

IV.C BIOLOGICAL RESOURCES

1. INTRODUCTION

This section of the Draft EIR provides a discussion of existing biological resources, applicable laws, and regulations associated with biological resources, and an analysis of the potential effects resulting from implementation of the proposed Project. Information contained in this section is based on **Appendix IV.C.1: Biological Resources Constraints Analysis**, prepared by Biological Assessment Services, dated May 19, 2020; the **Appendix IV.C.2: Biological Resources Technical Report**, prepared by Biological Assessment Services, dated April 2021; and **Appendix IV.C.3: Biological Resources Supplemental Survey**, prepared by Biological Assessment, dated November 15, 2021.

2. ENVIRONMENTAL SETTING

Regional Site Setting

The Project Site is regionally located in the City of Long Beach (City), Los Angeles County, California. The City lies on the coastal plain of the Los Angeles Basin, and is bordered on the northwest by the City of Los Angeles and on the southeast by Orange County. The regional climate within the basin is Mediterranean, characterized by warm summers, mild winters, infrequent seasonal rain fall, and year-round average temperature ranging from a cold season low of 46°F to a warm season high of 83°F. Average annual precipitation in the region is approximately 12 inches, with most of the annual precipitation occurring between the months of December and March.

Project Site Setting

The 20-acre Project Site is located in the coastal plain of Los Angeles County and was historically a part of the Los Angeles River (LA River) floodplain. Following channelization of the LA River, the Project Site is no longer subject to river flooding and meandering. Construction of Interstate 405 (I-405) and surrounding residential development has resulted in the Project Site becoming completely surrounded by urban development and infrastructure. A wastewater treatment facility was constructed on the Site in the 1920s to treat oil production water. The facility was in full operation until approximately the 1980s when it was shut down and subsequently removed in the early 2000s. Due to previous usage as a water treatment facility for oil production water, the Project Site contains petroleum contaminated soil which requires bioremediation for contamination removal. Bioremediation on site has been ongoing since the early 2000s and the Site is regularly tilled and frequently disturbed by bioremediation activities. Remnants of the oil facilities remaining on site include old foundations, abandoned roads, and pipes.

A preliminary biological survey of the Project Site was conducted in May 2020, and a subsequent survey was conducted in April 2021, both included on the ground field surveys. The following discussion provides details regarding existing biological resources recorded on the Project Site.

Soil Types

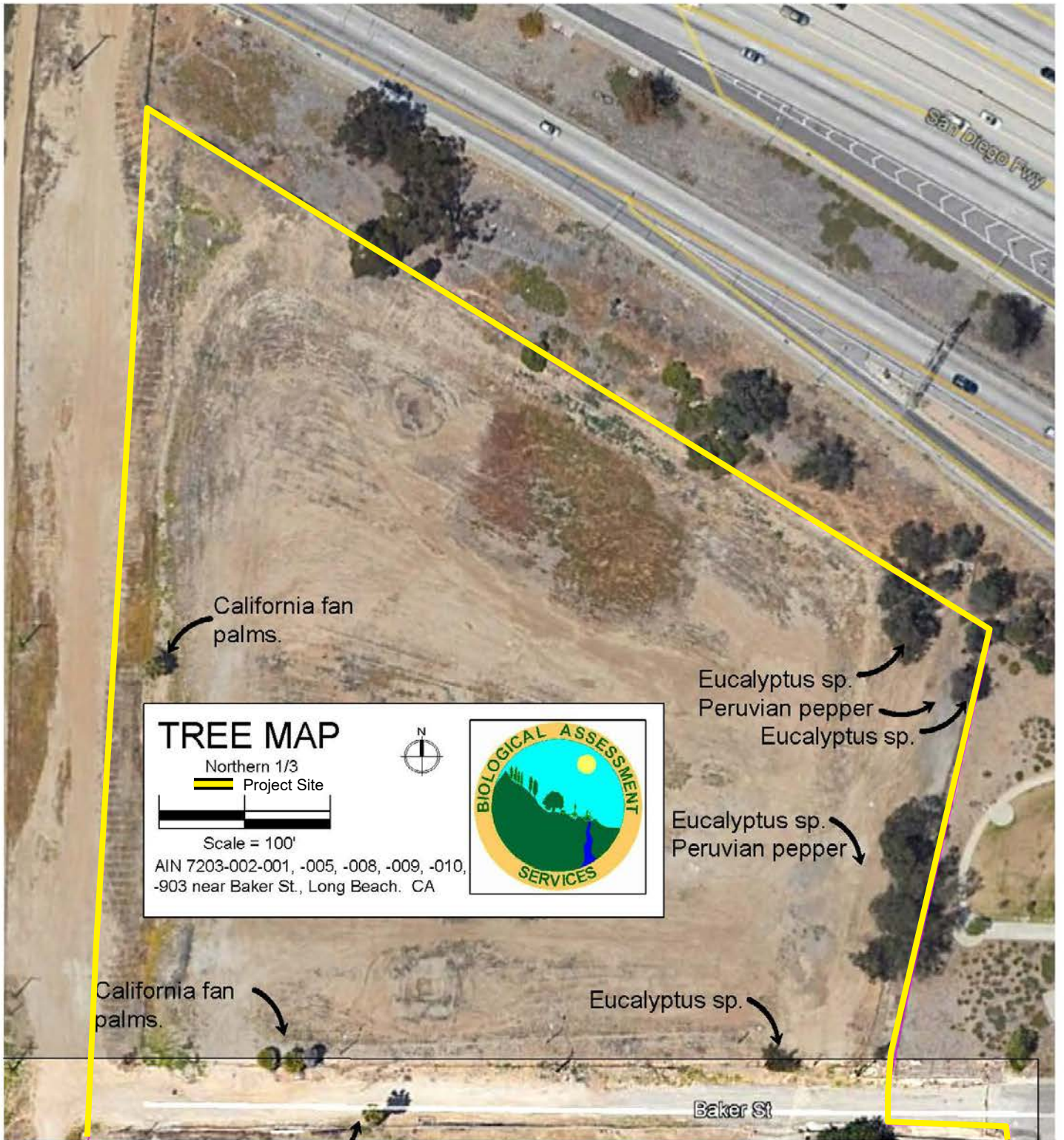
Soil types on the Project Site consist of 1001—Urban land-Metz-Pico complex, 0 to 2 percent slopes and 1131—Urban land-Typic Xerorthents, coarse substratum-Typic Haploxeralfs complex, 0 to 5 percent slopes. They are generally described as “Discontinuous human-transported material over mixed alluvium.” This indicates that little native soil is present and that few plants or ground dwelling animals would remain from pre-development conditions.

Vegetation

Because of the long history of site disturbance and current practice of regular tilling, the Project Site is completely dominated by nonnative, ruderal plant species, with a few native plants, representing eight species, observed at the time of the surveys. Native plants identified on the Project Site were blue elderberry (*Sambucus nigra*), mulefat (*Baccharis salicifolia*), white-flowered nightshade (*Solanum douglasii*), saltwort (*Salicornia* sp.), telegraph weed (*Heterotheca grandiflora*), annual cudweed (*Pseudognaphalium stramineum*), small-flowered fiddleneck (*Amsinckia menziesii*), and Jimsonweed (*Datura stramonium*). Most of these species were represented by a single plant, with a few represented by several individual plants. While Southern Tarplant (*Centromadia parryi*) is known to occur in the area, thorough surveys, conducted at different times of year, did not locate any specimens of this species.

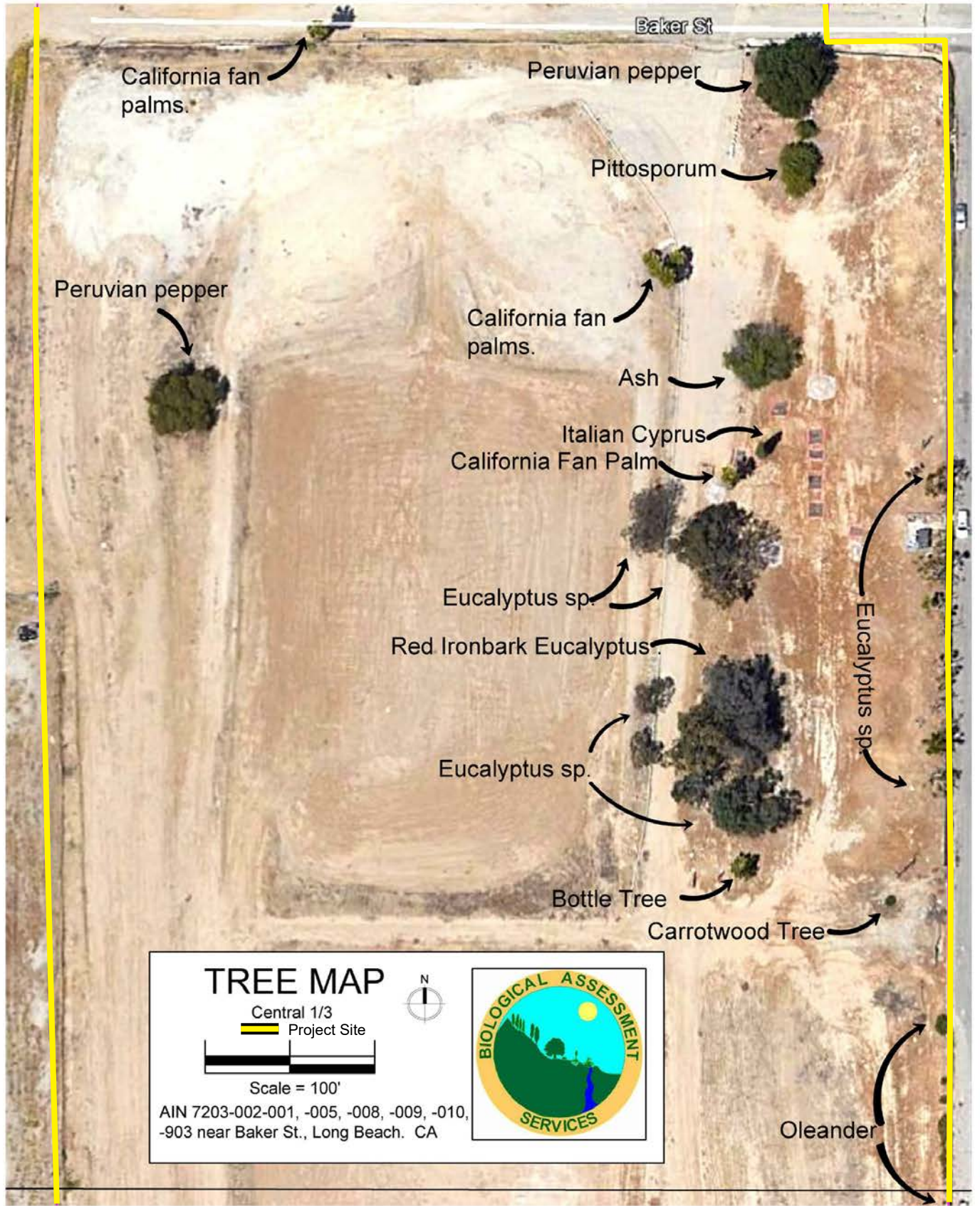
Trees present on the property are likely remnants of landscaping from previous uses, including several eucalyptus species (*Eucalyptus* sp.). The dominant eucalyptus species is lemon sweet gum. Other species of eucalyptus present include red ironbark, and may include other species. Over 700 species belong in the *Eucalyptus* genus and all are from the Australian area and are nonnative in north America. Other trees present include Peruvian pepper (*Schinus molle*), Brazilian pepper (*Schinus teribenthifolia*), California fan palm (*Washingtonia filifera*), Canary Island palm (*Phoenix canaryensis*), carrotwood (*Cupaniopsis anacardioides*) and bottle tree (*Brachychiton rupestris*). All tree species on site are nonnative. **Figures IV.C-1: Tree Location Map** illustrate the positions of the existing trees on the Project Site.

The remainder of the plants found on the Project Site consist of nonnative ruderal species including several grasses such as fountain grass (*Pennisetum setaceum*), hare barley (*Hordeum leporinum*), red brome and ripgut brome (*Bromus maditensis rubens*, *B. diandrus*). Several mustards were noted including London rocket (*Sisymbrium irio*) and wild radish (*Raphanus sativus*). Among the remaining nonnative ruderal species noted were redstem filaree and storksbill (*Erodium cicutarium*, *E. botrys*), dwarf nettle (*Urtica urens*), yellow sweetclover (*Melilotus indicus*), cheeseweed (*Malva parviflora*), Russian thistle (*Salsola kali*), flax-leaved fleabane (*Erigeron bonariensis*), brass-buttons (*Cotula australis*), five-hook bassia (*Bassia hysopifolia*), prickly lettuce (*Lactuca serriola*), milk thistle (*Silybum marianum*), crown daisy (*Chrysanthimum coronarium*), and tree tobacco (*Nicotiana glauca*).



SOURCE: Biological Assessment Services, Biological Resources Technical Report - April 2021

FIGURE IV.C-1a



SOURCE: Biological Assessment Services, Biological Resources Technical Report - April 2021

FIGURE IV.C-1b



SOURCE: Biological Assessment Services, Biological Resources Technical Report - April 2021

FIGURE IV.C-1c

Many of the species present are halophytes or salt-tolerant plants, indicating that the soils on site may have originated as dredge materials from the LA River channel when the area was tidally influenced area and salt-water intrusion was occurring. These species include, but are not limited to, Coulter's goldfields (*Lasthenia glabrata* ssp. *Coulteri*), beach spectaclepod (*Dithyrea maritima*), estuary seablite (*Suaeda esteroa*), and woolly seablite (*Suaeda taxifolia*). A few others are commonly associated with standing water or stream courses. This may be because years of oil industry operation has resulted in a relatively impermeable layer of soil that retains surface water, allowing those water dependent species to survive.

Wildlife

The relatively barren nature of the Project Site has resulted in relatively few wildlife observations. Western fence lizard was the only reptile noted during the survey. Sign (tracks, scat, burrows, etc.) of several mammal species were noted on the Project Site, but the only mammals directly observed were the California ground squirrel (*Otospermophilus beecheyi*) and Audubon's cottontail (*Sylvilagus audubonii*). Any of the common mammal species found in the suburban areas of southern California may utilize or traverse the Project Site on occasion, including numerous rodent species, raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginiana*), and coyote (*Canus latrans*).

Sixteen bird species were observed on the Project Site at the time of the surveys, including three nonnative species: Rock dove, house sparrow, and European starling. Native species observed were Audubon's warbler, house finch, black phoebe, mourning dove, Anna's hummingbird, Allen's hummingbird, American kestrel, western meadowlark, California towhee, common raven, and killdeer. Cliff swallows foraged overhead. The meadowlarks were present in large migratory flocks and are not likely to nest or reside on the Project Site due to the lack of suitable habitat. The remaining species are local breeders and may nest on site. There were many killdeer present and many of these exhibited typical nesting behavior, feigning injury, and acting as decoys to lure a predator away from the nest. Several showed great fidelity to one spot, indicating the likely presence of a nest. To avoid nest disturbance, these areas were not approached. There are undoubtedly other avian species that utilize the Project Site as residents or transients, among the most common of which are likely, are the northern mockingbird, American crow, and bush tit. A northern harrier flew along the LA River berm just off site, but is likely to occasionally forage on site.

Sensitive Biological Resources

Most of the species listed as protected and occurring in the region have very specific habitat types that do not, and never did, occur on the Project Site, such as marine aquatic, coastal salt marsh, or vernal pool. As such, these have been eliminated from further consideration. Several protected bird species, such as golden and bald eagles, peregrine falcons, or bank swallows, may fly over the Project Site but would never reside there.

3. REGULATORY SETTING

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended (16 U.S.C. 1531 et seq.), provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under FESA. FESA has four major components: (1) provisions for listing species; (2) requirements for consultation with the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service; (3) prohibitions against “taking” of listed species; and (4) provisions for permits that allow an incidental “take.”¹ FESA also discusses recovery plans and the designation of critical habitat for listed species. Both the USFWS and the National Marine Fisheries Service share the responsibility for administration of FESA. During the CEQA review process, each agency is given the opportunity to comment on the potential of a project to affect listed plants and animals.

FESA is implemented by USFWS through a program that identifies and provides for protection of various species of fish, wildlife, and plants deemed to be in danger of or threatened with extinction. As part of this regulatory act, FESA provides for designation of critical habitat, defined in FESA Section 3(5)(A) as specific areas within the geographical range occupied by a species where physical or biological features “essential to the conservation of the species” are found and that “may require special management considerations or protection.” Critical habitat may also include areas outside the current geographical area occupied by the species that are nonetheless “essential for the conservation of the species.”

FESA also discusses recovery plans and the designation of critical habitat for listed species. Both the USFWS and the National Marine Fisheries Service share the responsibility for administration of FESA. During the CEQA review process, each agency is given the opportunity to comment on the potential of a project’s impacts to listed plants and animals and to ensure adequate protection of listed species that may be affected by the Project.

1 The California Endangered Species Act defined the term “take” as follows: “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill, Fish & Game Code, §86.” Federal Endangered Species Act defines a “take” as follows: “Harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” 16 U.S.C., §1532 (19).

Migratory Bird Treaty Act

All migratory bird species that are native to the United States or its territories are protected under the federal Migratory Bird Treaty Act (MBTA). The federal MBTA² prohibits any person unless permitted by regulations, to:

Pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention...for the protection of migratory birds...or any part, nest, or egg of any such bird.

The list of migratory birds protected by the MBTA includes nearly all bird species native to the U.S. The statute was extended in 1974 to include parts of birds, as well as eggs and nests. Thus, it is illegal under the MBTA to take (including killing, capturing, selling, trading, and transport) protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service.³ Activities that result in removal or destruction of an active nest (a nest with eggs or young being attended by one or more adults) would violate the MBTA. While destruction of a nest by itself is not prohibited under the MBTA, nest destruction that results in the unpermitted take of migratory birds or their eggs, is illegal and fully prosecutable under the MBTA.

With respect to nesting birds, although the MBTA does not itself provide specific take avoidance measures, the USFWS and the California Department of Fish and Wildlife (CDFW), over time, have developed a set of measures sufficient to demonstrate take avoidance, included during construction activities, which include conducting brush removal, tree trimming, building demolition and/or construction, or grading activities outside of the nesting season. CDFW biologists have defined the nesting season is February 15 through August 31 (January 15 to August 31 for raptors). If other timing restrictions make it impossible to avoid the nesting season, prior to issuance of a grading, construction or building permit including demolition permit, the following measures are required as described below:

- Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds. This includes vegetation removal associated with on-going fuel modification activities.
- Any construction activities or fuel modification activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) shall require that all

² 16 U.S.C Sections 703 et seq.; title 50 C.F.R. Part 10.

³ United States Fish and Wildlife Service (USFWS), Migratory Bird Treaty Act, <https://www.fws.gov/birds/policies-and-regulations/laws-legislations/migratory-bird-treaty-act.php>. Accessed May 2021.

suitable habitats be thoroughly surveyed for the presence or absence of nesting birds by a qualified biologist monitor (i.e., a professional biologist with a minimum of two years of avian survey experience or equivalent) before the commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors), or as determined appropriate by the qualified biologist monitor, shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the qualified biologist monitor.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972, and as amended, establishes federal responsibility for the protection and conservation of marine mammal species by prohibiting the harassment, hunting, capture, or killing of any marine mammal. The primary authority for implementing the act belongs to the United States Fish and Wildlife Service and National Marine Fisheries Service.⁴

Federal Noxious Weed Act

Federal Noxious Weed Act - Public Law 93-629 (7 U.S.C. 2801 et seq.; 88 Stat. 2148), enacted January 3, 1975, established a Federal program to control the spread of noxious weeds. The Secretary of Agriculture was given the authority to designate plants as noxious weeds by regulation, and the movement of all such weeds in interstate or foreign commerce was prohibited except under permit. The Secretary was also given authority to inspect, seize and destroy products, and to quarantine areas if necessary to prevent the spread of such weeds. The Secretary was also authorized to cooperate with other Federal, State, and local agencies, farmers associations and private individuals in measures to control, eradicate, or prevent or retard the spread of such weeds.⁵

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) requires that federal agencies consult with the USFWS, the National Marine Fisheries Service and State wildlife agencies for activities that affect, control, or modify waters of any stream or bodies of water, in order to minimize the adverse impacts of such actions on fish and wildlife resources and habitat. This consultation is generally incorporated into the process of complying with Section 404 of the Clean Water Act, NEPA or other federal permit, license, or review requirements.

4 USFWS, Marine Mammal Protection Act, <https://www.fws.gov/international/laws-treaties-agreements/us-conservation-laws/marine-mammal-protection-act.html>. Accessed May 2021.

5 7 U.S.C. 2801 et seq.; 88 Stat. 2148.

California Endangered Species Act

Under the California Endangered Species Act, CDFW is responsible for maintaining a list of threatened and endangered species (California Department of Fish and Game Code, Section 2070).⁶ The CDFW also maintains a list of candidate species, which are species formally under review for addition to either the list of endangered species or the list of threatened species.

The California Endangered Species Act prohibits the take of plant and animal species that the California Fish and Game Commission has designated as either threatened, rare, or endangered in California. “Take” in the context of this regulation means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill a listed species (California Fish and Game Code, Sections 86 and 2080). The take prohibitions also apply to candidates for listing under the California Endangered Species Act. However, Section 2081 of the act allows the department to issue permits for the minor and incidental take of species by an individual or permitted activity listed under the act.

In accordance with the requirements of the California Endangered Species Act, an agency reviewing a project within its jurisdiction must determine if any State-listed endangered, rare, threatened or candidate species could be present in the Project area. The agency also must determine if the Project could have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any project that could affect any State-listed endangered, rare, threatened or candidate species.

California Migratory Bird Protection Act

Assembly Bill 454 (AB 454), the California Migratory Bird Protection Act, which expires on January 20, 2025, makes it unlawful the taking or possession of any migratory nongame bird designated in the federal act before January 1, 2017, any additional migratory nongame bird that may be designated in the federal act after that date, or any part of those migratory nongame birds, except as provided by rules and regulations adopted by the United States Secretary of the Interior under the federal act before January 1, 2017, or subsequent rules or regulations adopted pursuant to the federal act, unless those rules or regulations are inconsistent with the Fish and Game Code.

6 The commission shall establish a list of endangered species and a list of threatened species. The commission shall add or remove species from either list if it finds, upon the receipt of sufficient scientific information pursuant to this article, and based solely upon the best available scientific information, that the action is warranted. (Amended by Stats. 2018, Ch. 329, Sec. 4. (SB 473) Effective January 1, 2019.).

AB 454, also reenacted, operative January 20, 2025, the existing provisions of law regarding the taking or possession of any migratory nongame bird as designated in the federal act, or any part of such migratory nongame bird, except as specified.

California Fish and Game Code Fish and Wildlife Code Sections 3503 & 3513

According to Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird (except English sparrows (*Passer domesticus*) and European starlings (*Sturnus vulgaris*)). Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey). Section 3513 essentially overlaps with the MBTA, prohibiting the take or possession of any migratory non-game bird. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered a “take” by the CDFW. The same procedures identified above to avoid a violation of the federal MBTA are recognized by the CDFW to avoid a take in violation of these provisions.

California Fish and Game Code Sections 1900–1913 – Rare and Endangered Plants

California Fish and Game Code Sections 1900–1913⁷ were developed to preserve, protect, and enhance Rare and Endangered plants in the State. The act requires all State agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society

The California Native Plant Society (CNPS) maintains a list of special status plant species based on collected scientific information. Designation of these species by CNPS has no legal status or protection under federal or State endangered species legislation. CNPS designations are defined as List 1A (plants presumed extinct); List 1B (plants rare, threatened, or endangered in California and elsewhere); List 2 (plants rare, threatened, or endangered in California, but more numerous elsewhere); List 3 (plants about which more information is needed – a review list); and List 4 (plants of limited distribution - a watch list). In general, plants appearing on CNPS List 1A, 1B, or 2 meet the criteria of Section 15380 of the CEQA Guidelines; thus, substantial adverse effects to these species would be considered significant. Additionally, plants constituting CNPS List 1A, 1B, or 2 meet the definitions of California Department Fish and Game Code, Section 1901 (Native Plant Protection Act), or Sections 2062 and 2067 (California Endangered Species Act).

7 California Fish and Game Code, Fish and Game Code (FGC), Division 2, Department of Fish and Wildlife, (700-1940), Chapter 10, Sections 1900-1913, Native Plant protection.

California Fish and Game Code Section 1600

Under sections 1600 et. seq. of California Fish and Game Code, the CDFW regulates activities that would divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife and requires a Streambed Alteration Agreement for such activities. The CDFW issues a Streambed Alteration Agreement with any necessary mitigation to ensure protection of the State's fish and wildlife resources. The CDFW has jurisdiction over riparian habitats associated with watercourses.

Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are either unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by federal, State, and local conservation plans, policies, or regulations. The CDFW ranks such vegetation communities as "threatened" or "very threatened" and keeps records of their occurrences in the California Natural Diversity Database (CNDDDB). Sensitive vegetation communities are also identified by the CDFW on its List of California Natural Communities Recognized by the CNDDDB. Impacts to these vegetation communities and habitats identified in local or regional plans, policies, regulations, or by federal or State agencies, must be considered and evaluated under CEQA.⁸

City of Long Beach General Plan

The Conservation Element of the City's General Plan was adopted in 1973, and acts as a guideline for promoting policies, standards, and programs essential for the economic and environmental well-being of the City.⁹ The Conservation Element provides an important part of the background material needed in the preparation of a program directed toward the wise management of resources and the development plan for the allocation of land uses. The following goals and policies are applicable to the proposed Project.

- Promote measures and plans which protect and preserve distinctive types of vegetation including mammals, birds, marine organisms, and especially endangered species.
- Provide controls for land supporting distinctive native vegetation, wildlife species which can be used for ecologic, scientific, and educational purposes.
- Locate, define, and protect other beneficial natural habitats in and about the City.

⁸ CDFW, Natural Communities, <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>. Accessed May 2021.

⁹ City of Long Beach, General Plan, Conservation Element, <http://www.longbeach.gov/lbds/planning/advance/general-plan/>. Accessed May 2021.

The Open Space and Recreation Element of the City's General Plan was adopted in October 2002 and addresses the requirements of open space planning, with a special emphasis on planning for public recreation.¹⁰ The Open Space and Recreation emphasizes the policy plan and implementation measures which are directed to addressing the community's primary open space and recreation issues. The following goal and policy are applicable to the proposed Project.

Goal 1.5: Remediate contaminated sites.

Policy 1.4: Promote and assist with the remediation of contaminated sites.

City of Long Beach Tree Ordinance

Trees occurring within the City along City streets or on other City property are afforded protection under Ordinance C-7642 and Section 14.28 of the Long Beach Municipal Code (LBMC), and through the City's Tree Maintenance Policy. The purpose of these regulations is to preserve and protect the community's urban forest and to promote the health and safety of City trees, from the time they are planted through maturity. The Project Site does not include any City-owned property; and for this reason, does not contain trees protected.

4. ENVIRONMENTAL IMPACTS

Thresholds of Significance

To assist in determining whether the proposed Project would have a significant effect on the environment, the City finds the proposed Project may be deemed to have a significant impact related to biological resources if it would:

Threshold 4. BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Threshold 4. BIO-2: 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?

¹⁰ City of Long Beach, General Plan, Open Space and Recreation, <https://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/open-space-and-recreation-element>. Accessed May 2021.

5. Methodology

As discussed previously, a preliminary biological survey of the Project Site was conducted in May 2020 and a subsequent survey was conducted in April 2021. These surveys were conducted to determine the general biological character of the Project Site and determine the potential for any significant impacts to biological resources present on the Project Site. The Project Site was walked on-foot by utilizing existing trails. The entire Project Site was easily accessible and easily viewed from many vantage points. A few areas were surveyed by binoculars and spotting scope, only to avoid disturbing nesting birds present on site. The path chosen was intended to quickly evaluate the most common species present on the Project Site, and then to discover additional species that were located in portions of the Project Site that appeared to support more unique flora. The sky was clear and the weather mild, with temperature steady at around 73°F during the 2021 survey.

The surveys include record searches of the California Natural Diversity Database and the California Native Plant Society's lists of sensitive plants were accessed for the nine United States Geological Survey (USGS) quadrangle maps surrounding the Project Site. Information from the biological reports is used to determine the number and types of biological resources on site, and to determine the potential impact to these biological resources after project implementation.

6. Project Impacts

Threshold 4.BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Special status species include those listed as endangered or threatened under the federal Endangered Species Act or California Endangered Species Act; species otherwise given certain designations by the CDFW; and plant species listed as rare by the California Native Plant Society.

No species listed as Rare, Threatened, or Endangered by the State or federal governments were identified on the Project Site. Moreover, species listed as protected are not likely to occur on the Project Site as the species listed as protected and occurring in the region have very specific habitat types that do not, and never did, occur on the Project Site, such as marine aquatic, coastal salt marsh, or vernal pool.

There are 124 biological resources listed as sensitive and reported in the 9-quad area (approximately 582 square miles) surrounding the Project Site. Of these, 23 are listed as threatened or endangered and three others, the golden eagle, peregrine falcon, and California brown pelican, remain fully protected after being delisted as shown in **Table IV.C-1: Sensitive Species Evaluation**.

**Table IV.C-1
Sensitive Species Evaluation**

Scientific Name	Common Name	Federal Status	State Status	Presence Onsite
<i>Invertebrates</i>				
Streptocephalus woottoni	Riverside fairy shrimp	Endangered	None	N - No water habitat available
Bombus crotchii	Crotch bumble bee	None	Candidate Endangered	N - No longer a candidate for listing
Euphilotes battoides allyni	El Segundo blue butterfly	Endangered	None	N - No foodplant on site
Glaucopsyche lygdamus palosverdesensis	Palos Verdes blue butterfly	Endangered	None	N - No foodplant on site
<i>Fish</i>				
Siphateles bicolor mohavensis	Mohave tui chub	Endangered	Endangered	N - No water habitat available
Eucyclogobius newberryi	tidewater goby	Endangered	None	N - No water habitat available
Oncorhynchus mykiss irideus pop. 10	steelhead - southern California DPS	Endangered	None	N - No water habitat available
<i>Birds</i>				
Haliaeetus leucocephalus	bald eagle	Delisted	Endangered	T - May fly overhead
Charadrius alexandrinus nivosus	western snowy plover	Threat.	None	N - No beach habitat
Coccyzus americanus occidentalis	western, yellow-billed cuckoo	Threat.	Endangered	N - No riparian habitat available
Phoebastria albatrus	short-tailed albatross	Endangered	None	N - No pelagic, marine, coastal or open water habitat
Falco peregrinus anatum	American peregrine falcon	Delisted	Delisted	N - No cliff faces or outcrops
Riparia	bank swallow	None	Endangered	N - No nesting opportunities on site
Agelaius tricolor	tricolored blackbird	None	Threatened	N - No riparian habitat available
Sternula antillarum browni	California least tern	Endangered	Endangered	N - No pelagic, marine, coastal or open water habitat
Passerculus sandwichensis beldingi	Belding's savannah sparrow	None	Endangered	N - No saltmarsh habitat on site
Pelecanus occidentalis californicus	California brown pelican	Delisted	Delisted	N - No pelagic, marine, coastal or open water habitat
Polioptila californica	coastal California gnatcatcher	Threat.	None	N - No coastal sage scrub habitat
Rallus obsoletus levipes	light-footed Ridgway's rail	Endangered	Endangered	N - No riparian habitat available
Empidonax traillii	willow flycatcher	None	Endangered	N - No riparian habitat available
Vireo bellii pusillus	least Bell's vireo	Endangered	Endangered	N - No riparian habitat available

Scientific Name	Common Name	Federal Status	State Status	Presence Onsite
Mammals				
<i>Perognathus longimembris pacificus</i>	Pacific pocket mouse	Endangered	None	N - May have inhabited site prior to river channelization and oil development. Site too degraded to support the species now.
Plants				
<i>Pentachaeta lyonii</i>	Lyon's pentachaeta	Endangered	Endangered	N - No thin soils in coastal sage scrub or chaparral habitat available
<i>Dithyrea maritima</i>	beach spectaclepod	None	Threatened	N - No beach habitat available
<i>Chloropyron maritimum ssp. maritimum</i>	salt marsh bird's-beak	Endangered	Endangered	N - No salt marsh habitat present on site
<i>Orcuttia californica</i>	California Orcutt grass	Endangered	Endangered	N - No vernal pool habitat on site

Source: Refer to **Appendix IV.C.2: Biological Resources Technical Report**.

Presence on site:

N – No occurrence on site

T – Indicates species are transient

Although the golden eagle is no longer listed as an endangered species, it is still protected by multiple federal laws such as the Eagle Act,¹¹ the Migratory Bird Treaty Act,¹² and the Lacey Act.¹³ The peregrine falcon was listed as endangered in 1971 then federally delisted in 1999 but remains a fully protected species under the California Fish and Game Code Section 3511.¹⁴ Similarly, the California brown pelican is a fully protected species under the California Fish and Game Code Section 3511.¹⁵ Additionally, the Crotch bumblebee is a State Candidate for listing as Endangered.¹⁶

As shown in **Table IV.C-1** above, several protected bird species, such as golden and bald eagles, peregrine falcons, or bank swallows, may fly over the Project Site but would never reside there as the Project Site does not support their habitat. After these considerations, four species remain that may once have occupied the Project Site prior to development. These are the California gnatcatcher (bird), El Segundo and Palos Verdes Blue butterflies, and the Pacific Pocket Mouse. As shown in **Table IV.C-1**, each of these species has very specific habitat requirements and in the case of the butterflies, specific larval food plants. The California gnatcatcher requires coastal sage habitat, and the El Segundo and Palos Verdes butterflies require specific native foodplant varieties at their habitat that does not exist on the Project Site. Each of

11 16 U.S.C. Sections 668-668c

12 16 U.S.C Sections 703 et seq.; title 50 C.F.R. Part 10.

13 16 U.S.C. Sections 3371-3378

14 California Department of Fish and Wildlife, American Peregrine Falcons in California, <https://wildlife.ca.gov/Conservation/Birds/Peregrine-Falcon>. Accessed May 2021.

15 California Department of Fish and Wildlife, Fully Protected Animals, <https://wildlife.ca.gov/Conservation/Fully-Protected>. Accessed May 2021.

16 California Department of Fish and Wildlife, Threatened/Endangered Species And Special Plants & Animals List Updates, <https://wildlife.ca.gov/Data/CNDDDB/News/threatenedendangered-species-and-special-plants-animals-list-updates3>. Accessed May 2021.

the habitat requirements for these species are dependent on expansive areas of native habitat including soil profiles and plant cover. Because there are few native plants on the Project Site, and because there is no portion of the Project Site that is undisturbed, the potential for the Project Site to support any of the protected species found on the region is non-existent.

None of the species observed on site are considered particularly sensitive and none are specifically protected by State or federal law.

However, all bird species that occur on the Project Site are protected from nest disturbance by the federal MBTA and the California Fish and Game Code. These regulations prohibit the disturbance of nesting birds in any manner that may cause reproductive failure. In general, this means that land clearing must be accomplished during winter months while the birds are not nesting. As such, the removal of potential nesting sites during construction could occur. Therefore, the impact is classified as potentially significant, and mitigation is identified below.

Threshold 4.BIO-2: 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?

The areas around the Project Site have all been previously disturbed and are vegetated with landscaping typical of residential development. As described in **Section III: Environmental Setting** of this Draft EIR, the Project Site is surrounded by urban development and has no natural connections to any large areas of natural habitat in the region. Additionally, the Project Site is not located within or adjacent to a Significant Ecological Area defined by the Los Angeles County Significant Ecological Areas Program.¹⁷ As such, the Project Site does not currently function as a wildlife migration corridor. As shown in **Table IV.C-1** above, the Project Site does not contain any native wildlife nursery sites of note that would be impacted by the proposed Project. The proposed Project would be required to comply with the federal MBTA and the California Fish and Game Code. These regulations prohibit the disturbance of nesting birds in any manner that may cause reproductive failure. As previously discussed, potential to disturb nesting sites during construction represents a potentially significant impact and mitigation is identified below.

7. CUMULATIVE IMPACTS

A cumulative analysis for biological resources evaluates whether impacts of the proposed Project and related projects, when taken as a whole, would have a significant environmental impact on biological resources. The City resides in an urban setting which is mostly developed with new development primarily consisting of in-fill development. The Project Site is surrounded by existing urban development and is not

¹⁷ Los Angeles County. *Significant Ecological Areas Program*. <https://planning.lacounty.gov/site/sea/maps/>. Accessed May 2021.

located near any sites containing sensitive biological resources or serves as significant biological habitat that would be impacted by the development of related projects. The proposed Project would not contribute to cumulative impacts to biological resources locally.

8. MITIGATION MEASURES

MM-Bio-1: Migratory Birds

To avoid impacts to birds nesting onsite, the following mitigation shall be implemented:

- Proposed ground clearing activities within 300 feet of potential nesting sites should take place outside of the breeding bird season which generally runs from February 1–August 31.
- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

9. LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of MM-BIO-1, the proposed Project would have a less than significant impact on biological resources.