

APPENDIX L

BonTerra

CONSULTING

An Environmental Planning/Resource
Management Corporation



May 16, 2002

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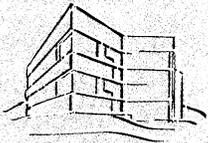
VIA FACSIMILE AND MAIL
(949) 472-8373

Subject: Biological Constraints Survey for the Poseidon Seawater Desalination
Plant Pump Station, Orange County, California



Dear Mr. Ashimine:

On May 8, 2002, Consulting Biologist Michael Couffer conducted a biological constraints survey for the Poseidon Seawater Desalination Plant Pump Station (hereafter referred to as the project site). The project site includes approximately 0.5 acre in a drainage bottom below the San Joaquin Reservoir dam. The project site is within a County-owned Resource Preservation Easement southwest of the junction of Bonita Canyon Road and Chambourd Road, and south of the San Joaquin Hills Transportation Corridor (SR-73) (Exhibits 1, 2 and 3). Land uses adjacent to the site include residences along Hilltop Drive and Port Lerwick Place and open space to the north, south, and east. Habitat adjacent to the project site includes coastal sage scrub and dense riparian habitat to the north; coastal sage scrub to the east; and a mixture of riparian, exotic landscaping, and coastal sage scrub to the south. The project site is on the U.S. Geological Survey's Laguna Beach 7.5-minute quadrangle.



SURVEY METHODS

BonTerra Consulting conducted a search of available literature to identify special status plants, wildlife, and habitats known to occur in the vicinity of the project site. The California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California (CNPS 2002) and a compendia of special status species published by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) were reviewed. In addition, CDFG's California Natural Diversity Database was reviewed prior to the site visit (CDFG 2002).



The biological constraints survey was conducted to describe the vegetation and evaluate the potential of habitats to support special status plant and wildlife species on the project site. Due to the low rainfall this year, the survey was not conducive to identifying many annual plants; however, potential habitat to support these species could be identified. All plant and wildlife species observed were recorded in field notes. Plant species were identified in the field or collected for future identification.

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Plants were identified using keys in Hickman (1993), Munz (1974), and Abrams (1923, 1960). Taxonomy follows Hickman (1993) and current scientific data (e.g., scientific journals) for scientific and common names. Roberts (1998) was used for common names when none were listed in Hickman (1993). The Sunset Western Garden Book (Brenzel 1995) was used for ornamental species that were not included in the references listed above. The List of California Terrestrial Natural Communities Recognized by the Natural Diversity Data Base (CDFG 1997) was generally used to classify vegetation types.

Taxonomy and nomenclature for wildlife generally follows Fisher and Case (1997) for amphibians and reptiles, American Ornithologists Union (1998) for birds, and Jones *et. al* (1992) for mammals. All wildlife species observed or detected (by tracks, scat, burrows, etc.) were recorded in field notes.

SURVEY RESULTS

Vegetation

Riparian

Riparian vegetation types existing on the project site included mule fat scrub, willow scrub, freshwater marsh, and open water.

The mule fat scrub vegetation type is dominated by mule fat (*Baccharis salicifolia*) and grows along the rim of a narrow channelized stream. This vegetation type also extends into adjacent upland scrub habitats.

The willow scrub habitat is dominated by arroyo willow (*Salix lasiolepis*). A permanent flow of water exits the San Joaquin Reservoir dam and flows across the project site to the north. Although portions of this watercourse have been channelized, vegetation has overgrown the rip rap and concrete. Patchy willow scrub habitat is scattered along the watercourse from the bottom of the dam to extensive riparian forest dominated by Fremont cottonwood (*Populus fremontii*) and arroyo willow beyond the northern boundary of the project site.

Freshwater marsh habitat occurs as patches between mule fat and willow scrub vegetation. This vegetation type is dominated by cattail (*Typha* sp.), as well as various reeds (*Scirpus* spp.). Also included within this habitat is wild celery (*Apiastrum angustifolium*), western ragweed (*Ambrosia psilostachya*), prickly sow thistle (*Sonchus asper*), and pampas grass (*Cortaderia selloana*).

The small stream originating from the base of the San Joaquin Reservoir dam is described as open water habitat. This stream was flowing during the biological constraints survey. Since this year is considered to be a dry year, it is assumed that this stream is permanent. Some small pools, a few feet in diameter, occur on and adjacent to the project site.

Upland

Upland vegetation types present on or surrounding the project site are dominated by coastal sage scrub, including California sagebrush, coyote brush, and California encelia. Other upland vegetation types include California annual grassland, ruderal, ornamental, and developed areas.

The California encelia vegetation type is dominated by California sunflower (*Encelia californica*). This vegetation type occurs on a portion of the slope in the southwestern portion of the project site.

The California sagebrush and coyote brush vegetation types occur east of the drainage, on the slope below the residential housing currently under construction, and as scattered individual plants within mule fat scrub vegetation on and adjacent to the project site. The California sagebrush vegetation type is comprised primarily of California sagebrush (*Artemisia californica*), while the coyote brush vegetation type is comprised primarily of coyote brush (*Baccharis pilularis*). Other species occurring at lower density include black sage (*Salvia mellifera*), white sage (*Salvia apiana*), monkey flower (*Mimulus aurantiacus*), poison oak (*Toxicodendron diversilobum*), deer weed (*Lotus scoparius*), Mexican elderberry (*Sambucus mexicana*), California sunflower, lemonadeberry (*Rhus integrifolia*), coast prickly pear (*Opuntia littoralis*), California buckwheat (*Eriogonum fasciculatum*), California everlasting (*Gnaphalium californicum*), and golden yarrow (*Eriophyllum confertiflorum*).

California annual grassland and ruderal vegetation is relatively limited in the vicinity of the project site. Species occurring in the ruderal vegetation type include black mustard (*Brassica nigra*), telegraph weed (*Heterotheca grandiflora*), and tocalote (*Centaurea melitensis*). The slope west of the project site was likely California annual grassland vegetation dominated by non-native grasses (*Avena* and *Bromus* spp.), but has been recently mowed. This hillside is likely mowed regularly for fire suppression to protect the residences above.

Ornamental vegetation is comprised of non-native species planted for urban landscaping. These include various shrubs and trees. The most extensive ornamental vegetation is a grove of mature gum trees (*Eucalyptus* spp.) located south and southwest of the project site. This vegetation type also includes a fan palm (*Washingtonia filifera*) located on the project site.

Developed areas include dirt and paved roads, trails, pads, and structures. A paved trail extends north from the base of the dam past the project site to Chambour Road to the northeast. Adjacent to the project site, a dirt road crosses the stream, which goes under the road in a culvert, and a cleared area surrounds a manhole access station. A series of Metropolitan Water District manhole access stations are located along the drainage bottom, two of which are on or immediately adjacent to the proposed project.

Wildlife Habitat

Vegetation types on the project site provide moderate to high quality habitat for native wildlife species. Common bird species observed or expected to occur on the project site include red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperi*), red-shouldered hawk (*Buteo lineatus*), mourning dove (*Zenaidura macroura*), California quail (*Callipepla californica*), American crow (*Corvus brachyrhynchos*), house finch (*Carpodacus mexicanus*), northern mockingbird (*Mimus polyglottos*), California thrasher (*Toxostoma redivivum*), and common yellowthroat (*Geothlypis trichas*). Common amphibian species expected to occur include tree frog (*Hyla regilla*) and the introduced African clawed frog (*Xenopus laevis*). Common reptile species observed or expected to occur on the project site include the western rattlesnake (*Crotalus viridis*), gopher snake (*Pituophis melanoleucus*), western fence lizard (*Sceloporus occidentalis*), side-blotched lizard (*Uta stansburiana*), and alligator lizard (*Elgaria multicarinata*). Common mammal species expected to occur on the project site include opossum (*Didelphis virginianus*), house mouse (*Mus musculus*), coyote (*Canis latrans*), and raccoon (*Procyon lotor*). Fish species expected include mosquito fish (*Gambusia* sp.).

Special Status Habitat

Special status habitats are considered to be "depleted" habitats by the CDFG (CNDDDB 2002) and the County of Orange. Two special status habitats occur on or in the immediate vicinity of the project site: riparian habitat (including mule fat scrub, willow scrub, freshwater marsh and open

water), and coastal sage scrub (including California encelia, California sagebrush and coyote brush).

Riparian habitats which may include wetlands and “waters of the United States” are protected under Section 404 of the Clean Water Act and are under the jurisdiction of the U.S. Army Corps of Engineers (ACOE). “Waters of the United States” include navigable coastal and inland waters, lakes, rivers, and streams, and their tributaries, interstate waters and their tributaries, wetlands adjacent to such waters, intermittent streams, and other waters that could affect interstate commerce. In addition, if drainages onsite meet the criteria established by Section 1600 of the California Fish and Game Code, a Streambed Alteration Agreement may be required by CDFG prior to any modification of the bed, bank, or channel of streambeds on the project site.

Water was present on the surface of the drainage during the survey, and the presence of a defined bed and bank as well as native obligate wetland plant species indicate that the drainage would be expected to fall under the jurisdiction of the ACOE and/or CDFG. Permits/agreements from these agencies would be expected to be required prior to any alteration of these areas.

Extensive high quality coastal sage scrub occurs on and immediately adjacent to the project site. Coastal sage scrub is considered a special status vegetation type because of its high potential to support Threatened and Endangered plant and wildlife species. This habitat also is regulated by the USFWS and CDFG because of the County of Orange’s participation in the Natural Communities Conservation Planning (NCCP) process. Impacts to coastal sage scrub, regardless of the presence of a Threatened or Endangered species, would require approval from the USFWS and CDFG.

Special Status Plant and Wildlife Species

Plants or wildlife may be considered to have “special status” due to declining populations, vulnerability to habitat change, or restricted distributions. Special status species are those species that have been listed as Threatened or Endangered under state and/or federal Endangered Species Acts (ESA), or are of concern to state and/or federal resource agencies or private conservation organizations.

Plant Species

Several special status plant species are known to occur in the project region and have been summarized in Table 1. Although no federally- or state-listed Threatened or Endangered species are expected to occur on the project site, several CNPS List 1B and 2 species have potential to occur. These species may meet the criteria in Section 15380 of the California Environmental Quality Act (CEQA), which states that if a species meets the definition of Threatened or Endangered, it may be treated as such under the CEQA. If a population of these species is found, impacts to these species may be significant according to CEQA. However, impacts to these species can often be mitigated to less than significant, and typically are not a constraints to development. CNPS List 3 and 4 species are typically not considered constraints to development.

**TABLE 1
 SPECIAL STATUS PLANT SPECIES KNOWN TO OCCUR
 IN THE PROJECT REGION**

| Species | Status | | | Likelihood for Occurrence |
|---|--------|------|---------|---|
| | USFWS | CDFG | CNPS | |
| <i>Aphanisma blitoides</i> aphanisma | — | — | LIST 1B | Not expect to occur; no suitable habitat. |
| <i>Atriplex coulteri</i> Coulter's saltbush | — | — | List 1B | Not expect to occur; no suitable habitat. |
| <i>Atriplex pacifica</i> south coast saltscale | — | — | LIST 1B | Not expect to occur; no suitable habitat. |
| <i>Atriplex parishii</i> Parish's brittlescale | — | — | List 1B | Not expect to occur; no suitable habitat. |
| <i>Atriplex serenana</i> var. <i>davidsonii</i> Davidson's saltscale | — | — | LIST 1B | Not expect to occur; no suitable habitat. |
| <i>Euphorbia misera</i> cliff spurge | — | — | LIST 2 | Not expect to occur; no suitable habitat. |
| <i>Calochortus catalinae</i> Catalina mariposa lily | — | — | LIST 4 | Potential to occur. |
| <i>Calochortus weedii</i> var. <i>intermedius</i> Intermediate mariposa lily | — | — | LIST 1B | Potential to occur. |
| <i>Centromadia parryi</i> ssp. <i>australis</i> southern tarplant | — | — | LIST 1B | Limited potential to occur. |
| <i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i> Orcutt's pincushion | — | — | LIST 1B | Not expect to occur; no suitable habitat. |
| <i>Deinandra paniculata</i> paniculate tarplant | — | — | LIST 4 | Potential to occur. |
| <i>Dudleya multicaulis</i> many-stemmed dudleya | — | — | LIST 1B | Potential to occur. |
| <i>Dudleya stolonifera</i> Laguna Beach dudleya | FT | ST | LIST 1B | Not expect to occur; no suitable habitat. |
| <i>Horkelia cuneata</i> ssp. <i>puberula</i> mesa horkelia | — | — | LIST 1B | Limited potential to occur. |
| <i>Hordeum intercedens</i> vernal barley | — | — | LIST 3 | Potential to occur. |
| <i>Isocoma menziesii</i> var. <i>decumbens</i> decumbent goldenbush | — | — | LIST 1B | Not expect to occur; no suitable habitat. |
| <i>Lasthenia glabrata</i> ssp. <i>coulteri</i> Coulter's goldfields | — | — | LIST 1B | Not expect to occur; no suitable habitat. |
| <i>Lepidium virginicum</i> var. <i>robinsonii</i> Robinson's peppergrass | — | — | LIST 1B | Limited potential to occur. |
| <i>Nama stenocarpum</i> mud nama | — | — | LIST 2 | Not expect to occur; no suitable habitat. |
| <i>Quercus dumosa</i> Nuttall's Scrub Oak | — | — | LIST 1B | Not expect to occur; no suitable habitat. |
| <i>Verbesina dissata</i> crownbeard | FT | ST | LIST 1B | Not expect to occur; no suitable habitat. |

| Species | Status | | | Likelihood for Occurrence |
|---|--|---------------------|---------------------|---------------------------|
| | USFWS | CDFG | CNPS | |
| LEGEND | | | | |
| Federal (USFWS) | | State (CDFG) | | |
| FE | Endangered | SE | Endangered | |
| FT | Threatened | ST | Threatened | |
| PE | Proposed Endangered | PE | Proposed Endangered | |
| PT | Proposed Threatened | PT | Proposed Threatened | |
| SOC ¹ | Species of Concern | | | |
| California Native Plant Society (CNPS) | | | | |
| List 1A | Plants Presumed Extinct in California | | | |
| List 1B | Plants Rare, Threatened, or Endangered in California and Elsewhere | | | |
| List 2 | Plants Rare, Threatened, or Endangered in California But More Common Elsewhere | | | |
| List 3 | Plants About Which We Need More Information - A Review List | | | |
| List 4 | Plants of Limited Distribution - A Watch List | | | |
| Note: This designation, although not an active term, has been reinstated for informational purposes only. | | | | |

Wildlife Species

Several special status wildlife species are known to occur in the project region, some of which are expected to occur on or in the immediate vicinity of the project site. Special status wildlife species that have been recorded in the region have been identified in Table 2.

**TABLE 2
SPECIAL STATUS WILDLIFE SPECIES KNOWN TO OCCUR
IN THE PROJECT REGION**

| Species | Status | | Likelihood of Occurrence |
|--|--------|------|---|
| | USFWS | CDFG | |
| Invertebrates | | | |
| <i>Cicindela gabbii</i> tiger beetle | — | — | Not expected to occur; no suitable habitat. |
| <i>Danaus plexippus</i> Monarch butterfly | — | — | Not expected to roost onsite; no suitable habitat. |
| <i>Tryonia imitator</i> mimic tryonia (= California brackish water snail) | — | — | Not expected to occur; no suitable habitat. |
| <i>Branchinecta sandiegoensis</i> San Diego fairy shrimp | FE | — | Not expected to occur; no suitable habitat. |
| Reptiles | | | |
| <i>Phrynosoma coronatum blainvillei</i> San Diego horned lizard | — | — | Moderate potential to occur. |
| <i>Crotalus ruber ruber</i> northern red-diamond rattlesnake | — | — | Moderate potential to occur. |
| <i>Clemmys marmorata pallida</i> southwestern pond turtle | — | — | High potential to occur onsite or downstream of the project site. |

| Species | Status | | Likelihood of Occurrence |
|--|---------------------------------|---------------------|---|
| | USFWS | CDFG | |
| Fish | | | |
| <i>Eucylogobius newberryi</i> tidewater goby | FE | — | Not expected to occur; no suitable habitat. |
| Mammals | | | |
| <i>Perognathus longimembris pacificus</i> Pacific pocket mouse | FE | — | Not expected to occur; no suitable habitat. |
| Birds | | | |
| <i>Polioptila californica californica</i> coastal California gnatcatcher | FT | — | High potential to occur; suitable habitat present. |
| <i>Vireo bellii bellii</i> least Bell's vireo | FE | SE | High potential to occur; suitable habitat present. |
| <i>Campylorhynchus brunneicapillus</i> coastal cactus wren | — | — | Not expected to occur; no suitable habitat. |
| <i>Athene cunicularia</i> burrowing owl | — | SSC | Not expected to occur; no suitable habitat. |
| <i>Charadrius alexandrinus nivosus</i> western snowy plover | FT | SSC | Not expected to occur; no suitable habitat. |
| <i>Passerculus sandwichensis beldingi</i> Belding's savannah sparrow | — | SE | Not expected to occur; no suitable habitat. |
| <i>Rallus longirostris levipes</i> light-footed clapper rail | FE | SE | Not expected to occur; no suitable habitat. |
| <i>Laterallus jamaicensis coturniculus</i> California black rail | — | ST | Not expected to occur; no suitable habitat. |
| <i>Sterna antillarum brownii</i> California least tern | FE | SE | Not expected to occur; no suitable habitat. |
| LEGEND | | | |
| Federal (USFWS) | | State (CDFG) | |
| FE | Endangered | SE | Endangered |
| FT | Threatened | ST | Threatened |
| PE | Proposed Endangered | PE | Proposed Endangered |
| PT | Proposed Threatened | PT | Proposed Threatened |
| C | Candidate Species | SSC | Species of Special Concern |
| SOC | Species of Concern ¹ | FP | Fully Protected |
| | | P | Protected |
| California Fully Protected | | | |
| Fully Protected (FP)/Protected (P): These designations were adopted by the state prior to the creation of the State Endangered Species Act. These status designations protect any species considered rare or threatened from harassment or harm. | | | |

Coastal California Gnatcatcher

The coastal California gnatcatcher is a federally-listed Threatened species and a state Species of Special Concern. This species occurs in most of Baja California's arid regions, but is extremely localized in the United States where it predominantly occurs in coastal regions of highly urbanized Los Angeles, Orange, Riverside, and San Diego Counties (Atwood 1992). In California, this species is an obligate resident of several distinct subassociations of the coastal sage scrub vegetation type. Brood parasitism by brown-headed cowbirds and loss of habitat to urban development have been cited as causes of the coastal California gnatcatcher population decline

(Unitt 1984; Atwood 1990). This species is known to occur in the vicinity of the project site. The project site provides suitable habitat for this species. The project site is not within the critical habitat designated for this species.

Least Bell's Vireo

The least Bell's vireo is a federally- and state-listed Endangered species. The vireo is now a rare and local summer resident of southern California's lowland riparian woodlands. While destruction of lowland riparian habitats has played a large role in driving this species to its present precarious situation, brood parasitism by brown-headed cowbirds is the most important factor in its decline (Garrett and Dunn 1981). Local cowbird control programs have been very effective in maintaining some populations (Small 1994); the species has begun to recover. The project site provides suitable habitat for this species. The project site is not within the critical habitat designated for this species.

Western Pond Turtle

This species is a federal Species of Concern, a state Species of Special Concern, and a CDFG Protected species. The western pond turtle occurs primarily in freshwater rivers, streams, lakes, ponds, vernal pools, and seasonal wetlands requiring water depths in excess of six feet and basking sites such as logs, banks, or other suitable areas above water level. This species also occurs away from open water in areas that are dry, but covered in vegetation during estivation. The western pond turtle occurs from Monterey Bay south through the Coast Ranges to northern Baja California (Holland 1991). The current range is similar to the historic range, but populations have become fragmented by agriculture and urban development. The southwestern pond turtle is known to occur within the adjacent Bonita Canyon Dam drainage. The project site provides potentially suitable habitat for this species.

Nesting Raptors

A well-established red-tailed hawk nest was observed approximately 450 feet south of the project site in the large gum trees. The presence of a red-tailed hawk in gum trees adjacent to the nest indicates that this nest is probably active at this time. This area also has potential to support other raptor nests. Activities having the potential to disturb active raptor nests are prohibited by CDFG regulations. This protection generally ceases once nesting activity is completed, typically by July. Impacts to nesting raptors, if present on the project site, would likely be found to be potentially significant in a CEQA analysis; however, impacts to these species can typically be mitigated to a level that is less than significant.

RECOMMENDATIONS

Coastal sage scrub with a high potential to be occupied by coastal California gnatcatchers lies immediately adjacent to the project site. Mule fat scrub on the project site also may be used by any gnatcatchers present for various activities, including foraging and collection of nest-building materials. A focused survey for this species following USFWS protocols would be recommended to determine presence or absence of the species on the project site. Since the project is within an NCCP area, three surveys would be required. Although the USFWS prefers that these surveys be conducted during the gnatcatcher breeding season, surveys can be conducted year-round within an NCCP area. If this species is found to occur on or adjacent to the project site, consultation and permitting through the USFWS would be required.

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High quality willow scrub and mule fat scrub habitats with a high potential to support nesting least Bells vireo occurs on and adjacent to the project site. A focused survey for this species following USFWS protocols would be recommended to determine presence or absence of the species on the project site. This protocol requires that eight surveys be conducted at least ten days apart during the vireo nesting season of April to July. If this species is found to occur on or adjacent to the project site, consultation and permitting through the USFWS would be required. If construction can avoid the nesting season, this survey may not be necessary.

The project also has potential to impact the southwestern pond turtle, if present in the stream. Direct impacts would include removal of individual turtles, while indirect impacts could include temporary interruption of the stream flow, introduction of pollutants, sediments or debris during construction, severing of connectivity between upstream and downstream areas, and other disturbance resulting from construction. A habitat assessment conducted by a qualified biologist experienced with the species could better determine the extent of pond turtle habitat within this stream. If habitat for this species is observed, a trapping program may be required to determine the presence or absence of these species. If present, pond turtles must be trapped and relocated prior to construction to avoid impacts to this species.

A survey for active raptor nests would be recommended 30 days prior to commencement of any construction activities initiated during the raptor breeding season between February 1 and June 30. Any occupied nests found during survey efforts would be mapped on the construction plans. Since red-tailed hawks generally re-use the same nest year after year, the nest observed this year is expected to be active again next year. Some restrictions on construction activities may be required in the vicinity of the nest until the nest is no longer active as determined by a qualified biologist. The restriction is generally not considered to be a substantial constraint to development.

Please contact Ann Johnston at (714) 444-9199 if you have any questions or comments.

Sincerely,

BONTERRA CONSULTING


Ann M. Johnston
Principal, Biological Services


Michael C. Couffer
Consulting Biologist

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Enclosures: Exhibits 1, 2 and 3

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Regional Location

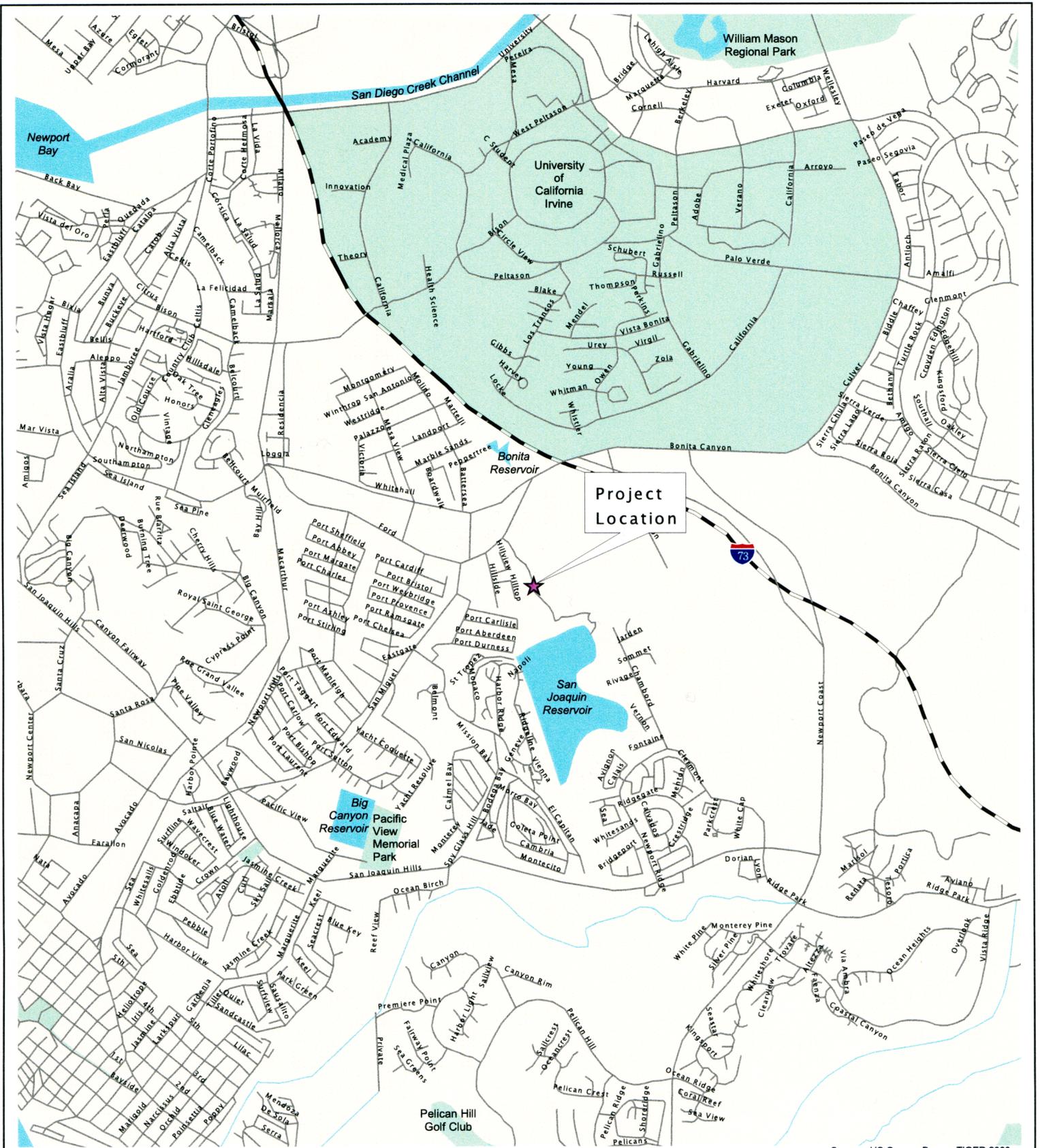
Poseidon Seawater Desalination Plant Pump Station

Exhibit 1



Bonterra
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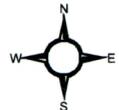


Source: US Census Bureau TIGER 2000

Local Vicinity

Poseidon Seawater Desalination Plant Pump Station

Exhibit 2



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Study Area

Poseidon Seawater Desalination Plant Pump Station

Exhibit 3



300 0 300 Feet

Bonterra
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