Biological Technical Report for El Toro Road Tentative Tract (TTM) 19035

Prepared for:

Trumark Companies
450 Newport Center Drive, Suite 300
Newport Beach, California 92660
Phone: 650.704.1873
Contact: Joe Martin



Prepared by:

VCS Environmental
EXPERTS IN STRATEGIC SOLUTIONS

30900 Rancho Viejo Road, Suite 100
San Juan Capistrano, California 92675
Phone: 949.489.2700
Contact: Carla Marriner

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ACRONYMS, ABBREVIATIONS, AND GLOSSARY OF TERMS

ac	acre
APN	Assessor Parcel Number
BLM	United States Bureau of Land Management
BMPs	Best Management Practices
CAGN	California gnatcatcher
Cal-IPC	California Invasive Plant Council
CDFW	California Department of Fish and Wildlife
City	City of Mission Viejo
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
CWA	federal Clean Water Act
ESA	federal Endangered Species Act
FGC	Fish and Game Code
GIS	Geographic Information System
HCP	Habitat Conservation Plan
HMMP	Habitat Mitigation and Monitoring Plan
I	Interstate
KBI	Kidd Biological, Inc.
MCV	Manual of California Vegetation
MBTA	Migratory Bird Treaty Act
MSL	mean sea level
NCCP	Natural Community Conservation Plan
NHD	National Hydrography Dataset
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
OHWM	Ordinary High Water Mark
PAR	Property Analysis Record
RWQCB	Regional Water Quality Control Board
SCE	Southern California Edison
sf	square feet
U.S.	United States
USACE	United States Army Corps of Engineers
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VCS	VCS Environmental

WDR	Water Discharge Requirement
WOS	Waters of the State
WOUS	Waters of the United States

1.0 INTRODUCTION

On behalf of Trumark Companies, VCS Environmental (VCS) prepared this Biological Technical Report, which incorporates the findings from general biological and jurisdictional delineation surveys conducted by VCS on February 28 and March 24, 2020. VCS prepared this report for the El Toro Road Tentative Tract (TTM) 19035 (Project), an approximately 13.4-acre condominium development.

1.1 Purpose and Approach

This report provides a summary of the conditions present during the spring 2020 biological field surveys, an assessment of the potential presence of sensitive biological resources, and an analysis of the potential impacts to those resources with implementation of the Project. This report identifies the current biological resources present within the Project site including habitat communities, potentially jurisdictional waters, and the potential for occurrence of special status plant and wildlife species. The potential biological impacts in view of federal, state, and local laws and regulations are also identified in this report. While general biological resources are discussed, the focus of this assessment is on those resources considered to be sensitive. The report also recommends, as appropriate, Best Management Practices (BMPs), avoidance, minimization, and mitigation measures to reduce or avoid potential impacts. This report was prepared based upon results of a literature review and field surveys.

1.2 Terms

The following terms will be used throughout this document and are defined as follows:

- Project site: the approximately 13.4-acre property assessed during the biological surveys.
- Impact Area: the 9.11-acre area within the Project site that will be permanently impacted by the Project and includes the approximately four-acre development pad.
- Avoided Area: the 4.29-acre portion of the Project site that will be avoided and where no direct impacts will occur.
- Offsite Road Improvements: improvements for roadways required within a 0.23-acre area north of the Project site.

1.3 Project Site Location

The approximate 13.4-acre Project is located in the City of Mission Viejo, Orange County, California; south of El Toro Road, east of Marguerite Parkway, west of State Route 241 (SR-241) and north of Los Alisos Boulevard. The Project site is regionally accessible from the SR-241

highway, or via Interstate 5 (I-5) freeway, heading east on El Toro Road (County Highway 18) for approximately 5.3 miles. [Figures 1 and 2; Regional and Site Location Map], respectively. The site is found on El Toro United States Geologic Survey (USGS) 7.5-minute quadrangle, Township 6S, Range 7W (Figure 3; USGS Map). The Assessor Parcel Number (APN) is 839-273-04.

2.0 PROJECT DESCRIPTION

The Project proposes the development of 91 multiple family dwelling units on approximately 9.11 acres within an approximately 13.4-acre property (Project site) located within the northeastern area of the City of Mission Viejo.

Within the 13.4-acre Project site, approximately 4.29 acres will not be subject to temporary or permanent impacts and will be avoided by the Project (Avoided Area). This area will remain as open space and includes a Southern California Edison transmission tower and power lines easement (see Figure 4; Site Plan). In addition, the proposed Project will include road improvements (0.23 acres) located directly north of the Project site (Road Improvements) for the addition of the dual left turn lane on El Toro Road.

2.1 Current Conditions

The Project site is surrounded by developed residential properties to the west and south, El Toro Road and a commercial building to the north, and SR-241 and open space to the east. The Orange County Central Coastal Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP) boundary is also located north of the Project site. The Project site supports six vegetation communities/land cover types. These vegetation communities/land cover types include California sagebrush scrub, Disturbed California sagebrush scrub, Ornamental landscaping, Upland mustard and other ruderal forbs, poison hemlock patch, and Disturbed/Developed (Figure 5; Vegetation Map). Site photographs are attached as Appendix A.

The Project site elevations range from approximately 2,739 - 3,412 feet (835-1040 meters) above mean sea level (MSL) (Google Earth 2020).

3.0 REGULATORY CONTEXT

The following is a list of the relevant federal, state, and local laws and regulations that apply to protecting plant communities, plants, wildlife, and water quality from impacts within the Project site.

Agency/ Organization	Laws/Regulations	Notes
Federal	Clean Water Act (CWA) Section 404	Jurisdictional Waters of the United States (WOUS) are present within the Project site and will be impacted during Project activities; therefore, a Section 404 Permit from the United States Army Corps of Engineers (USACE) will be required.
	CWA Section 401	Jurisdictional WOUS and Waters of the State (WOS) are present within the Project site and will be impacted during Project activities; therefore, a Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB) will be required.
	CWA Section 408	No facilities subject to Section 408 occur within the Project.
	Migratory Bird Treaty Act (MBTA)	Compliance with the MBTA will be achieved with pre-construction surveys for nesting birds within three days prior to initiation of work.
	Endangered Species Act (ESA)	Coastal California gnatcatcher (*Polioptilla californica californica*) was observed using suitable habitat on the Project site. A portion of the habitat is within 50 feet of the Corps Action Area; therefore, a United States Fish and Wildlife Service (USFWS) Section 7 will be required.
State	Section 1600 of the Fish and Game Code (FGC)	Jurisdictional WOS are present within the Project site and will be impacted during Project activities; therefore, a Section 1600 Permit through the California Department of Fish and Wildlife (CDFW) is required.
	Sections 3503, 3503.5, and 3513 of the FGC	These FGC sections offer protection of nesting birds, birds-of-prey, and migratory birds. Compliance will be maintained with a pre-construction survey for nesting birds (including birds-of-prey and migratory birds) within three days prior to initiation of work.
	Section 4150 of the FGC	Prohibits incidental or deliberate "take" of non-game mammals, including bats. Potential impacts to bats will be avoided with a pre-construction survey conducted prior to initiation of work.
	Porter-Cologne Water Quality Control Act and Water Discharge Requirements (WDR)	WOS and WOUS are present within the Project site and will be impacted during Project activities; therefore, as previously mentioned, a 401 Permit will be required instead.

3.1 Impacts Terminology

Potential impacts to biological resources that could result from implementation of the proposed Project are discussed in each of the Vegetation, Wildlife, and Jurisdictional Waters sections presented in this report.

Biological resources may be either directly or indirectly impacted by a project. Furthermore, direct and indirect impacts may be either permanent or temporary in nature. These impact categories are defined below. These terms will be used throughout the document.

- Direct Impact: Any loss, alteration, disturbance, or destruction of biological resources that would result from project-related activities is a direct impact. Examples include vegetation clearing, encroaching into wetlands, diverting natural surface water flows, and the loss of individual species and/or their habitats. Direct impacts are long-term.

- Indirect Impact: As a result of project-related activities, biological resources may also be affected in a manner that is not direct. Examples of indirect impacts include elevated noise, light, and dust levels, increased human activity, decreased water quality, erosion created by the removal of vegetation, and the introduction of invasive plants and unnatural predators (e.g., domestic cats and dogs). These indirect impacts may be both short-term and long-term in their extent.

- Permanent Impacts: All impacts that result in the long-term or irreversible removal of biological resources are considered permanent. Examples include constructing a building or permanent road on an area containing biological resources.

- Temporary Impacts: Any impacts considered to have reversible effects on biological resources can be viewed as temporary. Examples include the generation of fugitive dust during construction, removing vegetation, and either allowing the natural vegetation to recolonize or actively revegetating the impact area.

Under each section, potential impacts are discussed.

4.0 VEGETATION

4.1 Literature Review

4.1.1 Sensitive Plant Communities

Sensitive plant communities (sensitive habitats) as defined below, are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects. Sensitive habitats are often threatened with local extirpation and are therefore considered as valuable biological resources. Plant communities are considered "sensitive" by the California Native Plant Society (CNPS) and CDFW if they meet any of the following criteria listed below.

- The habitat is recognized and considered sensitive by CDFW, USFWS, and/or special interest groups such as CNPS.
- The habitat is under the jurisdiction of the USACE pursuant to Section 404 of the CWA.
- The habitat is under the jurisdiction of the CDFW pursuant to Sections 1600 through 1612 of the FGC.
- The habitat is known or believed to be of high priority for inventory in the California Natural Diversity Database (CNDDB).
- The habitat is considered regionally rare.
- The habitat has undergone a large-scale reduction due to increased encroachment and development.
- The habitat supports special status plant and/or wildlife species (defined below).
- The habitat functions as an important corridor for wildlife movement.

The most current version of CDFW's List of California Sensitive Natural Communities indicates which natural communities are sensitive given the current state of the California classification (CDFW 2020b).

4.1.2 Special Status Plants

Species of plants are afforded "special status" by federal agencies, state agencies, and/or non-governmental organizations (e.g., USFWS, CDFW, CNPS, and United States Forest Service [USFS]) because of their recognized rarity, potential vulnerability to extinction, and local importance. These species typically have a limited geographic range and/or limited habitat and are referred to

collectively as "special status" species. Plant species are considered "special status" species if they meet any of the following criteria:

- Taxa with official status under ESA, California Endangered Species Act (CESA), and/or the Native Plant Protection Act (NPPA).
- Taxa proposed for listing under ESA and/or CESA.
- Taxa identified as sensitive, unique or rare, by the USFWS, CDFW, USFS, and/or the Bureau of Land Management (BLM).
- Plants that meet the definition of rare or endangered under the California Environmental Quality Act (CEQA) §15380(b) and (d). Species that may meet the definition of rare or endangered include the following:
  - Species considered by CNPS and CDFW to be "rare, threatened or endangered in California" (California Rare Plant Rank [CRPR] 1A, 1B and 2; CNPS 2019). A majority of the CRPR 3 and CRPR 4 plant species generally do not qualify for protection under CESA and NPPA.
  - Species that may warrant consideration on the basis of local significance or recent biological information.
  - Some species included on the CNDDB Special Vascular Plants, Bryophytes, and Lichens List (CDFW 2020c).
- Considered a locally significant species, that is, a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA §15125 (c)) or is so designated in local or regional plans, policies, or ordinances. Examples include a species at the outer limits of its known range or a species occurring on an uncommon soil type.

Available literature and databases were reviewed regarding sensitive habitats and special status plant species. Special status plant species that have the potential to occur within the immediate region of the Project site were identified. Several agencies, including the USFWS, CDFW, and CNPS publish lists of particular taxa (species and subspecies) and the associated level of protection or concern associated with each. Reviewed and consulted literature and databases focused on the Project site and included the following sources listed below:

- The CNDDB, a CDFW species account database that inventories status and locations of rare plants and wildlife in California, was used to identify any sensitive plant communities and special status plants that may exist within a two-mile radius of the Project site (CDFW 2020a).

- Online CNPS Inventory of Rare and Endangered Plants of California (CNPS 2020). A search for the USGS 7.5-Minute Topographic Map El Toro Quadrangle within a range of 0 – 2000 meters elevation provided information regarding the distribution and habitats of special status vascular plants in the vicinity of the Project.

- A map of USFWS critical habitat to determine species with critical habitat mapped in the general vicinity of the Project (USFWS 2020a).

- Pertinent maps, scientific literature, websites, and regional flora and fauna field guides.

As noted previously, species occurrence and distribution information are often based on documented occurrences where opportunistic surveys have taken place; therefore, a lack of records does not necessarily indicate that a given species is absent from the Project site.

4.2 Field Methodology

A general biological survey was conducted within the Project site on February 28, 2020 by VCS biologists Carla Marriner and Darcy Hardwick. During the general biological survey, the biologists walked the entirety of the Project site, paying special attention to those areas that could host sensitive vegetation communities or had the potential to provide suitable habitat for special status plant species. Plant species were identified using plant field and taxonomical guides, such as The Jepson Manual: Vascular Plants of California, second edition (Baldwin et al. 2012). All plant species encountered during the field survey were identified and recorded in field notes.

The vegetation communities and habitat conditions were inspected to confirm presence and habitat quality of the vegetation found onsite. Where appropriate, descriptions of vegetation communities from the Manual of California Vegetation (MCV) second edition (Sawyer et al. 2009) were also utilized. Any deviations from standard vegetation classifications were made on best professional judgment when areas did not fit into a specific habitat description provided by the Manual. Vegetation communities were mapped using field observations and utilizing aerial imagery.

4.2.1 Rare Plant Survey

A focused rare and sensitive plant survey was conducted on April 30, 2020 by botanist C.J. Fotheringham of Biological Consultations within the Project site.

4.3 Results

4.3.1 Vegetation Communities

Vegetation/land cover mapping and acreages for each vegetation community and land type within the Project site can be found in Table 1 and are depicted in Figure 5, Vegetation Map. The definition of vegetation alliances and associations follow the MCV. The vegetation "alliance" describes the unit of classification best suited to define vegetation on a regional or statewide level, based on floristic categories defined by the dominant plant. Rarity rankings are also provided including Global (G) and State (S) ranks from 1 to 5. Substantial impacts to vegetation alliances with a State ranking of 1, 2 or 3 may be considered significant under CEQA; vegetation alliances with a State ranking of 4 and 5 are considered "secured" and impacts are not considered significant.

Representative photographs of the Project site are included as Appendix A.

Table 1. Vegetation Communities/Land Cover Observed

Vegetation Community/Land Cover Type	Project Site (acres)	Offsite Road Improvements (acres)	Total
California Sagebrush Scrub (G5S5)	1.37	--	**1.37**
Disturbed California Sagebrush Scrub (G5S5)	1.61	--	**1.61**
Disturbed/Developed	0.54	0.13	**0.67**
Ornamental Landscaping	2.69	0.1	**2.79**
Poison Hemlock Patch	0.09	--	**0.09**
Upland Mustard and other Ruderal Forbs	7.1	--	**7.1**
Total	**13.40**	**0.23**	**13.63**

4.3.1.1 California Sagebrush Scrub

Approximately 1.37 acres of California sagebrush scrub was mapped within the Project site. This vegetation community is primarily comprised of native species including California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), coyote brush (*Baccharis pilularis*), black sage (*Salvia mellifera*), white sage (*Salvia apiana*), red-bush monkey flower (*Mimulus auricantus* var. *puniceus*), coastal goldenbush (*Isocoma menziesii*), lemonade berry (*Rhus integrifolia*), yellow yarrow (*Eriophyllum confertiflorum*), and toyon (*Heteromeles arbutifolia*). Non-native species observed in this area included poison hemlock (*Conium maculatum*) and short-pod mustard (*Hirschfeldia incana*).

4.3.1.2 Disturbed California Sagebrush Scrub

Approximately 1.61 acres of Disturbed California sagebrush was mapped within the Project site. Vegetation observed within this community includes native California sagebrush, coastal golden bush, coyote brush shrubs, poison oak (*Toxicodendron diversilobum*) and California dodder (*Cuscuta californica*). However, this vegetation community presents a moderate level of disturbance due to the presence of non-native species including short-pod mustard, red-steam filaree (E*rodium cicutarium*), yellow sweet clover (*Melilotus indicus*), and sow thistle (*Sonchus oleraceus*). Also, some ornamental shrubs are intermixed with the native vegetation in the western portion of the Project site.

4.3.1.3 Disturbed/Developed

Approximately 0.54 acres of the land within the Project site and 0.13 acres within the Offsite Road Improvements, for a total of 0.67 acres, is considered Disturbed/Developed. These areas include existing dirt roads, bare ground, a cell tower structure, and Southern California Edison (SCE) transmission power infrastructure, primarily located in the southern portion of the Project site.

4.3.1.4 Ornamental Landscaping

Approximately 2.69 acres of ornamental vegetation was mapped within the Project site. Additionally, 0.1 acres of ornamental vegetation was mapped within the Offsite Road Improvements area north of the Project site, for a total of 2.79 acres. This vegetation community consists of areas that were planted primarily with landscaping trees including some pine trees (*Pinus* spp.) canary inland pine (*Pinus canariensis*), Peruvian pepper (*Schinus molle*) trees, Mexican fan palm (*Washingtonia robusta*), blue gum (*Eucalyptus globulus*) sweet gum (*Liquidambar styraciflua*), and bank catclaw (*Acacia redolens*). The understory is comprised mainly of patches of crown daisy (*Glebionis coronaria*) and other non-native ruderal plant species. There are individual shrubs and small patches of native plants such as California sagebrush and toyon intermixed within the landscaping area.

4.3.1.5 Poison Hemlock Patch

Approximately 0.09 acres within the Project site is mapped as a poison hemlock patch. This area is located between the two patches of California sagebrush scrub, primarily comprised of non-native poison hemlock and fennel (*Foeniculum vulgare*).

4.3.1.6 Upland Mustard and Other Ruderal Forbs

Approximately 7.1 acres of Upland mustard community was mapped within the Project site. This vegetation is comprised primarily of non-native species including the following: high densities of short-pod mustard, Russian thistle (*Salsola tragus*), milk thistle (*Silybum marianum)*, hore hound

(*Marrubium vulgare)*, bull thistle (*Cirsium vulgare*), foxtail chess (*Bromus madritensis*), ripgut brome (*Bromus diandrus*), tocalote (*Centaurea melitensis*), rattail sixweeks grass (*Festuca myuros*), and castor bean (*Ricinus communis*). Additionally, there are patches of artichoke thistle (*Cynara cardunculus)* and fennel, poison hemlock, common yellow wood sorrel (*Oxalis stricta),* and small patches of herbaceous native vegetation such as California sagebrush and coyote brush. Some emergent patches of blue elderberry trees (*Sambucus nigra* ssp. *caerulea*), one to a few, are also scattered within this habitat community.

4.3.1.7 Special Status Vegetation Communities

Three sensitive vegetation communities were reported in the CNDDB within two miles of the Project site: Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, and Southern Sycamore Alder Riparian Woodland (Figure 6; CNDDB). Those vegetation communities were not observed on the Project site.

As noted above, vegetation alliances with a State Rarity Ranking of S3 or lower are considered to have special status due to the limited number of occurrences. No sensitive vegetation communities occur within the Project site.

4.3.2 Plants

A total of 49 plant species were observed within the Project site during the surveys and are listed in Appendix B.

4.3.2.1 Sensitive Plant Species Occurring Onsite

No rare plant species were observed during the focused rare plant survey conducted on April 30, 2020. A second focused rare plant survey will be conducted in early summer/late spring (2020) to check for late blooming species.

4.3.2.2 Sensitive Plant Species with Potential to Occur

Sensitive plant species include federally, or state listed threatened or endangered species and those species listed on CNPS's rare and endangered plant inventory. Species with the potential to occur onsite were analyzed based on distribution, habitat requirements, and existing site conditions, and are listed in Appendix C.

No sensitive plant species were observed within the Project site during the April 2020 focused rare plant survey. Based on the habitat found onsite, the special status plant species that have at least moderate potential to occur within the Project site include intermediate mariposa lily (*Calochortus weedii* var. *intermedius*), many-stemmed dudleya (*Dudleya multicaulis*), and chaparral nolina *(Nolina cismontane*). Based on the general biological assessment and the focused rare plant survey (April 2020), the many-stemmed dudleya and chaparral nolina were not observed onsite, and if

they were present would have been observed. Therefore, only the intermediate mariposa lily has moderate potential of being observed during the late spring/early summer survey planned for June/July 2020.

An assessment of sensitive plant species and their potential to occur, as well as their federal/state/local classifications, are listed in Appendix C.

4.4 Project Impacts

4.4.1 Potential Impacts to Vegetation Communities

Potential impacts to vegetation communities/land cover types due to implementation of the proposed Project includes the entire Project site as shown below in Table 2 and depicted in Figure 7, Vegetation Impacts.

Table 2. Potential Impacts to Vegetation Communities

Vegetation Communities	Onsite Impacts (ac)	Offsite Road Improvements (ac)	Total Acreage
California Sagebrush Scrub	0.77	0	0.77
Disturbed California Sagebrush Scrub	1.29	0	1.29
Disturbed/Developed	0	0.13	0.13
Ornamental landscaping	2.57	0.1	2.67
Poison Hemlock Patch	0.09	0	0.09
Upland Mustard	4.39	0	4.39
Total	**9.11**	**0.23**	**9.34**

Approximately 0.77 acres of direct impacts to California sagebrush scrub habitat due to Project implementation would be considered potentially significant. This habitat is dominated by native species and provides suitable habitat for wildlife including the coastal California gnatcatcher.

Direct impacts to the poison hemlock patch are considered potentially significant because this vegetation community is associated with a wetland habitat; grading for the Project would impact approximately 0.09 acres.

A portion of the California sagebrush scrub will remain as open space within the avoided area of the Project. With the mitigation described in Section 8.0, *Mitigation Recommendations*, impacts to these vegetation communities (California sagebrush scrub and poison hemlock patch) will be reduced to less than significant.

Direct impacts to approximately 1.29 acres of Disturbed California sagebrush scrub due to Project implementation would be considered less than significant. This habitat includes native species but presents a moderate level of disturbance, with a moderate to high density of non-native/invasive species. Therefore, this habitat is considered of lower quality and less suitable to provide habitat for coastal California gnatcatcher or other sensitive species. Additionally, the Disturbed California sagebrush scrub areas are not occupied by California gnatcatcher, and no other sensitive species were observed in the habitat; therefore, no mitigation is recommended.

Direct impacts to the Upland mustard and other ruderal forbs community on the Project site are considered less than significant due to the preponderance of non-native vegetation which provides marginal habitat value for wildlife.

Direct impacts to Ornamental and Disturbed/Developed vegetation/land cover types are considered less than significant because these habitats/land covers are either non-native or are common in the surrounding vicinity and do not represent CNDDB or CDFW sensitive plant communities.

Indirect impacts to plant communities can result in secondary consequences. Development/excavation activities within the Project site and Road Improvements area could result in indirect impacts to the vegetation communities surrounding the directly impacted areas. Examples of indirect temporary impacts to plant communities include the effects of fugitive dust created by construction activities and the spread of invasive species. With development, “edges” of vegetation communities may be exposed and more susceptible to invasion by invasive species (introduced by planted landscaping, seed dispersal from cars, people, and/or pets, and/or wind). Construction-related erosion, runoff, sedimentation, soil compaction, and alteration of drainage patterns that may affect plants by altering site conditions so that the location in which they are growing becomes unfavorable are prohibited by federal and state laws; compliance with the requirements under these state and federal laws will reduce the potential for significant indirect impacts to below significance.

As noted in Section 7.0, *Best Management Practices*, the Project will be required to implement standard BMPs which will further reduce indirect impacts to the vegetation communities.

4.4.2 Potential Impacts to Special Status Plants

Based on the habitat found onsite, the special status plant species that have at least moderate potential to occur within the Project site include intermediate mariposa lily, many-stemmed dudleya, and chaparral nolina. No special status species were observed during the general survey or focused survey conducted in April 30, 2020. The many-stemmed dudleya and chaparral nolina were not observed onsite, and if they were present would have been observed. A late spring/early summer focused rare plant survey will be completed to identify any late blooming species including intermediate mariposa lily. If the species is identified during the late season survey and

if it is located in an impact area, mitigation will include harvesting the individual plant bulbs identified during the survey (or future survey conducted during an appropriate season) and relocating them to suitable habitat in the open space portion of the site prior to Project grading. However, if no intermediate mariposa lily is observed during the survey, then no direct impacts are expected to occur as a result of Project implementation and no additional mitigation is recommended.

5.0 WILDLIFE

5.1 Literature Review

Species of wildlife are afforded "special status" by federal agencies, state agencies, and/or non-governmental organizations because of their recognized rarity, potential vulnerability to extinction, and local importance. These species typically have a limited geographic range and/or limited habitat and are referred to collectively as "special status" species. Wildlife species were considered "special status" species if they meet any of the following criteria:

- Taxa with official status under ESA or CESA.
- Taxa proposed for listing under ESA and/or CESA.
- Taxa designated a species of special concern by CDFW.
- Taxa designated a state fully protected species by CDFW.
- Taxa identified as sensitive, unique or rare, by the USFWS, CDFW, USFS, and/or BLM.
- Taxa that meet the definition of rare or endangered under the CEQA §15380(b) and (d).
- Species considered locally significant; that is, a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA §15125 (c)) or is so designated in local or regional plans, policies, or ordinances. Examples include a species at the outer limits of its known range.

Special status wildlife species that have the potential to occur within the immediate region of the Project site were identified. Several agencies, including the USFWS and CDFW publish lists of particular taxa (species and subspecies) and the associated level of protection or concern associated with each. Reviewed and consulted literature and databases focused on the Project site and included the following sources listed below:

- The CNDDB was used to identify any special status wildlife that may exist within a two-mile radius of the Project site (Figure 6; CDFW 2020a). CNDDB records are generally used as a starting point when determining what special status species, if any, may occur in a particular area. However, these records may be old, lack of data not yet entered, and do not represent all the special status species that could be in that particular area.
- A map of USFWS critical habitat to determine species with critical habitat mapped in the general vicinity of the Project (USFWS 2020a).

- The USFWS's Information for Planning and Consultation online tool, which identifies species and critical habitat under USFWS jurisdiction that are known or expected to be on or near the Project area (USFWS 2020b).

- Pertinent maps, scientific literature, websites, and regional flora and fauna field guides.

The literature review provided a baseline from which to inventory the biological resources potentially occurring within the Project site, as well as the surrounding area. Although the inventory list of special status wildlife species was not exhaustive of all species that might be of concern for the property, it provided a wide range of species that are representative of the wildland habitats in the area. Species occurrence and distribution information is often based on documented occurrences where opportunistic surveys have taken place; therefore, a lack of records does not necessarily indicate that a given species is absent from the project site.

5.2 Field Methodology

The location of the Project is within the general distributional range of several special status wildlife species. The purpose of the February 28, 2020 biological survey was to note those species observed, ascertain general site conditions, and identify habitat areas that could be suitable for special status wildlife species.

All wildlife species encountered visually or audibly during the field survey were identified and recorded in field notes. Signs of wildlife species including wildlife tracks, burrows, nests, scat and remains, were also recorded. Binoculars were used to aid in the identification of observed wildlife and in areas not accessible on foot. Wildlife field guides and photographs were used to assist with identification of wildlife species during the field survey, as necessary. A one-day survey cannot be used to conclusively determine presence or absence of a species; therefore, assessments of presence/absence and potential for occurrence were made based on presence of suitable habitat to support the species, diagnostic signs (burrows, scat, tracks, vocalizations, and nests), known records or occurrence within the area, known distribution and elevation range, and habitat utilization from the relevant literature.

5.2.1 Coastal California Gnatcatcher Survey

Breeding season protocol surveys for the federally threatened coastal California gnatcatcher (CAGN) were conducted by Kidd Biological, Inc. (KBI) within the Project site. The CAGN survey methodology is detailed in the CAGN survey report (Appendix D). Surveys were conducted during the species' breeding season in accordance with USFWS guidance (USFWS 2013). A total of six breeding season protocol surveys for the CAGN were conducted by USFWS permitted biologist, Kelly Rios (Federal Permit #TE-018909-5), between March and April 2020.

5.3 Results

A total of 14 wildlife species or signs thereof were observed during the February 2020 general field survey. The wildlife species or signs thereof observed during the field survey are listed in Appendix B.

5.3.1 Sensitive Wildlife Species with Potential to Occur

Sensitive wildlife species include the following classifications: federally or state listed threatened or endangered species, California species of special concern, and fully protected and protected species (as designated by CDFW). Species with the potential to occur onsite were analyzed based on distribution, habitat requirements, and existing site conditions.

One sensitive wildlife species, coastal California gnatcatcher, was observed during the biological surveys.

Additional wildlife species observed during the survey include red-tailed hawk (*Buteo jamaicensis),* bushtit *(Psaltriparus minimus),* song sparrow *(Melospiza melodia),* white-crowned sparrow (*Zonotrichia leucophrys),* Anna's Hummingbird (*Calypte anna),* Allen's Hummingbird (*Selasphorus sasin),* and Skilton's skink *(Plestiodon skiltonianus skiltonianus).*

Sensitive wildlife species with at least moderate (or low to moderate) potential to occur but not observed during the survey include:

- Crotch bumble bee, a CDFW candidate endangered species.
- Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), a CDFW watch list species.

A complete list of sensitive wildlife species analyzed with potential to occur within the Project site are included in Appendix C. The two sensitive species noted above with at least moderate potential to occur are described in further detail below. The CAGN focused survey results are also described below.

Crotch Bumble Bee

This species lives in grassland and scrub habitats in coastal California and Baja California, Mexico. It was most commonly found in the Central Coast, but urbanization and agriculture activities contributed to its decline. According to the CNDDB data, the crotch bumble bee was sighted as early as 1960. While these species were documented within approximately 1.8 miles of the Project site, they are not documented on the Project site. Suitable habitat exists on the Project site, considered to be primarily the California sagebrush scrub.

Southern California rufous-crowned sparrow

This subspecies of rufous-crowned sparrow ranges throughout southern California from Los Angeles County to Baja California, Mexico. Southern California rufous crowned sparrows are found in sage scrub, broken or burned chaparral habitats, and grasslands with scattered shrubs. The species exhibits a strong preference for moderate to steep, south-facing, dry, rocky slopes with a 50 percent cover of low shrubs (Unitt 2004). Breeding occurs from March through June. Loss of habitat due to urbanization and habitat fragmentation has decreased the amount of suitable habitat for southern California rufous crowned sparrows (Unitt 2004). Although this species was not detected during the biological surveys, suitable habitat is present primarily within the California sagebrush scrub. Therefore, there is moderate potential for this species to occur onsite.

5.3.1.1 Coastal California Gnatcatcher

As noted above, CAGN protocol surveys were conducted in March and April 2020. A pair of CAGN were observed using the California sagebrush scrub habitat during the focused surveys. This pair was assumed to be breeding onsite based on activity and behavior observed. The results of the protocol surveys are further detailed in focused survey report, Appendix D.

5.3.2 Critical Habitat

The USFWS's online service for information regarding Threatened and Endangered Species Final Critical Habitat designation within California was reviewed to determine if the Project site occurs within any species designated Critical Habitat. No Critical Habitat exists within the Project site (Figure 8; USFWS Critical Habitat Map).

5.3.3 Wildlife Movement

Wildlife corridors link together areas of suitable 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. Corridors effectively act as links between different populations of a species. An increase in a population's genetic variability is generally associated with an increase in a population's health.

Corridors mitigate the effects of habitat fragmentation by:

- Allowing wildlife to move between remaining habitats, which allows depleted populations to be replenished and promotes genetic diversity;
- Providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fires or disease) will result in population or local species extinction; and

- Serving as travel routes for individual wildlife species as they move within their home ranges in search of food, water, mates, and other needs (Fahrig and Merriam 1985, Simberloff and Cox 1987, Harris and Gallagher 1989).

Wildlife movement activities usually fall into one of three movement categories:

- Dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions);
- Seasonal migration; and
- Movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover).

The Project site is bordered by residential development mainly to the west and south and open space to the north and east. The open space, located approximately 0.2 miles north of the Project site, is separated from the Project site by El Toro Road. This area includes a portion of the Central/Coastal NCCP/HCP, a state/federal habitat management and conservation plan that was designed to conserve, protect and enhance habitat including coastal sage scrub habitats. Due to the obstruction by surrounding development and infrastructure, the Project site is not expected to function as a regional wildlife movement corridor. The Project site may play a role in local wildlife dispersal and foraging, which would be expected to continue with the preservation of the open space onsite.

Avian Nesting and Bat Roosts

There is potential for avian nesting within the Project site. There is low potential for bat roosting to occur within the Project site. Biologists did not observe signs of nesting activity within the Project site during the general biological survey. Furthermore, while a focused survey for bat roosting was not conducted at the time of the general biological survey, no active bat roosts were incidentally observed during the February 28, 2020 survey.

5.4 Project Impacts to Wildlife

5.4.1 Potential Impacts to Special Status Wildlife

One sensitive wildlife species was observed within suitable habitat on the Project site during the surveys, coastal California gnatcatcher. Two additional wildlife species have at least moderate (or low to moderate) potential to exist on the Project site.

Coastal California Gnatcatcher

As noted above, a pair of CAGN were observed nesting during focused CAGN surveys. Direct impacts from Project activities could include harassment, injury to or mortality of individuals, including through destruction of active nests, during vegetation trimming, or through nest failure from noise and other disturbance in the vicinity of a nest. Direct impacts would be considered "take" of a listed species and would be significant. Indirect impacts to this species include the loss of approximately 0.445 acres of coastal California gnatcatcher occupied California sagebrush scrub within the impact area. Direct impacts are not expected to occur. Indirect impacts to the California gnatcatcher would be considered significant but mitigable.

A portion of the CAGN occupied California sagebrush scrub will be avoided by the Project and remain for future CAGN use. Additionally, implementation of mitigation measures as outlined in Section 8.0, *Mitigation Recommendations*, would reduce potential impacts to CAGN and occupied California gnatcatcher habitat loss to a less than significant level.

Other Sensitive Species

Other sensitive species including the Crotch's bumble bee and Southern California rufous-crowned sparrow are considered to have at least low to moderate potential to occur on the Project site, primarily within the California sagebrush scrub habitat. Those species were not detected within the Project site during the biological surveys. With the inclusion of standard BMPs as noted in Section 7.0, *Best Management Practices*, and mitigation recommendations in Section 8.0, *Mitigation Recommendations*, potential impacts to these special status wildlife species would be considered less than significant.

5.4.2 Potential Impacts to Critical Habitat

The Project site does not fall within any Critical Habitat.

5.4.3 Potential Impacts to Wildlife Movement/Nesting/Bat Roosts

Wildlife Movement

As described earlier, the Project site may serve a function in local wildlife dispersal and foraging; however, due to the obstruction of the surrounding infrastructure and development, it is not expected that the Project site functions as a regional wildlife movement corridor. With preservation of the open space onsite, any role the Project site plays in local wildlife dispersal and foraging is expected to continue. Therefore, no long-term or significant effects to wildlife movement are anticipated due to Project implementation.

Nesting Birds

Due to the potential for onsite bird nesting, Project construction could result in impacts to nesting birds that would be in violation of the MBTA and California FGC if construction activities are to take place during nesting season or if a pre-construction nesting bird is not performed to clear the site prior to start of work. Recommended measures include a pre-construction nesting bird survey to avoid impacts and are outlined in Section 8.0, *Mitigation Recommendations,* of this report. This measure would ensure potential impacts to nesting birds are less than significant.

Bat Roosting

There is low potential for bat roosting within the Project site. The Project is not expected to result in impacts to protected bat species or bat maternity roosts; therefore, potential impacts, if any, are less than significant, and no additional mitigation is recommended.

6.0 JURISDICTIONAL WATERS

6.1 Literature Review

The following sources were reviewed to determine the potential presence or absence of jurisdictional streams/drainages, wetlands, lakes, and their location within the watersheds associated with the Project site, and other features that might contribute to federal or state jurisdictional authority located within watersheds associated with the Project site:

- National Wetlands Inventory (NWI) maps (USFWS 2020c). The NWI database indicates potential wetland areas based on changes in vegetation patterns as observed from satellite imagery. This database is used as a preliminary indicator of wetland habitats because the satellite data is not precise;
- USGS National Hydrography Dataset (NHD). Provides the locations of "blue-line" streams as mapped on 7.5-Minute Topographic Map coverage;
- Aerial Imagery;
- USGS 7.5-Minute Topographic Maps; and
- Natural Resource Conservation Service (NRCS) Soil Survey.

6.2 Field Methodology

Field surveys were conducted within the Project site on February 28, 2020 by VCS biologists Carla Marriner and Darcy Hardwick and on March 24, 2020 by Darcy Hardwick to assess the presence or absence of potential jurisdictional streams/drainages and conduct a wetland delineation on the Project site. During the field surveys, the Project site was assessed for jurisdictional wetland WOUS, using the methodology published in the USACE 1987 Wetland Delineation Manual (USACE 1987) and the Arid West Supplement (USACE 2008). The Project site was also assessed for jurisdictional non-wetland WOUS, as determined through the observation of an Ordinary High Water Mark (OHWM) which is defined as the "line on the shore established by the fluctuation of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas."

The following guidance documents were utilized in making this determination:

- Field Guide to OHWM Determinations in the Arid West (August 2008);

- Updated OHWM Datasheet for the Field Guide to OHWM Determinations in the Arid West (July 2010); and
- Ordinary High Flows and the Stage-Discharge Relationship in the Arid West Region (2011).

The Project site was assessed for jurisdictional WOS during the field survey using guidance from Section 1600 of the FGC and Brady and Vyverberg (2013), which defines a stream as "a body of water that flows perennially or episodically and that is defined by the area in which water currently flows, or has flowed, over a given course during the historic hydrologic course regime, and where the width of its course can reasonably be identified by physical or biological indicators."

6.3 Results

6.3.1 National Wetland Inventory

No features mapped through the online NWI occur on the Project site (Figure 9; NWI Map). One feature is mapped adjacent to the southern portion of the Project site. No wetlands or similar features were observed in this area and aerial imagery indicated any potential wetlands at this location were removed in 1940's (Historic 2020).

6.3.2 Hydrology

The jurisdictional features found on the Project site flow in a northwesterly direction towards El Toro Road, where flow is routed to a culvert and a drain, then under El Toro Road and into Aliso Creek, which flows parallel to and on the northside of El Toro Road. Aliso Creek flows west, eventually into the Pacific Ocean.

6.3.3 Soils

The U.S. Department of Agriculture NRCS (NRCS 2020) identifies three soil types present within the Project site (Figure 10; Soil Map):

- Alo clay, 30 to 50 percent slopes, warm MAAT, MLRA 20. This series consists of moderately deep, well drained soils. They are formed in material weathered from shale or sandstone on mountains.
- Bosanko clay, 30 to 50 percent slopes. The Bosanko soil series consist of well drained soils with a high runoff rate. They are primarily non-saline soils weathered from granite bedrock.
- Calleguas clay loam, 50 to 75 percent slopes, eroded. The Calleguas series consists of very shallow and shallow, well drained soils formed on uplands, hills and mountains in material weathered from sedimentary rocks.

6.3.4 Jurisdictional Waters

Two jurisdictional waters of the U.S. and State features were identified on the Project site (Figures 11a and 11b, respectively). Feature A is an earthen drainage that runs generally southeast to northwest through the center of the Project site and outlets through a culvert that crosses underneath El Toro Road. Feature B is primarily a concrete lined v-ditch that flows southeast to northwest through the western portion of the Project site. The northern portion of Feature B is an earthen drainage that connects the v-ditch to a nearby drain. Feature B was considered jurisdictional because it appears to have replaced an existing drainage sometime in the mid-1980's to the early 1990's. The remainder of the v-ditches onsite were considered non-jurisdictional because they were excavated in the uplands, are primarily used for slope stabilization, and do not convey jurisdictional waters.

Table 3. Jurisdictional Waters

Jurisdictional Waters	Area (Acres)	Length (Linear Feet)
Non-Wetland Waters of the U.S.	0.031	944
Wetland Waters of the U.S.	0.009	66
Waters of the U.S. Total	**0.040**	**1,010**
Streambed Waters of the State	0.035	944
Riparian Waters of the State	0.009	66
Waters of the State Total*	**0.044**	**1,010**
*Inclusive of waters of the U.S.		

Features A and B are further classified in Table 4 below:

Table 4. Aquatic Resources

Feature	Jurisdictional Class (U.S./State)	Cowardin Class	Acreage: U.S./State (acre)	Linear Feet	Width: U.S./State (feet)
Drainage A Total			**0.021/0.025**	**551 feet**	
Segment 1 (earthen)	Non-wetland/Streambed	R6	0.003	132	1
Segment 2 (earthen)	Non-wetland/Streambed	R6	0.005/0.009	197	1/2
Segment 3 (earthen)	Non-wetland/Streambed	R6	0.004	156	1
Segment 4 (earthen)	Wetland/Riparian	R6	0.003	32	4
Segment 4 (earthen)	Wetland/Riparian	R6	0.006	34	8
Drainage B Total			**0.019 acres**	**459 feet**	
Segment 1 (concrete)	Non-wetland/Streambed	R6	0.017	365	2
Segment 2 (earthen)	Non-wetland/Streambed	R6	0.002	94	1
Subtotal			**0.040/0.044 acres**	**1,010 feet**	
Total Resources to be Mitigated (non-concrete)			**0.023/0.027 acres**	**645 feet**	

6.4 Project Impacts

6.4.1 Potential Impacts to Jurisdictional Waters

The entirety of the jurisdictional waters present on the Project site will be permanently impacted by the Project. With implementation of mitigation described in Section 8.0, *Mitigation Recommendations*, potential impacts to jurisdictional waters would be considered less than significant.

7.0 BEST MANAGEMENT PRACTICES

Implementation of general BMPs are recommended to the extent practical. Key aspects of the BMPs are to clearly delineate the limits of disturbance, use properly maintained equipment, properly implement and monitor water quality BMPs, avoid use of chemicals near sensitive areas, develop procedures for minimizing the likelihood of spills and to control sediment, ensure worker safety, and minimize impacts to sensitive biological resources onsite including sensitive plant communities, jurisdictional waters, and sensitive wildlife species. Standard BMPs will be implemented including compliance with the South Coast Air Quality Management District and State Water Resources Control Board Stormwater requirements for the control of fugitive dust and management of water quality.

8.0 MITIGATION RECOMMENDATIONS

BIO-1: A late spring/early summer focused rare plant survey would be completed to identify any late blooming species including intermediate mariposa lily. If the species is identified during the late season survey and if it is located in an impact area, mitigation would include harvesting the individual plant bulbs identified during the survey (or future survey conducted during an appropriate season) and relocating them to suitable habitat in the open space portion of the site prior to project grading. However, if no intermediate mariposa lily is observed during the survey, then no direct impacts are expected to occur as result of project implementation and no additional mitigation is recommended.

BIO-2: A Crotch bumble bee focus survey would be required prior to grading if grading occurs before the emergency listing expires and/or if CDFW lists the species.

BIO-3: Removal of any trees, shrubs or any other potential nesting habitat would be conducted outside of the nesting season (February 15 to September 1) to the extent practical. A nesting bird survey should be conducted within three days prior to start of work if work occurs during the nesting bird season (January 1 – September 1). If vegetation removal occurs outside of nesting season or if no nesting birds are found, no further action is required. If active nests are identified, the biologist would establish appropriate buffers around the area (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers would be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The onsite biologist would review and verify compliance with these nesting boundaries and would verify the nesting effort has finished. Work can resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that certain work can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). If vegetation clearing is not initiated within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.

BIO-4: To avoid attracting predators of the species of concern, the Project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).

BIO-5: To address impacts to the California gnatcatcher, consultation with USFWS is necessary. The Applicant shall mitigate impacts to 0.445 acres of occupied California sagebrush scrub CAGN habitat through the planting of a minimum of a 2:1 ratio of California sagebrush scrub habitat onsite. The onsite mitigation requirements would be

established in an approved Habitat Mitigation and Monitoring Plan (HMMP). A qualified biologist shall be onsite to monitor all activities that result in the clearing of sensitive habitat including California sagebrush scrub as well as grading, excavation, and/or other ground-disturbing activities in jurisdictional areas. The biological monitor would halt construction activities within 500 feet of nesting gnatcatchers. This distance may be reduced if a qualified CAGN biologist determines that activities are not negatively affecting the gnatcatcher and full-time biological monitoring is conducted.

BIO-6: Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City that the following permits have been obtained: a RWQCB Section 401 Permit, a Section 1600 Streambed Alteration Agreement, a USACE Section 404 Permit, and a U.S. Fish and Wildlife Section 7 Consultation.

BIO-7: Permanent impacts to non-concreted jurisdictional waters of the U.S. and State totaling approximately 0.027 acres shall be compensated for at a minimum ratio of 2:1 at an agency-approved mitigation bank, such as Soquel Canyon Mitigation Bank, with an in-lieu fee program, onsite, or at an offsite permittee sponsored location.

BIO-8: California sagebrush scrub provides suitable habitat for sensitive wildlife species known to occupy the site, or with potential to occupy the site including Crotch bumble bee and southern California rufous-crowned sparrow. A total of 0.77 acres of California sagebrush scrub would be impacted by project implementation, of which only 0.445 acres is considered occupied by CAGN. Mitigation for the California sagebrush scrub habitat type, as described above, would mitigate for the potential presence of associated California sagebrush scrub wildlife species including Crotch bumble bee and southern California rufous-crowned sparrow.

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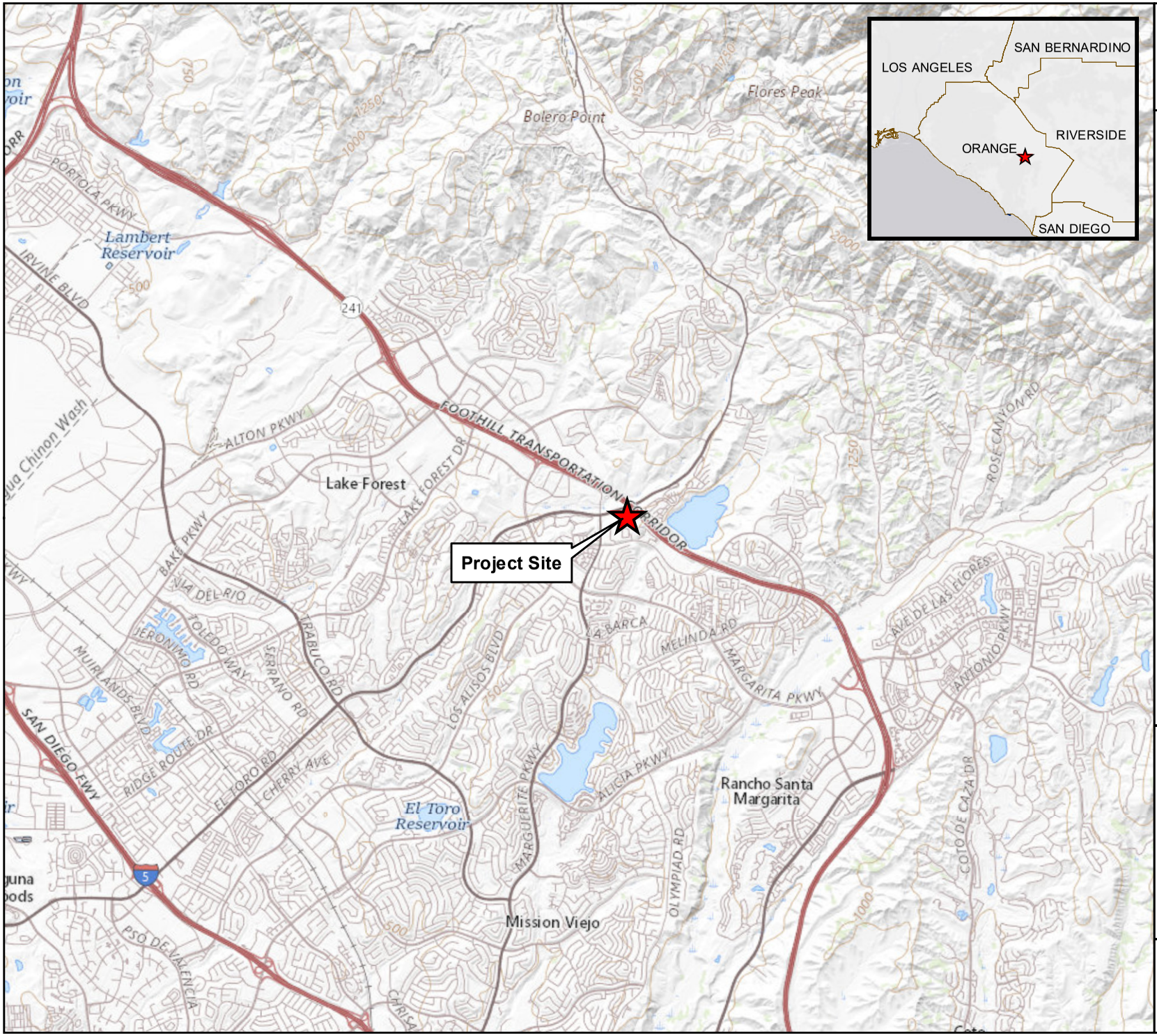
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El Toro Road TTM 19035

Regional Location

Figure 1

N
W E
S

0 3,000 6,000
Feet

1 in = 6,000 ft

Map Date: March 2020
Data Source: ESRI



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El Toro Road TTM 19035

Aerial Map

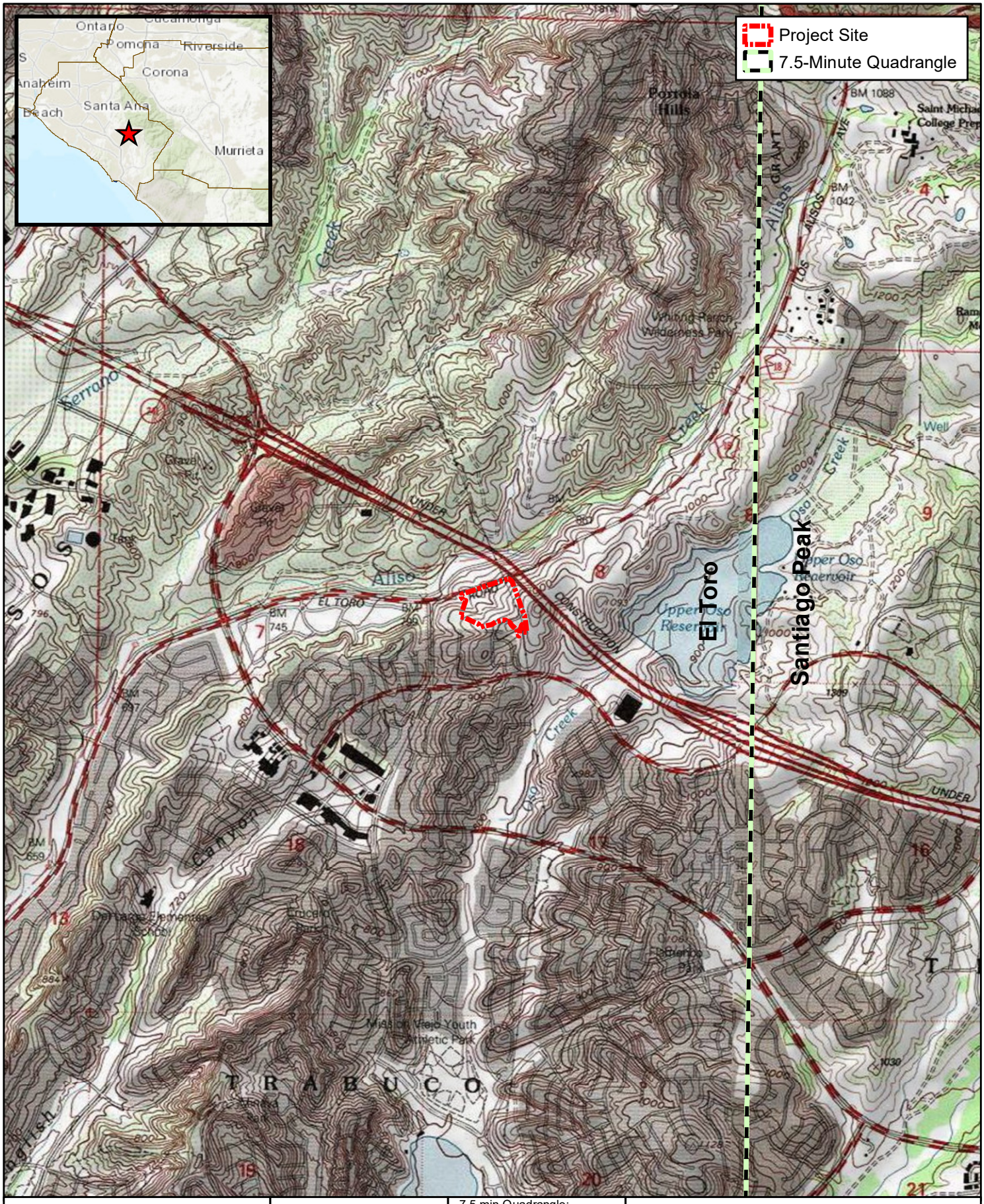
Figure 2

N
W E
S

0 150 300
Feet

1 in = 300 ft

Map Date: May 2020
Imagery Source: ESRI



Prepared By:

VCS Environmental

Map Created: March 2020

0 500 1,000 1,500 2,000 Feet

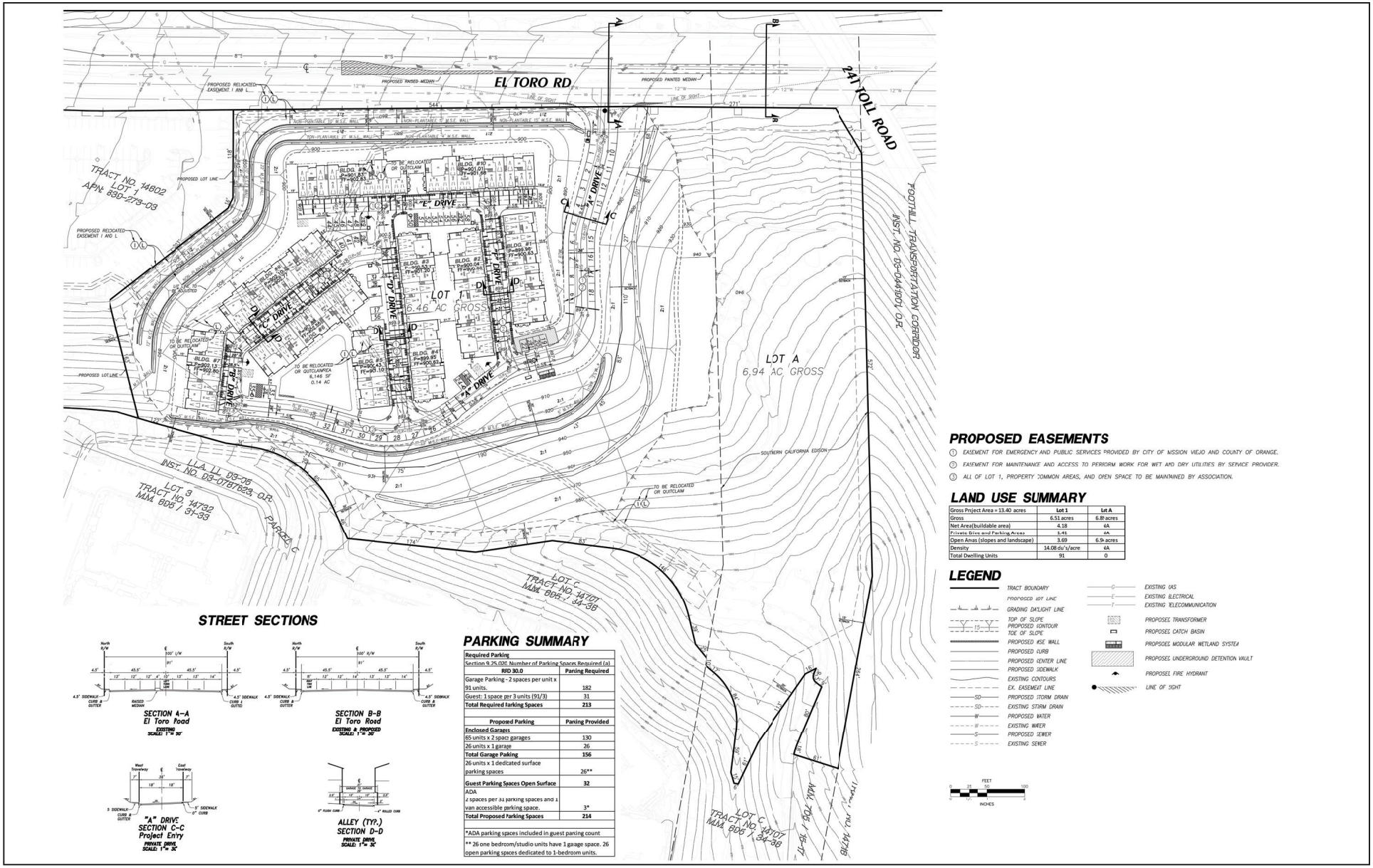
1:24,000

7.5 min Quadrangle:
El Toro

CA DPR Township: T6S R7W
Meridian: San Bernardino
State: California
County: Orange

Figure 3 **El Toro Road TTM 19035**

Project Vicinity (USGS Topography)



STREET SECTIONS

PARKING SUMMARY

Required Parking	
Section 9.25.020 Number of Parking Spaces Required (a)	
RID 30.0	Parking Required
Garage Parking - 2 spaces per unit x 91 units.	182
Guest: 1 space per 3 units (91/3)	31
Total Required Parking Spaces	**213**
Proposed Parking	**Parking Provided**
Enclosed Garages	
65 units x 2 space garages	130
26 units x 1 garage	26
Total Garage Paking	**156**
26 units x 1 dedicated surface parking spaces	26**
Guest Parking Spaces Open Surface	**32**
ADA 2 spaces per 31 parking spaces and 1 van accessible parking space.	3*
Total Proposed Parking Spaces	**214**
*ADA parking spaces included in guest parking count	
** 26 one bedroom/studio units have 1 gaage space. 26 open parking spaces dedicated to 1-bedroom units.	

PROPOSED EASEMENTS

1. EASEMENT FOR EMERGENCY AND PUBLIC SERVICES PROVIDED BY CITY OF MISSION VIEJO AND COUNTY OF ORANGE.
2. EASEMENT FOR MAINTENANCE AND ACCESS TO PERFORM WORK FOR WET AND DRY UTILITIES BY SERVICE PROVIDER.
3. ALL OF LOT 1, PROPERTY COMMON AREAS, AND OPEN SPACE TO BE MAINTAINED BY ASSOCIATION.

LAND USE SUMMARY

Gross Project Area = 13.40 acres	Lot 1	Lot A
Gross	6.51 acres	6.89 acres
Net Area(buildable area)	4.18	6A
Private Drive and Parking Areas	1.41	6A
Open Areas (slopes and landscape)	3.69	6.9 acres
Density	14.08 du's/acre	6A
Total Dwelling Units	91	0

LEGEND

- TRACT BOUNDARY
- PROPOSED LOT LINE
- GRADING DAYLIGHT LINE
- TOP OF SLOPE
- PROPOSED CONTOUR
- TOE OF SLOPE
- PROPOSED RSE WALL
- PROPOSED CURB
- PROPOSED CENTER LINE
- PROPOSED SIDEWALK
- EXISTING CONTOURS
- EX. EASEMENT LINE
- PROPOSED STORM DRAIN
- EXISTING STORM DRAIN
- PROPOSED WATER
- EXISTING WATER
- PROPOSED SEWER
- EXISTING SEWER
- EXISTING GAS
- EXISTING ELECTRICAL
- EXISTING TELECOMMUNICATION
- PROPOSED TRANSFORMER
- PROPOSED CATCH BASIN
- PROPOSED MODULAR WETLAND SYSTEM
- PROPOSED UNDERGROUND DETENTION VAULT
- PROPOSED FIRE HYDRANT
- LINE OF SIGHT

FEET
0 25 50 100
INCHES

Source: Hunsaker & Associates

EL TORO ROAD TTM 19035 PROJECT

FIGURE 4. Site Plan



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El Toro Road TTM 19035

Vegetation / Land Cover

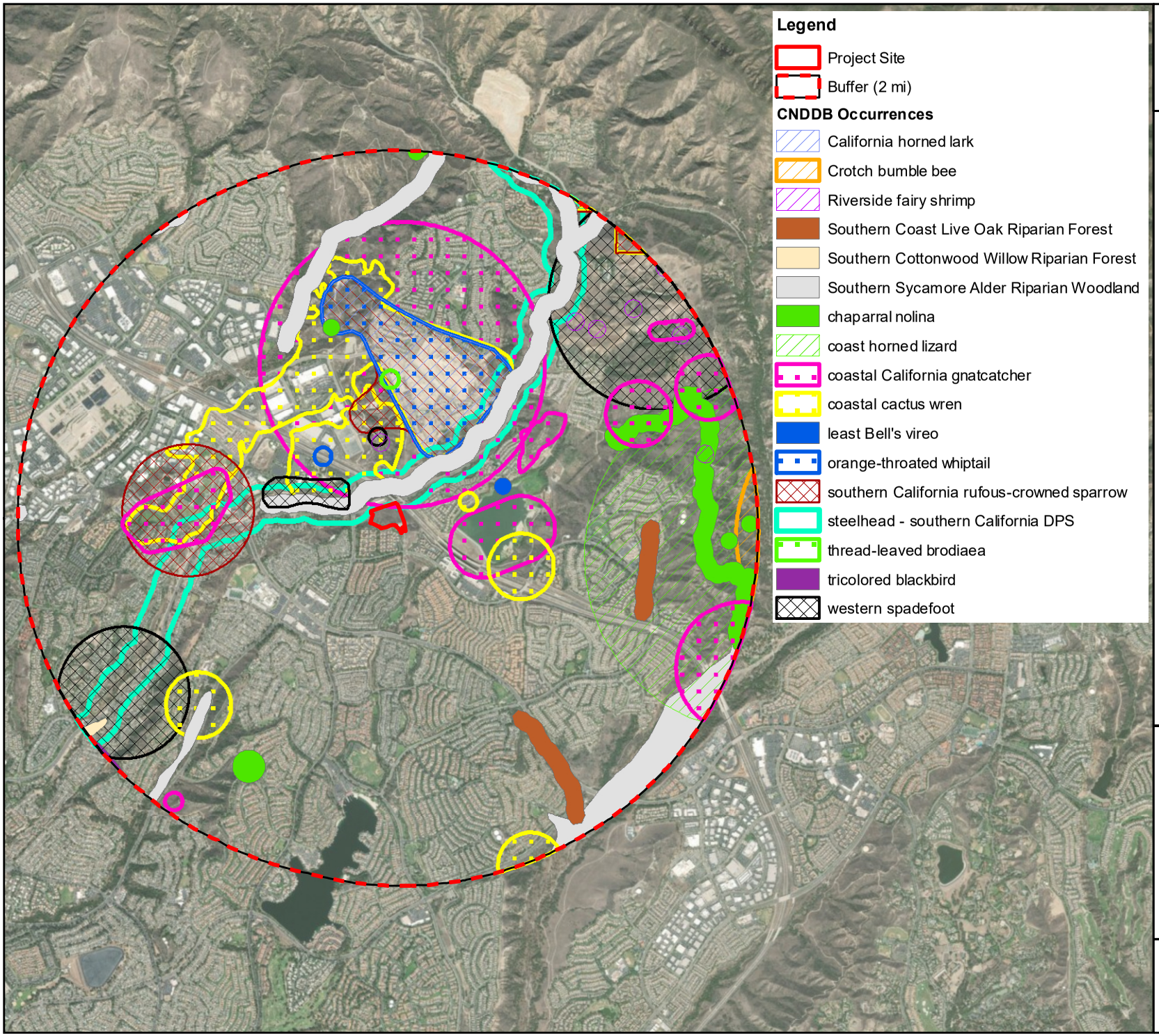
Figure 5

N
W E
S

0 90 180
Feet

1 in = 180 ft

Map Date: April 2020
Data Source: ESRI, Google Earth, Hunsaker, VCS



VCS Environmental
EXPERT SOLUTIONS | CEQA-NEPA . Biology . Regulatory

El Toro Road TTM 19035

CNDDB Occurrences

Figure 6

N
W E
S

0 2,000 4,000
Feet

1 in = 4,000 ft

Map Date: March 2020
Data Source: ESRI, CNDDB



Vegetation	Onsite Impact Areas (ac)	Offsite Improvements (ac)
California sagebrush scrub	0.77	0
Disturbed California sagebrush scrub	1.29	0
Disturbed / Developed	0	0.13
Ornamental landscaping	2.57	0.10
Poison hemlock patch	0.09	0
Upland Mustard & other ruderal forbs	4.39	0

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El Toro Road TTM 19035

Vegetation / Land Cover Impacts

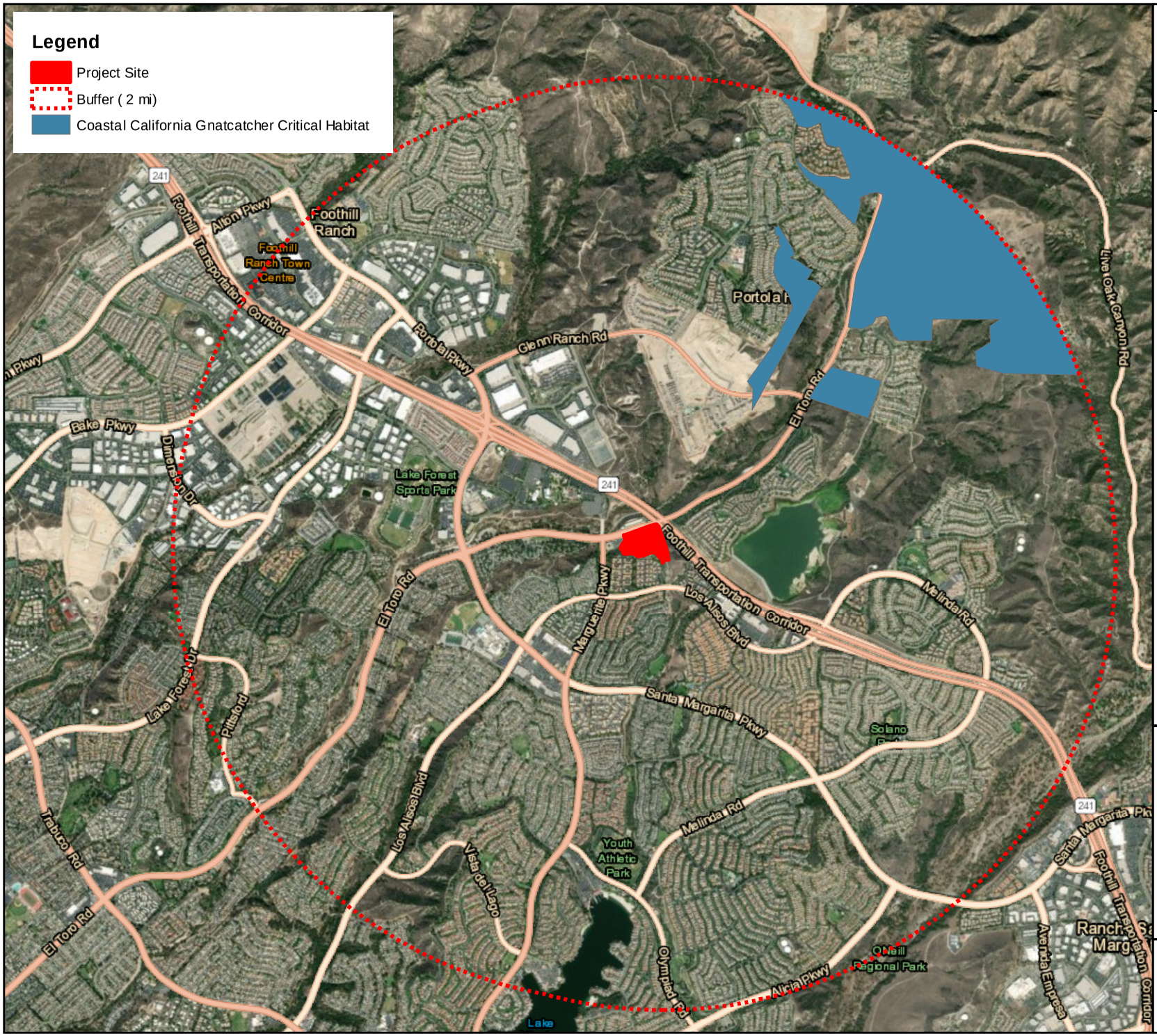
Figure 7

N
W E
S

0 90 180
Feet

1 in = 180 ft

Map Date: April 2020
Data Source: ESRI, Google Earth, Hunsaker, LGC, VCS



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El Toro Road TTM 19035

USFWS Critical Habitat

Figure 8

N
W E
S

0 0.25 0.5
Miles

1 in = 3,000 ft

Map Date: April 2020
Data Source: ESRI, USFWS



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El Toro Road TTM 19035

National Wetlands Inventory

Figure 9

N
W E
S

0 150 300
Feet

1 in = 250 ft

Map Date: March 2020
Data Source: ESRI, USFWS



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El Toro Road TTM 19035

Soils

Figure 10

N
W E
S

0 90 180
Feet

1 in = 180 ft

Map Date: March 2020
Data Source: ESRI, Hunsaker, NRCS



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El Toro Road TTM 19035

Jurisdictional Waters of the State

Figure 11a

N
W E
S

0 90 180
Feet

1 in = 180 ft

Map Date: April 2020
Data Source: ESRI, Google Earth, Hunsaker, LGC, VCS



VCS Environmental

El Toro Road TTM 19035

Jurisdictional Waters of the U.S.

Figure 11b

*the OHWM is indicated by the extent of each jurisdictional feature

N
W E
S

0 90 180
Feet

1 in = 180 ft

Map Date: April 2020
Data Source: ESRI, Hunsaker LGC, Google Earth, VCS

APPENDIX A

Site Photographs



Photo 1: General view of Project site and upland mustard habitat; facing north.



Photo 2: View of ornamental landscaping; facing northwest.



Photo 3: View of California sagebrush scrub habitat; facing southeast.



Photo 4: View of Feature A; facing north.



Photo 5: Culvert at the end of Feature A; facing north.



Photo 6: Feature B (concrete v-ditch); facing west.



Photo 7: Drain at the end of Feature B; facing south.



Photo 8. View of Disturbed California sagebrush scrub habitat and ornamental vegetation in the background; facing northwest.

APPENDIX B

Plant and Wildlife Species Observed within El Toro Road Tentative Tract (TTM) 19035

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Plant Species Observed within the Project Site

Scientific Name	Common Name
Adoxaceae	**Honeysuckle Family**
Sambucus nigra ssp. *caerulea*	blue elderberry
Anacardiaceae	**Sumac Family**
Rhus integrifolia	lemonade berry
*Schinus molle**	Peruvian peppertree
Toxicodendron diversilobum	poison oak
Apiacea	**Carrot Family**
*Conium maculatum**	poison hemlock
*Foeniculum vulgare**	fennel
Arecaceae	**Palm Family**
*Washingtonia robusta**	Mexican fan palm
Asteraceae	**Sunflower Family**
Artemisia californica	California sagebrush
Baccharis pilularis	coyote brush
Baccharis salicifolia	mulefat
Bahiopsis laciniata	San Diego County viguiera
*Glebionis coronaria**	crown daisy
*Centaurea melitensis**	tocalote
Cirsium vulgare*	bullthistle
*Cynara cardunculus**	artichoke thistle
Encelia californica	California brittlebush
Eriophyllum confertiflorum	yellow yarrow
*Hypochaeris glabra**	smooth cats ear
Isocoma menziesii	coastal goldenbush
Pseudognaphalium californicum	California cudweed
*Silybum marianum**	milk thistle
*Sonchus oleraceus**	sow thistle
*Taraxacum officinale**	red seeded dandelion
Altingiaceae	**Sweet Gum Family**
*Liquidambar styraciflua**	sweet gum tree

Scientific Name	Common Name
Brassicaceae	**Mustard Family**
*Hirschfeldia incana**	short-pod mustard
Boraginaceae	**Forget-Me-Not Family**
Cryptantha microstachys	Tejon cryptantha
Convolvulaceae	**Morning Glory Family**
Cuscuta californica	California dodder
Euphorbiaceae	**Spurge Family**
*Ricinus communis**	castor bean
Fabaceae	**Legume Family**
*Acacia redolens**	bank catclaw
*Melilotus indicus**	annual sweet clover
Geraniaceae	**Geranium Family**
*Erodium cicutarium**	common stork's bill
Iridaceae	**Iris Family**
Sisyrinchium bellum	blue eyed grass
Lamiaceae	**Mint Family**
*Marrubium vulgare**	white horehound
Salvia apiana	white sage
Salvia mellifera	black sage
Myrsinaceae	**Primrose Family**
*Lysimachia arvensis**	scarlet pimpernel
Myrtaceae	**Myrtle Family**
*Eucalyptus globulus**	blue gum
Oxalidaceae	**Wood Sorrel Family**
*Oxalis stricta**	common yellow wood sorrel
Pinaceae	**Pine Family**
Pinus sp.*	pine tree
*Pinus canariensis**	Canary island pine

Scientific Name	Common Name
Phrymaceae	**Lopseed Family**
Diplacus puniceus	red bush monkeyflower
Poaceae	**Grass Family**
*Bromus diandrus**	ripgut brome
*Bromus madritensis**	foxtail chess, foxtail brome
*Festuca myuros**	rattail sixweeks grass
Polygonaceae	**Buckwheat Family**
Eriogonum fasciculatum	California buckwheat
Rosaceae	**Rose Family**
Heteromeles arbutifolia	toyon
Rubiaceae	**Madder Family**
Galium angustifolium	narrow leaved bedstraw
*Galium parisiense**	Wall bedstraw
Solanaceae	**Nightshade Family**
Solanum douglasii	Douglas' nightshade

*Non-Native and/or Invasive Species.

Wildlife Species Observed/Detected within the Project Site

Scientific Name	**Common Name**
Aves	
Accipitridae	**Hawks, Kites, Eagles, and Allies**
Buteo jamaicensis	red-tailed Hawk
Aegithalidae	**Bushtit**
Psaltriparus minimus	bushtit
Columbidae	**Pigeons and Doves**
Zenaida macroura	mourning Dove
Corvidae	**Jays, Magpies and Crows**
Corvus brachyrhynchos	American Crow
Corvus corax	common Raven
Emberizidae	**Emberizines**
Melospiza melodia	song Sparrow
Zonotrichia leucophrys	white-crowned Sparrow
Trochilidae	**Hummingbirds**
Calypte anna	Anna's Hummingbird
Selasphorus sasin	Allen's Hummingbird
Mammalia	
Canidae	**Foxes, Wolves and Relatives**
Canis latrans	coyote
Leporidae	**Rabbits and Hares**
Sylvilagus audubonii	Audubon's Cottontail
Otospermophilus beecheyi	California ground squirrel
Insecta	
Pieridae	Whites and Sulfurs

Scientific Name	**Common Name**
Pieris rapae	cabbage white butterfly
Reptilia	
Scinicidae	**Skinks**
Plestiodon skiltonianus skiltonianus	Skilton's skink

APPENDIX C

Special Status Species
Potential Occurrence Determination

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APPENDIX C

Special Status Species Potential Occurrence Determination

This table summarizes conclusions from analysis and field surveys regarding the potential occurrence of special status species within the Project site. During the field surveys, the potential for special status species to occur within the Project site was assessed based on the following criteria:

- Present: observed on the site during the field surveys, or recorded on-site by other qualified biologists.

- High potential to occur: observed in similar habitat in the region by a qualified biologist, or habitat on the site is a type often utilized by the species and the site is within the known distribution and elevation range of the species.

- Moderate potential to occur: reported sightings in surrounding region, or the site is within the known distribution and elevation range of the species and habitat on the site is a type occasionally used by or typical of the species.

- Low potential to occur: the site is within the known distribution and elevation range of the species but habitat on the site is rarely used by the species or no suitable habitat is present, or there are no known recorded occurrences of the species within or adjacent to the site.

- Absent: a focused study failed to detect the species.

- Unknown: the species' distributional/elevation range and habitat are poorly known.

Even with field surveys, biologists assess the *probability* of occurrence rather than make a definitive conclusion about species' presence or absence. Failure to detect the presence of the species is not definitive and may be due to variable effects associated with fire, rainfall patterns, and/or season.

Special Status Species: Potential to Occur within the Project Site

Scientific Name	Common Name	Status	General Habitat Description	Potential for Occurrence within the Project Site
PLANTS				
Brodiaea filifolia	thread-leaved brodiaea	FT, SE, CRPR: 1B.1,	Found in chaparral (openings), cismontane woodland, and coastal scrub, playas, valley and foothill grassland, vernal pools. Requires very heavy clay soils. Elevation: 25 – 1120 meters Blooming period: March - June	No potential to occur. Vernal pool species, there are no vernal pools or other wetlands onsite.
Calochortus weedii var. *intermedius*	Intermediate mariposa-lily	CRPR: 1B.2, FSS	Rocky hill and valley landscapes with chaparral, sage scrub, or grasslands. Elevation: 105 – 855 meters Blooming period: May - July	Moderate potential to occur. The Project site is not rocky, there are few openings. Nearby occurrence is approximately one-mile northwest of the Project.
Clinopodium chandleri	San Miguel savory	CRPR: 1B.2	Perennial shrub native to California and Baja California. Habitat includes rocky, gabbroic or metavolcanic substrates, chaparral, cismontane woodland, coastal scrub, riparian woodland, and valley and foothill grassland. Threatened by residential development, foot traffic, agriculture, and recreational activities. Possibly threatened by horticultural collecting. Elevation: 120 – 1075 meters Blooming period: March - July	Low potential to occur. Generally found in more mesic oak woodland and chaparral habitats than found onsite.
Comarostaphylis diversifolia ssp. *diversifolia*	summer holly	CRPR: 1B.2	Large shrub found in chaparral, foothill and coastal areas. Elevation: 100 – 550 meters Blooming period: April - June	Low potential to occur. Nearest occurrences (3.5 miles northwest from the Project, occur at higher elevation (725m-792m) with different species that occur on the site.

Scientific Name	Common Name	Status	General Habitat Description	Potential for Occurrence within the Project Site
Dudleya multicaulis	many-stemmed dudleya	CRPR: 1B.2, BLMS, FSS.	Many-stemmed dudleya is often associated with clay soils in barrens, rocky places, and ridgelines as well as thinly vegetated openings in chaparral, coastal sage scrub, and southern needlegrass grasslands on clay soils. Elevation: 15 – 790 meters Blooming period: April - July	Absent based on rare plant survey results. Otherwise, low to moderate potential to occur. Sage scrub occurs onsite and soils that are clay but lack sandstone outcroppings. No nearby occurrences.
Hesperocyparis forbesii	tecate cypress	CRPR: 1B.1, BLMS, FSS	Tecate cypress is a component of the southern interior cypress forest. This community is a dense, fire-maintained, low forest that forms even-aged stands surrounded by a matrix of chaparral. Elevation: 85 – 1500 meters Blooming period: N/A	Absent. Project site lacks suitable habitat.
Lepidium virginicum var. *robinsonii*	Robinson's peppergrass	CRPR: 4.3	Chaparral, coastal scrub; dry soils, shrubland. Elevation: 1 – 885 meters Blooming period: January - July	Low potential to occur. Disturbed areas onsite are dense mustard, hemlock and/or thistle with only few openings.
Lepechinia cardiophylla	heart-leaved pitcher sage	CRPR: 1B.2	Closed-cone coniferous forest, chaparral, cismontane woodland. Elevation: 520 – 1370 meters Blooming period: April - July	Low potential to occur. Generally found in more mesic environments than found onsite. No nearby occurrences.
Monardella macrantha ssp. *hallii*	Hall's monardella	CRPR: 1B.3	Chaparral, lower montane coniferous forest, woodlands and forest, and valley and foothill grasslands. Elevation: 730 – 2195 Blooming period: June - October	Low potential to occur. No nearby occurrences.

Scientific Name	Common Name	Status	General Habitat Description	Potential for Occurrence within the Project Site
Monardella hypoleuca ssp. *Intermedia*	Intermediate monardella	CRPR: 1B.3	Occurs in wetlands in another region but occurs almost always under natural conditions in non-wetlands in California. Typically occurs in chaparral, oak woodland, occasionally conifer forest, dry slopes. Elevation: 400 – 1250 meters Blooming period: April - September	Low. The Project site lacks typical suitable habitat for the species.
Nama stenocarpa	mud nama	CRPR 2B.2	Annual/perennial herb occurring in marsh and swamp habitat of lake margins and riverbanks. Elevation: 5 – 500 meters Blooming period: January - July	Absent. Project site lacks typical marsh/swamp habitat; no vernal pools onsite.
Nolina cismontana	chaparral nolina (chaparral beargrass)	CRPR: 1B.2, FSS	Perennial evergreen shrub within rocky (sandstone or gabbro) habitats in chaparral and coastal scrub. Elevation: 140 – 1275 meters Blooming period: (March)May - July	Absent based on rare plant survey results. Otherwise, moderate potential based on appropriate habitat onsite and nearby occurrences.
Quercus agrifolia forest and woodland alliance	southern coast live oak riparian forest	S4 G5	Alluvial terraces, canyon bottoms, stream banks, slopes, flats. Soils are deep, sandy or loamy with high organic matter.	Absent. Habitat was mapped on the Project site and this vegetation community was not identified.
Pentachaeta aurea ssp. *allenii*	Allen's daisy	CRPR: 1B.1	Annual herb occurring in valley grassland and southern oak woodland. This species is low water tolerant. Typically found at elevations less than 500 meters. Blooming period: March - June	Low. The Project supports low quality grassland habitat. Disturbed areas onsite are dense mustard, hemlock and/or thistle.
Phacelia suaveolens ssp. *keckii*	Santiago Peak phacelia	CRPR: 1B.3	Annual herb, endemic to California. Open chaparral at elevations between 500-1600 meters.	Low potential to occur. Generally found in more mesic environments than found onsite. No nearby occurrences.

Scientific Name	Common Name	Status	General Habitat Description	Potential for Occurrence within the Project Site
Populus fremontii-Fraxinus velutina-Salix gooddingii forest and woodland alliance	southern cottonwood willow riparian forest	S3.2 G4	Floodplains, along low-gradient rivers, perennial or seasonally intermittent streams, springs, in lower canyons in desert mountains, in alluvial fans, and in valleys with a dependable subsurface water supply that varies considerably during the year.	Absent. Habitat was mapped on the Project site and this vegetation community was not identified.
Platanus racemose woodland alliance	southern sycamore alder riparian forest	S3 G3	Gullies, intermittent streams, springs, seeps, stream banks, and terraces adjacent to floodplains that are subject to high intensity flooding. Soils are rocky or cobbly alluvium with permanent moisture at depth. The USFWS Wetland Inventory (1996 national list) recognizes *Platanus racemose* as a FACW plant.	Absent. Habitat was mapped on the Project site and this vegetation community was not identified.
Sambucus nigra shrubland alliance	blue elderberry stands	S3 G3	Stream terraces and in bottomlands; localized areas in upland settings. Soils are typically gravelly alluvium and intermittently flooded. The USFWS Wetland Inventory (1996 national list) recognizes *Sambucus nigra* ssp. *caerulea* as a FAC plant.	Absent. Habitat was mapped on the Project site and this vegetation community was not identified.
Senecio aphanactis	chaparral ragwort (rayless ragwort)	CRPR: 2B.2	Sometime alkaline. Chaparral, cismontane woodland, coastal scrub. Elevation: 15 – 800 meters Blooming period: January - April (May)	Low potential to occur. The Project does not have alkaline flats or open rocky areas.
Sidalcea neomexicana	salt spring checkerbloom	CRPR: 2B.2	It can be found in a diverse number of habitat types including chaparral and coastal sage scrub, yellow Pine Forest, and riparian zones, creosote bush scrub, and alkali flats and other salty substrates. Elevation: 15 – 1530 meters	No potential to occur. No springs or marshes onsite.
INVERTEBRATES				
Streptocephalus woottoni	Riverside fairy shrimp	FE	*S. wootoni* is restricted to deep (greater than 12" in depth) seasonal vernal pools, vernal pool like ephemeral ponds, and stock ponds and other human modified depressions.	Low. No seasonal pools or depressions identified within the Project site.
Bombus crotchii	Crotch's bumble bee	CE	Uncommon species of coastal California east towards the Sierras; select food plan genera include *Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, Eriogonum*.	Low to moderate. *Eriogonum* ssp. identified on Project

Scientific Name	Common Name	Status	General Habitat Description	Potential for Occurrence within the Project Site
				site which provides suitable habitat.
FISH				
Oncorhynchus mykiss irideus pop. 10	steelhead – southern CA DPS	FE, AFS-EN	Anadromous species of salmon that reproduces within southern California watersheds.	Absent. No suitable riverine habitat occurs within the Project site.
AMPHIBIANS				
Anaxyrus californicus	arroyo toad	FE, SSC	Arroyo toads are found in foothill canyons and inter-mountain valleys where the river is bordered by low hills and the stream gradient is low. Extremely specialized habitat needs, including exposed sandy streamsides with stable terraces for burrowing with scattered vegetation for shelter, and areas of quiet water or pools free of predatory fishes with sandy or gravel bottoms without silt for breeding. Arroyo toads are known to either breed, forage, and/or aestivate in aquatic habitats, riparian, coastal sage scrub, oak, and chaparral habitats. Inhabits washes, arroyos, sandy riverbanks, riparian areas with willows, sycamores, oaks, cottonwoods.	Low. Lack of suitable habitat.
*Spea hammondii (*also *Scaphiopus hammondii)*	western spadefoot toad	SSC, BLMS	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rain pools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	Low. Soils on the Project site are not suitable for the species.
REPTILES				
Aspidoscelis hyperythra	orange-throated whiptail	WL, FSS	Inhabits low-elevation coastal scrub, chaparral, and valley-foothill hardwood habitats. Prefers washes and other sandy areas with patches of brush and rocks. Perennial plants necessary for its major food-termites.	Low. Lack of suitable habitat.
Phrynosoma blainvillii	coast horned lizard	SSC, BLMS	The species can be found in various scrublands, grasslands, coniferous and broadleaf forests, and woodlands. It can range from the coast to elevations of 2,000 meters in the Southern California mountains. It is most common in mid-elevations of the coastal mountains and valleys within open habitat that offer good opportunities for sunning.	Low. Scrubland habitat present; however, encroachment from invasive plants limits potential to occur within the Project site.

Scientific Name	Common Name	Status	General Habitat Description	Potential for Occurrence within the Project Site
BIRDS				
Agelaius tricolor	tricolor blackbird	CE, SSC, BLMS, BCC	Freshwater marshes. Suitable breeding habitat includes cattails and bulrushes.	Low. Project lacks suitable freshwater marsh habitat.
Aimophila ruficeps canescens	Southern California rufous-crowned sparrow	WL	Found on moderate to steep, dry, grass-covered hillsides, coastal sage scrub, and chaparral and often occur near the edges of the denser scrub and chaparral associations. Preference is shown for tracts of California sagebrush.	Moderate. Potential sagebrush habitat present on the Project site.
Campylorhynchus brunneicapillus sandiegensis	coastal cactus wren	SSC, BCC, FSS	Year-round resident of southern California found in arid parts of westward-draining slopes. Obligate inhabitants of coastal sage scrub, generally below 3000 ft. Nest almost exclusively in prickly pear and coastal cholla.	Low potential for nesting, Project site lacks prickly pear; low to potentially moderate for foraging, sagebrush habitat is present on the Project site.
Eremophila alpestris actia	California horned lark	WL	The California horned lark is a common to abundant resident in a variety of open habitats, usually where trees and large shrubs are absent. In the Midwest, the species has been characterized as the most abundant species in row-crop fields. Range-wide, California horned larks breed in level or gently sloping shortgrass prairie, montane meadows, “bald” hills, open coastal plains, fallow grain fields, and alkali flats	Low. Project lacks suitable habitat.
Polioptila californica	coastal California gnatcatcher	FT, SSC	Obligate, permanent resident of coastal sage scrub below 835 meters in Southern California. Low, coastal sage scrub in arid washes, on mesas and slopes. Not all areas classified as coastal sage scrub are occupied.	Present. Species observed during CAGN focused surveys.
Vireo bellii pusillus	least Bell’s vireo	FE, SE,	Summer resident of Southern California in low riparian, in vicinity of water or in dry river bottoms; below 2000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, baccharis or, mesquite.	Low. Project site lacks suitable riparian habitat.

Legend
Federal Endangered Species Act (ESA) Listing Codes: federal listing is pursuant to the Federal Endangered Species Act of 1973, as amended (ESA). FE = federally listed as endangered: any species, subspecies, or variety of plant or animal that is in danger of extinction throughout all or a significant portion of their range. FT = federally listed as threatened: any species, subspecies, or variety of plant or animal that is considered likely to become endangered throughout all or a significant portion of its range within the foreseeable future. California Endangered Species Act (CESA) Listing Codes: state listing is pursuant to § 1904 (Native Plant Protection Act of 1977) and §2074.2 and §2075.5 (California Endangered Species Act of 1984) of the Fish and Game Code, relating to listing of Endangered, Threatened and Rare species of plants and animals. SE = state listed as endangered: any species, subspecies, or variety of plant or animal that are in serious danger of becoming extinct throughout all, or a significant portion, of their range. ST = state listed as threatened: any species, subspecies, or variety of plant or animal that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future. California Department of Fish and Wildlife (CDFW): SSC = species of special concern: status applies to animals which 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 CDFW has designated certain vertebrate species as "species of special concern" because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. CE= Candidate Endangered. FP = fully protected: animal species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. WL = watch list: these birds have been designated as "Taxa to Watch" in the *California Bird Species of Special Concern report* (Shuford and Gardali 2008). The report defines "Taxa to Watch" as those that are not on the current special concern list that (1) formerly were on the 1978 (Remsen 1978) or 1992 (CDFG 1992) special concern lists and are not currently listed as state threatened and endangered; (2) have been removed (delisted) from either the state or federal threatened and endangered lists (and remain on neither), or (3) are currently designated as "fully protected" in California. United States Forest Service (USFS): FSS = Forest Service sensitive: those plant and animal species identified by a Regional Forester that are not listed or proposed for listing under the ESA and for which population viability is a concern, as evidenced by: (a) significant current or predicted downward trends in

population numbers or density or (b) significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution."

United States Fish and Wildlife Service (USFWS):
BCC = USFWS bird of conservation concern: listed in the USFWS'S 2008 *Birds of Conservation Concern* report. The report identifies species, subspecies, and populations of all migratory non-game birds that, without additional conservation actions, are likely to become candidates for listing under the ESA. While all of the bird species included in the report are priorities for conservation action, the list makes no finding with regard to whether they warrant consideration for ESA listing.

United States Bureau of Land Management (BLM):
BLMS = BLM sensitive: those plant and animal species on BLM administered lands and that are (1) under status review by the USFWS/NMFS; or (2) whose numbers are declining so rapidly that federal listing may become necessary, or (3) with typically small and widely dispersed populations; or (4) those inhabiting ecological refugia or other specialized or unique habitats. BLM policy is to provide the same level of protection as USFWS candidate species.

American Fisheries Society: Listing of imperiled freshwater and diadromous fishes of North America prepared by the American Fisheries Society's Endangered Species Committee.
AFS-E= Endangered
AFS-TH= Threatened
AFS-V= Vulnerable

California Rare Plant Ranks (Formerly known as CNPS Lists): the CNPS is a statewide, non-profit organization that maintains, with CDFG, an Inventory of Rare and Endangered Plants of California. In the spring of 2011, CNPS and CDFG officially changed the name "CNPS List" or "CNPS Ranks" to "California Rare Plant Rank" (or CPRP). This was done to reduce confusion over the fact that CNPS and CDFG jointly manage the Rare Plant Status Review Groups and the rank assignments are the product of a collaborative effort and not solely a CNPS assignment.

CRPR 1A - California Rare Plant Rank 1A (formerly List 1A): Plants presumed extirpated in California and either rare or extinct elsewhere. All of the plants constituting California Rare Plant Rank 1A meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA.

CRPR: 1B - California Rare Plant Rank 1B (formerly List 1B): Plants Rare, Threatened, or Endangered in California and Elsewhere. All of the plants constituting California Rare Plant Rank 1B meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA.

CRPR: 2 - California Rare Plant Rank 2 (formerly List 2): Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere. All of the plants constituting California Rare Plant Rank 2 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA.

CRPR: 4 - California Rare Plant Rank 4 (formerly List 4): Plants of Limited Distribution - A Watch List. Very few of the plants constituting California Rare Plant Rank 4 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and few, if any, are eligible for state listing. Nevertheless, many of them are significant locally, and CNPS and CDFG strongly recommend that California Rare Plant Rank 4 plants be evaluated for consideration during preparation of environmental documents relating to CEQA.

California Native Plant Society (CNPS) Threat Ranks: The CNPS Threat Rank is an extension added onto the California Rare Plant Rank (CRPR) and designates the level of endangerment by a 1 to 3 ranking with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all California Rare Plant Rank 1B's, 2's, 4's, and the majority of California Rare Plant Rank 3's. California Rare Plant Rank 4 plants are seldom assigned a Threat Rank of 0.1, as they generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions exist to make the plant a species of concern and hence be assigned a California Rare Plant Rank. In addition, all California Rare Plant Rank 1A (presumed extinct in California), and some California Rare Plant Rank 3 (need more information) plants, which lack threat information, do not have a Threat Rank extension.

0.1 = seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2 = fairly endangered in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

Sources:

- CNPS Inventory of Rare and Endangered Plants (CNPS 2020)
- The Jepson Manual: *Vascular Plants of California,* second edition (Baldwin *et al.* 2012).
- RareFind, CDFW, California Natural Diversity Database (CNDDB) (CDFW 2020).
- State and Federally Listed Endangered, Threatened, and Rare Plants of California (CDFW, October 2019).
- State and Federally Listed Endangered and Threatened Animals of California (CDFW, August 2019).

- Special Animals List (CDFW, August 2019).
- Life History Accounts (CDFW).
- Sensitive List (BLM)

APPENDIX D

Results of 2020 Breeding Season Surveys for California Gnatcatcher for the ~13 acre El Toro Road Tentative Tract (TTM) 19035 Project Site

Results Of 2020 Breeding Season Surveys For California Gnatcatcher For The ~13 Acre El Toro Road Tentative Tract (TTM) 19035 Project Site

Mission Viejo, Orange County, California

Prepared For:

U.S. Fish & Wildlife Service
Carlsbad Field Office
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
Contact:
Stacey Love & Jonathan Snyder

VCS Environmental,
30900 Rancho Viejo Road,
Suite 100
San Juan Capistrano, CA 92675

Contact: Erin Hayes
(949)234-6078

Prepared by:

Kidd Biological, Inc.
23046 Ave de la Carlota, Suite 600, PMB 66
Laguna Hills, CA 92653

Contact: Nina Kidd or Kelly Rios
949.632.2756

May 18, 2020

INTRODUCTION

This report presents the results of the 2020 breeding season modified surveys for the federally threatened coastal California gnatcatcher (*Polioptila californica californica*) ("CAGN") on approximately 13 acres in Mission Viejo, California ("site", Appendix A, Figures 1-3). The surveys were conducted by Kidd Biological, Inc. (KBI). Surveys were conducted in accordance with guidance from U.S. Fish and Wildlife Service (USFWS) CAGN survey protocol to cover breeding periods (USFWS 1997).

The required notification to conduct focused surveys was submitted by email to the permit coordinator at the Carlsbad U.S. Fish and Wildlife Service (USFWS) Office dated March 6, 2020 (Appendix B).

SITE LOCATION

The project is located in Section 8 of Township 6 South, Range 7 West of the Santiago Peak, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle map (see figure 1).

The site is located in the eastern part of the City of Mission Viejo in Orange County, California. Generally, the site is located just to the southwest of Highway 241 (Foothill Transportation Corridor Toll road) and Upper Oso Reservoir, north of Trabuco Canyon and south of Foothill Ranch. More specifically the site is at the southwest corner of the intersection of Highway 241 and El Toro Road. Marguerite Parkway is just to the west (See Figure 2).

PROPOSED PROJECT

The project proponent proposes the development of 91 multiple family dwelling units on approximately 9.11 acres within an approximately 13.4-acre property located within the northeastern area of the City of Mission Viejo.

Within the 13.4-acre Project site, approximately 4.29 acres will not be subject to temporary or permanent impacts and will be avoided by the Project (Avoided Area). This area will remain as open space and includes a Southern California Edison (SCE) transmission tower and power lines easement. In addition, the proposed project will include road improvements (0.23 acre) located directly north of the Project site (Road Improvements) for the addition of the dual left turn lane on El Toro Road.

NATURAL HISTORY OF THE COASTAL CALIFORNIA GNATCATCHER

The CAGN is a federally threatened species. It is most commonly found in the sage scrub communities of coastal southern California. According to J. Atwood and J. Bolsinger (1992), 99% of all CAGN observations are in areas with elevations below 950 feet. There are a few reported occurrences of CAGN at 1,600 feet elevation (500 meters) (Davis and McKernan, 1998). Elevation of this site is approximately 900 feet (300 meters) above mean sea level (MSL).

CAGN are ground and shrub-foraging insectivores. They feed on small insects and other arthropods. A CAGN's territory is highly variable in size and seems to be correlated with distance from the coast, ranging from less than 1 ha to over 9 ha (Mock, 2004). In a 1998 study, biologist Patrick Mock concluded that CAGN in the inland region require a larger territory than those on the coast in order to meet the nutritional requirements needed for survival and breeding.

The main threat to the CAGN is habitat loss, fragmentation, and degradation of habitat from invasive plant species and drought. Urban and agricultural development, livestock grazing, invasion of exotic grasses, off-road vehicles, pesticides, and military training activities all contribute to the destruction of CAGN habitat. Once locally common, CAGN have experienced widespread habitat loss and have lost most of their former range. By 1997, it was estimated that no more than 2,900 pairs remained in the United States. Remaining patches of coastal sage scrub are highly fragmented, and the majority is privately owned, making species recovery a difficult task.

Coastal Orange, Los Angeles and San Diego Counties have the highest densities of CAGN. It is not surprising that there are numerous reported occurrences of CAGN in the immediate area of the site. The nearby observations of CAGN are shown in Figure 3: *CNDDB Documented CAGN Locations*. These locations were obtained from the California Department of Wildlife's (CDFW) Natural Diversity Data Base (CNDDB) (2020).

VEGETATION COMMUNITIES/HABITAT TYPES

A habitat assessment was conducted by VCS Environmental. Vegetation descriptions are taken from their assessment of the site and were confirmed during the field surveys. Below is a description of the habitats on site where the survey was focused.

CALIFORNIA SAGEBRUSH SCRUB

Approximately 1.37 acres of California sagebrush scrub (CSS) was mapped within the Project site. This vegetation community is primarily comprised of native species including California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), coyote brush (*Baccharis pilularis*), black sage (*Salvia mellifera*), white sage (*Salvia apiana*), red-bush monkey flower (*Mimulus auricantus* var. *puniceus*), coastal goldenbush (*Isocoma menziesii*), lemonade berry (*Rhus integrifolia*), yellow yarrow (*Eriophyllum confertiflorum*), and toyon (*Heteromeles arbutifolia*).

DISTURBED CALIFORNIA SAGEBRUSH SCRUB

Approximately 1.61 acres of Disturbed California sagebrush was mapped within the Project site. Vegetation observed within this community includes native California sagebrush, coastal golden bush, coyote brush shrubs, poison oak (*Toxicodendron diversilobum*) and California dodder (*Cuscuta californica*). However, this vegetation community presents a moderate level of disturbance due to the presence of non-native species including short-pod mustard, red-stemmed filaree (E*rodium cicutarium*), yellow sweet clover (*Melilotus indicus*), and sow thistle (*Sonchus oleraceus*). Also, some ornamental shrubs are intermixed with the native vegetation in the western portion of the Project site.

UPLAND MUSTARD AND OTHER RUDERAL FORBS

Approximately 7.1 acres of Upland mustard community was mapped within the Project site. This vegetation is comprised primarily of non-native species including the following: high densities of short-pod mustard (*Hirschfeldia incana*), Russian thistle (*Salsola tragus*), milk thistle (*Silybum marianum)*, horehound (*Marrubium vulgare)*, bull thistle (*Cirsium vulgare*), various non-native grasses (*Bromus and Festuca*), tocalote (*Centaurea melitensis*), and castor bean (*Ricinus communis*). Additionally, there are patches of artichoke thistle (*Cynara cardunculus)* and small patches of herbaceous native vegetation such as California sagebrush and coyote brush. Some emergent patches of blue elderberry trees (*Sambucus nigra* ssp. *caerulea*) are also scattered within this habitat community.

METHODOLOGY

Protocol breeding season surveys for the coastal California gnatcatcher were conducted by permitted biologists **Kelly Rios (USFWS 10a1A permit #018909-5)**. Methods employed were in conformance with USFWS Coastal California Gnatcatcher Presence/Absence Survey Guidelines, issued July 28, 1997 (USFWS 1997). A total of 6 surveys were performed one week apart, between March 16, 2020 and April 27, generally between 0600 hours and 1200 hours. The surveys were conducted within all suitable habitat as well as marginal grassland habitat with remnant CSS.

The biologist slowly traversed the biological survey area, stopping at approximately 100-foot intervals to listen for CAGN. If no CAGN were detected within 5-10 minutes, the biologist made pishing sounds, and played an audio recording of CAGN vocalizations. The recording was played for several seconds at each interval, followed by a brief pause to listen for a response. If any CAGN individuals were detected, additional observations including sex, age, breeding status, and behavioral characteristics were documented, consistent with protocol requirements.

Because this site was known to be occupied, focus was made on tracking the CAGN's movements within the proposed Project site in order to analyze the proposed project's impact to the pair on site.

RESULTS

Breeding season surveys were conducted by the USFWS permitted biologist noted above, in accordance with USFWS guidelines within all suitable habitat on the site. Table 2, below, summarizes the results of each survey.

One pair was consistently detected during breeding season surveys conducted on the site. This pair was always observed using approximately 1 acre of habitat in the northeast portion of the site under the SCE transmission line. During the 5th survey pass, it was suspected that the pair had a nest in this area as they were unresponsive to play-call backs. Because the area the CAGN were observed using is only one acre, it is suspected that this pair also uses areas to the southeast (Figure 4)

Brown-headed cowbirds (*Molothrus ater*), considered to be nest parasites for CAGNs, were not observed during the surveys.

Table 2. Survey Data

Survey	Surveyor	Date	Time		Temp (°F)	Cloud Cover (%)	Wind Speed (mph)	CAGN Detected
			Begin	End				
1	K. Rios	3/16	0955	1030	56	100	1-2	Yes
2	K. Rios	3/23	1000	1150	58-64	80	1-2	Yes
3	K. Rios	3/30	0945	1100	60-62	0	1-2	Yes
4	K. Rios	4/13	1000	1200	62	85	1-2	Yes
5	K. Rios	4/20	1000	1130	62	95	1-2	No
3	K. Rios	4/27	0815	1000	66-72	0	1-2	Yes

ADDITIONAL AVIAN SPECIES

Avian activity during the protocol surveys was relatively high considering the site's proximity to a heavily traveled thoroughfare from El Toro Road and Highway 241. Bird diversity was high and species observed or otherwise detected during surveys are species commonly found in coastal sage scrub and wildland-urban interfaces. Bird observed included, but was not limited to house finch (*Haemorphous mexicanus*), bushtit (*Psaltriparus minimus*), song sparrow (*Melospiza melodia*), common yellow-throat (*Geothlypis trichas*), lesser goldfinch (*Spinus psaltria*), Anna's hummingbird (*Calypte*

anna), Allen's hummingbird (*Selasphorus sasin*), California towhee (*Melozone crissalis*) and Pacific slope flycatcher (*Empidonax difficilis*). A complete list of species observed can be found in Appendix B: Species Compendium.

No sensitive wildlife species were detected other than the California gnatcatcher (CDFW 2019).

CONCLUSION

A total of six (6) Coastal California gnatcatcher breeding season surveys were completed within suitable habitat within the 13-acre site. One pair of CAGN were observed during the protocol surveys. This pair was assumed to be breeding on site based on activity observed. The majority of the activity was located along El Toro Road under the SCE utility easement, an area that is assumed to be omitted from the proposed project footprint.

No brown-headed cowbirds (*Molothrus ater*) were observed during the surveys.

RECOMMENDATIONS

This site is not located within designated critical habitat for the CAGN, however the habitat is suitable and occupied by one pair of CAGN. There are larger areas of suitable habitat to the north of Highway 241 and this patch appears to serve as a small part of the habitat linkage between the areas to the east of the highway and the constrained linkage corridor to the west of the site that is associated with Aliso Creek and English Canyon. It is likely that the habitat linkage will remain viable if the proposed project proceed as the SCE utility easement will allow for animal movement to other areas.

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

Date: May 11, 2020 Signed: 

Kelly Rios TE-018909-5

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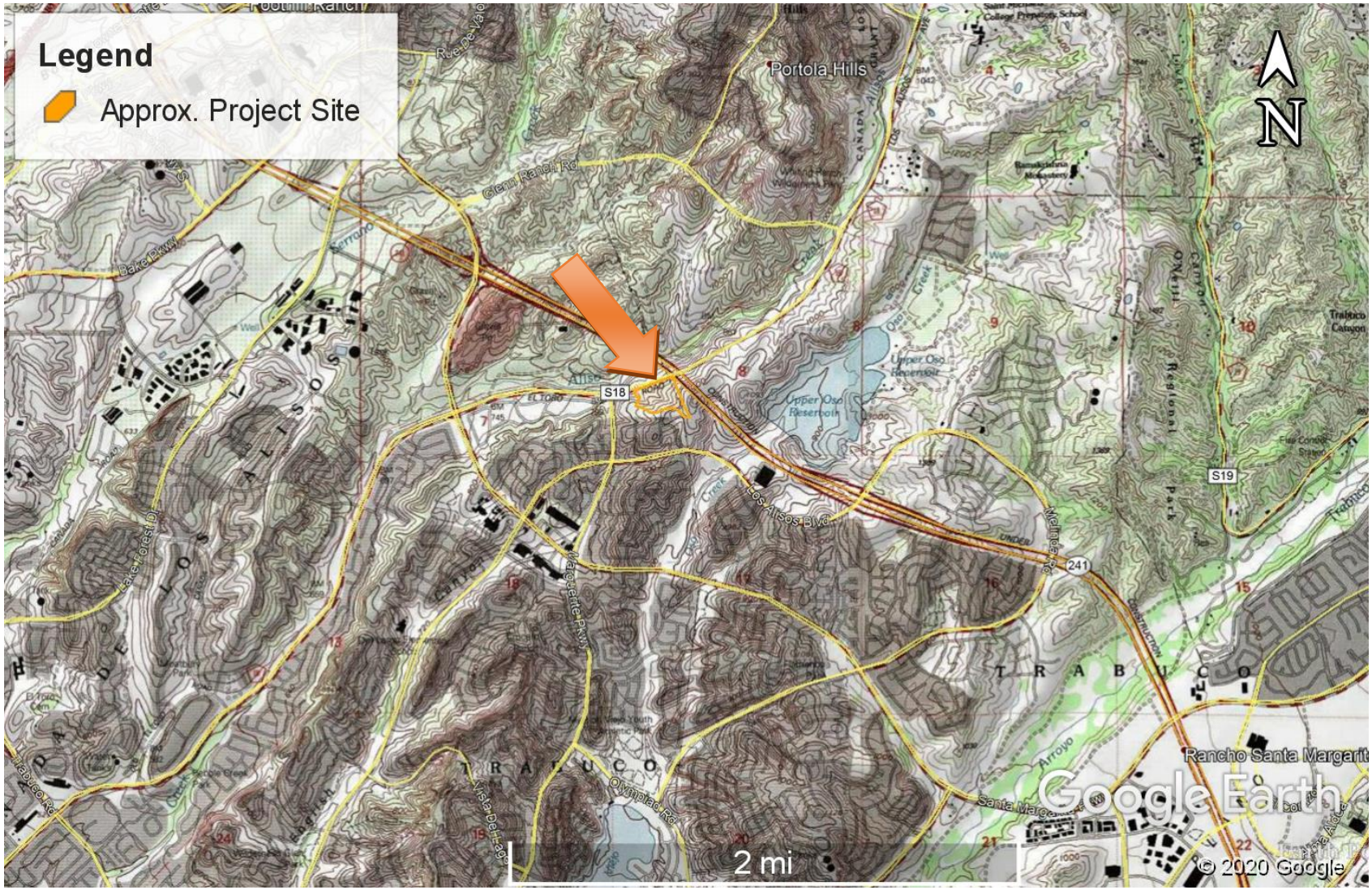
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APPENDIX A- FIGURES

FIGURE 1. GENERAL SITE LOCATION ON THE SANTIAGO PEAK, CA USGS TOPOGRAPHIC MAP




Legend
Project Site
Offsite Improvements
241
Foothill Transportation Corridor
Aliso Creek
Saddleback Church
Lake Forest
El Toro Rd
Marguerite Pkwy
California Ct
Valley View Ter
California Ter
Los Alisos Blvd
Sequoia Ln
Tree Ln
24
VCS Environmental
El Toro Road TTM 19035
Aerial Map
Figure 2
N
W
E
S
0 150 300
Feet
1 in = 300 ft
Map Date: May 2020
Imagery Source: ESRI

FIGURE 3. CNDDB REPORTED CAGN LOCATIONS

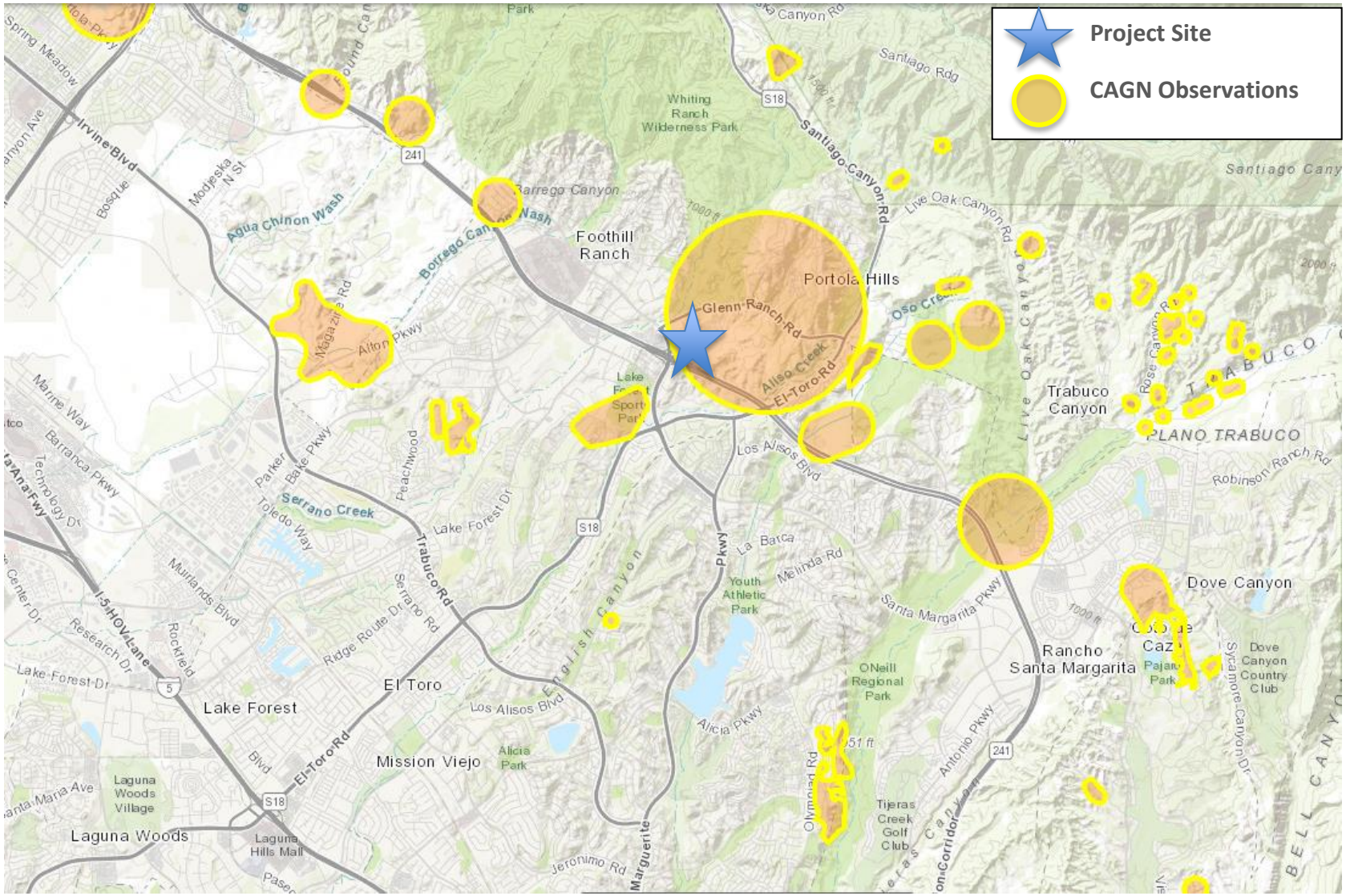


FIGURE 4. CAGN USE AREA

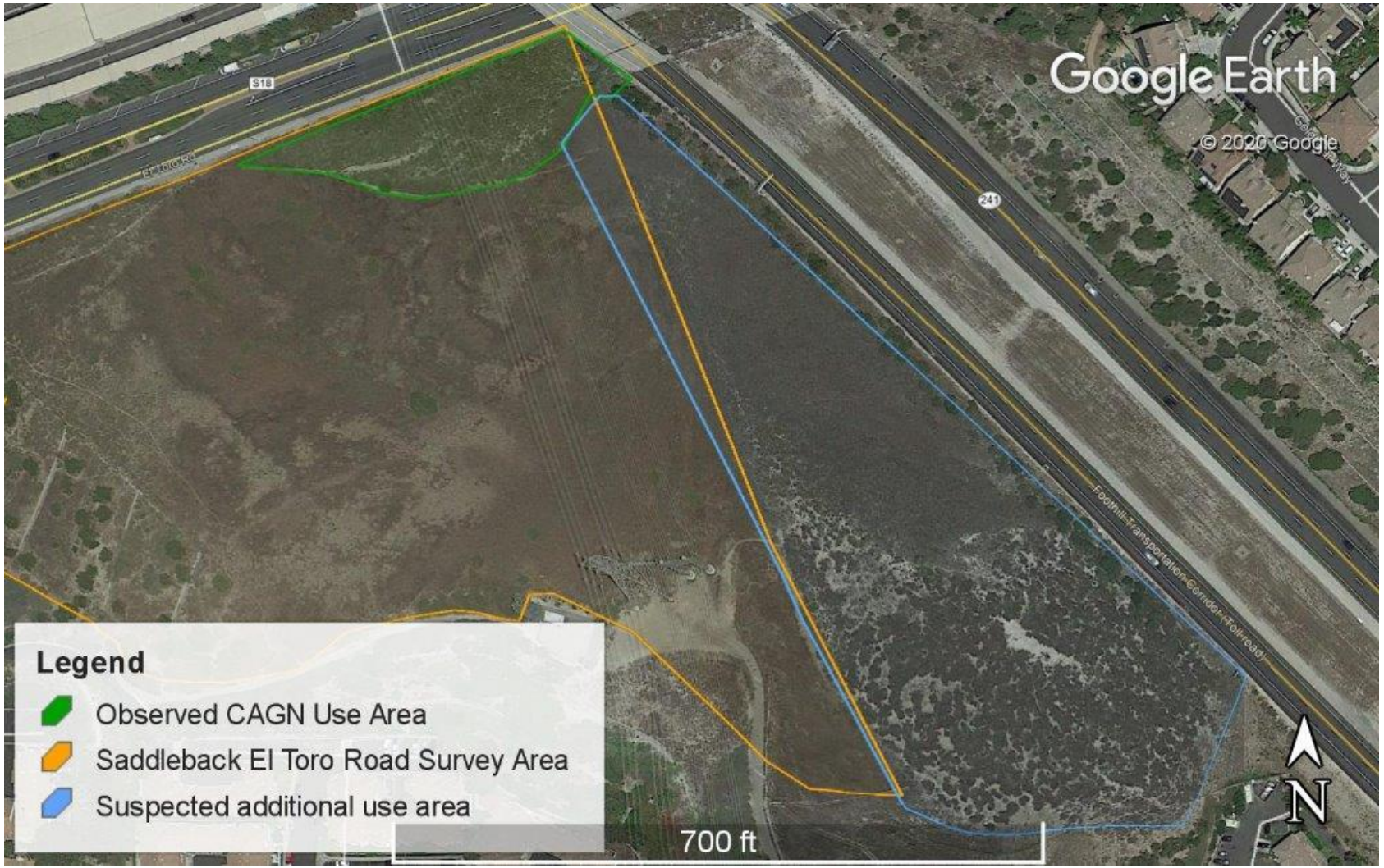


FIGURE 5. LOOKING WEST AT OCCUPIED HABITAT ALONG EL TORO ROAD



FIGURE 6. LOOKING SOUTH AND OCCUPIED HABITAT UNDER SCE TRANSMISSION LINE



APPENDIX B: AVIAN COMPENDIUM

Scientific Name	**Common Name**
Cathartidae	**New World Vultures**
Cathartes aura	Turkey vulture
Columbidae	**Pigeons and Doves**
**Columba livia*	rock pigeon
Zenaida macroura	mourning dove
Apodidae	**Swifts**
Aeronautes saxatalis	white-throated swift
Trochilidae	**Hummingbirds**
Calypte anna	Anna's hummingbird
Selasphorus sasin	Allen's hummingbird
Accipitridae	**Hawks**
Buteo jamaicensis	red-tailed hawk
Picidae	**Woodpeckers and Allies**
Picoides nuttallii	Nuttall's woodpecker
Tyrannidae	**Tyrant Flycatchers**
Empidonax difficilis	Pacific slope flycatcher

Corvidae	**Jays, Crows and Ravens**
Corvus corax	common raven
Corvus brachyrhynchos	American crow
Hirundinidae	**Swallows**
Hirundo rustica	barn swallow
Aegithalidae	**Long-tailed tits and Bushtits**
Psaltriparus minimus	bushtit
Troglodytidae	**Wrens**
Troglodytes aedon	house wren
Thryomanes bewickii	Bewick's wren
Polioptilidae	**Gnatcatchers and Gnatwrens**
§ Polioptila californica	California gnatcatcher
Sylviidae	**Sylvid Warblers**
Chamaea fasciata	wrentit
Mimidae	**Mockingbirds and Thrashers**
Mimus polyglottos	northern mockingbird
Toxostoma redivivum	California thrasher
Bombycillidae	**Waxwings**
Bombycilla cedrorum	cedar waxing
Fringillidae	**Finches and Allies**

Haemorphous mexicanus	house finch
Spinus psaltria	lesser goldfinch
Parulidae	**Wood Warblers**
Geothlypis trichas	common yellowthroat
Emberizidae	**Emberizids**
Melospiza melodia	song sparrow
Melozone crissalis	California towhee
Zonotrichia leucophrys	white-crowned sparrow

* Non-Native

§ Sensitive

Taxonomic nomenclature follows American Ornithologists' Union 1998 and all updates for birds, and California Department of Fish and Game, Natural Diversity Database, August 2019 for special-status.

APPENDIX C: USFWS 15-DAY NOTICE & CORRESPONDANCE

Kidd Biological, Inc.
23046 Ave de la Carlotta,
Suite 600-66
Laguna Hills, CA 92653

March 10, 2020

Ms. Stacey Love
U.S. Fish and Wildlife Service, Carlsbad Field Office
2177 Salk Road, Suite 250
Carlsbad, California 93008

Subject: **Request to deviate from protocol of presence/absence surveys (breeding season) for the California Gnatcatcher on approxiamltey 12 acres in Portola Hills, California.**

Dear Stacey,

A habitat assessment determined the proposed "Saddleback' Project site supported habitat capable of supporting the federally threatened California gnatcatcher (*Polioptila californica californica*)(CAGN). During the habitat assessment, biologists detected CAGN. Surveys will be conducted following the breeding season protocol, however since it is assumed this site is occupied the focus will be on determining CAGN use areas of the property and adjoining areas.
Due to the propnant's schedule, we are also requesting to initiate surveys sooner than the 15-day notification period. We request to conduct the first survey on March 20, 2020.

The site is located in Portola Hills in Orange County, California. Generally, the site is located just to the southwest of Highway 241 (Foothill Transportation Corridor Toll road) and Upper Oso Reservoir, north of Trabuco Canyon and south of Foothill Ranch. More specifically the site is at the southwest corner of the intersection of Highway 241 and El Toro Road. MArgerite Parkway is just to the west (See Figure 1). The project location can also be described as being located in Section 8 of Township 6 South, Range 7 West of the Santiago Peak, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle map (see figure 2).

Surveys are to be performed per U.S. Fish and Wildlife (USFWS) California gnatcatcher protocol guidelines by **Scott Thomas (TE-036550-5 sub-permit).** Other biologists who may assist with the surveys are **Jason Berkley (TE-009015-5) Karly Moore (TE-02484A-2) or Kelly Rios (TE-018909-5).**

If you have any questions or comments regarding this letter, please contact me directly at (949)632-2756. I appreciate your attention to this request and await your response.

Sincerely

Nina Jimerson-Kidd

CC: Jonathan Snyder