

4.3 BIOLOGICAL RESOURCES

This EIR section evaluates the potential for implementation of the proposed project to have substantial adverse impacts on biological resources, including sensitive plants, animals, and habitats. The Initial Study/Notice of Preparation (IS/NOP [Appendix 1]) identified the potential for impacts associated with the effect on candidate, sensitive, or special status species, wildlife movement, and consistency with local policies and ordinances protecting biological resources. Data used to prepare this section were obtained through the Biological Resources Technical Report prepared for the proposed project (Appendix 4), the Master Environmental Impact Report for Master Plan of Recreational Uses for Central Park (Central Park Master Plan EIR), the Burrowing Owl Survey Memorandum (PBS&J 2008), and the Findings of Pre-construction Survey for Nesting Habitat for Protected or Sensitive Avian Species Memorandum (PBS&J 2009). A brief field visit by Atkins staff (nonbiologist) determined that substantial changes to the ground at the project site have not occurred since preparation of the Technical Report and memoranda.

As the proposed project has not changed since preparation of the Draft EIR in 2007 and existing conditions on the project site are consistent with those described in the Draft EIR, existing conditions and impacts identified in the Draft EIR remain substantially true. Accordingly, this section is substantially the same as Section 4.3 (Biological Resources) included in the Draft EIR. However, the setting has been updated to reflect changes in applicable regulations.

All comments received in response to the Initial Study/Notice of Preparation (IS/NOP) circulated for the proposed project were taken in to consideration during preparation of this Environmental Impact Report, and if relevant, have been addressed in this section or others within this document. One commenter suggested that general nocturnal wildlife surveys be performed for the project because the Central Park Master Plan did not contain such surveys. However, there are no suitable areas within the project site that could be used as roosts by sensitive nocturnal owls and therefore any potential impacts would be as a result of loss of foraging areas for owls roosting off site. The project includes mitigation that would replace lost raptor foraging habitat, and most raptor and owl foraging habitat in coastal southern California overlap. Lastly, no sensitive nocturnal owls have been identified as potentially occurring within the site and consequently, the proposed project would not have a substantial adverse effect, either directly or indirectly, on a nocturnal owl species identified or published as an endangered, threatened, rare, candidate, sensitive, or special-status species by CDFG or USFWS, and meets the definition of CEQA Guidelines Sections 15380(b), (c), or (d). Consequently, such surveys were not performed as part of the proposed project.

4.3.1 Environmental Setting

■ Regional Location

The project site is contained within the United States Geological Survey (USGS) 7.5-minute series topographical map for Seal Beach. The project site is located in the City of Huntington Beach (City), Orange County (County), California (State).

The 5-acre project site is located inland, approximately 2 miles northeast of State Route 1 (also referred to as the Pacific Coast Highway [PCH]), and approximately 2.5 miles southwest of Interstate 405. Specifically, the project site is located at the southwest intersection of Goldenwest Street and Talbert Avenue.

■ Site Characteristics

The project site is currently vacant, and is generally flat and almost completely devoid of vegetation at the time of the May 13, 2007, survey. The eastern and southern boundaries of the project site, adjacent to Goldenwest Street and the disc golf course, are situated at the base of small bluffs. In addition, an earthen berm extending from the terminus of Talbert Avenue forms the northern boundary of the project site.

■ Adjacent and Existing Land Uses

Bordering the project site to the south is a parking lot and a disc golf course. To the west of the project site is a group picnic area and passive recreational uses. Bordering the project site to the north is undeveloped property (beyond which is a parking lot and the Shipley Nature Center), and to the east is Goldenwest Street (beyond which is a parking lot and sports fields).

4.3.2 Methodology

■ Literature Survey

A literature survey was conducted as part of the Biological Resources Technical Report for the proposed project.

Information on occurrences of special-status species in the vicinity of the project site was obtained from searching databases and lists of California Department of Fish and Game's (CDFG) California Natural Diversity Database (CNDDDB) (July 2011) for the U.S. Geological Survey's (USGS) 7.5-minute Seal Beach, Long Beach, Los Alamitos, Anaheim, and Newport Beach quadrangles. Information on the status of special-status plant and animal species potentially occurring within the project site was also obtained from the CDFG's Special Vascular Plants, Bryophytes, and Lichens List (July 2011), the CDFG's List of State and Federally Listed Endangered and Threatened Animals of California (January 2011), and the CDFG's list of Special Animals (January 2011). This search range encompasses a sufficient distance to accommodate for regional habitat diversity and to overcome the limitations of the CNDDDB. The CNDDDB is based on reports of actual occurrences and does not constitute an exhaustive inventory of every resource.

Additionally, background information on biological resources was derived from the Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland, 1986), the List of California Terrestrial Natural Communities Recognized by the CNDDDB (CDFG, March 2007), A Manual of California Vegetation (J.O Sawyer and T. Keeler-Wolf, 1995), the Jepson Manual of Higher Plants of California (J.C. Hickman, ed., 1993), and Trees and Shrubs of California (J.D. Stuart and J.O Sawyer, eds., 2001). Blooming periods were taken from the California Native Plant Society (CNPS) Online

Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California. Based upon the results of the literature review and record searches, a list of special-status plant and animal species and habitats with the potential to occur within the project site was developed for verification in the field (see Appendix A of Appendix 4—Sensitive Species Potentially Occurring within the Project site).

■ Field Surveys

Plant Survey

A general botanical survey was performed on May 13, 2007, during the preparation of the Draft EIR. This survey included an assessment of vegetation types and plant communities occurring within the project site, as well as a general search for wetland indicator plant species and an assessment of potential habitat for special status species. Plant species were identified in the field or collected for future identification. Plants were identified using keys in Hickman (1993) and Stuart and Sawyer (2001) for scientific and common names. Plant species observed within the project site are listed in Appendix B of Appendix 4 (Plant and Animal Species Observed within the Project site).

Focused Survey—Sensitive Plant Species

In addition to the general survey, a focused blooming season survey was performed on May 13, 2007, for potentially occurring sensitive botanical species (identified in Appendix A of Appendix 4). In accordance with Measure Biological Resources-3 of the Central Park Master Plan EIR, special attention was also paid during this survey to several plant species identified as sensitive, and having the potential to occur within the project site. These species include:

- Coulter's saltbush (*Atriplex coulteri*)
- South Coast saltscale (*Atriplex pacifica*)
- Intermediate mariposa lily (*Calochortus weedii* var. *intermedius*)
- Southern tarplant (*Centromadia parryi* ssp. *australis*)
- Many-stemmed dudleya (*Dudleya multicaulis*)
- Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*)

All six plant species bloom concurrently in May, the same month in which the focused survey was conducted. In addition, the survey followed a 30-day period in which Huntington Beach received 0.72 inch of rain. The survey was conducted in adherence to current CDFG (2000) and CNPS (2001) published survey guidelines, and is included as Appendix C of Appendix 4 (Rare Plant Survey). At the conclusion of the survey, none of the species identified above (in accordance with Measure Biological Resources-3 of the Central Park Master Plan EIR) were observed within the project site.

Wildlife Survey

A general wildlife survey was performed on May 13, 2007, from 7:00 AM to 10:00 AM during the preparation of the Draft EIR. This survey covered the morning active period, when opportunities for detecting wildlife species are greatest. The survey included active searches for reptiles, which involved lifting, overturning, and carefully replacing rocks and debris and observing reptile activity on dirt areas. Birds were identified by standard visual and auditory recognition, and the presence of nests or other evidence of breeding activity was noted. Surveying for mammals included searching for and identifying

diagnostic sign, including scat, footprints, scratch-outs, dusting bowls, burrows, and trails. Wildlife species observed within the project site are listed in Appendix B of Appendix 4.

4.3.3 On-Site Biological Resources

■ Vegetation Communities

A total of twelve plant species were observed within the project site during the general botanical survey conducted as part of the Biological Resources Technical Report for the proposed project, and are listed in Appendix B of Appendix 4. Vegetation within the 5-acre project site is limited, as the majority of the project site consists of unvegetated, bare landscape. What little vegetation was present consisted primarily of non-native, invasive species. As such, the project site is characterized as a ruderal vegetation community. A description of the ruderal vegetation community is provided below.

Ruderal (Five Acres)

Though not a true habitat community as defined by Holland (1986), ruderal areas are dominated by highly adaptive and invasive species, with few to no native species, and are found most frequently in areas disturbed by human activities such as agriculture, construction, or other land clearing activities. Ruderal habitat typically occurs throughout areas such as, vacant lots, abandoned oil fields, roadsides, and parks, and comprises all 5 acres of the project site.

Non-Native Grassland Classification

It should be noted that while the Central Park Master Plan EIR identifies the project site as “non-native grassland,” the current condition of the site is predominately bare ground with approximately 20 to 25 percent ground cover. Consequently, the “non-native grassland” description no longer accurately reflects the current state of the project site, and the appropriate classification for the site is considered “ruderal.”

■ Wildlife

A total of fourteen species were recorded within the project site through direct observation, detection of vocalizations, or observation of sign during the general wildlife survey conducted as part of the Biological Resources Technical Report for the proposed project. These species are listed in Appendix B of Appendix 4, and include: ten avian, two reptile, and two mammal species. Wildlife and wildlife signs (including tracks, scat, carcasses, burrows, nests, excavations, vocalizations, and observations) were noted and recorded on standardized data sheets.

4.3.4 Special-Status Biological Resources

The following section addresses special-status biological resources observed, reported, or having the potential to occur within the project site. These resources include plant and wildlife species that have been afforded special status and/or recognition by federal and state resource agencies, as well as private conservation organizations and special interest groups such as the CNPS (Lists 1A, 1B, and 2). In general, the principal reason an individual taxon (species, subspecies, or variety) is given such recognition

is the documented or perceived decline or limitation of its population size or geographical extent and/or distribution, resulting in most cases from habitat loss. Appendix A of Appendix 4 lists special status plants and animals known to occur within the region of the project site, along with their federal and state listing and potential for occurrence within the project site. In addition, special-status biological resources include vegetation types and habitats that are unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by federal, state, and local government conservation programs.

In addition to the other sources listed in this section, the following sources were used to determine the special status of biological resources:

- **Plants**—CNDDDB, July 2011
- **Wildlife**—CNDDDB, July 2011
- **Habitats**—CNDDDB, July 2011

The potential to occur within the project site was based on the following criteria:

- **Absent:** Species was not observed during focused surveys conducted at an appropriate time for identification of the species or species is restricted to habitats that do not occur within the project site.
- **Low:** No records exist of the species occurring within the project site or its vicinity, or habitats needed to support the species are of poor quality.
- **Moderate:** A historical record exists of the species within the vicinity of the project site and/or the habitat requirements associated with the species occur within the project site.
- **High:** Both a historical record exists of the species within the project site or its immediate vicinity (approximately 1 mile) and the habitat requirements associated with the species occur within the project site.
- **Species Observed:** The species was observed within the project site at the time of the survey.

■ Federally and State-Listed Species

No threatened or endangered species were observed within the project site during the field surveys conducted as part of the Biological Resources Technical Report for the proposed project; however, these surveys were not intended to determine the presence/absence of threatened or endangered species. Rather, the surveys were intended to assess the potential for these species to occur based on habitat suitability. Focused surveys to determine presence/absence would be at the discretion of the appropriate state or federal resource agencies.

Based on the literature review, fifteen state and/or federally listed threatened or endangered species were identified as potentially occurring within the project site, or reported by the CNDDDB as occurring within the USGS 7.5-minute quadrangle map for the Seal Beach and four surrounding quadrangles (see Appendix A of Appendix 4). As discussed below, all 15 species are considered to be *absent* or have a *low* potential of occurrence due to lack of suitable habitat within the project site and/or distance from closest known occurrence. Each of the state and/or federally listed species and its probability of occurrence are described in more detail in the species accounts that follow.

Wildlife

San Diego Fairy Shrimp (*Branchinecta sandiegonensis*). The San Diego fairy shrimp is listed as endangered by the U.S. Fish and Wildlife Service (USFWS). The San Diego fairy shrimp is known to occur within a limited area of coastal mesas in Orange and San Diego counties. The San Diego fairy shrimp appears when late fall, winter, and spring rains fill small, shallow, unpredictable seasonal vernal pools. Maximum longevity of adults in the field is about 42 days, following a 10- to 20-day maturation period. Though the San Diego fairy shrimp has been observed within 5 miles of the project site, there is no suitable habitat within the project site. As such, this species can be considered absent.

Western Snowy Plover (*Charadrius alexandrinus nivosus*). The western snowy plover was listed as threatened by the USFWS. The Western snowy plover have declined as a nesting species throughout California, in part due to human disturbance of sandy beaches typically used for nesting and roosting. The Pacific coast population of the western snowy plover breeds primarily on coastal beaches from southern Washington to southern Baja California, Mexico. The nesting season extends from early March through late September. The breeding season generally begins earlier in more southerly latitudes, and may be two to four weeks earlier in southern California than in Oregon and Washington. The western snowy plover nests on sandy beaches and dunes by creating a shallow depression as a nest, using driftwood, rocks, or bushes as cover; nests may also be entirely out in the open. Nests typically occur in flat, open areas with sandy or saline substrates. Vegetation and driftwood are usually sparse or absent. Though the western snowy plover has been observed within 5 miles of the project site, there is no suitable habitat within the project site. As such, this species can be considered absent.

Western Yellow-Billed Cuckoo (*Coccyzus americanus occidentalis*). The yellow-billed cuckoo is listed as endangered by the CDFG. In California, the western yellow-billed cuckoo requires dense, wide riparian woodlands, with well-developed understories for breeding. It occurs in densely foliated, deciduous trees and shrubs, especially willows that are required for roost sites. It is restricted when breeding to river bottoms and other mesic habitats where humidity is high and where the dense understory abuts slow-moving watercourses, backwaters, or seeps. Willow is almost always a dominant component of the vegetation. The western yellow-billed cuckoo has not been observed within 5 miles of the project site, nor is suitable habitat located on site. As such, this species can be considered absent.

California Black Rail (*Laterallus jamaicensis coturniculus*). The California black rail is listed as threatened by the CDFG. The historical distribution of the California black rail ranged from the San Francisco Bay area and the delta of the Sacramento and San Joaquin rivers south, along the coast to northern Baja California. California black rails are still present within the remaining tidal marshlands of northern and coastal southern California. Significant loss of saltwater and freshwater wetland habitat in recent decades has significantly reduced the populations of California black rail. California black rails prefer to live in tidal salt marshes with a heavy canopy of pickleweed and an open structure below the canopy for nesting. The breeding season begins in February, normally with a single brood with an average clutch size of six eggs. California black rails have been reported to abandon their nests if disturbed before completing their clutch, but have not been noted in the area since 1970. There is no suitable habitat for the California black rail within the project site. The California black rail has not been observed within 5 miles of the project site, nor is suitable habitat located on site. As such, this species can be considered absent.

Belding's Savannah Sparrow (*Passerculus sandwichensis* ssp. *beldingi*). The Belding's savannah sparrow is listed as endangered by the CDFG. The Belding's savannah sparrow is a small, brown, resident songbird. The Belding's savannah sparrow occurs in coastal areas of southern California and Baja California where it is a year-round resident of coastal salt marshes and associated mudflats and salt flats. Dense stands of pickleweed in the upper region of salt marshes that flood only during extremely high spring tides are its preferred nesting habitat. Belding's savannah sparrow forages on insects in the marsh and intertidal zone as well as in nearby mudflats and salt flats. Although very little is known about the Belding's savannah sparrow's breeding habits, nesting season is typically from April through July. The females build a nest above the highest tide line to avoid being flooded. The nest materials are comprised of pickleweed twigs and hair. The Belding's savannah sparrow occurs within wetland habitat of Long Beach, Seal Beach, and Newport Beach. Though the Belding's savannah sparrow has been observed within 5 miles of the project site, there is no suitable habitat within the project site. As such, this species can be considered absent.

California Brown Pelican (*Pelecanus occidentalis californicus*). The California brown pelican is listed as endangered by both the USFWS and the CDFG. The California brown pelican nests on coastal islands of small to moderate size, which afford immunity from attack by ground-dwelling predators. The California brown pelican has not been observed within 5 miles of the project site, nor is suitable habitat located on site. As such, this species can be considered absent.

Coastal California Gnatcatcher (*Polioptila californica californica*). The coastal California gnatcatcher is listed as threatened by the USFWS. The coastal California gnatcatcher is an obligate resident of southern California coastal sage scrub communities near arid hillsides, mesas, and washes. Though the coastal California gnatcatcher has been observed within 5 miles of the project site, there is no suitable habitat within the project site. As such, this species can be considered absent.

Light-Footed Clapper Rail (*Rallus longirostris levipes*). The light-footed clapper rail is listed as endangered by both the USFWS and CDFG. The light-footed clapper rail inhabits coastal salt and freshwater marshes, containing cordgrass, cattails or tules, and rushes and forages in higher marsh vegetation, along vegetation and mudflat interface, and along tidal creeks. Light-footed clapper rail population declines were due to habitat loss of floodplain river areas and tidal estuaries. It is found within Seal Beach National Wildlife Refuge, Upper Newport Bay, and Bolsa Chica Ecological Reserve. Though the light-footed clapper rail has been observed within 5 miles of the project site, there is no suitable habitat within the project site. As such, this species can be considered absent.

California Least Tern (*Sterna antillarum* ssp. *browni*). The California least tern is listed as endangered by both the USFWS and CDFG. The California least tern is a medium-sized black and white migratory bird. Historic nesting sites were primarily sandy, ocean beach strand areas near estuaries and river mouths. Locally, it breeds from April to September along the coast of southern California in abandoned salt ponds, on sandy beaches, and along estuarine shores. Though the California least tern has been observed within 1 mile of the project site, the habitat on site is not suitable for nesting due to the recreational activities associated with the park. As such, this species can be considered absent.

Pacific Pocket Mouse (*Perognathus longimembris pacificus*). The Pacific pocket mouse is listed as endangered by the USFWS. Historically, the Pacific pocket mouse range once extended from Los

Angeles County south, to the Mexican border. Currently, the Pacific pocket mouse has occurred on fine-grain, sandy substrates, in open coastal sage scrub, coastal strand, coastal dune, and river alluvium habitats, up to 2.5 miles from the coast. The extant populations are currently restricted to only three known locales, within open coastal sage scrub habitats, in northern San Diego county and Southern Orange county. There has been no occurrence of the Pacific pocket mouse within 5 miles of the project site, and as there is no suitable habitat on site, it can be considered absent.

Plants

Ventura Marsh Milk-Vetch (*Astragalus pycnostachyus* var. *lanosisimus*). The Ventura marsh milk-vetch is listed as endangered by both the USFWS and CDFG. The Ventura marsh milk-vetch is a herbaceous perennial in the pea family. The Ventura marsh milk-vetch has a thick taproot and multiple erect, reddish stems, 16 to 36 inches tall that emerge from the root crown. The blooming time has been recorded as July to October. With the exception of the extant Ventura County population, the species is believed extirpated from all other areas from which it has been collected. The single known population of the Ventura marsh milk-vetch occurs in a degraded site near the City of Oxnard. The Ventura marsh milk-vetch has not been observed within 5 miles of the project site, and can be considered absent.

San Fernando Valley Spineflower (*Chorizanthe parryi* var. *fernandin*). The San Fernando Valley spineflower is listed as endangered by the CDFG and is a candidate species with the USFWS. The San Fernando Valley spineflower is a member of the buckwheat family and grows in sandy or gravelly soils along dry washes. The San Fernando Valley Spineflower typically blooms with tiny white flowers from April to June. It is threatened by loss of habitat and competition with exotic invasive plants. It formerly occurred in San Bernardino, Riverside, Orange, Ventura, and Los Angeles Counties, but now known only to occur in a few locations. Though the San Fernando Valley spineflower has been observed within 5 miles of the project site, the last documented observation was in 1902 and the CDFG considers the occurrence extirpated. As the habitat on-site is marginal, at best, this species is considered absent.

Salt Marsh Bird's Beak (*Chloropyron maritimum* ssp. *maritimum*). The salt marsh bird's beak is listed as endangered by both the USFWS and CDFG. The salt marsh bird's beak occurs in coastal dunes, coastal salt marshes, and swamps along coastal California south, to Baja. The salt marsh bird's beak flowers from May to October, and can be found at elevations up to 100 feet. Though the salt marsh bird's beak has been observed within 1 mile of the project site, there is no suitable habitat within the project site. As such, this species can be considered absent.

California Orcutt Grass (*Orcuttia californica*). The California Orcutt grass is listed as endangered by both the USFWS and CDFG. The California Orcutt grass is a member of the grass family (Poaceae) that is a bright green, sticky, aromatic annual with flowers borne in dense spikes. This species was once commonly found in the volcanic terrace and valley vernal pool systems of southern California in Los Angeles, Riverside and San Diego counties. This species was last collected near Lakewood, sometime prior to 1977 and is listed as extirpated by the CNDDDB. The California Orcutt grass has not been observed within 5 miles of the project site, and is not expected to be on site. As such, this species can be considered absent.

Lyon's Pentachaeta (*Pentachaeta lyonii*). Lyon's pentachaeta is listed as endangered by both the USFWS and CDFG. The Lyon's pentachaeta is an herbaceous, annual plant that has yellow ray and disk

flowers arranged in heads. Habitat for Lyon's pentachaeta consists of sparsely vegetated openings in grassland, coastal sage scrub, and chaparral. Lyon's pentachaeta is a poor competitor, and is currently limited to areas of shallow soils or heavy clay with reduced shrub and grass competition. There has been no recorded occurrence of Lyon's pentachaeta within 5 miles of the project site; however, with the habitat present on site, there is still a low possibility for occurrence.

■ Other Sensitive Biological Resources

Vegetation

Sensitive Plants

In addition to the federal and state listed species detailed above, the CNDDDB and CNPSEI literature review resulted in the identification of 18 additional sensitive plant species that have a potential to occur on, or within the vicinity of, the project site. Of these, none were observed within the project site during the field survey conducted as part of the Biological Resources Technical Report for the proposed project. The sensitive plant species, their current status, and their habitat requirements are summarized in Appendix A of Appendix 4.

Taking into account the habitat, elevation, and blooming periods of each species, none of the eighteen sensitive plant species listed in Appendix A of Appendix 4 have a *moderate* or greater potential to occur within the project site.

Although non-listed, special-status species carry no official state or federal listing, the California Environmental Quality Act (CEQA) requires consideration of them during the environmental documentation process due to their limited distribution and/or declining numbers. It should also be noted that even though no sensitive plant species were observed within the project site, not all species within the project site would have been in bloom during the time of the survey, and thus would not have been easily identifiable.

Sensitive Habitats

In addition to individual plant species, special-status habitats are considered important because of their high species diversity, high productivity, limited distribution, declining status, or a combination of these qualities. These habitats are recognized as important by local, state, and federal agencies, and identified by the CDFG in the CNDDDB and by the County of Orange. These special-status habitats are summarized in Appendix A of Appendix 4.

As the project site is currently bare, with sparse vegetative cover (associated with a ruderal vegetative community), no sensitive habitats exist within the project site.

Wildlife

In addition to the federal and state listed species detailed above, the CNDDDB review resulted in the identification of 22 sensitive wildlife species that have the potential to occur on or within the vicinity of the project site. Of these, none were observed within the project site during the field survey conducted as part of the Biological Resources Technical Report for the proposed project. The sensitive wildlife

species, their current status, and their habitat requirements are summarized in Appendix A of Appendix 4.

Taking into account the habitat, elevation, and habitat requirements/restrictions of each species, the following one of the 22 sensitive wildlife species listed in Appendix A of Appendix 4 has a *moderate* potential to occur within the project site:

Moderate Potential to Occur:

- Burrowing owl (*Athene cunicularia*) a State Species of Concern

Raptors

The project site or immediate vicinity currently possesses the following characteristics, typical of raptor foraging habitat:

- Low-lying vegetation
- Perching opportunities (trees, street lights, signage, etc.)
- Large quantities of small, burrowing mammals

According to the Central Park Master Plan EIR, red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), and American kestrel (*Falco sparverius*) had all been observed within/adjacent to the project site. During the field survey conducted as part of the Biological Resources Technical Report for the proposed project, a red-tailed hawk was observed foraging at the project site.

4.3.5 Wildlife Movement

Wildlife corridors link together areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated “islands” of wildlife habitat. Fragmentation can also occur when a portion of one or more habitats is converted into another habitat, such as when woodland or scrub habitat is altered or converted into grasslands after a disturbance such as fire, mudslide, or grading activities. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, would not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new individuals and genetic information (MacArthur and Wilson 1967; Soule 1987; Harris and Gallagher 1989; Bennett 1990). Wildlife corridors mitigate the effects of this fragmentation by (1) allowing animals to move between remaining habitats, thereby permitting depleted populations to be replenished and promoting genetic exchange; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk of catastrophic events (such as fire or disease) on population or local species extinction; and (3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other needs (Noss 1983; Simberloff and Cox 1987; Harris and Gallagher 1989).

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, or individuals extending range distributions), (2) seasonal migration, and (3) local movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various

wildlife movement studies, such as “wildlife corridor,” “travel route,” “habitat linkage,” and “wildlife crossing,” to refer to areas in which wildlife move from one area to another. To clarify the meaning of these terms and facilitate the discussion of wildlife movement in this analysis, these terms are defined as follows:

- **Travel route**—A landscape feature (such as a ridgeline, drainage, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g., water, food, cover, den sites). The travel route is generally preferred because it provides the least amount of topographic resistance in moving from one area to another. It contains adequate food, water, and/or cover while moving between habitat areas and provides a relatively direct link between target habitat areas.
- **Wildlife corridor**—A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bounded by urban land areas or other areas unsuitable for wildlife. The corridor generally contains suitable cover, food, and/or water to support species and facilitate movement while in the corridor. Larger, landscape-level corridors (often referred to as “habitat or landscape linkages”) can provide both transitory and resident habitat for a variety of species.
- **Wildlife crossing**—A small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels to provide access across or under roads, highways, pipelines, or other physical obstacles. These often represent “choke points” along a movement corridor.

Within a large open space area in which there are few or no manmade or naturally occurring physical constraints to wildlife movement, wildlife corridors, as defined above, may not yet exist. Given an open space area that is both large enough to maintain viable populations of species and provide a variety of travel routes (canyons, ridgelines, trails, riverbeds, and others), wildlife would use these “local” routes while searching for food, water, shelter, and mates, and would not need to cross into other large open space areas. Based on their size, location, vegetative composition, and availability of food, some of these movement areas (e.g., large drainages and canyons) are used for longer lengths of time and serve as source areas for food, water, and cover, particularly for small- and medium-size animals. This is especially true if the travel route is within a larger open space area. However, once open space areas become constrained and/or fragmented as a result of urban development or construction of physical obstacles, such as roads and highways, the remaining landscape features or travel routes that connect the larger open space areas can “become” corridors as long as they provide adequate space, cover, food, and water, and do not contain obstacles or distractions (e.g., manmade noise, lighting) that would generally hinder wildlife movement.

The proposed project site is located in a park and is not part of a major or local wildlife corridor/travel route, as it does not serve to connect two significant habitats. The site is surrounded by recreational and residential development in addition to a heavily traveled, well-lit roadway. As such, the study area does not fit in to any of the wildlife movement categories previously described (travel route, wildlife crossing, wildlife corridor), and development of the proposed project would only disrupt local foraging of the avian and ground-dwelling species.

4.3.6 Regulatory Framework

■ Federal

Endangered Species Act of 1973

The Endangered Species Act (ESA) and implementing regulations, Title 16 United States Code (USC) §§1531 et seq. (16 USC 1531 et seq.), Title 50 Code of Federal Regulations (CFR) §§17.1 et seq. (50 CFR §§17.1 et seq.), includes provisions for the protection and management of federally listed threatened or endangered plants and animals and their designated critical habitats. Section 7 of the ESA requires a permit to take threatened or endangered species during lawful project activities. The administering agency for the above authority is the USFWS for terrestrial, avian, and most aquatic species. The National Marine Fisheries Service is responsible for administering the federal ESA as it applies to marine species and anadromous fish.

Fish and Wildlife Coordination Act

Section 7 of Fish and Wildlife Coordination Act, 16 USC 742 et seq., 16 USC 1531 et seq., and 50 CFR 17 requires consultation if any project facilities could jeopardize the continued existence of an endangered species. Applicability depends on federal jurisdiction over some aspect of the project. The administering agency for these authorities is expected to be the Corps in coordination with the USFWS.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC §§703–711) includes provisions for protection of migratory birds, including the nonpermitted take of migratory birds, under the authority of the USFWS and CDFG. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds, and many relatively common species.

Clean Water Act of 1977, Section 404

This section of the Act (33 USC 1251 et seq., 33 CFR §§320 and 323) gives the Corps authority to regulate discharges of dredge or fill material into waters of the U.S., including wetlands. There are no wetlands located within the project site, as defined by the Clean Water Act.

Clean Water Act of 1977, Section 401

This section of the Act requires a state-issued Water Quality Certification for all projects regulated under Section 404. In California, the RWQCB issues Water Quality Certifications with jurisdiction over the project site. The RWQCB, Santa Ana Region, issues Section 401 Water Quality Certifications for Orange County.

■ State

California Endangered Species Act

The California Endangered Species Act (CESA) declares that deserving plant or animal species will be given protection by the State because they are of ecological, educational, historical, recreational, aesthetic,

economic, and scientific value to the people of the state. CESA established that it is state policy to conserve, protect, restore, and enhance endangered species and their habitats. Under state law, plant and animal species may be formally designated rare, threatened, or endangered by official listing by the California Fish and Game Commission. Listed species are generally given greater attention during the land use planning process by local governments, public agencies, and landowners than are species that have not been listed.

CESA authorizes that “Private entities may take plant or wildlife species listed as endangered or threatened under the federal ESA and CESA, pursuant to a federal incidental take permit issued in accordance with Section 10 of the federal ESA, if the California Department of Fish and Game (CDFG) certifies that the incidental take statement or incidental take permit is consistent with CESA (Fish & Game Code Section 2080.1(a)).

California Environmental Quality Act—Treatment of Listed Plant and Animal Species

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines Sections 15380(b), (c), and (d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These would include those species identified as endangered, rare, or threatened as defined in CEQA Guidelines Section 15380(b).

- 1) “Endangered” when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or
- 2) “Rare” when either:
 - (A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environmental worsens; or
 - (B) The species is likely to become endangered within the foreseeable future throughout all or significant portion of its range and may be considered “threatened” as that term is used in the Federal Endangered Species Act.

Under Section 15380(c) of the CEQA Guidelines, “a species of animal or plant shall be presumed to be endangered, rare or threatened, if it is listed in:

1. Sections 670.2 or 670.5, Title 14, California Code of Regulations [otherwise known as the California Endangered Species Act, CESA]; or
2. Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act [FESA] as rare, threatened, or endangered.”

Under Section 15380(d) of the CEQA Guidelines, “A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the following criteria:

- When its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including the loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or

- Although not presently threatened with extinction, the species is existing in such small numbers through all or a significant portion of its range that it may become endangered if its environment worsens; or
- The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered ‘threatened’ as the term is used in the FESA.”

Two other sources for sensitive species are the California Species of Special Concern and Fully Protected Species lists; and the CNPS “RARE” listings. The status “State Species of Special Concern” and “Fully Protected Species” apply to animals not listed under the FESA and CESA, but which nonetheless either (1) are declining at a rate that could result in listing or (2) historically occurred in low numbers and known threats to their persistence currently exist. The CNPS Inventory of Rare and Endangered Vascular Plants of California is sanctioned by CDFG, and serves as a Species of Special Concern list for plants. For purposes of CEQA review, observed plant and wildlife Species of Special Concern, and plants with a CNPS designation of 1a, 1b, and 2 that could potentially occur in the area, are considered sensitive species, as well as any others that meet the requirements under the CEQA Guidelines Section 15380(b), (c), or (d).

The significance of impacts to a species under CEQA must be based on analyzing actual rarity and threat of extinction despite legal status or lack thereof.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Act, the State Water Resources Control Board (SWRCB) is responsible for adopting water quality standards as required to fulfill the state’s responsibilities under the federal CWA (Sections 401 and 402), and for regulating discharges to groundwater.

Fish and Game Code of California

The Fish and Game Code provides specific protection and listing for several types of biological resources.

Section 1600 of the Fish and Game Code requires a Streambed Alteration Agreement for any activity that may alter the bed and/or bank of a stream, river, or channel. Typical activities that require a Streambed Alteration Agreement include excavation or fill placed within a channel, vegetation clearing, structures for diversion of water, installation of culverts and bridge supports, cofferdams for construction dewatering, and bank reinforcement. There is no riparian habitat within the project site.

Sections 2081(b) and (c) of the CESA allows CDFG to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met. These criteria can be found in Title 14 CCR, Sections 783.4(a) and (b). No Section 2081(b) permit may authorize the take of “fully protected” species and “specified birds.” If a project is planned in an area where a species or specified bird occurs, an Applicant must design the project to avoid all take; the CDFG cannot provide take authorization under CESA.

Native Plant Protection Act of 1977

The Native Plant Protection Act of 1977 and implementing regulations in Sections 1900 et seq. of the Fish and Game Code designates rare and endangered plants, and provides specific protection measures for identified populations. It is administered by the CDFG.

Wetlands Conservation Policy of 1993

This policy provides for the protection, preservation, restoration, enhancement, and expansion of wetland habitats in California. Primarily it acts to ensure no overall net loss of wetlands within the state and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship, and respect for private property. The administering agencies for this authority are the CDFG, the California Environmental Protection Agency (Cal-EPA), and the RWQCB. There are no wetlands located within the project site.

Local

The City's General Plan Environmental Impact Report identifies the Huntington Beach Central Park as natural open space with biological resource value. Central Park is the largest undeveloped area within the City away from the immediate coast. It is a heavily used public facility with multiple access points. Despite concentrated human activity and the manicured landscape character of Central Park, the area offers opportunities for the retention of biological diversity. The goals and policies of the City's General Plan that are potentially relevant to the proposed project are identified below.

City of Huntington Beach General Plan—Land Use Element

The Land Use Element includes goals and policies that have been developed to minimize potential impacts to biological resources.

Goal LU 5 Ensure that significant environmental habitats and resources are maintained.

Policy LU 5.1.1 Require that development protect environmental resources by consideration of the policies and standards contained in the Environmental Resources/Conservation Element of the General Plan and federal (NEPA) and state (CEQA) regulations.

Goal LU 14.1 Preserve the City's open spaces.

Objective LU 14.1 Preserve and acquire open spaces for the City's existing and future residents that provide, maintain, and protect significant environmental resources, recreational opportunities, and visual relief from development.

Policy LU 14.1.1 Accommodate the development of public parks, water-related recreational uses, and the conservation of environmental resources in areas designated for Open

Space on the Land Use Plan Map and in accordance with Policy LU 7.1.1.

City of Huntington Beach General Plan—Environmental Resource/Conservation Element

Goals and Policies listed in the Environmental Resources/Conservation Element of the General Plan have been developed to minimize potential impacts to biological resources.

Goal ERC 2 Protect and preserve significant habitats of plant and wildlife species, including wetlands, for their intrinsic values.

Objective ERC 2.1 Evaluate, enhance, and preserve the City's important habitat areas.

Policy ERC 2.1.9 Preserve the habitat of endangered species, including those listed in Table BR-1 of the Technical Background Report and those which may be considered by the City in the future.

Policy ERC 2.1.10 Conduct construction activities to minimize adverse impacts on existing wildlife resources.

An analysis of consistency with the above policies is provided below under Impact 4.3-4. The proposed project would not conflict with applicable policies.

4.3.7 Project Impacts and Mitigation

■ Thresholds of Significance

The following thresholds of significance are based on Appendix G to the 2011 CEQA Guidelines. For purposes of this Environmental Impact Report, implementation of the proposed project may have a significant adverse impact if it would do any of the following:

- 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
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

■ Effects Not Found to Be Significant

Threshold	Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?
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The project site is currently vacant and no riparian habitat or other sensitive natural community exists within the project site. As such, the proposed project would not have a direct effect upon any riparian habitat or other sensitive natural communities. No impact would occur, and no further analysis of this issue is required.

Threshold	Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
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There are no wetlands within the project site, as defined by the Clean Water Act or the Fish and Game Code of California. No impact would occur, and no further analysis of this issue is required.

Threshold	Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
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No habitat conservation plan or natural community conservation plan affects the project site. Therefore, no conflict with conservation plans would occur, and no further analysis of this issue is required.

■ Impacts and Mitigation Measures

Threshold	Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
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Impact 4.3-1 **The proposed project could have a substantial adverse impact 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.**

Wildlife

As discussed in Section 4.3.4 (Special-Status Biological Resources) of this document above, no federal and/or state listed species were identified as occurring, or potentially occurring, within the immediate

vicinity of the project site's boundaries; however, the burrowing owl, a State Species of Concern, was identified as potentially occurring within the project site. Given the regional rarity of this species, direct impacts to this species could constitute a substantial adverse impact through:

- Direct loss of a sensitive species
- Increased human disturbance
- Mortality by construction or other human-related activity
- Impairing essential behavioral activities, such as breeding, feeding, or shelter/refuge
- Destruction or abandonment of active nest(s)
- Direct loss of occupied habitat
- Permanent habitat loss including loss of foraging, nesting, or refuge

In addition, potential indirect impacts may include, but are not limited to, the following:

- Displacement of wildlife by construction activities
- Disturbance in essential behavioral activities due to an increase in ambient noise levels and/or lighting levels from perimeter and parking lot security lighting

Thus, direct or indirect impacts to this species would constitute a substantial adverse impact to species that meets the definition of Sections 15380(b), (c), or (d) of the CEQA guidelines, which is considered a potentially significant impact.

In addition, as discussed above in Regulatory Framework, migratory avian species that may use portions of the site (or the large trees immediately adjacent to it) for nesting during breeding season are protected under the Migratory Bird Treaty Act (MBTA). Project implementation and construction-related activities including, but not limited to, grading, materials laydown, facilities construction, vegetation removal, and construction vehicle traffic may result in the disturbance of nesting species protected by the MBTA. The MBTA protects many common species in addition to those considered sensitive for this project. Disturbance of nesting common species, such as American robin or Brewer's blackbird, is not considered a significant impact even though nesting birds are protected by the MBTA and the Fish and Game Code of California. However the loss of nesting efforts of sensitive avian species, raptors, and species protected by the MBTA would be considered a potentially significant impact.

A Burrowing Owl Survey was conducted in 2008 and a Nesting Habitat for Protected or Sensitive Avian Species Survey was conducted in 2009 by PBS&J. At the time, the surveys were conducted to provide compliance with mitigation measures of the previously certified EIR that required pre-construction surveys. The Burrowing Owl Survey concluded that there was no evidence of Burrowing Owl activity in or near the site during a total of four site visits. The Sensitive Avian Species Survey did not identify any sensitive avian species on site but did identify approximately seven species on site that are protected by the MBTA. Further survey identified no active nests for species protected under the MBTA were observed, nor was there any evidence of breeding activity. However, since construction never occurred, the City would be required to conduct these surveys at the time of development. Therefore, prior to the onset of ground disturbance activities, the City shall implement mitigation measures MM4.3-1(a) and MM4.3-1(b), which entail focused surveys and avoidance measures for the burrowing owl and sensitive nesting and MBTA species, and appropriate agency consultation. These mitigation measures would

ensure that an updated survey would be conducted to survey the conditions of the project site at the time of development.

MM4.3-1(a) Nesting habitat for protected or sensitive avian species:

1. *Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.*
2. *Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with CDFG protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. This survey can be carried out concurrently with surveys for other species provided it does not conflict with any established survey protocols. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a sensitive species is identified onsite (per established thresholds) a 250-foot no-work buffer shall be maintained between the nest and construction activity until CDFG and/or USFWS approves of any other mitigation measures.*
3. *Completion of the nesting cycle shall be determined by qualified ornithologist or biologist.*

MM4.3-1(b) Burrowing Owl:

1. *Prior to construction activity, focused pre-construction surveys shall be conducted for burrowing owls where suitable habitat is present within the construction areas. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys shall be conducted in accordance with CDFG burrowing owl survey protocol.*
2. *If unoccupied burrows are found during the non-breeding season, the City may collapse the unoccupied burrows, or otherwise obstruct their entrances to prevent owls from entering and nesting in the burrows. This measure would prevent inadvertent impacts during construction activities.*
3. *If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the City and CDFG for review and approval, and no further mitigation is necessary.*

If occupied burrows are found, impacts on the burrows shall be avoided by providing a buffer of 165 feet during the non-breeding season (September 1 through January 31) or 250 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a qualified biologist and CDFG determine it would not be likely to have adverse effects on the owls. No project activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over.

4. *If impacts on occupied burrows are unavoidable, onsite passive relocation techniques approved by CDFG shall be used to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Mitigation for foraging habitat for relocated pairs shall follow guidelines provided in the California Burrowing Owl*

Consortium's April 1995 Burrowing Owl Survey Protocol and Mitigation Guidelines, which ranges from 7.5 to 19.5 acres per pair.

Implementation of mitigation measures MM4.3-1(a) and (b) would require surveys for sensitive avian species, raptors and MBTA-protected species, and includes impact-avoidance measures to ensure that the substantial loss of these species will not occur. These measures would reduce this impact to a ***less than significant*** level.

Plant Species

As discussed in Section 4.3.4 (Special-Status Biological Resources) of this document above, no federal and/or state listed plant species were identified as occurring, or potentially occurring, within the immediate vicinity of the project site's boundaries. However, plant surveys prepared during preparation of the Draft EIR were conducted in 2007, and the CDFG and USFWS typically consider plant surveys valid for two years. While it is unlikely due to the level of previous disturbance at the site, it is possible that conditions may have changed since the 2007 surveys, and that the site could support special-status plants identified in the CNDDDB. Given the regional rarity of these species, direct impacts to them could constitute a substantial adverse impact through:

- Direct loss of a sensitive species
- Increased human disturbance
- Mortality by construction or other human-related activity
- Direct loss of occupied habitat

Thus, direct or indirect impacts to this species would constitute a substantial adverse impact to species that meets the definition of Sections 15380(b), (c), or (d) of the CEQA guidelines, which is considered a potentially significant impact.

While the plant surveys shall be updated to ensure that conditions have not changed such that special-status species now exist on-site, due to the time anticipated for project approval and the current absence of identified species, it is not practical to update the surveys at this time, but rather during review of site grading plans in the future. As such, project requirement PR4.3-1 has been incorporated to ensure that the plant surveys are updated accordingly, prior to substantial ground disturbing activities typically associated with a grading permit.

Prior to the onset of ground disturbance activities, the City shall implement project requirement PR4.3-1.

- PR4.3-1*
- (a) The project applicant shall retain a qualified biologist to conduct focused surveys within the project area for special-status plant species identified above during the appropriate time of year when those species are most readily identified. If no special-status plants are located during the surveys, no further mitigation would be required.*
 - (b) If any special-status plants identified in the CNDDDB are discovered, then those populations shall be avoided to the extent feasible, and preserved on site in a conservation easement that will be managed in perpetuity for those species and their habitat.*
 - (c) If any of the special-status plants identified in the CNDDDB are discovered in the project area, but cannot be avoided, then mitigation/compensation for the loss of those populations shall be provided, in addition to salvage of individual plants and seed. Mitigation can be accomplished*

either in the onsite open space preserve area, or at an approved offsite mitigation bank. The mitigation ratio for replacement of special-status plant habitat will be determined in coordination with CDFG, but will not be less than 1:1.

Implementation of project requirement PR4.3-1 would require surveys for special-status plant species, and includes impact-avoidance measures to ensure that the substantial loss of these species will not occur. This project requirement would reduce this impact to a ***less than significant*** level.

Threshold	Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
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Impact 4.3-2 Development of the proposed project would have a substantial adverse impact to raptor foraging habitat.

Raptors have been observed foraging on and near the project site. Through consultation with the USFWS and CDFG (see Section 4.3.10 [References]) for specific dates of consultation), it has been determined that all 5 acres of the project site is raptor foraging habitat. As a result of project implementation, approximately 5 acres of ruderal vegetation that is suitable for use as raptor foraging habitat would be removed.

Development of the project site was previously analyzed in the Central Park Master EIR. As discussed throughout this EIR, the project site was originally intended for Low Intensity development. General elements/activities were anticipated to include “mobilization, grading and drainage, electrical, asphaltic concrete (parking area) and concrete placement, minor structure assembly to provide shade overheads with barbeque and picnic amenities, restroom, tot lot, open turf area, complete automatic irrigation system, site furniture, and installation of plant material.”

Implementation of the proposed project would include a GPA to re-designate the use of the project site from low intensity to high intensity, to accommodate the development of the proposed senior center on the project site. Implementation of the proposed GPA would result in a departure from the anticipated low-intensity, passive recreational uses and instead would result in a high-intensity use on the site. Under both designations, the existing undeveloped conditions of the project site would not remain. While the GPA itself would not result in direct physical environmental impacts to biological resources, the development of the senior center would result in physical changes to the project site, the effects of which are analyzed in this section. However, in terms of the potential impacts to biological resources, and raptor foraging habitat in particular, the conversion from a low-intensity use to an active use area is not substantial. Under both the current low intensity designation and the proposed high intensity designation, the existing undeveloped conditions of the project site would not remain through the majority of the designated area. As described above, the prescribed Low Intensity Use that is currently programmed for the site would include manicured landscaping (similar to the existing passive parkland to the west of the site) and minor structural development. As discussed in the Final Master EIR for the Central Park Master Plan:

Development of the Low Intensity Recreation Area will result in conversion of 11.4 acres of non-native grassland. A minimum of 4.0 acres of non-native grassland within this element of the proposed

Master Plan will be maintained and enhanced to provide foraging habitat for state and federally designated sensitive birds, including raptors. The conversion of 11.4 acres of non-native grassland that are currently used on an interim basis for disc golf, parking, and as a source of fill material for sandbags to low intensity recreation facilities does not conflict with adopted goals of the City of Huntington Beach *General Plan*. The conversion of 11.4 acres of non-native grassland would not result in the “take” of any state or federally listed endangered species, or their habitat that has been determined to be critical under the Federal or State Endangered Species Act. Implementation of this program level element of the proposed *Master Plan* results in partial development of an existing disturbed area of the Park and would not be expected to interfere with the movement of any resident or migratory fish or wildlife species or substantially diminish habitat for fish, wildlife or plants. Conversion of 11.4 acres of non-native grassland to turf for low-intensity recreation would not constitute a significant impact on plant or wildlife resources.

It should be noted that while the vegetation community within the project site is now classified as “ruderal,” as opposed to its previous classification of “non-native grassland,” this change has no effect on the raptor foraging habitat on site.

In response to USFWS and CDFG comments on the Central Park Master Plan, the Final Master EIR was amended to increase conservation of non-native grasslands, the outcome of which is stated above. The modifications to the Central Park Master Plan resulted in the conservation of 41.2 acres (57 percent) of non-native grassland within Central Park. Specific to the Low Intensity Recreation Area, this included the maintenance and enhancement of at least 4 acres of the existing non-native grassland (now termed ruderal) to conserve suitable foraging habitat for birds. Development of the proposed project would not preclude the northern portion of the existing undeveloped area (north of the earthen berm) from fulfilling the stated requirement of maintaining and enhancing 4 acres of suitable foraging habitat for birds. Thus, the conversion of 5 acres of ruderal habitat to a developed condition as a result of the proposed project would result in similar impacts to those analyzed previously for the project site.

The following mitigation measure related to impacts associated with the loss of raptor foraging habitat was initially identified in the Central Park Master Plan EIR. The language in this measure has been modified for this project to reflect project-specific components of the proposed Senior Center where necessary, although the intent remains the same. The original measures from the Central Park Master Plan EIR appear in Table 4-1 of this EIR.

For the purposes of this document, the City shall implement mitigation measure MM4.3-2, which would ensure that measures set forth in the Central Park Master Plan EIR are carried over for the Senior Center Project:

MM4.3-2 *(This MM is Measure Biological Resources-4 from the Central Park Master Plan EIR)*

The City shall mitigate for impacts to raptor foraging habitat through dedication as open space, conservation and/or enhancing areas of raptor foraging habitat at a ratio of 1:1 for acres of impact on raptor foraging habitat to provide suitable habitat values and functions for raptors. Mitigation for impacts on raptor foraging habitat will be accomplished within suitable areas that are City-owned and preferably nearby, such as the areas in association with the Sully Miller Lake Group Facility, Low Intensity Recreation Area, Semi-Active Recreation Area, and/or Midden Area/Urban Forest/Trailhead. Enhancement would include, but not be limited to, the planting of native trees within and adjacent to conserved areas of raptor foraging habitat. Prior to ground disturbance, the City shall identify the particular site or area to be enhanced and shall formulate a plan to accomplish

the raptor foraging habitat enhancement activities. This plan shall be reviewed for approval by a qualified biologist.

Although implementation of the proposed project would remove approximately 5 acres of existing foraging habitat within the currently designated Low Intensity Recreation Area, implementation of mitigation measure MM4.3-2 would ensure impacts to raptor foraging habitat would be mitigated at a ratio of 1:1. Therefore, implementation of this mitigation measure would reduce the impact to a ***less than significant*** level.

Threshold	Would the project 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?
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Impact 4.3-3 **The proposed project would not have a substantial adverse impact to 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.**

Wildlife movement is defined and described in Section 4.3.5 (Wildlife Movement) of this document. There are no wildlife nursery sites within the project site. The project site is not part of a major or local wildlife corridor/travel route, as it does not serve to connect two significant habitats. It is located in a park, surrounded by recreational and residential uses, in addition to a heavily traveled, well-lit roadway. As such, the project site does not fit in to any of the wildlife movement categories previously described (travel route, wildlife crossing, wildlife corridor), and development of the proposed project would only disrupt local foraging of the avian and ground-dwelling species. Impacts to avian and ground dwelling species are analyzed above. Impacts to wildlife movement would be ***less than significant***.

Threshold	Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
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Impact 4.3-4 **The proposed project would not conflict with local policies or ordinances protecting biological resources.**

Applicable City policies and/or ordinances are detailed in Section 4.3.7 (Regulatory Framework) of this document. As analyzed previously, all 5 acres of the project site have been identified as raptor foraging habitat, and potential burrowing owl habitat (a non-listed, special-status species). Implementation of the proposed mitigation measures MM4.3-1 and MM4.3-2, and project requirement PR4.3-1, would ensure the protection of these species/habitats, through focused surveys, agency consultation, and off-site habitat conservation and/or enhancement. As such, through implementation of the proposed mitigation measures, implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources (e.g., Policies ERC 2.1.9 and ERC 2.1.10 of City's General Plan—Environmental Resource/Conservation Element), which are designed to protect sensitive species and their habitats within the City from development and related construction activities. Impacts would be ***less than significant***.

4.3.8 Cumulative Impacts

This cumulative impact analysis considers development of the proposed project, in conjunction with other development within the vicinity of the proposed project in the City of Huntington Beach. The primary effects of the proposed project, when considered with the past, present, and probable future projects in the vicinity of the project site, would be the cumulative direct loss of undeveloped land and the potential removal of sensitive wildlife and habitat. Loss of sensitive habitat within this geographic context would further decrease the amount of this habitat and add to the cumulative loss of sensitive species in the region. This cumulative issue is addressed below and the project's overall contribution to this cumulative impact is analyzed.

If the burrowing owl, nesting raptors, or MBTA-protected species' nests are found to be present within the project site avoidance measures identified in mitigation measures MM4.3-1(a) and MM4.3-1(b) would establish setbacks and permitted activities to ensure active nests are not lost. Although these should be sufficient to avoid substantial impacts, should they be needed, mitigation measures MM4.3-1(a) and MM4.3-1(b) also identify mechanisms to develop as-needed mitigation measures should the CDFG or USWFS establish the need for them. As such, the proposed project would not contribute to a cumulative loss of the burrowing owl or its habitat or nesting raptors, or MBTA-protected species. The project's cumulative impact would be less than significant.

If special-status plants are found to be present within the project site avoidance measures identified in project requirement PR4.3-1(a) and (b) would require either avoidance of special-status plant populations, or if avoidance is not feasible, then project requirement PR4.3-1(c) would require salvage of plants or their seeds and compensation for habitat lost through purchase and preservation of offsite habitat at a minimum 1:1 ratio.

The proposed project would represent an incremental loss of raptor foraging habitat; however, per mitigation measure MM4.3-2, development of the proposed project would require off-site mitigation through dedication, conservation, and/or enhancement of raptor foraging habitat elsewhere within Central Park. While the ruderal vegetative community that would be removed through implementation of the proposed project is not considered sensitive, the raptor foraging habitat and associated avian species that it sustains are considered sensitive. Mitigation measure MM4.3-2 would ensure that though raptor foraging habitat would be removed, the local population that is dependent upon it is not displaced and can be maintained at other suitable, localized habitat. As such, the proposed project would not contribute to a cumulative loss of local raptor species. The project's cumulative impact would be less than significant.

As noted above, the project site is currently almost completely bare, and does not provide a locally or regionally important wildlife corridor. As such, the proposed project would not contribute to a cumulative loss of a locally or regionally important wildlife corridor. The project's cumulative impact would be less than significant.

4.3.9 References

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