D. Biological Resources Assessment

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Michael Baker
INTERNATIONAL

We Make a Difference

November 14, 2024 JN 200230

CITY OF COSTA MESA
Attn: *Chris Yeager, Associate Planner*
Development Services Department
77 Fair Drive, 2nd Floor
Costa Mesa, CA 92628

SUBJECT: Results of a Biological Resources Assessment for the Hive Live Project – City of Costa Mesa, Orange County, California

Dear Mr. Chung:

Michael Baker International (Michael Baker) is pleased to submit this report to the City of Costa Mesa documenting the results of a biological resources assessment for the proposed Hive Live Project (project or project site) located in the City of Costa Mesa, Orange County, California. Michael Baker conducted a thorough literature review and a field survey to confirm existing site conditions and assess the potential for special-status[1] plant and wildlife species that have been documented, or that are likely to occur on or within the project site. Specifically, this report provides a detailed assessment of the suitability of the on-site habitat to support special-status plant and wildlife species that were identified in the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database RareFind 5 (CNDDB; CDFW 2024a), the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CIRP; CNPS 2024), the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation Project Planning Tool (IPaC; USFWS 2024a), and other databases, as potentially occurring in the vicinity of the project site.

Project Location

The project site is generally located north of Interstate 405 (I-405), west of State Route 55 (SR-55), south of I-5, and east of the Santa Ana River in the City of Costa Mesa, Orange County, California (refer to Figure 1, *Regional and Project Vicinity*, in Attachment A). The project site is depicted in an un-sectioned area of Township 5 South, Range 10 West, on the U.S. Geological Survey's (USGS) *Newport Beach, California* 7.5-minute quadrangle. Specifically, the 14.25-acre project site is located north of South Coast Drive, west of Susan Street, south of Sunflower Avenue, and east of Harbor Boulevard in Assessor Parcel Numbers 140-042-12, -13, and -19 (refer to Figure 2, *Project Site*, in Attachment A).

[1] As used in this report, "special-status" refers to plant and wildlife species that are federally-/State-listed, proposed, or candidates; plant species that have been designated a California Rare Plant Rank species by the California Native Plant Society; wildlife species that are designated by the California Department of Fish and Wildlife as Fully Protected, Species of Special Concern, or Watch List species; and State/locally rare vegetation communities.

Project Description

The project proposes to demolish the existing Hive Creative Office Campus and Los Angeles Chargers practice field and construct a new multi-phased master-planned residential community ("Hive Live"). The project proposes up to 1,050 dwelling units (rental/apartment units) in three buildings, 3,692 square feet of retail uses, and 335,958 square feet of open space. Each building includes its own residential amenities, including a clubhouse, fitness center, pool/spa, coworking lounge, and various other amenities along with open space. Between each building, the project would provide paseos and bicycle/pedestrian access to the nearby Rail Trail. These paseos are envisioned to be publicly accessible during business hours and would also provide open space opportunities to on-site residents as well.

Each residential building would have a maximum building height of five stories and would wrap around a central parking structure (up to six stories in height). The proposed commercial/retail space would be integrated into the southern-most apartment building, fronting Susan Street. A prominent corner would be constructed at Susan Street and South Coast Drive featuring public art displays and an open public plaza. A roof deck is proposed above the parking garage of the southernmost building featuring a 1,521-square-foot fitness facility, 2,215 square foot roof lounge, and outdoor deck and pool.

Methodology

Literature Review

Michael Baker conducted thorough literature reviews and records searches to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. Previous special-status plant and wildlife species occurrence records within the USGS *Newport Beach* and *Tustin, California* 7.5-minute quadrangles were determined through a query of the CNDDB (CDFW 2024a) and CIRP (CNPS 2024), and of IPaC (USFWS 2024a) for the project region. These two quadrangles encompass most of what constitutes a 5-mile buffer around the site, with very small portions of the buffer crossing into other surrounding quadrangles (*Anaheim*, *Orange*, and *Seal Beach*). These additional surrounding quadrangles were not included as part of the records search because the project is isolated to a specific footprint in an area that is completely surrounded in all directions by urbanization, with no natural habitat anywhere in the vicinity, and because they represent a minor portion of the 5-mile buffer around the project site.

Current conservation status of species was verified through lists and resources provided by the CDFW, specifically the *Special Animals List* (CDFW 2024b), *Special Vascular Plants, Bryophytes, and Lichens List* (CDFW 2024c), *State and Federally Listed Endangered and Threatened Animals of California* (CDFW 2024d), and *State and Federally Listed Endangered, Threatened, and Rare Plants of California* (CDFW 2024e). In addition, Michael Baker reviewed previously prepared reports, survey results, and literature, as available, detailing the biological resources previously observed on or within the vicinity of the project site. The purpose of this was to gain an understanding of existing site conditions, confirm previous species observations, and note the extent of any disturbances that have occurred within the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status species, as well as the following resources:

- *Custom Soil Resource Report for Orange County and Part of Riverside County, California* (U.S. Department of Agriculture [USDA] 2024)

- Google Earth Pro Historical Aerial Imagery from 1994 to 2023 (Google Inc. 2024)
- *Report of Phase 1 Environmental Site Assessment and Additional Environmental Services: The Hive* (Targus Environmental 2018)
- *Second Addendum to the Preliminary Master Plan for Former LA Times Project* (Psomas 2021)
- Species Accounts provided by Birds of the World (Billerman et. al 2022)
- USFWS Critical Habitat Mapper and Environmental Conservation Online System (USFWS 2024b)

Habitat Assessment/Field Survey

Michael Baker biologist Ryan Winkleman conducted a habitat assessment/field survey on April 30, 2024 to confirm existing site conditions within the project site[2]. Vegetation communities occurring within the project site were mapped on an aerial photograph and classified in accordance with the vegetation descriptions provided in *A Manual of California Vegetation* (Sawyer et al. 2009) and cross referenced with the *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986) for the purposes of evaluating the presence or absence of special-status vegetation communities identified in the CNDDB records search, which uses the Holland vegetation classification system. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site vegetation communities, and the presence of potentially regulated jurisdictional features (e.g., streams, flood control channels) were noted within the project site. Michael Baker used Geographic Information Systems (GIS) ArcView software to digitize the mapped vegetation communities and then transferred these data onto an aerial photograph to further document existing conditions and quantify the acreage of each vegetation community. Refer to Table 1 below for a summary of the survey date, timing, surveyor, and weather conditions.

Table 1: Survey Date, Time, Surveyor, and Weather Conditions

Date	Time (start / finish)	Surveyor	Weather Conditions	
			Temperature (°F) (start / finish)	Wind Speed (mph) (start / finish)
April 30, 2024	1045 / 1300	Ryan Winkleman	69F sunny / 73F sunny	1 – 3 / 2 – 5

All plant and wildlife species observed, as well as dominant plant species within each vegetation community, were recorded. Plant species observed during the habitat assessment/field survey were identified by visual characteristics and morphology in the field while unusual and less familiar plant species were photographed and identified later using taxonomic guides. Plant nomenclature used in this report follows the *Jepson eFlora* (Jepson Flora Project 2024) and scientific names are provided immediately following common names of plant species (first reference only). Wildlife detections were made through aural and visual detection, as well as observation of sign including scat, trails, tracks, burrows, and nests. Field guides used to assist with identification of wildlife species during the habitat assessment included *The Sibley Guide to Birds* (Sibley 2014), *A Field Guide to Western Reptiles and Amphibians* (Stebbins 2003), *Bats of the United States and Canada* (Harvey et al. 2011), and *A Field Guide to Mammals of North America* (Reid 2006). Although common names of wildlife species are well standardized, scientific names are

[2] For this project a survey buffer was not incorporated. All findings and conclusions relate specifically to the boundaries of the project site.

provided immediately following common names of wildlife species in this report (first reference only). To the extent possible, nomenclature of birds follows the most recent annual supplement of the American Ornithological Society's *Checklist of North American Birds* (Chesser et al. 2023), nomenclature of amphibians and reptiles follows *Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in Our Understanding* (Crother 2017), and nomenclature for mammals follows the *Revised Checklist of North American Mammals North of Mexico* (Bradley et al. 2014).

Existing Site Conditions

According to the *Custom Soil Resource Report for Orange County and Part of Riverside County, California* (USDA 2024), the project site is underlain by the following soil unit: Bolsa silt loam, drained (123). The project site consists of an existing business center that includes the Los Angeles Chargers Hoag Performance Center, with the southern half of the project site consisting of the football practice field. Topographically, the project site is generally flat, ranging from approximately 30 feet above mean sea level (amsl) to approximately 40 feet amsl, with no clear directional slope. Refer to Attachment B for representative photographs of the project site taken during the field survey.

Vegetation Communities and Land Cover Types

No natural vegetation communities were observed within the boundaries of the project site during the field survey. One land cover type was mapped within the project site: developed/ornamental, as depicted on Figure 3, *Vegetation Communities and Other Land Uses*, in Attachment A and described in further detail below. Additionally, refer to Attachment C for a complete list of plant species identified within the project site during the field survey.

Developed/Ornamental

The entire 14.25-acre project site was mapped as developed/ornamental. The project site is an existing business complex surrounded by a paved parking lot on the west, north, and east sides and a football training complex to the south. Ornamental landscaping is interspersed throughout the parking lots and surrounding the on-site buildings. This primarily includes the main business park as well as landscaping around the perimeter of the parking lots and buildings and landscaping along the walking path on the northern side of the project site. The ornamental plantings showcase a variety of different species; some of the more commonly occurring species observed within the project site include privet (*Ligustrum* sp.), fountaingrass (*Pennisetum setaceum*), deergrass (*Muhlenbergia rigens*), Brisbane box *(Lophostemon confertus*), creeping fig (*Ficus pumila*), bamboo (Subfamily Bambusoideae), rock purslane (*Calandrinia spectabilis*), and a variety of century plants (*Agave* spp.). Approximately 40% of the project site is composed of the Los Angeles Chargers practice fields, located in the southern portion, which consist entirely of manicured lawns.

Wildlife

Natural vegetation communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a general discussion of common wildlife species that were detected by Michael Baker during the field survey or that are expected to occur based on existing site conditions. This is to be used as a general reference and is limited by the season, time of day, and weather conditions in which the field survey was conducted.

A total of fourteen (14) wildlife species were observed during the April 30, 2024 field survey, all but one of which were birds. The most commonly-occurring species detected during the survey were bushtit (*Psaltriparus minimus*), lesser goldfinch (*Spinus psaltria*), American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), and western fence lizard (*Sceloporus occidentalis*). There is no aquatic habitat on-site and thus no potential for fish or amphibians to occur. No mammals were detected during the field survey. It may be possible for coyotes (*Canis latrans*) to occur, particularly with the Santa Ana River located approximately one mile to the northwest, but generally the project site is completely surrounded by developed urbanization and is isolated from any migration corridor potentially suitable for mammals. Refer to Attachment C for a complete list of wildlife species observed within the project site during the field survey.

Nesting Birds

Nesting birds are protected pursuant to the federal Migratory Bird Treaty Act (MBTA) of 1918[3] and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code (CFGC)[4]. To maintain compliance with the MBTA and CFGC, clearance surveys are typically required prior to any ground disturbance or vegetation removal activities to avoid direct or indirect impacts to active bird nests and/or nesting birds. Consequently, if an active bird nest is destroyed or if project activities result in indirect impacts (e.g., nest abandonment, loss of reproductive effort) to nesting birds, it is considered "take" and is potentially punishable by fines and/or imprisonment. The project site provides abundant nesting habitat for many year-round and seasonal avian residents within the parking lot and parkway trees. At the time of the field survey, no birds were observed displaying nesting behavior on-site, although an American crow was observed flying over and away from the site while carrying nesting material and was presumably nesting on an adjacent property.

Migratory Corridors and Linkages

Wildlife corridors and linkages are key features for wildlife movement between habitat patches that provide suitable cover, foraging, breeding, or other habitat for wildlife. Wildlife corridors are generally defined as those areas that provide opportunities for individuals or local populations to conduct seasonal migrations, permanent dispersals, or daily commutes, while linkages generally refer to broader areas that provide movement opportunities for multiple keystone/focal species or allow for propagation of ecological processes (e.g., for movement of pollinators), often between areas of conserved land.

The project site is located in an urbanized area in the City of Costa Mesa surrounded entirely by development. Surrounding development is primarily composed of residential, government, and commercial construction. The project is not located within a wildlife corridor or linkage. A former railroad right-of-way runs along the western edge of the project site; this right-of-way now terminates at South Coast Drive and runs to the northeast until it connects to the Amtrak/Metrolink tracks running through Orange County but

[3] The Migratory Bird Treaty Act prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the U.S. Fish and Wildlife Service. Refer to: https://www.fws.gov/law/migratory-bird-treaty-act-1918

[4] Section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the California Fish and Game Code or any regulation made pursuant thereto; Section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey); and Section 3513 makes it unlawful to take or possess any migratory non-game bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act, as amended (16 U.S.C. § 703 *et seq.*).

in the project site and general vicinity the right-of-way is no longer active and the portion of it running along the project's edge has already been converted into a pedestrian/bike trail. The trail also terminates at South Coast Drive, south of which is a large IKEA and associated parking lot, followed by I-405. There are no feasible migratory corridors in or around the project site and the project site is not expected to be used by migrating wildlife.

State and Federal Jurisdictional Resources

There are three agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The U.S. Army Corps of Engineers (USACE) Regulatory Branch regulates discharge of dredged or fill material into "waters of the U.S." pursuant to Section 404 of the federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the Regional Water Quality Control Board (RWQCB) regulates discharges to surface waters pursuant to Section 401 of the CWA and Section 13263 of the California Porter-Cologne Water Quality Control Act, and the CDFW regulates alterations to streambed and associated vegetation communities under Section 1600 *et seq*. of the CFGC. There are no jurisdictional or potentially jurisdictional features located within the project site.

Special-Status Biological Resources

The CNDDB (CDFW 2024a) and CIRP (CNPS 2024) were queried for reported locations of special-status plant and wildlife species as well as special-status natural vegetation communities in the USGS *Newport Beach and Tustin, California* 7.5-minute quadrangles, and IPaC (USFWS 2024a) for the project region. The field survey was conducted to assess the conditions of the habitat(s) within the boundaries of the project site to determine if the existing vegetation communities, at the time of the field survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species. Additionally, the potential for special-status species to occur within the project site was determined based on the reported occurrence locations in the CNDDB and CIRP and the following criteria:

- **Present**: the species was observed or detected within the project site during the field survey.
- **High**: Occurrence records (within 20 years) indicate that the species has been known to occur on or within 1 mile of the project site and the site is within the normal expected range of this species. Intact, suitable habitat preferred by this species occurs within the project site and/or there is viable landscape connectivity to a local known extant population(s) or sighting(s).
- **Moderate**: Occurrence records (within 20 years) indicate that the species has been known to occur within 1 mile of the project site and the project site is within the normal expected range of this species. There is suitable habitat within the project site, but the site is ecologically isolated from any local known extant populations or sightings.
- **Low**: Occurrence records (within 20 years) indicate that the species has been known to occur within 5 miles of the project site, but the site is outside of the normal expected range of the species and/or there is poor quality or marginal habitat within the project site.
- **Not Expected**: There are no occurrence records of the species occurring within 5 miles of the project site, there is no suitable habitat within the project site, and/or the project site is outside of the normal expected range for the species.

Queries of the CNDDB, CIRP, and IPaC databases identified thirty-five (35) special-status plant species, thirty-eight (38) special-status wildlife species, and six (6) special-status vegetation communities. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on specific habitat requirements, availability/quality of suitable habitat, and known distributions of species/populations. Special-status biological resources identified during the literature review are presented in Attachment D.

Special-Status Plants

A total of thirty-five (35) special-status plant species have been recorded in the USGS *Newport Beach* and *Tustin, California* 7.5-minute quadrangles by the CNDDB and CIRP, and by IPaC for the project region (refer to Attachment D). No special-status plant species were identified within the project site during the April 2024 field survey. The project site consists of a business complex and associated football fields completely surrounded by development. On-site habitats are paved or vegetated with manicured landscaping, with no opportunity for rare plants to establish either on the project site or in the surrounding area due to lack of any suitable habitat. As such, Michael Baker determined that none of the special-status plant species identified by the CNDDB, CIRP, and IPaC databases are expected to occur within the project site.

Special-Status Wildlife

A total of thirty-eight (38) special-status wildlife species have been recorded in the USGS *Newport Beach* and *Tustin, California* 7.5-minute quadrangles by the CNDDB and by IPaC for the project region (refer to Attachment D). No special-status wildlife species were detected within the project site during the April 2024 field survey. Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, Michael Baker determined that there is a high likelihood for Cooper's hawk (*Accipiter cooperii*, state Watch List [WL] species) to forage on-site, although it is not expected to nest on-site due to lack of any suitable nesting trees. No other special-status wildlife species identified by the CNDDB or IPaC databases are expected to occur within the project site.

It should be noted that Michael Baker's wildlife IPaC results are slightly different from those listed in the *Report of Phase 1 Environmental Site Assessment and Additional Environmental Services: The Hive* (Targus Environmental 2018), with the 2018 results including one additional species not included in the 2024 search results: southwestern willow flycatcher (*Empidonax traillii extimus*; State and federally endangered). It is Michael Baker's determination that neither the southwestern willow flycatcher, nor any other federally-listed species identified in the 2018 or 2024 IPaC results, would occur on the project site.

Special-Status Vegetation Communities

A total of six (6) special-status vegetation communities have been reported in the USGS *Newport Beach* and *Tustin, California* 7.5-minute quadrangles by the CNDDB: Southern Coast Live Oak Riparian Forest, Southern Coastal Salt Marsh, Southern Cottonwood Willow Riparian Forest, Southern Dune Scrub, Southern Foredunes, and Southern Sycamore Alder Riparian Woodland. None of these special-status vegetation communities were present within the project site. In addition, no other special-status vegetation communities as defined by CDFW in the California Sensitive Natural Community List (CDFW 2023) were observed within the project site.

Critical Habitat

Under the definition used by the federal Endangered Species Act (FESA), designated "Critical Habitat" refers to specific areas within the geographical range of a species that were occupied at the time it was listed that contain the physical or biological features that are essential to the survival and eventual recovery of that species and that may require special management considerations or protection, regardless of whether the species is still extant in the area. Areas that were not known to be occupied at the time a species was listed can also be designated Critical Habitat if they contain one or more of the physical or biological features that are essential to that species' conservation and if the other areas that are occupied are inadequate to ensure the species' recovery. If a project may result in take or adverse modification to a species' designated Critical Habitat and the project has a federal nexus, the project proponent may be required to provide suitable mitigation. Projects with a federal nexus may include projects that occur on federal lands, require federal permits (e.g., CWA Section 404 permit), or receive any federal oversight or funding. If there is a federal nexus, then the federal agency that is responsible for providing funds or permits would be required to consult with the USFWS under the FESA. The project site is not located within designated Critical Habitat for any federally listed species.

Local Policies and Ordinances

City of Costa Mesa Tree Ordinance

The City of Costa Mesa has a tree ordinance that is codified into the City's Municipal Code in Chapter V, Parkway Trees[5]. Several sections of Chapter V, particular those starting at Section 15-126*, Permit Required*, may apply to this project if trees within the public right-of-way will be affected, including but not limited to the following sections:

- *Section 15-126, Permit Required*: No person shall install, replace, or alter any tree located within city medians, parkways or tree easements, without first obtaining a permit as specified in this chapter.
- *Section 15-127, Permit Procedure*: (a) An application for a permit for tree installation, removal or alteration of public trees (trees located within medians, parkways, rights-of-way or tree easements) shall be submitted to the public services department on a form approved by the department.
- *Section 15-129, Fee required*: Each applicant for a permit under the chapter shall pay a permit fee in an amount to be set by the resolution of the city council.
- *Section 15-130, Street trees required*: All tree species for placement in the public right-of-way shall comply with the street tree master plan within the streetscape and median design guidelines.
- *Section 15-132, Protection of trees during construction*: No person shall begin any construction or excavation without first providing sufficient protection for trees on public property, such as a fence, guard or frame within a five foot minimum distance of the tree trunk. This five foot minimum may be extended at the sole discretion of the director of public services for other unforeseen horticultural circumstances.
- *Section 15-134, Street tree master plan*: The planting of new trees within the city rights-of-way

[5] https://ecode360.com/42624078

and other public places shall be consistent with the street tree master plan within the streetscape and median development guidelines as adopted by the city council.

- *Section 15-137, Landscape plans*: Landscape plans shall be prepared for all projects which include hedges or exceed 5,000 and submitted to the community services department for all park, parkway (includes off-road recreation trails and greenways) and median development. All landscape plans shall be in a form to comply with the requirements of the community services director.

Development of the project site may require compliance with several or all of the above tree ordinance sections, depending on final project design and impacts. Based on the definitions of "landmark trees" provided in Section 15-138, *Preservation of landmark trees*, it is anticipated that there are no landmark trees located on the project site.

Conclusions and Recommendations

No natural vegetation communities were observed within the boundaries of the project site during the field survey. The entire project site was mapped as developed/ornamental land uses.

No special-status plant species were identified within the project site during the April 2024 field survey. All of the vegetation within the project site is ornamental and most of it is non-native, planted as landscaping in the business park and in the parkway along the streets. Because the project site is an existing business park with extensive ornamental vegetation and no natural vegetation or habitats on-site or anywhere in the surrounding area, Michael Baker determined that none of the special-status plant species identified by the CNDDB, CIRP, and IPaC databases are expected to occur within the project site.

No special-status wildlife species were detected within the project site during the April 2024 field survey. Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, Michael Baker determined that there is a high likelihood for Cooper's hawk (State WL) to forage on the site, but it would not nest on-site. Other than Cooper's hawk, none of the special-status wildlife species identified by the CNDDB and IPaC databases are expected to occur within the project site due to a general lack of suitable habitat.

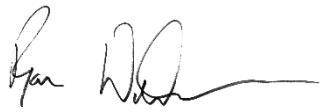
In order to avoid and/or minimize potential impacts to biological resources, it is recommended that the following Avoidance and Minimization Measure (AMM) be implemented:

AMM BIO-1: If project-related activities are to be initiated during the nesting season (January 1 to August 31), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three (3) days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone surrounding the project impact area. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be identified, and a "no-disturbance" buffer shall be established around the active nest. The size of the "no-disturbance" buffer shall be increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species. The qualified biologist shall periodically monitor any active

bird nests to determine if project-related activities occurring outside the "no-disturbance" buffer disturb the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the "no-disturbance" buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.

Please do not hesitate to contact me at (949) 533-0918 or ryan.winkleman@mbakerintl.com should you have any questions or require further information.

Sincerely,



Ryan Winkleman
Senior Biologist
Natural Resources

Attachments:

A. *Project Figures*
B. *Site Photographs*
C. *Plant and Wildlife Species Observed List*
D. *Literature Review Results*
E. *References*

Attachment A

Project Figures

6/3/2024 PN: \\santa1\hub\irvca1fs1\HROOT\pdata\200230\GIS\APRX\Hive Live NR\Hive Live NR.aprx

Legend

Project Site (14.25 acres)

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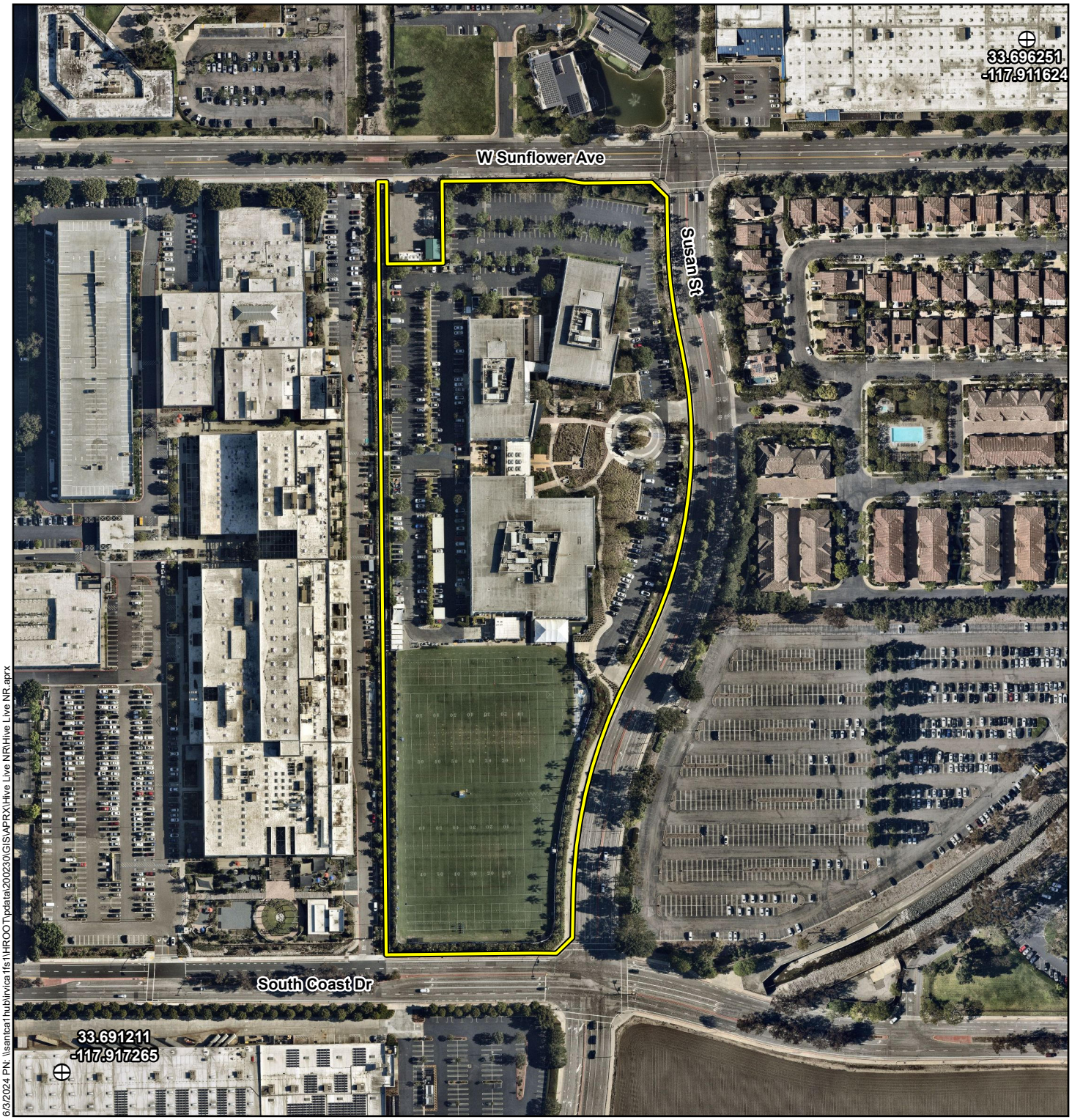
0 0.5 1 Miles

Source: USGS 7.5-Minute topographic quadrangle maps: *Newport Beach and Tustin, California (2022)*

HIVE LIVE PROJECT
BIOLOGICAL RESOURCES ASSESSMENT

Regional and Project Vicinity

Figure 1



Legend

Project Site (14.25 acres)

⊕ Reference Point

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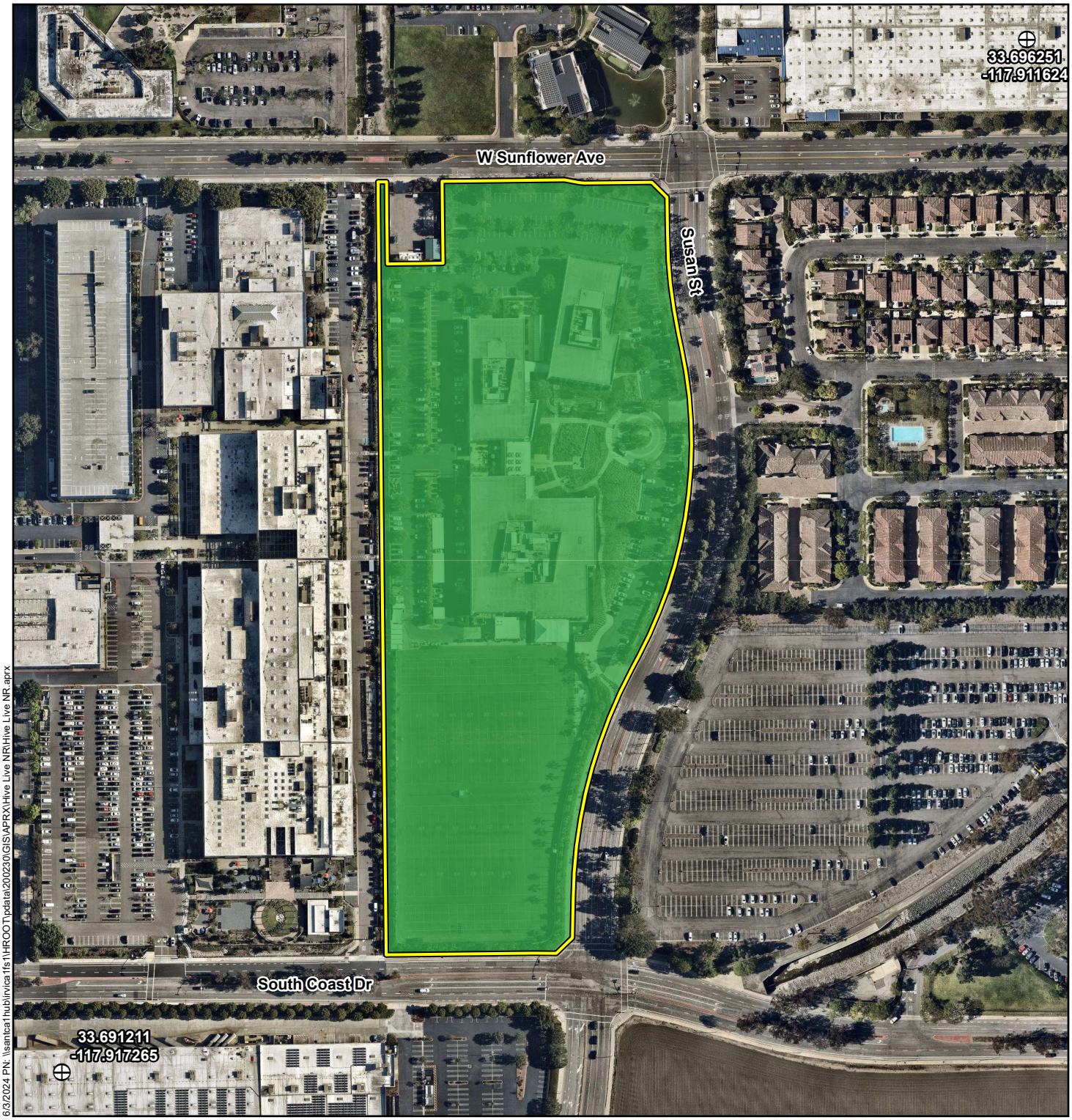
0 125 250 Feet

Source: Nearmap/Raymore Imagery (09/2023)

HIVE LIVE PROJECT
BIOLOGICAL RESOURCES ASSESSMENT

Project Site

Figure 2



Legend

Project Site (14.25 acres)

Developed/Ornamental (14.25 acres)

Reference Point

Michael Baker INTERNATIONAL

0 125 250 Feet

Source: Nearmap/Raymore Imagery (09/2023)

HIVE LIVE PROJECT
BIOLOGICAL RESOURCES ASSESSMENT

Vegetation Communities and Other Land Uses

Figure 3

Attachment B

Site Photographs

Photograph 1: Southwest-facing view from the northeast corner of the parking lot.

Photograph 2: East-facing view along Sunflower Avenue from approximately halfway across the project site.

Photograph 3: East-facing view from the northwest corner of the parking lot.

Photograph 4: South-facing view down the parking lot.

Photograph 5: South-facing view down the bike trail immediately west of the parking lot boundaries.

Photograph 6: South-facing view into the restricted portion of the project site, associated with the Los Angeles Chargers practice facility.

Photograph 7: South-facing view across the Los Angeles Chargers practice fields.

Photograph 8: The west side of the parking lots are generally in rows separated by stalks of bamboo. These areas have been contoured to receive parking lot runoff and represent non-jurisdictional swales.

Photograph 9: North-facing view of the business park.

Photograph 10: West-facing view of the business park.

Photograph 11: North-facing view along Susan Street. The eastern side of the parking lot also sends runoff into this non-jurisdictional swale.

Photograph 12: West-facing view along South Coast Drive from the project's southeast corner.

Attachment C

Plant and Wildlife Species Observed List

Table C-1: Plant and Wildlife Species Observed List

*Scientific Name**	Common Name	Cal-IPC Rating**	Special-Status Rank
Plants			
Agave sp.*	century plant		
*Aloe vera**	aloe vera		
*Asparagus aethiopicus**	asparagus weed	Watch	
Bambusoideae	bamboo		
Bougainvillea sp.*	bougainvillea		
*Calandrinia spectabilis**	rock purslane		
*Carissa macrocarpa**	natal plum		
Cyperus sp.*	umbrella sedge		
Dianella sp.*	flax lillies		
*Distictis buccinatoria**	Mexican blood-trumpet		
Eschscholzia californica	California poppy		
*Euphorbia maculata**	spotted spurge		
*Ficus pumila**	creeping fig		
Hedera sp.*	ivy	High	
*Jacaranda mimosifolia**	jacaranda		
*Lactuca serriola**	prickly lettuce		
Ligustrum sp.*	privet		
*Lophostemon confertus**	Brisbane box		
*Melilotus indicus**	yellow sweetclover		
Muhlenbergia rigens	deergrass		
*Olea europaea**	olive	Limited	
*Pennisetum setaceum**	fountaingrass	Moderate	
Phorium tenex	New Zealand flax		
Pinus sp.	pine		
Pittosporum sp.*	pittosporum		
Platanus racemosa	California sycamore		
Pseudognaphalium sp.	cudweed		
*Pyrus calleryana**	Bradford pear	Watch	
*Russelia equisetiformis**	firecracker plant		
Salvia chamaedryoides	electric blue sage		
*Schinus molle**	Peruvian pepper	Limited	
Sedum sp.	stonecrop		
*Tipuana tipu**	tipa		
*Trachelospermum jasminoides**	star jasmine		
*Washingtonia robusta**	Mexican fan palm	Moderate	
Birds			
Bombycilla cedrorum	cedar waxwing		
Calypte anna	Anna's hummingbird		
Corvus brachyrhynchos	American crow		
Haemorhous mexicanus	house finch		

Table C-1: Plant and Wildlife Species Observed List

*Scientific Name**	Common Name	Cal-IPC Rating**	Special-Status Rank
Junco hyemalis	dark-eyed junco		
Melospiza melodia	song sparrow		
Psaltriparus minimus	bushtit		
Setophaga nigrescens	black-throated gray warbler		
Sitta canadensis	red-breasted nuthatch		
Spinus psaltria	lesser goldfinch		
Troglodytes aedon	house wren		
*Vidua macroura**	pin-tailed whydah		
*Zosterops simplex**	Swinhoe's white-eye		
Reptiles			
Sceloporus occidentalis	western fence lizard		

* **Non-native species**

** **California Invasive Plant Council (Cal-IPC) Ratings**

High — These species have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment. Most are widely distributed ecologically.

Moderate — These species have substantial and apparent—but generally not severe—ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive biology and other attributes are conducive to moderate to high rates of dispersal, though establishment is generally dependent upon ecological disturbance. Ecological amplitude and distribution may range from limited to widespread.

Limited — These species are invasive, but their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score. Their reproductive biology and other attributes result in low to moderate rates of invasiveness. Ecological amplitude and distribution are generally limited, but these species may be locally persistent and problematic.

Watch — These species have been assessed as posing a high risk of becoming invasive in the future in California.

Attachment D

Literature Review Results

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Newport Beach (3311768) OR Tustin (3311767))
 AND Taxonomic Group IS (Fish OR Amphibians OR Reptiles OR Birds OR Mammals OR Mollusks OR Arachnids OR Crustaceans OR Insects)

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Accipiter cooperii Cooper's hawk	ABNKC12040	None	None	G5	S4	WL
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	Threatened	G1G2	S2	SSC
Aimophila ruficeps canescens southern California rufous-crowned sparrow	ABPBX91091	None	None	G5T3	S4	WL
Ammodramus savannarum grasshopper sparrow	ABPBXA0020	None	None	G5	S3	SSC
Anniella stebbinsi Southern California legless lizard	ARACC01060	None	None	G3	S3	SSC
Aspidoscelis hyperythra orange-throated whiptail	ARACJ02060	None	None	G5	S2S3	WL
Athene cunicularia burrowing owl	ABNSB10010	None	None	G4	S2	SSC
Bombus crotchii Crotch's bumble bee	IIHYM24480	None	Candidate Endangered	G2	S2	
Bombus pensylvanicus American bumble bee	IIHYM24260	None	None	G3G4	S2	
Branchinecta sandiegonensis San Diego fairy shrimp	ICBRA03060	Endangered	None	G2	S1	
Campylorhynchus brunneicapillus sandiegensis coastal cactus wren	ABPBG02095	None	None	G5T3Q	S2	SSC
Charadrius nivosus nivosus western snowy plover	ABNNB03031	Threatened	None	G3T3	S3	SSC
Choeronycteris mexicana Mexican long-tongued bat	AMACB02010	None	None	G3G4	S1	SSC
Cicindela hirticollis gravida sandy beach tiger beetle	IICOL02101	None	None	G5T2	S2	
Cicindela latesignata western beach tiger beetle	IICOL02110	None	None	G2G3	S1	
Coccyzus americanus occidentalis western yellow-billed cuckoo	ABNRB02022	Threatened	Endangered	G5T2T3	S1	
Coelus globosus globose dune beetle	IICOL4A010	None	None	G1G2	S1S2	
Coturnicops noveboracensis yellow rail	ABNME01010	None	None	G4	S2	SSC

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Crotalus ruber red-diamond rattlesnake	ARADE02090	None	None	G4	S3	SSC
Danaus plexippus plexippus pop. 1 monarch - California overwintering population	IILEPP2012	Candidate	None	G4T1T2Q	S2	
Elanus leucurus white-tailed kite	ABNKC06010	None	None	G5	S3S4	FP
Emys marmorata western pond turtle	ARAAD02030	Proposed Threatened	None	G3G4	S3	SSC
Eremophila alpestris actia California horned lark	ABPAT02011	None	None	G5T4Q	S4	WL
Eumops perotis californicus western mastiff bat	AMACD02011	None	None	G4G5T4	S3S4	SSC
Habroscelimorpha gabbii western tidal-flat tiger beetle	IICOL02080	None	None	G2G4	S1	
Icteria virens yellow-breasted chat	ABPBX24010	None	None	G5	S4	SSC
Lasiurus cinereus hoary bat	AMACC05032	None	None	G3G4	S4	
Laterallus jamaicensis coturniculus California black rail	ABNME03041	None	Threatened	G3T1	S2	FP
Nyctinomops macrotis big free-tailed bat	AMACD04020	None	None	G5	S3	SSC
Oncorhynchus mykiss irideus pop. 10 steelhead - southern California DPS	AFCHA0209J	Endangered	Candidate Endangered	G5T1Q	S1	
Pandion haliaetus osprey	ABNKC01010	None	None	G5	S4	WL
Panoquina errans wandering (=saltmarsh) skipper	IILEP84030	None	None	G4	S2	
Passerculus sandwichensis beldingi Belding's savannah sparrow	ABPBX99015	None	Endangered	G5T3	S3	
Perognathus longimembris pacificus Pacific pocket mouse	AMAFD01042	Endangered	None	G5T2	S2	SSC
Phrynosoma blainvillii coast horned lizard	ARACF12100	None	None	G4	S4	SSC
Polioptila californica californica coastal California gnatcatcher	ABPBJ08081	Threatened	None	G4G5T3Q	S2	SSC
Rallus obsoletus levipes light-footed Ridgway's rail	ABNME05014	Endangered	Endangered	G3T1T2	S1	FP
Riparia riparia bank swallow	ABPAU08010	None	Threatened	G5	S3	
Setophaga petechia yellow warbler	ABPBX03010	None	None	G5	S3	SSC

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Sorex ornatus salicornicus	AMABA01104	None	None	G5T1?	S1	SSC
southern California saltmarsh shrew						
Spea hammondii	AAABF02020	Proposed Threatened	None	G2G3	S3S4	SSC
western spadefoot						
Sternula antillarum browni	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2	FP
California least tern						
Streptocephalus woottoni	ICBRA07010	Endangered	None	G1G2	S2	
Riverside fairy shrimp						
Taxidea taxus	AMAJF04010	None	None	G5	S3	SSC
American badger						
Tryonia imitator	IMGASJ7040	None	None	G2	S2	
mimic tryonia (=California brackishwater snail)						
Vireo bellii pusillus	ABPBW01114	Endangered	Endangered	G5T2	S3	
least Bell's vireo						

Record Count: 46

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Newport Beach (3311768) OR Tustin (3311767))
 AND Taxonomic Group IS (Ferns OR Gymnosperms OR Monocots OR Dicots OR Lichens OR Bryophytes)

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Abronia villosa var. aurita chaparral sand-verbena	PDNYC010P1	None	None	G5T2?	S2	1B.1
Aphanisma blitoides aphanisma	PDCHE02010	None	None	G3G4	S2	1B.2
Astragalus hornii var. hornii Horn's milk-vetch	PDFAB0F421	None	None	GUT1	S1	1B.1
Atriplex coulteri Coulter's saltbush	PDCHE040E0	None	None	G3	S1S2	1B.2
Atriplex pacifica south coast saltscale	PDCHE041C0	None	None	G4	S2	1B.2
Atriplex serenana var. davidsonii Davidson's saltscale	PDCHE041T1	None	None	G5T1	S1	1B.2
Centromadia parryi ssp. australis southern tarplant	PDAST4R0P4	None	None	G3T2	S2	1B.1
Chloropyron maritimum ssp. maritimum salt marsh bird's-beak	PDSCR0J0C2	Endangered	Endangered	G4?T1	S1	1B.2
Dudleya multicaulis many-stemmed dudleya	PDCRA040H0	None	None	G2	S2	1B.2
Eryngium aristulatum var. parishii San Diego button-celery	PDAPI0Z042	Endangered	Endangered	G5T1	S1	1B.1
Helianthus nuttallii ssp. parishii Los Angeles sunflower	PDAST4N102	None	None	G5TX	SX	1A
Isocoma menziesii var. decumbens decumbent goldenbush	PDAST57091	None	None	G3G5T2T3	S2	1B.2
Lasthenia glabrata ssp. coulteri Coulter's goldfields	PDAST5L0A1	None	None	G4T2	S2	1B.1
Lepidium virginicum var. robinsonii Robinson's pepper-grass	PDBRA1M114	None	None	G5T3	S3	4.3
Nama stenocarpa mud nama	PDHYD0A0H0	None	None	G4G5	S1S2	2B.2
Nasturtium gambelii Gambel's water cress	PDBRA270V0	Endangered	Threatened	G1	S1	1B.1
Navarretia prostrata prostrate vernal pool navarretia	PDPLM0C0Q0	None	None	G2	S2	1B.2
Nemacaulis denudata var. denudata coast woolly-heads	PDPGN0G011	None	None	G3G4T2	S2	1B.2
Orcuttia californica California Orcutt grass	PMPOA4G010	Endangered	Endangered	G1	S1	1B.1

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Pentachaeta aurea ssp. allenii	PDAST6X021	None	None	G4T1	S1	1B.1
Allen's pentachaeta						
Senecio aphanactis	PDAST8H060	None	None	G3	S2	2B.2
chaparral ragwort						
Sidalcea neomexicana	PDMAL110J0	None	None	G4	S2	2B.2
salt spring checkerbloom						
Suaeda esteroa	PDCHE0P0D0	None	None	G3	S2	1B.2
estuary seablite						
Symphyotrichum defoliatum	PDASTE80C0	None	None	G2	S2	1B.2
San Bernardino aster						

Record Count: 24

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Newport Beach (3311768) OR Tustin (3311767))
 AND Taxonomic Group IS (Dune OR Scrub OR Herbaceous OR Marsh OR Riparian OR Woodland OR Forest OR Alpine OR Inland Waters OR Marine OR Estuarine OR Riverine OR Palustrine)

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Southern Coast Live Oak Riparian Forest	CTT61310CA	None	None	G4	S4	
Southern Coast Live Oak Riparian Forest						
Southern Coastal Salt Marsh	CTT52120CA	None	None	G2	S2.1	
Southern Coastal Salt Marsh						
Southern Cottonwood Willow Riparian Forest	CTT61330CA	None	None	G3	S3.2	
Southern Cottonwood Willow Riparian Forest						
Southern Dune Scrub	CTT21330CA	None	None	G1	S1.1	
Southern Dune Scrub						
Southern Foredunes	CTT21230CA	None	None	G2	S2.1	
Southern Foredunes						
Southern Sycamore Alder Riparian Woodland	CTT62400CA	None	None	G4	S4	
Southern Sycamore Alder Riparian Woodland						

Record Count: 6

CALIFORNIA NATIVE PLANT SOCIETY

CNPS Rare Plant Inventory

Search Results

34 matches found. Click on scientific name for details

Search Criteria: County or Island is one of [ORA], Quad is one of [3311768:3311767]

▲ SCIENTIFIC NAME	COMMON NAME	FAMILY	LIFEFORM	BLOOMING PERIOD	FED LIST	STATE LIST	GLOBAL RANK	STATE RANK	CA RARE PLANT RANK	CA ENDEMIC	DATE ADDED	PHOTO
Abronia maritima	red sand-verbena	Nyctaginaceae	perennial herb	Feb-Nov	None	None	G4	S3?	4.2		1994-01-01	 ©2003 Christopher L. Christie
Abronia villosa var. *aurita*	chaparral sand-verbena	Nyctaginaceae	annual herb	(Jan)Mar-Sep	None	None	G5T2?	S2	1B.1		2001-01-01	 © 2011 Aaron E. Sims
Aphanisma blitoides	aphanisma	Chenopodiaceae	annual herb	Feb-Jun	None	None	G3G4	S2	1B.2		1980-01-01	 © 2010 Larry Sward
Astragalus hornii var. *hornii*	Horn's milk-vetch	Fabaceae	annual herb	May-Oct	None	None	GUT1	S1	1B.1		2006-12-01	No Photo Available
Atriplex coulteri	Coulter's saltbush	Chenopodiaceae	perennial herb	Mar-Oct	None	None	G3	S1S2	1B.2		1994-01-01	No Photo Available
Atriplex pacifica	south coast saltscale	Chenopodiaceae	annual herb	Mar-Oct	None	None	G4	S2	1B.2		1994-01-01	No Photo Available
Atriplex serenana var. *davidsonii*	Davidson's saltscale	Chenopodiaceae	annual herb	Apr-Oct	None	None	G5T1	S1	1B.2		1994-01-01	No Photo Available
Calochortus catalinae	Catalina mariposa lily	Liliaceae	perennial bulbiferous herb	(Feb)Mar-Jun	None	None	G3G4	S3S4	4.2	Yes	1974-01-01	No Photo Available
Camissoniopsis lewisii	Lewis' evening-primrose	Onagraceae	annual herb	Mar-May(Jun)	None	None	G4	S4	3		1994-01-01	No Photo Available
Centromadia parryi ssp. *australis*	southern tarplant	Asteraceae	annual herb	May-Nov	None	None	G3T2	S2	1B.1		1994-01-01	No Photo Available
Chloropyron maritimum ssp. *maritimum*	salt marsh bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	May-Oct(Nov)	FE	CE	G4?T1	S1	1B.2		1974-01-01	No Photo Available
Convolvulus simulans	small-flowered morning-glory	Convolvulaceae	annual herb	Mar-Jul	None	None	G4	S4	4.2		1994-01-01	No Photo Available
Dudleya multicaulis	many-stemmed dudleya	Crassulaceae	perennial herb	Apr-Jul	None	None	G2	S2	1B.2	Yes	1974-01-01	No Photo Available
Eleocharis parvula	small spikerush	Cyperaceae	perennial herb	(Apr)Jun-Aug(Sep)	None	None	G5	S3	4.3		1980-01-01	 ©2018 Ron Vanderhoff
Eryngium aristulatum var. *parishii*	San Diego button-celery	Apiaceae	annual/perennial herb	Apr-Jun	FE	CE	G5T1	S1	1B.1		1974-01-01	No Photo Available
Helianthus nuttallii ssp. *parishii*	Los Angeles sunflower	Asteraceae	perennial rhizomatous herb	Aug-Oct	None	None	G5TX	SX	1A	Yes	1974-01-01	No Photo Available
Hordeum intercedens	vernal barley	Poaceae	annual herb	Mar-Jun	None	None	G3G4	S3S4	3.2		1994-01-01	No Photo Available
Isocoma menziesii var. *decumbens*	decumbent goldenbush	Asteraceae	perennial shrub	Apr-Nov	None	None	G3G5T2T3	S2	1B.2		1994-01-01	No Photo Available
Juncus acutus ssp. *leopoldii*	southwestern spiny rush	Juncaceae	perennial rhizomatous herb	(Mar)May-Jun	None	None	G5T5	S4	4.2		1988-01-01	 © 2019 Belinda Lo
Lasthenia glabrata ssp. *coulteri*	Coulter's goldfields	Asteraceae	annual herb	Feb-Jun	None	None	G4T2	S2	1B.1		1994-01-01	 © 2013 Keir Morse

Lepidium virginicum var. *robinsonii*	Robinson's pepper-grass	Brassicaceae	annual herb	Jan-Jul	None	None	G5T3	S3	4.3		1994-01-01	 © 2015 Keir Morse
Lycium californicum	California box-thorn	Solanaceae	perennial shrub	Mar-Aug(Dec)	None	None	G4	S4	4.2		2001-01-01	No Photo Available
Nama stenocarpa	mud nama	Namaceae	annual/perennial herb	Jan-Jul	None	None	G4G5	S1S2	2B.2		1994-01-01	No Photo Available
Nasturtium gambelii	Gambel's water cress	Brassicaceae	perennial rhizomatous herb	Apr-Oct	FE	CT	G1	S1	1B.1		1980-01-01	No Photo Available
Navarretia prostrata	prostrate vernal pool navarretia	Polemoniaceae	annual herb	Apr-Jul	None	None	G2	S2	1B.2	Yes	2001-01-01	No Photo Available
Nemacaulis denudata var. *denudata*	coast woolly-heads	Polygonaceae	annual herb	Apr-Sep	None	None	G3G4T2	S2	1B.2		1994-01-01	No Photo Available
Orcuttia californica	California Orcutt grass	Poaceae	annual herb	Apr-Aug	FE	CE	G1	S1	1B.1		1974-01-01	No Photo Available
Pentachaeta aurea ssp. *allenii*	Allen's pentachaeta	Asteraceae	annual herb	Mar-Jun	None	None	G4T1	S1	1B.1	Yes	2008-05-08	 ©2008 Bob Allen
Phacelia ramosissima var. *austrolitoralis*	south coast branching phacelia	Hydrophyllaceae	perennial herb	Mar-Aug	None	None	G5?T3Q	S3	3.2		2007-05-17	No Photo Available
Senecio aphanactis	chaparral ragwort	Asteraceae	annual herb	Jan-Apr(May)	None	None	G3	S2	2B.2		1994-01-01	No Photo Available
Sidalcea neomexicana	salt spring checkerbloom	Malvaceae	perennial herb	Mar-Jun	None	None	G4	S2	2B.2		1994-01-01	No Photo Available
Suaeda esteroa	estuary seablite	Chenopodiaceae	perennial herb	(Jan-May)Jul-Oct	None	None	G3	S2	1B.2		1984-01-01	No Photo Available
Suaeda taxifolia	woolly seablite	Chenopodiaceae	perennial evergreen shrub	Jan-Dec	None	None	G4	S3S4	4.2		1994-01-01	No Photo Available
Symphyotrichum defoliatum	San Bernardino aster	Asteraceae	perennial rhizomatous herb	Jul-Nov	None	None	G2	S2	1B.2	Yes	2004-01-01	No Photo Available

Showing 1 to 34 of 34 entries

Suggested Citation:

California Native Plant Society, Rare Plant Program. 2024. Rare Plant Inventory (online edition, v9.5). Website https://www.rareplants.cnps.org [accessed 29 April 2024].

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Orange County, California

Local office

Carlsbad Fish And Wildlife Office

(760) 431-9440
(760) 431-5901

2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Pacific Pocket Mouse *Perognathus longimembris pacificus* Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8080	Endangered

Birds

NAME	STATUS
California Least Tern *Sternula antillarum browni* Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8104	Endangered
Coastal California Gnatcatcher *Polioptila californica californica* Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/8178	Threatened
Least Bell's Vireo *Vireo bellii pusillus* Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5945	Endangered
Light-footed Ridgway''s Rail *Rallus obsoletus levipes* Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6035	Endangered
Western Snowy Plover *Charadrius nivosus nivosus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/8035	Threatened

Reptiles

NAME	STATUS
Southwestern Pond Turtle Actinemys pallida Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4768	Proposed Threatened

Amphibians

NAME	STATUS
Western Spadefoot Spea hammondii Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5425	Proposed Threatened

Insects

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9743	Candidate

Crustaceans

NAME	STATUS
San Diego Fairy Shrimp Branchinecta sandiegonensis Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/6945	Endangered

Flowering Plants

NAME	STATUS
Lassics Lupine Lupinus constancei There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/7976	Endangered
Salt Marsh Bird's-beak Cordylanthus maritimus ssp. maritimus Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6447	Endangered
San Diego Button-celery Eryngium aristulatum var. parishii Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5937	Endangered
Ventura Marsh Milk-vetch Astragalus pycnostachyus var. lanosissimus Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/1160	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act[1] and the Migratory Bird Treaty Act[2].

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats[3], should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to Bald Eagle Nesting and Sensitivity to Human Activity

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Jan 1 to Aug 31
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (▪)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

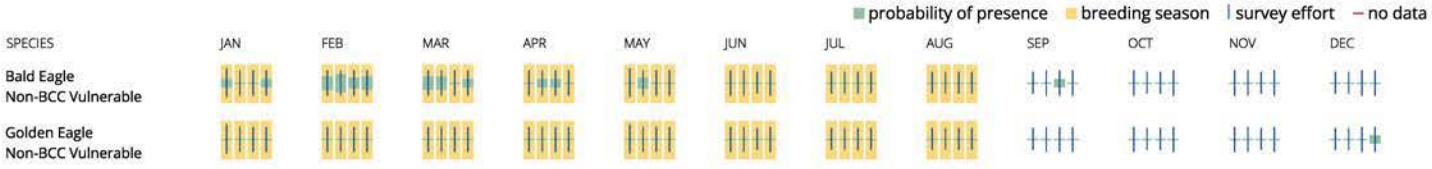
Breeding Season (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply). To see a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats[3] should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "Supplemental Information on Migratory Birds and Eagles".

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide conservation measures for birds https://www.fws.gov/sites/default/files/ documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Allen's Hummingbird Selasphorus sasin This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9637	Breeds Feb 1 to Jul 15
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Jan 1 to Aug 31
Belding's Savannah Sparrow Passerculus sandwichensis beldingi This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8	Breeds Apr 1 to Aug 15
Black Oystercatcher Haematopus bachmani This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9591	Breeds Apr 15 to Oct 31
Black Skimmer Rynchops niger This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15

Black Tern Chlidonias niger surinamenisis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3093	Breeds May 15 to Aug 20
Black Turnstone Arenaria melanocephala This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bullock's Oriole Icterus bullockii This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 21 to Jul 25
California Gull Larus californicus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 1 to Jul 31
California Thrasher Toxostoma redivivum This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Jul 31
Clark's Grebe Aechmophorus clarkii This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 1 to Aug 31
Common Yellowthroat Geothlypis trichas sinuosa This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/2084	Breeds May 20 to Jul 31
Elegant Tern Thalasseus elegans This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8561	Breeds Apr 5 to Aug 5
Golden Eagle Aquila chrysaetos This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Heermann's Gull Larus heermanni This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 31
Lawrence's Goldfinch Spinus lawrencei This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9464	Breeds Mar 20 to Sep 20
Long-eared Owl asio otus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15
Marbled Godwit Limosa fedoa This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds elsewhere
Northern Harrier Circus hudsonius This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15
Nuttall's Woodpecker Dryobates nuttallii This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9410	Breeds Apr 1 to Jul 20
Oak Titmouse Baeolophus inornatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9656	Breeds Mar 15 to Jul 15
Olive-sided Flycatcher Contopus cooperi This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31

Red Knot Calidris canutus roselaari This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8880	Breeds elsewhere
Santa Barbara Song Sparrow Melospiza melodia graminea This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/5513	Breeds Mar 1 to Sep 5
Short-billed Dowitcher Limnodromus griseus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Tricolored Blackbird Agelaius tricolor This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3910	Breeds Mar 15 to Aug 10
Western Grebe aechmophorus occidentalis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743	Breeds Jun 1 to Aug 31
Western Gull Larus occidentalis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 21 to Aug 25
Willet Tringa semipalmata This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Wrentit Chamaea fasciata This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 10

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

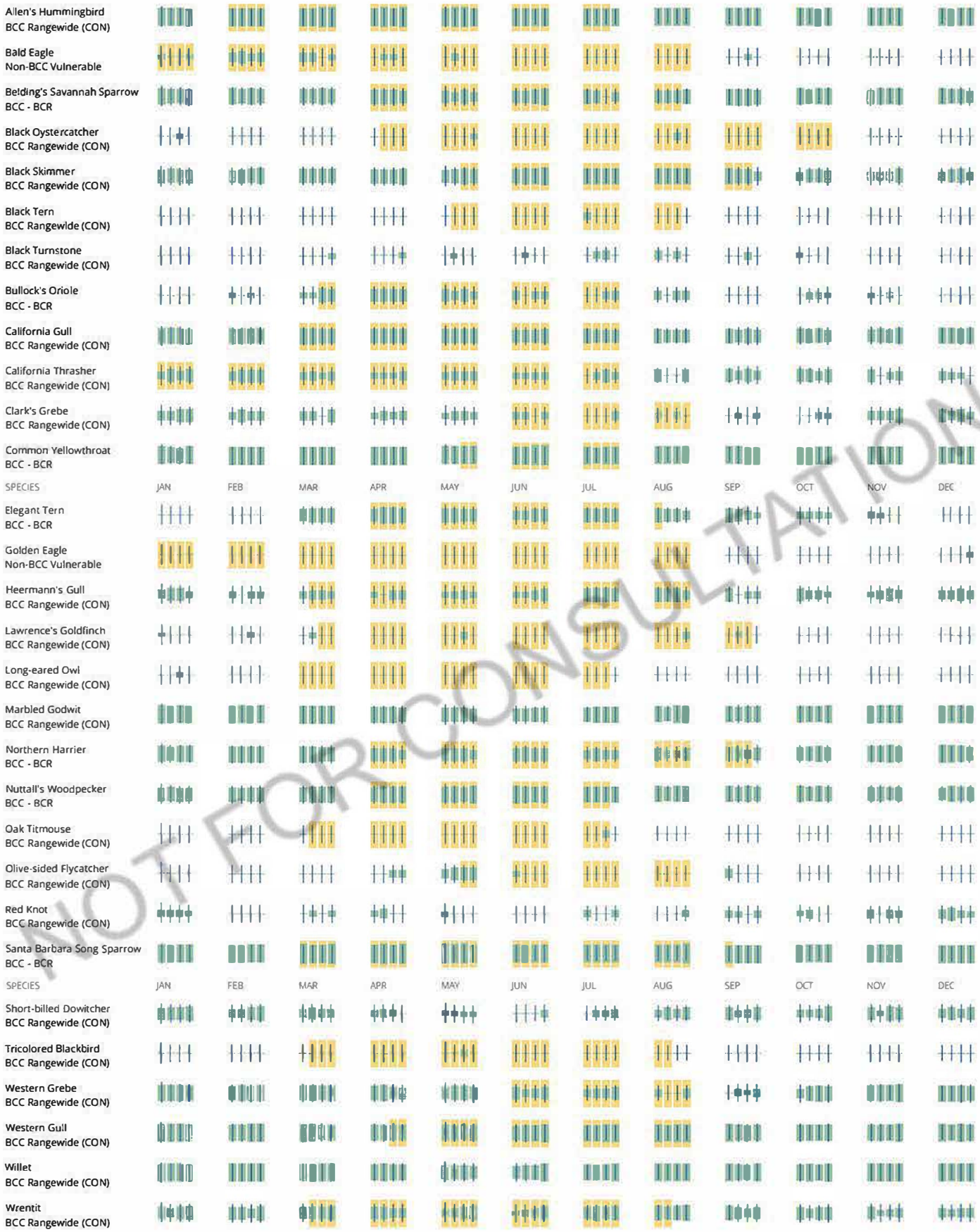
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort – no data

SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the Rapid Avian Information Locator (RAIL) Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the RAIL Tool and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

This location did not intersect any wetlands mapped by NWI.

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Attachment E

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