ESA CRPR	Habitat Requirements	Potential to Occur	Rationale
Horkelia cuneata var. *sericea* Kellogg's horkelia	None/None G4T1?/S1? 1B.1	Perennial herb. Chaparral, closed-cone coniferous forest, coastal dunes, coastal scrub. Old dunes, coastal sandhills; openings. Sandy or gravelly soils. Elevations: 35-655 ft. (10-200 m.) Blooms Apr-Sep.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Horkelia marinensis Point Reyes horkelia	None/None G2/S2 1B.2	Perennial herb. Coastal dunes, coastal prairie, coastal scrub. Sandy flats and dunes near coast; in grassland or scrub plant communities. Elevations: 15-2475 ft. (5-755 m.) Blooms May-Sep.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Lasthenia conjugens Contra Costa goldfields	FE/None G1/S1 1B.1	Annual herb. Cismontane woodland, playas, valley and foothill grassland, vernal pools. Vernal pools, swales, low depressions, in open grassy areas. Elevations: 0-1540 ft. (0-470 m.) Blooms Mar-Jun.	Not Expected	Natural vegetation communities with vernal pools are not present, and the BSA is isolated by development.
Layia carnosa beach layia	FT/SE G2/S2 1B.1	Annual herb. Coastal dunes, coastal scrub. On sparsely vegetated, semi-stabilized dunes, usually behind foredunes. Elevations: 0-195 ft. (0-60 m.) Blooms Mar-Jul.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Legenere limosa legenere	None/None G2/S2 1B.1	Annual herb. Vernal pools. In beds of vernal pools. 1-. Elevations: 5-2885 ft. (1-880 m.) Blooms Apr-Jun.	Not Expected	Natural vegetation communities with vernal pools are not present, and the BSA is isolated by development.
Lupinus tidestromii Tidestrom's lupine	FE/SE G1/S1 1B.1	Perennial rhizomatous herb. Coastal dunes. Partially stabilized dunes, immediately near the ocean. Elevations: 0-330 ft. (0-100 m.) Blooms Apr-Jun.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Malacothamnus palmeri var. *involucratus* Carmel Valley bush-mallow	None/None G3T2Q/S2 1B.2	Perennial deciduous shrub. Chaparral, cismontane woodland, coastal scrub. Talus hilltops and slopes, sometimes on serpentine. Fire dependent. Elevations: 100-3610 ft. (30-1100 m.) Blooms Apr-Oct.	Not Expected	Natural vegetation communities with serpentine soils are not present; this species was not observed during its blooming period, and the BSA is isolated by development.

Scientific Name Common Name	Status Fed/State ESA CRPR	Habitat Requirements	Potential to Occur	Rationale
Malacothrix saxatilis var. *arachnoidea* Carmel Valley malacothrix	None/None G5T2/S2 1B.2	Perennial rhizomatous herb. Chaparral, coastal scrub. Rock outcrops or steep rocky roadcuts. Elevations: 80-3400 ft. (25-1036 m.) Blooms (Mar) Jun-Dec.	Not Expected	Natural vegetation communities with rocky soils are not present; this species was not observed, and the BSA is isolated by development.
Meconella oregana Oregon meconella	None/None G2G3/S2 1B.1	Annual herb. Coastal prairie, coastal scrub. Open, moist places. Elevations: 820-2035 ft. (250-620 m.) Blooms Mar-Apr.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Microseris paludosa marsh microseris	None/None G2/S2 1B.2	Perennial herb. Cismontane woodland, closed-cone coniferous forest, coastal scrub, valley and foothill grassland. Elevations: 15-1165 ft. (5-355 m.) Blooms Apr-Jun (Jul).	Not Expected	Natural vegetation communities are not present; this species was not observed, and the BSA is isolated by development.
Monardella sinuata ssp. *nigrescens* northern curly-leaved monardella	None/None G3T2/S2 1B.2	Annual herb. Chaparral, coastal dunes, coastal scrub, lower montane coniferous forest. Sandy soils. Elevations: 0-985 ft. (0-300 m.) Blooms (Apr) May-Jul (Aug-Sep).	Low Potential	There is a known occurrence for the general area along Gigling Road, and sandy soils are present; however, natural vegetation communities are not present and the BSA is isolated by development.
Monolopia gracilens woodland woollythreads	None/None G3/S3 1B.2	Annual herb. Broadleafed upland forest, chaparral, cismontane woodland, north coast coniferous forest, valley and foothill grassland. Grassy sites, in openings; sandy to rocky soils. Often seen on serpentine after burns, but may have only weak affinity to serpentine. Elevations: 330-3935 ft. (100-1200 m.) Blooms (Feb) Mar-Jul.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Pinus radiata Monterey pine	None/None G1/S1 1B.1	Perennial evergreen tree. Cismontane woodland, closed-cone coniferous forest. Dry bluffs and slopes. Elevations: 80-605 ft. (25-185 m.)	Present	This species was identified in the BSA; however, these individuals are likely the result of naturalized ornamental plantings (RRM Design Group 2023).
Piperia yadonii Yadon's rein orchid	FE/None G1/S1 1B.1	Perennial herb. Chaparral, closed-cone coniferous forest, coastal bluff scrub. On sandstone and sandy soil, but poorly drained and often dry. Elevations: 35-1675 ft. (10-510 m.) Blooms (Feb) May-Aug.	Low Potential	Natural vegetation communities are not present; however, there are known occurrences of this species in the vicinity of the BSA.

Scientific Name Common Name	Status Fed/State ESA CRPR	Habitat Requirements	Potential to Occur	Rationale
Plagiobothrys chorisianus var. *chorisianus* Choris' popcornflower	None/None G3T1Q/S1 1B.2	Annual herb. Chaparral, coastal prairie, coastal scrub. Mesic sites. Elevations: 10-525 ft. (3-160 m.) Blooms Mar-Jun.	Not Expected	Natural vegetation communities and mesic soils are not present, and the BSA is isolated by development.
Potentilla hickmanii Hickman's cinquefoil	FE/SE G1/S1 1B.1	Perennial herb. Closed-cone coniferous forest, coastal bluff scrub, marshes and swamps, meadows and seeps. Freshwater marshes, seeps, and small streams in open or forested areas along the coast. Elevations: 35-490 ft. (10-149 m.) Blooms Apr-Aug.	Not Expected	Natural vegetation communities and aquatic habitats are not present, and the BSA is isolated by development.
Ramalina thrausta angel's hair lichen	None/None G5?/S2S3 2B.1	Fruticose lichen (epiphytic). North coast coniferous forest. On dead twigs and other lichens. Elevations: 245-1410 ft. (75-430 m.)	Not Expected	Natural vegetation communities are not present; this species was not observed, and the BSA is isolated by development.
Rosa pinetorum pine rose	None/None G2/S2 1B.2	Perennial shrub. Cismontane woodland, closed-cone coniferous forest. Elevations: 5-3100 ft. (2-945 m.) Blooms May-Jul.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Stebbinsoseris decipiens Santa Cruz microseris	None/None G2/S2 1B.2	Annual herb. Broadleafed upland forest, chaparral, closed-cone coniferous forest, coastal prairie, coastal scrub, valley and foothill grassland. Open areas in loose or disturbed soil, usually derived from sandstone, shale or serpentine, on seaward slopes. Elevations: 35-1640 ft. (10-500 m.) Blooms Apr-May.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Sulcaria spiralifera twisted horsehair lichen	None/None G3G4/S2 1B.2	Fruticose lichen (epiphytic). Coastal dunes, north coast coniferous forest. Usually on conifers. Elevations: 0-295 ft. (0-90 m.)	Not Expected	Natural vegetation communities are not present; this species was not observed, and the BSA is isolated by development.
Trifolium buckwestiorum Santa Cruz clover	None/None G2/S2 1B.1	Annual herb. Broadleafed upland forest, cismontane woodland, coastal prairie. Moist grassland. Gravelly margins. Elevations: 345-2000 ft. (105-610 m.) Blooms Apr-Oct.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Trifolium hydrophilum saline clover	None/None G2/S2 1B.2	Annual herb. Marshes and swamps, valley and foothill grassland, vernal pools. Mesic, alkaline sites. Elevations: 0-985 ft. (0-300 m.) Blooms Apr-Jun.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.

Scientific Name Common Name	Status Fed/State ESA CRPR	Habitat Requirements	Potential to Occur	Rationale
Trifolium polyodon Pacific Grove clover	None/SR G1/S1 1B.1	Annual herb. Closed-cone coniferous forest, coastal prairie, meadows and seeps, valley and foothill grassland. Along small springs and seeps in grassy openings. Elevations: 15-1395 ft. (5-425 m.) Blooms Apr-Jun (Jul).	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.
Trifolium trichocalyx Monterey clover	FE/SE G1/S1 1B.1	Annual herb. Closed-cone coniferous forest. Openings, burned areas, and roadsides. Sandy soils. Elevations: 100-1000 ft. (30-305 m.) Blooms Apr-Jun.	Not Expected	Natural vegetation communities are not present; this species was not observed during its blooming period, and the BSA is isolated by development.

BSA = Biological Study Area; ft. = feet; m. = meter

Regional Vicinity refers to within a nine-quad search radius of site (in this case, a seven-quad search was conducted).

Status (Federal/State)

FE = Federal Endangered
FT = Federal Threatened
SE = State Endangered
ST = State Threatened
SR = State Rare

CRPR (California Native Plant Society California Rare Plant Rank)

1B = Rare, Threatened, or Endangered in California and elsewhere
2B= Rare, Threatened, or Endangered in California, but more common elsewhere

CRPR Threat Code Extension

.1 = Seriously endangered in California (>80% of occurrences threatened/high degree and immediacy of threat)
.2 = Moderately threatened in California (20-80% of occurrences threatened/moderate degree and immediacy of threat)
.3 = Not very endangered in California (<20% of occurrences threatened/low degree and immediacy of threat)

Other Statuses

G1 or S1 Critically Imperiled Globally or Subnationally (state)
G2 or S2 Imperiled Globally or Subnationally (state)
G3 or S3 Vulnerable to extirpation or extinction Globally or Subnationally (state)
G4/5 or S4/5 Apparently secure, common and abundant

Additional notations may be provided as follows

T – Intraspecific Taxon (subspecies, varieties, and other designations below the level of species)
Q – Questionable taxonomy that may reduce conservation priority
? – Inexact numeric rank

Special-Status Wildlife Species in the Regional Vicinity of the Project Site

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale
Invertebrates				
Bombus crotchii Crotch bumble bee	None/SCE G2/S2	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include A*ntirrhinum*, *Phacelia*, *Clarkia*, *Dendromecon*, *Eschscholzia*, and *Eriogonum*.	Low Potential	Flowering plants are present; however, natural vegetation communities are not, and no beehives were observed.
Bombus occidentalis western bumble bee	None/SCE G3/S1	Once common and widespread, species has declined precipitously from central CA to southern B.C., perhaps from disease.	Low Potential	Flowering plants are present; however, natural vegetation communities are not, and no beehives were observed.
Danaus plexippus plexippus pop. 1 monarch - California overwintering population	FC/None G4T1T2/S2	Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby.	Not Expected	Suitable wintering habitat with a wind-protecting grove of trees is not present.
Euphilotes enoptes smithi Smith's blue butterfly	FE/None G5T1T2/S2	Most commonly associated with coastal dunes and coastal sage scrub plant communities in Monterey and Santa Cruz counties. Hostplant: *Eriogonum latifolium* and *Eriogonum parvifolium* are utilized as both larval and adult foodplants.	Not Expected	Native coastal dune and coastal sage scrub plant communities are not present, and this species host plants were not observed.
Fish				
Eucyclogobius newberryi tidewater goby	FE/None G3/S3	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	Not Expected	Brackish water habitats are not present.
Lavinia exilicauda harengus Monterey hitch	None/None G4T3/S3 SSC	Aquatic, Klamath/North coast flowing waters, Klamath/North coast standing waters, Riparian forest.	Not Expected	Natural aquatic habitats with standing water and riparian areas are not present.
Oncorhynchus mykiss irideus pop. 9 steelhead - south-central California coast DPS	FT/None G5T2Q/S2	Federal listing refers to runs in coastal basins from the Pajaro River south to, but not including, the Santa Maria River.	Not Expected	Natural aquatic habitats with sufficient flow and substrates are not present.

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale
Spirinchus thaleichthys longfin smelt	FC/ST G5/S1	Euryhaline, nektonic and anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column. Prefer salinities of 15-30 parts per trillion but can be found in completely freshwater to almost pure seawater.	Not Expected	Natural estuarine habitats are not present.
Reptiles				
Anniella pulchra Northern California legless lizard	None/None G3/S2S3 SSC	Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. They prefer soils with a high moisture content.	Moderate Potential	Sandy soils are present; however, the BSA is isolated from known populations West of State Route 1 by development.
Emys marmorata western pond turtle	None/None G3G4/S3 SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, 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.	Not Expected	Natural aquatic habitats with aquatic vegetation are not present, and the BSA is isolated by development from aquatic habitats.
Phrynosoma blainvillii coast horned lizard	None/None G3G4/S4 SSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	Not Expected	Natural vegetation communities with sandy washes are not present, and the BSA is isolated by development from known populations.
Thamnophis hammondii two-striped gartersnake	None/None G4/S3S4 SSC	Coastal California from vicinity of Salinas to northwest Baja California. From sea to about 7,000 ft elevation. Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth.	Not Expected	Natural aquatic habitats with aquatic vegetation are not present, and the BSA is isolated by development from aquatic habitats.
Amphibians				
Ambystoma californiense pop. 1 California tiger salamander - central California DPS	FT/ST G2G3T3/S3 WL	Lives in vacant or mammal-occupied burrows throughout most of the year; in grassland, savanna, or open woodland habitats. Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	Not Expected	Aquatic habitats are not present, and the BSA is isolated by development from known populations.

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale
Ambystoma macrodactylum croceum Santa Cruz long-toed salamander	FE/SE G5T1T2/S1S2 FP	Wet meadows near sea level in a few restricted locales in Santa Cruz and Monterey counties. Aquatic larvae prefer shallow (<12 inches) water, using clumps of vegetation or debris for cover. Adults use mammal burrows.	Not Expected	Aquatic habitats are not present, and the BSA is isolated by development from aquatic habitats.
Rana boylii pop. 4 foothill yellow-legged frog - central coast DPS	FPT/SE G3T2/S2	San Francisco Peninsula and Diablo Range south of San Francisco Bay Estuary, and south through the Santa Cruz and Gabilan Mountains east of the Salinas River in the southern inner Coast Ranges. Partly shaded shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying and at least 15 weeks to attain metamorphosis.	Not Expected	Aquatic habitats are not present, and the BSA is isolated by development from aquatic habitats.
Rana draytonii California red-legged frog	FT/None G2G3/S2S3 SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	Not Expected	Aquatic habitats are not present, and the BSA is isolated by development from aquatic habitats.
Spea hammondii western spadefoot	None/None G2G3/S3S4 SSC	Occurs primarily in grassland habitats but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.	Not Expected	Aquatic habitats are not present, and the BSA is isolated by development.
Taricha torosa Coast Range newt	None/None G4/S4 SSC	Coastal drainages from Mendocino County to San Diego County. Lives in terrestrial habitats and will migrate over 1 km to breed in ponds, reservoirs and slow-moving streams.	Not Expected	Aquatic habitats are not present, and the BSA is isolated by development from known populations.

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale
Birds				
Agelaius tricolor tricolored blackbird	None/ST G1G2/S1S2 SSC	Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	Not Expected	Aquatic habitats with emergent vegetation are not present.
Asio flammeus short-eared owl	None/None G5/S3 SSC	Found in swamp lands, both fresh and salt; lowland meadows; irrigated alfalfa fields. Tule patches/tall grass needed for nesting/daytime seclusion. Nests on dry ground in depression concealed in vegetation.	Not Expected	Suitable swamp and grassland habitats are not present.
Athene cunicularia burrowing owl	None/None G4/S3 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.	Not Expected	Suitable grassland habitats are not present, and the BSA is isolated by development from open dry habitat.
Buteo regalis ferruginous hawk	None/None G4/S3S4 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.	Low Potential	The site may provide marginal foraging habitat and pray species, however the BSA is surrounded by development and is isolated from open chaparral habitats to the east on the former Fort Ord.
Charadrius nivosus nivosus western snowy plover	FT/None G3T3/S3 SSC	Sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Not Expected	Suitable sandy beaches and shores are not present.
Coturnicops noveboracensis yellow rail	None/None G4/S1S2 SSC	Summer resident in eastern Sierra Nevada in Mono County. Freshwater marshlands.	Not Expected	Aquatic habitats with emergent vegetation are not present.
Cypseloides niger black swift	None/None G4/S2 SSC	Coastal belt of Santa Cruz and Monterey counties; central and southern Sierra Nevada; San Bernardino and San Jacinto mountains. Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea-bluffs above the surf; forages widely.	Not Expected	Coastal cliff and canyon habitats are not present.

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale
Elanus leucurus white-tailed kite	None/None G5/S3S4 FP	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Low Potential	Open habitat with small mammal burrows is present, however the trees in the BSA are either not tall or dense enough for nesting, and no large stick nests were observed.
Eremophila alpestris actia California horned lark	None/None G5T4Q/S4 WL	Coastal regions, chiefly from Sonoma County to San Diego County. Also main part of San Joaquin Valley and east to foothills. Short-grass prairie, "bald" hills, mountain meadows, open coastal plains, fallow grain fields, alkali flats.	Not Expected	Coastal Short-grass prairie and meadow habitats are not present.
Falco mexicanus prairie falcon	None/None G5/S4 WL	Inhabits dry, open terrain, either level or hilly. Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores.	Not Expected	Dry open grasslands and cliffs are not present.
Falco peregrinus anatum American peregrine falcon	FD/SD G4T4/S3S4 FP	Near wetlands, lakes, rivers, or other water; on cliffs, banks, dunes, mounds; also, human-made structures. Nest consists of a scrape or a depression or ledge in an open site.	Not Expected	Aquatic habitats and cliffs or tall buildings are not present.
Laterallus jamaicensis coturniculus California black rail	None/ST G3T1/S1 FP	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	Not Expected	Aquatic habitats with emergent vegetation are not present.
Pelecanus occidentalis californicus California brown pelican	FD/SD G4T3T4/S3 FP	Colonial nester on coastal islands just outside the surf line. Nests on coastal islands of small to moderate size which afford immunity from attack by ground-dwelling predators. Roosts communally.	Not Expected	Suitable coastal habitats are not present.
Rallus obsoletus obsoletus California Ridgway's rail	FE/SE G3T1/S1 FP	Salt water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed but feeds away from cover on invertebrates from mud-bottomed sloughs.	Not Expected	Aquatic habitats with emergent vegetation are not present.

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale
Riparia riparia bank swallow	None/ST G5/S2	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.	Not Expected	Riparian habitats with cliffs and banks are not present.
Mammals				
Corynorhinus townsendii Townsend's big-eared bat	None/None G4/S2 SSC	Occurs throughout California in a wide variety of habitats. Most common in mesic sites, typically coniferous or deciduous forests. Roosts in the open, hanging from walls and ceilings in caves, lava tubes, bridges, and buildings. This species is extremely sensitive to human disturbance.	Not Expected	Natural coniferous or deciduous forests with caves or cave-like structures are not present.
Eumetopias jubatus Steller sea lion	FD/None G3/S2	Breeds on Ano Nuevo, San Miguel and Farallon islands, Point St. George, and Sugarloaf. Hauls-out on islands and rocks. Needs haul-out and breeding sites with unrestricted access to water, near aquatic food supply and with no human disturbance.	Not Expected	Marine habitats are not present, and the BSA is isolated by development from marine areas.
Neotoma macrotis luciana Monterey dusky-footed woodrat	None/None G5T3/S3 SSC	Forest habitats of moderate canopy and moderate to dense understory. Also in chaparral habitats. Nests constructed of grass, leaves, sticks, feathers, etc. Population may be limited by availability of nest materials.	Not Expected	Natural forest habitats are not present, woodrat middens were not observed, and the BSA is isolated by development.
Sorex ornatus salarius Monterey shrew	None/None G5T1T2/S1S2 SSC	Riparian, wetland and upland areas in the vicinity of the Salinas River delta. Prefers moist microhabitats. feeds on insects and other invertebrates found under logs, rocks, and litter.	Not Expected	Natural forest habitats are not present, and the BSA is isolated by development from the Salinas River.

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale
Taxidea taxus American badger	None/None G5/S3 SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Not Expected	Natural dry open grassland habitats are not present, and the BSA is isolated by development from open grasslands.

ft. = feet; km = kilometer

Regional Vicinity refers to within a nine-quad search radius of site (in this case, a seven-quad search was conducted).

Status (Federal/State)

FE = Federal Endangered
FT = Federal Threatened
FPT = Federal Proposed Threatened
FD = Federal Delisted
FC = Federal Candidate
SE = State Endangered
ST = State Threatened
SCE = State Candidate Endangered
SD = State Delisted
SSC = CDFW Species of Special Concern
FP = CDFW Fully Protected
WL = CDFW Watch List

Other Statuses

G1 or S1 Critically Imperiled Globally or Subnationally (state)
G2 or S2 Imperiled Globally or Subnationally (state)
G3 or S3 Vulnerable to extirpation or extinction Globally or Subnationally (state)
G4/5 or S4/5 Apparently secure, common and abundant

Additional notations may be provided as follows

T – Intraspecific Taxon (subspecies, varieties, and other designations below the level of species)
Q – Questionable taxonomy that may reduce conservation priority

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