Biological Technical Report

Ocean Bluff Project Encinitas, California

FEBRUARY 2024

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
amsl	above mean sea level
BMP	best management practice
BTR	biological technical report
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CRPR	California Rare Plant Rank
CWA	Clean Water Act
ESA	federal Endangered Species Act
GIS	geographic information system
LUAG	Land Use Adjacency Guidelines
MBTA	Migratory Bird Treaty Act
MSCP	Multiple Species Conservation Program
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
OHWM	ordinary high-water mark
RWQCB	Regional Water Quality Control Board
SWPPP	stormwater pollution prevention plan
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

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Executive Summary

The project is located along the south side of Encinitas Boulevard in the central portion of the City of Encinitas, approximately 0.6 miles east of Interstate 5 and 0.5 miles west of El Camino Real. The project, located at 554-598 Ocean Bluff Way, partially occurs on four different parcels of land totaling approximately 7.19-acres (property boundary); the project is proposed to be built on 4.48-acres within the property boundary (project site). The project site surrounded by existing residential development to the south and west, commercial areas to the east, public roadway to the north and south, with small patches of undeveloped lands to the north, east, and west.

The proposed project would subdivide the property into 27 single-family lots, which would be developed with 27 one- and two-story single-family homes. The project proposes 24 residences to be market rate, and three to be reserved or very low-income households (11%), which renders the project eligible for a density bonus under the State Density Bonus Law (Gov. Code 65915). Homes would be constructed in an area of the property that is generally flat. Approximately 2.23 acres of the 7.19-acre property boundary consists of 30- to 50-foot-tall slopes along the northern, eastern portions of the project site, resulting in a net area of 4.96 acres for development and a net density of 5.4 dwelling units per acre (du/ac). The project site would not encroach into the 2.23 acres of slopped bluff area to the north and east. The residences would range in size from approximately 1,800 square feet to 3,600 square feet with three, four, or five bedrooms and an attached two-car garage. Each residence would include private open space in the form of a front yard and rear yard. No common open space area is proposed as part of the project.

Biological field surveys were conducted in 2023 by Dudek biologists. A reconnaissance and vegetation mapping survey was first conducted in March 2023, with focused rare plant surveys and protocol-level focused surveys for coastal California gnatcatcher were also conducted throughout the spring and summer months. The project study area includes the property boundary and a surrounding 100-foot buffer which were analyzed for potential impacts. Based on species composition and resources observed, three native vegetation communities and two non-native vegetation communities/land cover types were mapped within the study area. These included Diegan coastal sage scrub, southern maritime chaparral, coastal sage–chaparral transition, disturbed habitat, and urban/developed land.

Field surveys, including focused rare plant surveys, revealed that the study area supports two special-status plant species: wart-stemmed ceanothus and ashy spike moss. Two special-status wildlife species were detected within the study area during field surveys: Cooper's hawk and California gnatcatcher. Focused, protocol-level surveys were conducted for California gnatcatcher. The project will incorporate avoidance, resource protection, and mitigation measures to avoid and minimize project impacts to these species. The study area was assessed for evidence of any potential resources which may fall under the jurisdictional of the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), or California Department of Fish and Wildlife (CDFW). No wetland vegetation or other indicators of wetland hydrology were found during the reconnaissance survey. As such, there are no potential jurisdictional areas identified within the study area.

No direct impacts to any jurisdictional aquatic resources are planned to occur; no jurisdictional aquatic areas occur within the study area. No direct impacts to native vegetation communities, including wetland and riparian vegetation communities, are planned to occur as a result of project implementation at this site. The only direct vegetation impacts associated with the project would occur in disturbed habitat or urban/developed land. In order to avoid indirect impacts to sensitive resources, the project would be required to incorporate conditions of project approval for special-status wildlife to meet National Pollutant Discharge Elimination System (NPDES) regulations, incorporate

erosion control best management practices (BMPs) during construction, install permanent BMPs in accordance with the City's Storm Water Standards, and prepare and implement a stormwater pollution prevention plan (SWPPP).

1 Introduction

This biological resources technical report (BTR, report) provides an analysis of potential biological resource impacts associated with the proposed Ocean Bluff project (project) located in the City of Encinitas, California.

This report provides an introduction, project description, summary of the pertinent biological resource regulations, project setting, survey methods, existing biological resources, special-status biological resources, analysis of the project's consistency with the City's General Plan, project impacts (direct and indirect), and proposed impact mitigation. The project's impacts and avoidance and mitigation measures are discussed in accordance with the California Environmental Quality Act (CEQA), Clean Water Act (CWA), Migratory Bird Treaty Act (MBTA), California Fish and Game Code, the City's Local Coastal Program (LCP), and Land Use Plan.

1.1 Project Location

The project is located along the south side of Encinitas Boulevard in the central portion of the City, approximately 0.6-miles east of Interstate 5 and 0.5-miles west of El Camino Real. The project is proposed to be built on 4.48-acres of land (project site) located at 554-598 Ocean Bluff Way; portions of the project site occur within four different parcels of land (property boundary; Assessor's Parcel Numbers (APN) 2581412600, 2581412400, 2581412300, and 2581412500) totaling 7.19-acres. The project is surrounded by existing residential development to the south and west, commercial areas to the east, public roadway to the north and south, with small patches of undeveloped lands to the north, east, and west (Figure 1, Project Location).

1.2 Project Description

The proposed project would subdivide the property into 27 single-family lots, which would be developed with 27 one- and two-story single-family homes. The project proposes 24 residences to be market rate, and three to be reserved for very low-income households (11%), which renders the project eligible for a density bonus under the State Density Bonus Law (Gov. Code 65915).

The proposed 4.48-acre project site is generally flat. Approximately 2.23 acres of the 7.19-acre property boundary consists of 30- to 50-foot-tall slopes along the northern, eastern portions of the property, resulting in a net area of 4.96 acres for development and a net density of 5.4 dwelling units per acre (du/ac). The project site would not encroach into the 2.23 acres of slopped bluff area to the north and east.

The residences would range in size from approximately 1,800 square feet to 3,600 square feet with three, four, or five bedrooms and an attached two-car garage. Each residence would include private open space in the form of a front yard and rear yard. No common open space area is proposed as part of the project.

1.3 Regulatory Setting

1.3.1 Federal

National Environmental Policy Act

The National Environmental Policy Act (NEPA) established a national policy for protection of the environment. The objectives of NEPA are "to declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality" (42 USC 4321). To assist federal agencies in fulfilling the goals and effectively implementing the requirements of NEPA, in 1978 the Council on Environmental Quality issued regulations for implementing the procedural aspects of NEPA (Title 40 Code of Federal Regulations Parts 1500–1508). Review of the project under NEPA is not anticipated to be required.

Sensitive Species Protection

Federal Endangered Species Act

The federal Endangered Species Act (ESA) of 1973 (16 USC 1531 et seq.), as amended, is administered by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service. This legislation is intended to provide a means to conserve the ecosystems upon which endangered and threatened species depend and provide programs for the conservation of those species, thus preventing extinction of plants and wildlife. Under provisions of Section 9 (16 USC 1538[a][1][B]) of the ESA, it is unlawful to take any listed species. "Take" is defined in Section 3 (16 USC 1532[19]) of the ESA as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."

The ESA allows for the issuance of incidental take permits for listed species under Section 7, which is generally available for projects that also require other federal agency permits or other approvals, and under Section 10, which provides for the approval of habitat conservation plans on private property without any other federal agency involvement. "Incidental take" is defined as "take that results from, but is not the purpose of, carrying out an otherwise lawful activity" (USFWS 2019a). Upon development of a habitat conservation plan, USFWS can issue incidental take permits for listed species.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC 703 et seq.) is a federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The number of bird species covered by the MBTA is extensive; the species are listed in Title 50 of the Code of Federal Regulations Part 10.13. The regulatory definition of "migratory bird" is broad and includes any mutation or hybrid of a listed species, and also includes any part, egg, or nest of such birds (Title 50 Code of Federal Regulations 10.12). Migratory birds are not necessarily federally listed endangered or threatened birds under the ESA.

The MBTA prohibits the take of any migratory bird or any part, nest, or eggs of any such bird. Under the MBTA, "take" is defined as pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities (16 USC 703 et seq.). In December 2017, Department of Interior Principal Deputy Solicitor Jorjani issued a

memorandum (M-37050) that interprets the MBTA to only prohibit intentional take. Similarly, the Ninth Circuit Court of Appeals, like the Fifth Circuit and the Eighth Circuit, has held that the MBTA applies only to intended takes (see *Seattle Audubon Soc'y v. Evans*, 952 F.2d 297, 303 [9th Cir. 1991]). Unintentional or accidental take is not prohibited. Additionally, Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, requires that any project with federal involvement address impacts of federal actions on migratory birds with the purpose of promoting conservation of migratory bird populations (66 Federal Register 3853–3856). The executive order requires federal agencies to work with USFWS to develop a memorandum of understanding to promote the conservation of migratory bird populations. USFWS reviews actions that might affect these species. Compliance with this federal regulation is assumed; therefore, it is not considered in the remaining sections of this report.

Federal Wetland Regulation

Federal wetland regulation applicable to the project is guided by the Clean Water Act. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all waters of the United States. Permitting for projects that propose dredge and fill activities in waters of the United States (including wetlands) is overseen by U.S. Army Corps of Engineers (USACE) under Section 404 of the CWA. Projects are typically permitted on an individual basis or are covered under one of several approved general or nationwide permits. In addition, under Section 401 of the CWA, an applicant for a federal permit for an activity that may result in a discharge to a water body must obtain certification from the state that the proposed activity would comply with state water quality standards and water quality objectives. Section 401 provides the Regional Water Quality Control Board (RWQCB) with regulatory authority to certify or deny the proposed activity. A Section 401 Certification must be obtained from the RWQCB prior to issuance of a 404 Permit by USACE. No potentially jurisdictional aquatic resources were identified within the study area, and as such, no wetland permitting is anticipated.

U.S. Army Corps of Engineers

Pursuant to Section 404 of the CWA, USACE regulates the discharge of dredged and/or fill material into "waters of the United States." The term "wetlands" (a subset of waters) is defined in Title 33 of the CFR Section 328.3(b) as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." In the absence of wetlands, the limits of USACE jurisdiction in non-tidal waters, such as intermittent streams, extend to the "ordinary high water mark," which is defined in 33 CFR 328.3(e). No potentially jurisdictional aquatic resources were identified within the study area, and as such, no wetland permitting is anticipated.

1.3.2 State

California Environmental Quality Act

CEQA requires identification of a project's potentially significant impacts on sensitive biological resources and feasible mitigation measures and alternatives that could avoid or reduce significant impacts. CEQA Guidelines Section 15380(b)(1) defines endangered animals or plants as species or subspecies whose "survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors" (14 CCR 15000 et seq.). A rare animal or plant is defined in CEQA Guidelines Section 15380(b)(2) as a species that, although not presently threatened with extinction, exists "in such small numbers throughout all or a significant portion of its range that it may become

endangered if its environment worsens; or . . . [t]he species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered 'threatened' as that term is used in the federal Endangered Species Act." Additionally, an animal or plant may be presumed to be endangered, rare, or threatened if it meets the criteria for listing, as defined further in CEQA Guidelines Section 15380(c). CEQA also requires identification of a project's potentially significant impacts on riparian habitats (such as wetlands, bays, estuaries, and marshes) and other sensitive natural communities, including habitats occupied by endangered, rare, and threatened species.

California Fish and Game Code

Under the California Fish and Game Code, the California Department of Fish and Wildlife (CDFW) provides protection from take for a variety of species, including fully protected species. "Fully protected" is a legal protective designation administered by CDFW intended to conserve wildlife species that risk extinction within California. Lists have been created for birds, mammals, fish, amphibians, and reptiles.

According to Sections 3511 and 4700 of the California Fish and Game Code, which regulate birds and mammals, respectively, a fully protected species may not be taken or possessed without a permit from the California Fish and Game Commission, and incidental takes of these species are not authorized.

According to Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. Finally, Section 3513 states that is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

For the purposes of these state regulations, CDFW currently defines an active nest as one that is under construction or in use and includes existing nests that are being modified. For example, if a hawk is adding to or maintaining an existing stick nest in a transmission tower, then it would be considered to be active and covered under these California Fish and Game Code sections. Compliance with these state regulations is assumed; therefore, they are not considered in the remaining sections of this report.

1.3.3 Regional

California Coastal Commission and Local Coastal Program

Under the California Coastal Act (CCA), the California Coastal Commission (CCC) regulates the coastal zone and requires a coastal development permit for almost all development within this zone. The CCA also directs each coastal city or county to prepare an LCP to guide development in the coastal zone, which is certified by CCC (California Public Resources Code, Section 30500). After an LCP has been approved, the permitting authority of CCC is transferred to the local government. The City's General Plan (City of Encinitas 1999) is an approved LCP, and the proposed projects are located within the boundaries of the coastal zone (Figure 1).

The CCA also protects designated sensitive coastal areas by providing additional review and approvals for proposed actions in these areas. Section 30121 of the CCA defines wetlands as "lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, swamps, mudflats, and

fens." The CCA allows disking, filling, or dredging of wetlands for certain uses, such as restoration. In contrast to USACE, which uses a three-parameter definition to delineate wetlands, CCC essentially uses the Cowardin method of wetlands classification, which defines wetland boundaries by a single parameter (i.e., hydric soils, hydrophytic vegetation, or hydrology) (Cowardin et al. 1979). The CCC wetland definition is generally more encompassing in most respects than either the USACE definition or the CDFW definition. CCC asserts jurisdiction over aquatic features and vegetation not necessarily regulated by other agencies pursuant to the CCA.

Multiple Habitat Conservation Program and City of Encinitas

Several conservation planning efforts are currently in progress in San Diego County with the long-term goal of establishing a regional habitat reserve system that will protect native habitat lands and their associated biota. The MHCP Subregional Plan and Final Environmental Impact Statement/Environmental Impact Report for the North County Multiple Habitat Conservation Program (USFWS and SANDAG 2003) were adopted by the San Diego Association of Governments on March 28, 2003 (SANDAG 2003). The City of Encinitas is within the MHCP planning area, and the Draft Subarea Plan was prepared in June 2001 (Ogden and CBI 2001).

In the Draft Subarea Plan, lands identified for conservation are designated as hardline or softline Focused Planning Areas (FPAs). Hardline FPAs include lands with existing development agreements that identify designated development and biological preserve areas. Softline FPAs include lands where conservation will be achieved through the application of development and conservation standards and criteria as outlined in the Subarea Plan.

Section 2.3.1 of the Draft Subarea Plan summarizes the City's General Plan, which describes the goals, plans, and policies for various constituents within the City limits. Also described in the Draft Subarea Plan is the consistency of the City's General Plan with the adopted LCP Land Use Plan.

Policy 10.10 of the Resource Management Element of the City's General Plan states the following:

> Adequate buffer zones should be utilized when development occurs adjacent to the floodplain and sensitive habitats; 100-foot wide buffers should be provided adjacent to all identified saltwater wetlands, and 50-foot buffers should be provided adjacent to freshwater riparian areas. In some cases, smaller buffers may be appropriate, when condition of the site as demonstrated in a site specific biological survey, the nature of the proposed development, etc., show that a smaller buffer would provide adequate protection; and when the Department of Fish and Game has been consulted and their comments have been accorded great weight.

Additionally, Statutes 30.34040B3b and 30.34040B3c of the City's Municipal Code state the following:

> b. In all areas, a buffer of 100 feet in width shall be maintained around all identified coastal wetland areas. A buffer of 100 feet in width shall be maintained around all other wetland areas, except riparian wetland areas which shall require a 50-foot wide buffer, unless the applicant demonstrates that a buffer of lesser width will protect the resources of the wetland, based upon site specific information. Such information shall include, but is not limited to, the type and size of development and/or proposed mitigations (such as planting vegetation or construction of fencing) which will also achieve the purposes of the buffer. The buffer shall be measured landward from the wetland. The CDFW, USFWS, and ACOE [USACE] shall be consulted in such buffer determinations (Ord. 97-17).

c. All building or other improvements proposed to be placed or erected, … adjacent to a wetland shall be located so as not to contribute to increased sediment loading of the wetland, cause disturbance to is habitat values, or otherwise impair the functional capacity of the wetland.

In addition to the General Plan policy and Municipal Code statutes previously provided, areas considered sensitive under the City's policies also generally match those recognized by other regulatory agencies (i.e., USACE, CDFW, RWQCB, and CCC, as summarized previously); however, most often they follow the determinations and jurisdictional extents of CCC (i.e., one parameter is required for jurisdiction).

City of Encinitas Draft 2013–2021 Housing Element Update Environmental Assessment

The City of Encinitas Draft 2013-2021 Housing Element Update Environmental Assessment (HEUEA; City of Encinitas 2018) addresses the existing and projected housing needs of all economic segments of the Encinitas community in accordance with State housing law. The housing element update includes general plan, zoning code, and specific plan amendments to as many as 17 low- and very-low income candidate sites on up to 36 parcels. The HEUEA includes updated mitigation measures originally identified in the Final Environmental Assessment/Program Environmental Impact Report for At Home in Encinitas, the City of Encinitas Housing Element Update (2016 PEIR).

2 Survey Methods and Limitations

Data regarding biological resources present were obtained through a review of pertinent literature and field reconnaissance, both of which are described in detail in this chapter. The study area is composed of all areas that fall within the project site and property boundaries, plus an additional 100-foot buffer area surrounding the property boundary to investigate potential resources and potential indirect impacts to those resources. Focused surveys were limited to the accessible areas of the study area.

2.1 Literature Review

The following data sources were reviewed to assist with the biological resources analysis:

- U.S. Department of Agriculture Web Soil Survey (USDA 2024a)
- CDFW California Natural Diversity Database – Special Animals List (CDFW 2024a)
- CDFW California Natural Diversity Database – RareFind, Version 5 (CDFW 2024b)
- The Calflora Database (Calflora 2024)
- California Native Plant Society Inventory of Rare and Endangered Plants (CNPS 2024)
- USFWS Species Occurrence Data (USFWS 2024b)
- San Diego County Plant Atlas (SDNHM 2012)
- SanGIS Parcel Lookup Tool and Geographic Boundary Viewer from the San Diego Association of Governments (SANDAG 2024)
- Aerial Imagery (Google Earth 2024)
- National Wetland Inventory (USFWS 2024c)
- National Hydrography Dataset (USGS 2024)

2.2 Field Reconnaissance

Biological field surveys were conducted in 2023 by Dudek biologists. A reconnaissance and vegetation mapping survey were first conducted in March 2023, with focused rare plant and protocol-level focused surveys for coastal California gnatcatcher (*Polioptila californica californica*) conducted throughout the spring and summer months. Table 1 lists the survey dates, times, surveying biologists, and weather conditions during the surveys.

Table 1. Schedule of Surveys

Date	Time	Personnel	Survey Type	Conditions
3/23/23	1200 - 1430	Dylan Ayers	Reconnaissance and Vegetation Mapping	57°F–58°F, 70%–40% cc, 3–5 mph winds
3/31/23	0845 – 1130	Kamarul Muri	California Gnatcatcher – Pass 1	50–59°F; 0–30% cloud cover; 0–5 mph wind
4/14/23	0858 – 1130	Kamarul Muri	California Gnatcatcher – Pass 2	50–59°F; 0–30% cloud cover; 1–4 mph wind

Table 1. Schedule of Surveys

Date	Time	Personnel	Survey Type	Conditions
4/21/23	1002 – 1157	Kamarul Muri	California Gnatcatcher – Pass 3	67–72°F; 0% cloud cover; 0–8 mph wind
4/28/23	0820 - 1020	Erin McKinney	California Gnatcatcher – Pass 4	56 - 59°F; 100% cloud cover; 0-2 mph wind
5/05/23	0931 - 1132	Kamarul Muri	California Gnatcatcher – Pass 5	58–62°F; 100% cloud cover; 1–5 mph wind
5/12/23	1002 - 1233	Kamarul Muri	California Gnatcatcher – Pass 6	60–63°F; 80–100% cloud cover; 1–3 mph wind
5/23/23	0911 - 1129	Dylan Ayers, Kathleen Dayton	Spring Rare Plant Survey	60–65°F; 100% cloud cover; 0–2 mph wind
7/20/23	0848 - 1100	Dylan Ayers	Summer Rare Plant Survey	71–75°F; 20% cloud cover; 0–3 mph wind

Notes: °F = degrees Fahrenheit; cc = cloud cover; mph = miles per hour.

2.2.1 Resource Mapping

Vegetation communities and land covers within the study area were mapped in the field using an ArcGIS mobile application (Esri 2024). Once in ArcGIS, the acreage of each vegetation community and land cover present within the study area was determined. Some resource mapping updates were conducted using an unmanned aerial vehicle (UAV) to create an up-to-date aerial image reference of current resource limits. The vegetation community and land cover mapping follows the Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986) as modified by the County of San Diego (County) and noted in Draft Vegetation Communities of San Diego County (Oberbauer et al. 2008).

2.2.2 Flora and Fauna

All plant species encountered during field surveys were identified and recorded directly in a field notebook. Those species that could not be identified immediately were brought into the laboratory for further investigation. A compiled list of plant species observed in the project study area is presented in Appendix A, Plant Compendium. Latin and common names for plant species with a California Rare Plant Rank (CRPR) follow the California Native Plant Society Online Inventory of Rare, Threatened, and Endangered Plants of California (CNPS 2024). For plant species without a CRPR, Latin names follow the Jepson Interchange List of Currently Accepted Names of Native and Naturalized Plants of California (Jepson Flora Project 2019) and common names follow the California Natural Community List (CDFW 2024c) or the U.S. Department of Agriculture PLANTS Database (USDA 2024b).

All wildlife species detected during the field survey by sight, calls, tracks, scat, or other signs were recorded directly in a field notebook. Binoculars (10 × 50 magnification) were used to aid in the identification of wildlife. Latin and common names of any animals detected follow Crother (2017) for reptiles and amphibians, American Ornithological Society (AOS 2018) for birds, Wilson and Reeder (2005) for mammals, and North American Butterfly Association (NABA 2016) or SDNHM (2002) for butterflies. In addition to species actually detected during the surveys, expected wildlife use of the site was determined by known habitat preferences of local species and knowledge of their relative distributions in the area. A list of wildlife species observed in the study area is presented in Appendix B, Wildlife Compendium, and potential special status wildlife described in Appendix D.

2.2.3 Initial Site Assessment

Dudek conducted a reconnaissance-level biological survey on March 23, 2023 to assess the type and extent of communities and the potential for listed species to occur within the study area. The literature review completed prior to the site visit revealed the potential for multiple listed special status plant and animal species to occur within the study area. The potential for these species, as well as others, was assessed during the site visit. As described below, focused surveys for special status species, including the California gnatcatcher and rare plant species, were conducted following initial reconnaissance survey.

The review of literature also included an assessment of potential jurisdictional aquatic resources that could fall under the jurisdiction of the USACE, RWQCB, or CDFW. During the reconnaissance survey, an informal delineation of potentially jurisdictional resources was conducted. A formal delineation of aquatic resources was not deemed necessary according to the results of the desktop literature review and initial site reconnaissance visit. Potential jurisdictional resources are further discussed in Section 3.2.7, Aquatic Resources, of this report.

2.3 Focused Surveys for Sensitive Biological Resources

Sensitive biological resources are defined as follows: (1) species that have been given special recognition (listed) by federal, state, or local agencies and organizations due to limited, declining, or threatened population sizes; (2) habitat types recognized by local and regional agencies as sensitive; (3) habitat areas or plant communities that are unique, are of relatively limited distribution, or are of particular value to wildlife; and (4) wildlife corridors and habitat linkages. Sources used for determination of sensitive biological resources are as follows: for plants, USFWS (2024b), CDFW (2024a, 2024c), and California Native Plant Society (CNPS 2024); for wildlife, USFWS (2024b) and CDFW (2024b, 2024c); and for plant communities, the Draft Encinitas Subarea Plan (City of Encinitas 1999).

Dudek biologists conducted surveys and/or habitat assessments for the following sensitive biological resources: surveys for sensitive upland and wetland (i.e., jurisdictional) vegetation communities, focused surveys for sensitive plants, and focused protocol surveys for coastal California gnatcatcher. Incidental detections of other sensitive wildlife species, either through sight, calls, tracks, scat, or other signs, were also recorded. A summary of the dates and site conditions for the field efforts performed as part of this biological report are presented in Table 1 in Section 2.2, Field Reconnaissance. The following sections provide specific details regarding each survey type.

2.3.1 Focused Surveys for Special-Status Plants

Focused surveys for special-status plant species were conducted late May and mid-July of 2023 by Dudek Biologists Dylan Ayers and Kathleen Dayton (Table 1). Field survey methods and mapping of sensitive plants generally conformed to the California Native Plant Society Botanical Survey Guidelines (CNPS 2001) and General Rare Plant Survey Guidelines (Cypher 2002). Special-status plant observations were mapped in the field using an ArcGIS mobile application (Esri 2024) or were mapped directly onto an aerial field map to record the location of special-status plant populations. Other survey information (e.g., survey conditions and a complete list of all observed plant species) was collected using a mobile application. The special-status plant observations were then digitized into the geodatabase by a Dudek GIS technician using ArcGIS software.

The results of the surveys are further discussed in Section 3.2.4, Special-Status Plants, of this report with further details in Appendices A and C.

2.3.2 Focused Coastal California Gnatcatcher Surveys

The coastal California gnatcatcher is a federally listed threatened species and a CDFW Species of Special Concern. Focused surveys for coastal California gnatcatcher were conducted by permitted Dudek Biologists Kamarul Muri and Erin McKinney (Authorized Individuals; Permit No. 813545) in March, April, and May 2023 within the study area (Table 1).

All coastal California gnatcatcher surveys were conducted pursuant to the accepted protocol, the USFWS Coastal California Gnatcatcher Presence/Absence Survey Protocol (USFWS 1997). The entire project study area was covered on foot during each survey visit for 100% visual and auditory coverage of the study area. A tape of recorded gnatcatcher vocalizations was played approximately every 75–100 feet to induce responses from potentially present gnatcatchers. Tape playback was terminated immediately upon detection of any gnatcatchers to minimize the potential for harassment. A 250-scale (1 inch = 250 feet) aerial photograph of the site overlaid with the study area and a vegetation map was used to identify suitable habitats and map any gnatcatchers detected. Binoculars (10 × 50 magnification) were used to aid in detecting and identifying bird species. Weather conditions, time of day, and season were appropriate for the detection of gnatcatchers (Table 1).

The results of the surveys are discussed further in Section 3.2.5.1, Coastal California Gnatcatcher Focused Survey Results, of this report and further details are provided in Appendix E.

2.4 Survey Limitations

Site visits were conducted during daylight hours. Complete inventories of biological resources present on a site often require numerous focused surveys at different times of day during different seasons. Some species, such as annual plants, may only be observable in the early spring, and nocturnal animals are difficult to detect during the day. Other species may be present in such low numbers that they could be missed. Due to such timing and seasonal variations, survey results may not represent an absolute list of all species that the study area could support. Special-status plant and wildlife species with potential to occur in the study area are described in Sections 3.2.4 and 3.2.5 of this report and in Appendices B and C. Due to the steep nature of some portions of the study area, some lands were scanned visually from a distance using binoculars.

3 Results

3.1 Physical Characteristics

The physical characteristics and quantification of biological resources described herein pertain to the project study area.

3.1.1 Topography and Drainage

Topography around the project ranges from about 199 feet above mean sea level (AMSL) near the northern edge of the study area, to 304 feet AMSL in the southern portion of the study area. A commercial plant nursery used to be located within and adjacent to the lands which make up the project site boundary. The nursery appears to have been demolished in 2007, however the driveway and several small, paved areas remain. Most of the lands within the property boundary sit undeveloped with no formally designated human use. Adjacent land uses include existing residential directly south, with mostly commercial uses to the north, east, and west; a small religious shrine directly abuts the western edge of the project; Encinitas Boulevard directly abuts the northern edge of the property boundary at the bottom of a steep slope. Native and non-native vegetation communities are mapped along the property boundary's northern and western borders, focused mostly along the sloped lands. Observed disturbances suggest the property is being informally used by residents for biking and off-road vehicle use.

No naturally occurring aquatic resources were observed in the study area, but observed topography suggests any water flowing on-site (i.e. from precipitation or runoff from adjacent properties) would generally move overland north and west. A single, manmade concrete drainage feature occurs along a section of the property boundary's northern edge, likely a remaining feature of the nursery facility. It connects to another manmade drainage feature (corrugated metal and pipe) below it on the slope leading down to Encinitas Boulevard, outside the project site boundary. No other drainage features or aquatic resources occur within the generally flat project site boundary.

3.1.2 Soils

According to the U.S. Department of Agriculture Web Soil Survey (USDA 2024a), Chesterton fine sandy loam, 2% to 5% slopes; Corralitos loamy sand, 5% to 9% slopes; and Loamy alluvial land-Huerhuero complex, 9 to 50 percent slopes, are mapped within the study area (Figure 2, Soils).

The Corralitos series consists of somewhat excessively drained, very deep loamy sands that formed from alluvium derived from marine sandstone. The Chesterton series are moderately well-drained fine sandy loams formed on uplifted marine sediments and old terraces. The Huerhuero series consists of very deep, moderately well drained soils (NRCS 2024).

3.2 Biological Resources

The following discussion describes the existing biological conditions within the study area, provided as biological resource descriptions.

3.2.1 Vegetation Communities and Land Cover Types

The vegetation communities and land covers were mapped according to Holland (1986) and Oberbauer et al. (2008), with a few exceptions. Three native vegetation communities and two non-native vegetation communities/ land cover types were mapped within the study area; no wetland vegetation communities were recorded. Vegetation communities observed include Diegan coastal sage scrub, coastal sage–chaparral transition, southern maritime chaparral, disturbed habitat, and urban/developed land.

The vegetation communities and land cover types recorded at the study area are described in detail in the following subsections, their acreages are presented in Table 2, and their spatial distributions are presented on Figure 4, Biological Resources.

Table 2. Vegetation Communities and Land Cover Types in the Study Area

Vegetation Community/Land Cover Type		
Native Vegetation Communities	**Property Boundary**	**Study Area**
Diegan coastal sage scrub	1.38	1.61
Coastal sage–chaparral transition	0.25	1.07
Southern maritime chaparral	0.6	0.85
Subtotal	*2.23*	*3.53*
Non-Native Vegetation Communities and Land Covers	**Property Boundary**	**Study Area**
Disturbed habitat	4.58	5.24
Urban/developed land	0.38	4.45
Subtotal	*4.96*	*9.49*
Total	**7.19**	**13.02**

3.2.1.1 Diegan Coastal Sage Scrub

Diegan coastal sage scrub is a native vegetation community that, according to Oberbauer et al. (2008), is composed of a variety of soft, low, aromatic shrubs, characteristically dominated by drought-deciduous species—such as coastal sagebrush (*Artemisia californica*), California buckwheat, and sages (*Salvia* spp.)—with scattered evergreen shrubs, including lemonadeberry (*Rhus integrifolia*) and laurel sumac (*Malosma laurina*).

Diegan coastal sage scrub occurs towards the northeastern corner of the project. Areas on site mapped as Diegan coastal sage scrub are generally dominated by California sagebrush and California buckwheat with scattered lemonade berry (*Rhus integrifolia*) and laurel sumac. Within the project, this community occurs almost entirely on sloped lands which lead down towards Encinitas Boulevard. This vegetation community is considered sensitive according to the Draft Subarea Plan (City of Encinitas 1999).

3.2.1.2 Coastal Sage–Chaparral Transition

Coastal sage–chaparral transition is a habitat type composed of a mixture of coastal sage scrub and chaparral species occurring in the transition zone between coastal sage scrub and chaparral. Oberbauer et al. (2008) does not formally recognize this as a vegetation community.

Coastal sage–chaparral transition in the study area consists of chamise, laurel sumac, and Nuttall's scrub oak. Coastal sage–chaparral transition is present along the northeast corner of the study area. This vegetation community is considered sensitive according to the Draft Subarea Plan (City of Encinitas 1999).

3.2.1.3 Southern Maritime Chaparral (Including Disturbed)

Southern maritime chaparral is a low and fairly open community dominated by wart-stemmed ceanothus (*Ceanothus verrucosus*) and Del Mar manzanita (*Arctostaphylo glandulosa* spp. *crassifolia*). It develops primarily on weathered stands in the coastal fog belt. Fire may be necessary for long-term persistence of characteristic species. Characteristic species associated with stands of this chaparral community include chamise (*Adenostoma fasciculatum*), Del Mar manzanita, Encinitas baccharis (*Baccharis vanessae*), wart-stemmed ceanothus, coast spice bush (*Cneoridium dumosum*), summer-holly (*Comarostaphylis diversifolia*), San Diego sea-dahlia (*Leptosyne maritima*), Del Mar Mesa sand aster (*Corethrogyne filaginifolia* var. *linifolia*), western dichondra (*Dichondra occidentalis*), toyon (*Heteromeles arbutifolia*), Torrey pine (*Pinus torreyana*), Nuttall's scrub oak (*Quercus dumosa*), laurel sumac (*Malosma laurina*), sugar bush (*Rhus ovata*), fragrant sage (*Salvia clevelandii*), mission manzanita (*Xylococcus bicolor*), and Mohave yucca (*Yucca schidigera*) (Oberbauer et al. 2008).

On-site, southern maritime chaparral is dominated by a combination of chamise and California buckwheat with an understory composed of a variety of native and non-native annuals; erosion is occurring at the margins of this community where off-road vehicle use has destroyed native vegetation. This vegetation community is considered sensitive according to the Draft Subarea Plan (City of Encinitas 1999).

3.2.1.4 Disturbed Habitat/Land

Disturbed lands are areas which have been subject to extensive physical anthropogenic disturbance and as a result cannot be identified as a native or naturalized vegetation association. However, these areas typically still have a recognizable soil substrate. The existing vegetation is typically composed of non-native ornamental or exotic species (Oberbauer et al. 2008).

The majority of disturbed habitat in the study area consists of relatively flat lands occurring in the location of the former nursery. The majority of the project site is disturbed habitat currently scattered with species such as hottentot-fig, crown daisy (*Glebionis coronaria*), and mustard (*Hirschfeldia incana*). This vegetation community is not considered sensitive according to the Draft Subarea Plan (City of Encinitas 1999).

3.2.1.5 Urban/Developed Land

According to Oberbauer et al. 2008, urban/developed land represents areas that have been constructed upon or otherwise physically altered to an extent that native vegetation communities are not supported. This land cover type generally consists of semi-permanent structures, homes, parking lots, pavement or hardscape, and landscaped areas that require maintenance and irrigation (e.g., ornamental greenbelts). Typically, this land cover type is unvegetated or supports a variety of ornamental plants and landscaping.

Developed areas do not support native vegetation. Within the project site boundary, urban/developed lands include a small area of existing concrete driveway. This vegetation community is not considered sensitive according to the Draft Subarea Plan (City of Encinitas 1999).

3.2.2 Floral Diversity

A total of 88 species of vascular plants, 44 native (50%) and 44 non-native (50%), were recorded during the biological reconnaissance and rare plant surveys conducted for the project. A cumulative list of all common and sensitive plant species observed in the study area is provided in Appendix A.

3.2.3 Wildlife Diversity

The study area supports primarily disturbed and urban/developed lands intermixed with some native vegetation communities (i.e. coastal sage scrub) (Figure 4). These native habitats provide foraging and nesting habitat for migratory and resident bird species. Open, undeveloped lands in the study area likely provide foraging opportunities for raptors. Areas of dense cover within vegetated communities in the study area also likely provide cover and foraging opportunities for small reptiles and other mammal species. There are no wetland communities within the study area.

A total of 36 wildlife species were recorded during focused surveys in the study area. Of the 36 wildlife species observed during field surveys, 4 are considered special status and are described in further detail in Section 3.2.5, Special-Status Wildlife. A cumulative list of wildlife species observed in the study area during field surveys is provided in Appendix B.

3.2.4 Special-Status Plants

Plant species are considered special status if they have been listed or proposed for listing by the federal or state government as rare, endangered, or threatened (listed species); have a CRPR of 1–4; are listed as an MSCP-covered species; and/or have been adopted by the City as narrow endemic. An evaluation of known records in the Encinitas quadrangle and the surrounding eight quadrangles (CDFW 2024b; CNPS 2024; USFWS 2024b) was conducted to determine which species have been recorded in the project vicinity. In addition, Dudek's knowledge of biological resources, the regional distribution of each species, as well as elevation, habitat, and soils present within the study area, including the project construction footprint, were evaluated to determine the potential for various special-status species to occur.

Of the sixty-five special status plant species analyzed for the project, ten species were determined to have a moderate potential to occur in the study area; these species are described in further detail in Appendix C. The rest were determined to have low or no potential to occur at the study area. Focused rare plant surveys in May and July 2023 captured most perennial and annual plant species that occur within the study area. Two special-status plant species were directly observed in the study area during focused rare plant surveys in 2023 (Figure 4) and are described in detail in Sections 3.2.4.1 and 3.2.4.2. Appendix A lists all plant species observed in the study area during all surveys.

3.2.4.1 Wart-stemmed Ceanothus

Wart-stemmed Ceanothus is a CRPR 2B.2 species and is covered by the Draft Subarea Plan (City of Encinitas 1999). Wart-stemmed Ceanothus is a California native shrub that naturally occurs in a narrow range within coastal the coastal regions of San Diego County (Calflora 2024). This species is typically found in chaparral habitats and naturally occurs at an elevation of 5 to 1,245 feet amsl. A total of 1 Del Mar manzanita individual was observed in maritime chapparal habitat, near the northwestern corner of the study area, outside the project boundary (Figure 4).

3.2.4.2 Mesa Spike Moss

Mesa spike moss is a CRPR 4.1 species and is not covered by the Draft Subarea Plan (City of Encinitas 1999). Mesa spike moss is a California native lycophyte that occurs near the coastal regions of southern California, primarily San Diego County (Calflora 2024). Prefers dry clayey or sandy-clay soils, often under the shade of Neary shrubs or larger vegetation; often found on flat, undisturbed mesa tops with compacted soils in San Diego County. Forms compact mats which range in color from grey to brown to green in response to moisture and season. Typically found in chaparral and coastal sage scrub habitats and naturally occurs at an elevation of 65 to 2,095 feet amsl. This species was observed along the partially developed slope on the study area's northern edge outside the proposed project site boundary (Figure 4).

3.2.5 Special-Status Wildlife

Special-status wildlife species are those listed as federally/state endangered or threatened, proposed for listing, fully protected by CDFW, on the California watch list, California Species of Special Concern, or MSCP covered species. An evaluation of known records in the Encinitas quadrangle and the surrounding five quadrangles (CDFW 2024b; CNPS 2024; USFWS 2024b) was conducted. In addition, Dudek's knowledge of biological resources, regional distribution of each species, and the elevation, habitat, and soils present within the study area were evaluated to determine the potential for various special-status species to occur.

Special-status wildlife species determined to have moderate potential to occur within the study area include Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens),* Bell's sage sparrow (*Artemisiospiza belli belli),* orange-throated whiptail (*Aspidoscelis hyperythra),* and red diamondback rattlesnake (*Crotalus ruber).* These species are described in further detail in Appendix D.

Cooper's hawk (*Accipiter cooperii*), a sensitive wildlife species covered by the Draft Subarea Plan (City of Encinitas 1999), was directly observed during project surveys. Cooper's hawks nest and forage in dense stands of live oak, riparian woodlands, or other woodland habitats often near water. Though nesting opportunity is limited at the project, the species has a high potential to use the study area in the future as a transient forager.

3.2.5.1 Coastal California Gnatcatcher Focused Survey Results

Coastal California gnatcatcher individuals were detected within the study area during focused protocol surveys in 2023. Details regarding the surveys can be found in the focused survey report in Appendix E.

3.2.6 Wildlife Corridors and Habitat Linkages

Wildlife corridors are linear features that connect large patches of natural open space and provide avenues for the immigration and emigration of animals. Wildlife corridors contribute to population viability by (1) ensuring the continual exchange of genes between populations, which helps maintain genetic diversity; (2) providing access to adjacent habitat areas, representing additional territory for foraging and mating; (3) allowing for greater carrying capacity; and (4) providing routes for colonization of habitat lands following local population extinctions or habitat recovery from ecological catastrophes (e.g., fires).

Habitat linkages are patches of native habitat that function to join two larger patches of habitat. They serve as connections between habitat patches and help reduce the adverse effects of habitat fragmentation, representing a potential route for gene flow and long-term dispersal. Habitat linkages may serve both as habitat and as avenues

of gene flow for small animals such as reptiles and amphibians. Habitat linkages may be represented by continuous patches of habitat or by nearby habitat "islands" that function as steppingstones for dispersal.

The study area contains patches of southern maritime chaparral and coastal sage scrub that have potential to provide refuge, cover, and foraging opportunities for mobile wildlife species that may be moving thorough the area. Given the residential and commercial development surrounding the entire study area, it is likely that birds would be the primary wildlife group that could use the site. Evidence of coastal California gnatcatchers using the site was identified during the focused protocol survey.

3.2.7 Aquatic Resources

The study area was assessed for evidence of any potential resources which may fall under the jurisdiction of the USACE, RWQCB, or CDFW. This includes review of the National Wetland Inventory (NWI, USFWS 2024c) and National Hydrography Dataset (NHD, USGS 2024) prior to on-site investigations; the NWI does not indicate any features occur at the study area, the NHD indicates a single ephemeral stream feature occurring on the north and east boundaries of the study area, though this feature was not shown to exist during multiple field visits. No wetland vegetation or indicators of wetland hydrology were found during on-site surveys; no wetland waters are mapped in the study area; no streams, ponds, or other naturally occurring non-wetland waters were recorded. As such, there are no potential jurisdictional areas mapped within the study area (Figure 3, Hydrology).

A non-jurisdictional manmade concrete brow ditch occurs along a section of the property boundary's northern edge. It connects to another manmade drainage feature which is composed of corrugated metal shaped into a partially buried 'V'-shaped gutter; it leads downslope into an aboveground pipe that is assumed to connect with the City's stormwater infrastructure near Encinitas Boulevard. While this feature does sometimes transport flows, it is not a jurisdictional feature because it is unvegetated and is maintained as such for stormwater control infrastructure. This feature exists as a constructed feature to transport surface flow off the previously developed site in a manner that avoids erosion; it does not possess any habitat attributes and does not contain any vegetation and thus is not a source of sediment, organic matter, or nutrients. Because it is hardscape (i.e. corrugated metal, metal piping), it does not provide any wildlife or aquatic habitat and water does not infiltrate the ground during times of flow. This feature does not connect to any up-slope headwater or link two or more headwaters. It only directs sheet flow runoff during and immediately following precipitation from a previously graded nursery area in order to prevent erosion and other damages to the slope above Encinitas Boulevard. For these reasons, this drainage feature is considered non-jurisdictional and does not appear as a potential jurisdictional resources in report figures.

4 Consistency with the MHCP and LCP

No direct impacts to any sensitive vegetation communities or aquatic resources would occur as a result of the proposed project. As such, no compensatory mitigation for the loss of sensitive habitats, as required by Draft Subarea Plan, would be required (City of Encinitas 1999). The study area is not located within any hardline or softline FPAs managed by the City; no portions of the proposed project would result indirect impacts to any FPA. Therefore, the project will not impact the goals and objectives of the Subarea Plan. Thus, the completion of a land use adjacency analysis is not required, and the project would not interfere with long-range planning efforts.

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5 Impacts Analysis

The purpose of this chapter is to describe the direct, indirect, and cumulative impacts of the project on special-status biological resources. The significance determinations for proposed or potential impacts are described in this chapter.

5.1 Definition of Impacts

Based on the project description (Section 1.2), direct impacts, indirect (short-term and long-term) impacts, and cumulative impacts are defined in the following paragraphs.

Direct impacts include both the permanent loss of on-site habitat and the plant and wildlife species that it contains and the temporary loss of on-site habitat. Direct impacts associated with the project would occur from the preparation/grading of the site, building of the new home structures, and installation of all included amenities (e.g., parking lots, sidewalks, landscaping, lighting, fencing, utilities, storm drain system). Impacts were quantified by overlaying the proposed impact alignment onto the biological resources map and evaluating the impacts by vegetation community. No temporary direct project impacts are expected.

Indirect impacts refer to off-site and on-site effects that are short term (i.e., temporary) due to construction of the project construction or long term (i.e., permanent) due to the design of the project and the effects it may have on adjacent resources. For this project, it is assumed that the potential short-term indirect impacts resulting from construction activities may include dust, noise, construction-related soil erosion/runoff, and general human presence that may temporarily disrupt species and habitat vitality. Because the project is surrounded by existing residential development, habitat around the project construction footprint is already subject to minor long-term indirect human impacts, including noise and general human presence; through compliance with the City's MSCP Land Use Adjacency Guidelines (LUAG), additional long-term indirect impacts associated with the project are not expected to occur.

Cumulative impacts refer to the combined environmental effects of the project and other relevant projects. In some cases, the impact from a single project may not be significant, but when combined with other projects, the cumulative impact may be significant.

5.2 Direct Impacts

5.2.1 Vegetation Communities and Land Cover Types

Implementation of the project would result in direct permanent impacts to non-native vegetation communities and land covers, including disturbed habitat and developed land (Figure 4; Table 3). Impacts would occur from clearing, grading, and/or manufactured slope creation for development of the residential subdivision and associated features. Table 6 lists direct impacts to vegetation communities and land cover types that would occur as part of the project. As proposed, no native or sensitive vegetation community impacts are planned, therefore no mitigation for impacts to vegetation communities are required (Figure 5, Impacts).

Table 3. Direct Impacts to Vegetation Communities and Land Cover Types in the Project Study Area

Vegetation Community/Land Cover	Direct Impacts (Acres)	Mitigation Required?
Disturbed Habitat	4.34	No
Urban/Developed	0.15	No
Total	**4.48**	**NA**

5.2.2 Jurisdictional Aquatic Resources

The project would not result in any direct impacts to any aquatic resources under the jurisdiction of the USACE, RWQCB, CDFW, and/or City.

5.2.3 Direct Impacts to Special-Status Plants

Two special-status plants were detected within the study area: Wart-stemmed ceanothus and spikey ash moss. The locations of these plants are shown on Figure 5. Based on current project understanding, there would be no direct impacts to these species as part of the project.

5.2.4 Direct Impacts to Special-Status Wildlife

Cooper's hawk and Coastal California gnatcatcher are the only special-status wildlife species identified as occurring within the study area with potential for significant direct impacts.

Other special-status wildlife species identified as having moderate potential to occur within the study area include Southern California rufous-crowned sparrow, Bell's sage sparrow, orange-throated whiptail, and red diamondback rattlesnake.

Direct impacts to all special-status species observed on site or with moderate to high potential to occur would come from the loss of habitat and/or potential mortality during construction. However, the project footprint will only impact disturbed and already developed landcover types which do not constitute suitable habitat for these species. Therefore, based on current project understanding, there would be no direct impacts to these species' habitat as part of the project. Potential direct impacts to these species caused by mortality during construction would be significant absent mitigation. However, through the project's adherence to MM-BIO-1 through MM-BIO-8 detailed below in section 6, which include the installation of temporary fencing to ensure wildlife do not enter active construction areas, biological monitoring, pre-construction surveys, worker environmental awareness training, limiting work hours, and other protective measures, potential direct impacts to special-status species would be reduced to less than significant.

Non-Special-Status Birds (MBTA)

Migratory bird species are protected under the MBTA (16 USC 703–712), and all nesting birds, including raptors, are also afforded protection under California Fish and Game Code Sections 3503 and 3503.5. Non-special-status birds and raptors may nest within the study area. Direct impacts to active nests protected under the California Fish and Game Code Sections 3503 and 3503.5 would be significant absent mitigation. However, in accordance with

Game Code Sections 3503 and 3503.5 implementation of MM-BIO-6 Breeding Season Avoidance and MM-BIO-7 General Pre-construction Surveys, would reduce potential direct impacts to non-special status birds to less than significant.

5.3 Indirect Impacts

5.3.1 Vegetation Communities and Land Covers

Three native vegetation communities were mapped adjacent to or near the proposed construction footprint: Diegan coastal sage scrub, coastal sage–chaparral transition, and southern maritime chaparral. Short-term indirect impacts that may affect these adjacent vegetation communities include dust, erosion, invasive plant species, and increased human presence. These short-term indirect impacts would be avoided through project compliance with National Pollutant Discharge Elimination System (NPDES) regulations, incorporation of appropriate BMPs during construction (e.g., fiber rolls), installation of permanent BMPs per the City's Storm Water Standards, preparation and implementation of a project specific SWPPP, and dust control project design feature PDF-AQ-1, described in Section 6 below.

To mitigate any potential long-term indirect impacts of the project from noise and human presence adjacent to sensitive vegetation communities, vinyl fencing has been included in project design planning, to be installed around the perimeter of the developed area to limit human presence to the boundaries of the development. No residential access or encroachment into the native vegetation is expected, no trails or footpaths are proposed; therefore, long-term adverse indirect impacts are minimized.

5.3.2 Jurisdictional Resources

No jurisdictional aquatic resources are mapped within the study area. As such, indirect impacts to aquatic features are not proposed are not discussed further in this document.

5.3.3 Special-Status Plant Species

Potential indirect impacts to special-status plant species would be similar to those previously described for vegetation communities (e.g., increased human presence, dust). These indirect impacts to special-status plant species outside the project boundary would be reduced by dust control project design feature PDF-AQ-1, described in Section 6 below. Additionally, compliance with NPDES regulations; incorporation of appropriate BMPs during construction (e.g., fiber rolls, fencing); installation of permanent BMPs in accordance with the City's Storm Water Standards if required; preparation and implementation of a project-specific SWPPP; and compliance with the standard construction protection measures included in MM-BIO-1 through MM-BIO-5, will reduce potential indirect impacts to special-status plant species.

5.3.4 Special-Status Wildlife Species

Most of the indirect impacts to vegetation communities previously described can also affect special-status wildlife. Wildlife may also be indirectly affected in the short term by construction-related noise, which can disrupt normal activities and subject wildlife to higher predation risks. Adverse edge effects can cause degradation of habitat

quality through the invasion of pest species. Breeding birds can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities.

The study area supports suitable vegetation for bird nesting, including trees and shrubs associated with mixed chaparral and coastal sage scrub vegetation. Indirect impacts from construction-related noise would be significant absent mitigation. However, with implementation of MM-BIO-6 Breeding Season Avoidance, which dictates that no construction shall occur during the nesting bird breeding season (i.e., February 1 through September 15), indirect impacts to nesting birds including Cooper's hawk and coastal California gnatcatcher, would be less than significant. Should it become necessary to conduct work within the breeding season for Cooper's hawk and coastal California gnatcatcher (February 1 through September 15), in order to avoid impacts to these species, nesting bird surveys will be conducted as described in MM-BIO-7 in Section 6 below, and protocol surveys for coastal California gnatcatcher shall also be conducted as described in MM-BIO-8. Should nesting individuals be detected, appropriate buffers and protection measures will be established with input from appropriate regulatory agencies, as outlined in MM-BIO-7 and MM-BIO-8.

In summary, with implementation of MM-BIO-6 through MM-BIO-8, indirect impacts to special-status wildlife species will be less than significant.

5.4 Cumulative Impacts

Cumulative impacts to sensitive resources from implementation of the project are not expected to be significant, because all activities proposed, including mitigation required, are in conformance with the regional and City plans previously described.

6 Mitigation

6.1 Mitigation Measures for Direct Impacts

6.1.1 Vegetation Communities and Jurisdictional Resources

There would be no direct impacts to native vegetation communities, including wetland and riparian vegetation communities, as a result of project implementation at the project site (Figure 3). The only direct vegetation impacts associated with the project would occur in disturbed habitat or urban/developed land.

Proposed direct impacts to disturbed habitat and urban/developed land are not considered significant because these communities are not special status, are dominated by non-native species or human structures, and provide little biological resource value as shown in Figure 5. As such, no mitigation is proposed.

6.1.2 Special-Status Plants

While two special-status plant species occur within the review area, both are outside of the project footprint and neither would be directly impacted by proposed project activities as shown in Figure 5. As such, no mitigation is proposed.

6.1.3 Special-Status Wildlife

The review area contains native vegetation communities which may support special-status wildlife species including California gnatcatcher, Cooper's hawk, Southern California rufous-crowned sparrow, Bell's sage sparrow, orange-throated whiptail, red diamondback rattlesnake, and nesting birds. Direct impacts to special-status wildlife can come in the form of loss of habitat or potential mortality during construction. However, the proposed project will not impact native vegetation communities, as shown in Figure 5, therefore no mitigation for direct impacts to special-status wildlife via the loss of habitat is proposed.

Potential direct impacts to wildlife caused by construction related mortality shall be mitigated to less than significant via implementation of MM-BIO-1 through MM-BIO-8 detailed below.

6.2 Mitigation Measures and Project Design Features for Indirect Impacts

In order to avoid indirect impacts to sensitive resources, the project would be required to incorporate conditions of project approval for special-status wildlife to meet NPDES regulations, incorporate BMPs during construction, install permanent BMPs in accordance with the City's Storm Water Standards, and prepare and implement a SWPPP.

Indirect impacts to adjacent native vegetation communities would be avoided by implementation of the project design features that would be adhered to as conditions of approval and provided on project plans and in contractor specifications.

In addition, the project would be required to adhere to all standard construction protection measures, which includes having a qualified project biologist present to supervise flagging of sensitive resources prior to construction, provide environmental training, and ensure no unauthorized impacts occur during construction. Therefore, the project would avoid indirect impacts to sensitive upland vegetation communities, jurisdictional resources, and special-status plant and wildlife species. Mitigation Measures (MM) BIO-1 thru BIO-8 are proposed to reduce potential indirect impacts to a less than significant level.

MM-BIO-1 Temporary Installation Fencing. The project applicant shall install temporarily fencing (with silt barriers) at the limits of project impacts (including construction staging areas and access routes) to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent native habitats to be preserved. Fencing shall be installed in a manner that does not impact habitats to be preserved and shall utilize materials and deployment methods to minimize and avoid wildlife hazards, including entrapment. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Wildlife Agencies. Any habitat impacts that occur beyond the approved fenced shall be revegetated with a native plant palette consistent with the vegetation community and its surrounding context. Temporary construction fencing shall be removed upon project completion.

MM-BIO-2 Environmental Awareness Training. A Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of sensitive wildlife that may occur on site, including nesting birds and coastal California gnatcatcher and their habitat, and general compliance with environmental/permit regulations and mitigation measures.

At a minimum, training shall include a discussion of the following topics: (1) the purpose for resource protection; (2) descriptions of coastal California gnatcatcher their habitat; (3) the mitigation measures outlined in this report that should be implemented during project construction to conserve sensitive resources, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced area to avoid sensitive resource areas in the field outside of the limits of work (i.e., avoided areas delineated on maps and on the project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the federal Endangered Species Act (ESA), the need to adhere to the provisions of ESA, and the penalties associated with violating ESA.

MM-BIO-3 Work Hours. Project construction shall occur during daylight hours. However, if temporary night work is required, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded, and directed away from natural habitats as directed by the Project Biologist.

MM-BIO-4 Construction Best Management Practices. The project applicant shall ensure that the following conditions are implemented during project construction to minimize potential impacts to sensitive vegetation and species:

1. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.

2. To avoid attracting predators of covered species, 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.
3. Pets of project personnel shall not be allowed on the project site.
4. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed ouside of the fenced limits of work.
5. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated staging areas with approipriate BMPs in place. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on construction plans.
6. Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.

MM-BIO-5 Biological Monitor Requirements and Duties. A qualified biologist shall be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of preserved habitat to ensure compliance with all project-imposed mitigation measures. The biologist shall be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the project's engineer to ensure that issues relating to coastal California gnatcatcher and their habitat are appropriately and lawfully managed. The biological monitor should flush birds out of suitable habitat areas before they are cleared.

The qualified biological monitor shall also be responsible for the following duties:

1. Oversee installation of and inspect temporary fencing and erosion control measures at the projects limits of work a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately.
2. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
3. Halt work, if necessary, and confer with the U.S. Fish and Wildlife Service (USFWS) and City of Encinitas (City) to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to USFWS and the City within 24 hours of its occurrence.
4. Submit weekly letter reports (including photographs of impact areas) via email to the City during clearing/grubbing of potential habitat and/or project construction resulting in ground disturbance within 500 feet of avoided potential habitat. The weekly reports shall document that authorized impacts were not exceeded and general compliance with all conditions. The reports shall also outline the duration of monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports shall specify numbers and locations of any coastal California gnatcatchers, sex, observed behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatchers nests.

5. Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program were achieved.

MM-BIO-6 Breeding Season Avoidance**.** The removal of vegetation from the project impact footprint shall occur only during September 1 through February 14 to avoid the bird breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the project shall occur September 1 through February 14 to avoid the breeding season. If project construction must occur during the breeding season, MM-BIO-7 and MM-BIO-8 shall be implemented.

MM-BIO-7 General Pre-construction Surveys**.** Take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code shall be avoided during the nesting season.

Nesting Bird Survey. To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (January 15 to August 31). If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a City of Encinitas (City)-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally- or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: (1) no work within 300 feet of a non-listed nesting migratory bird nest, and (2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant will contact the City and Wildlife Agencies to determine the appropriate buffer.

MM-BIO-8 California Gnatcatcher Nest Avoidance and Minimization Measures. If construction activity occurs during the coastal California gnatcatcher breeding season (typically February 15 through August 31), prior to construction initiation, a biologist will perform a minimum of three focused surveys, on separate days, to determine the presence of California gnatcatcher nest building activities, egg incubation activities, or brood rearing activities in or within 500 feet of these areas. The surveys will begin a maximum of 7 days prior to project construction and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project construction in the breeding season. These additional surveys may be suspended as approved by the Service. The Permittee will notify the Service at least 7 days prior to the initiation of surveys and within 24 hours of locating any nesting California gnatcatchers. The wildlife agencies and Development Services Department shall be notified if any breeding behavior or active nests are detected.

If an active coastal California gnatcatcher (*Polioptila californica californica*) nest is found on site or within 500 feet of project grading activities, the biologist shall postpone work within 500 feet of the nest and contact the U.S. Fish and Wildlife Service (USFWS) and the City of Encinitas to discuss (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, the project applicant shall stop work and coordinate with USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by USFWS.

PDF AQ-1 Fugitive Dust Control Standard. Construction practices would be employed to reduce fugitive dust emissions and include watering of the active sites and exposed surfaces as needed, depending on weather conditions; watering unpaved roads, and limiting vehicle speeds on unpaved roads. Construction of the Project would be subject to SDAPCD Rule 55 – Fugitive Dust Control. Compliance with Rule 55 would limit fugitive dust that may be generated during grading and construction activities.

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7 Acknowledgments

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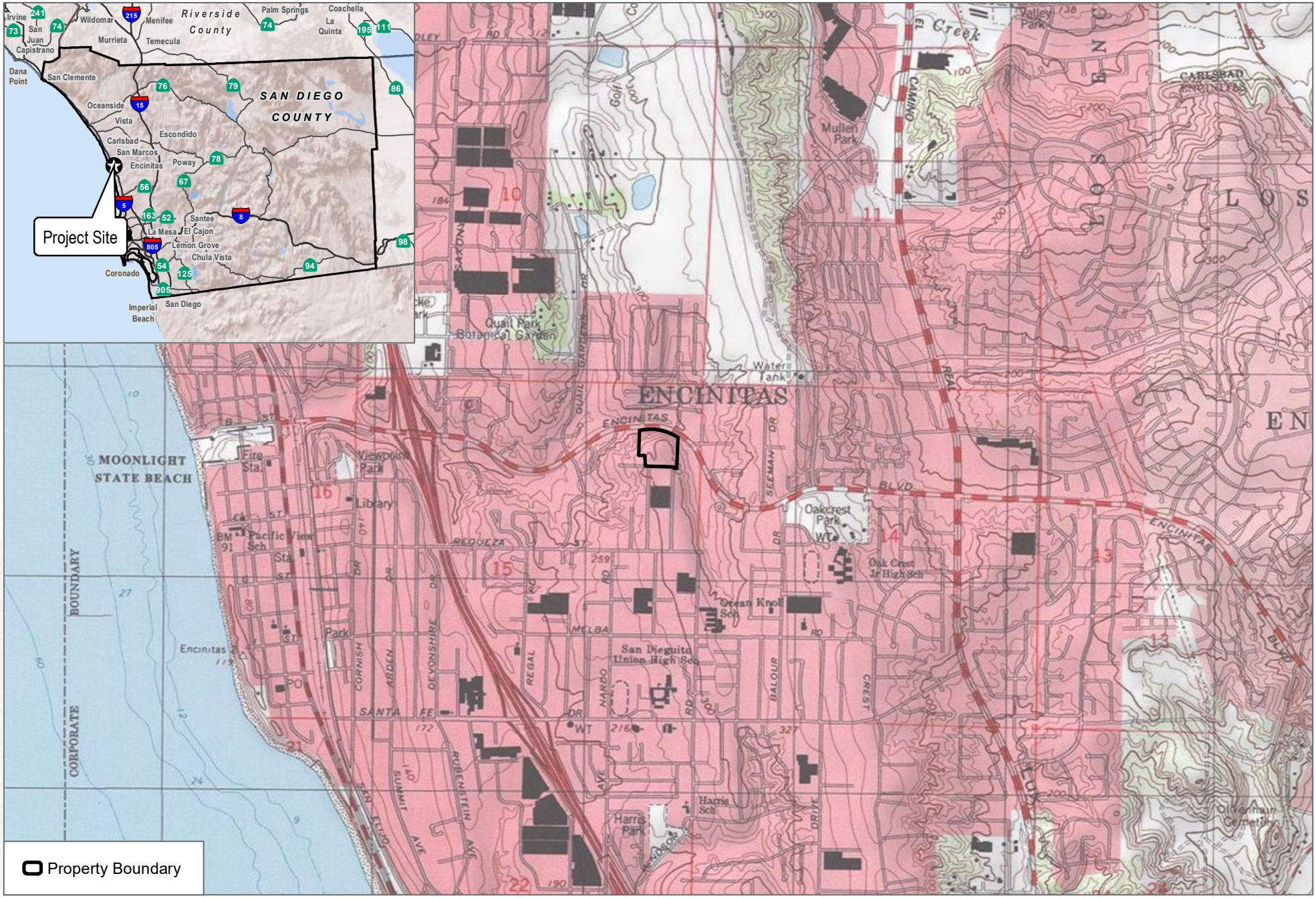

SOURCE: USGS 7.5-minute Series Encinitas Quadrangle

DUDEK

0 1,000 2,000 Feet

FIGURE 1

Project Location

Ocean Bluff Project

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SOURCE: SANGIS 2019, USDA

DUDEK

0 75 150 Feet

FIGURE 2

Soils

Ocean Bluff Project

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SOURCE: SANGIS 2019, USFWS 2019, USGS 2019

DUDEK

0 335 670 Feet

FIGURE 3

Hydrology

Ocean Bluff Project

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SOURCE: SANGIS 2019

DUDEK

0 75 150 Feet

FIGURE 4

Biological Resources

Ocean Bluff Project

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SOURCE: Bing Imagery 2022

DUDEK

0 75 150 Feet

FIGURE 5

Impacts

Ocean Bluff Project

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Appendix A
Plant Compendium

Lycophytes [Lycopods]

SELAGINELLACEAE – SPIKE-MOSS FAMILY

Selaginella cinerascens – mesa spike-moss

Angiosperms: Eudicots

ADOXACEAE – ADOXA FAMILY

Sambucus nigra ssp. *caerulea* – blue elderberry

AIZOACEAE – FIG-MARIGOLD FAMILY

* *Carpobrotus edulis* – hottentot-fig

AMARANTHACEAE – AMARANTH FAMILY

Malosma laurina – laurel sumac

Rhus integrifolia – lemonadeberry

Toxicodendron diversilobum – western poison-oak

APIACEAE – CARROT FAMILY

Daucus pusillus – rattlesnake weed

* *Foeniculum vulgare* – sweet fennel

ASTERACEAE – SUNFLOWER FAMILY

Ambrosia psilostachya – western ragweed

Artemisia californica – coastal sagebrush

Baccharis pilularis ssp. *consanguinea* – chaparral broom, coyote brush

Deinandra fasciculata – fascicled tarweed

Encelia californica – California encelia

Erigeron canadensis – horseweed

Eriophyllum confertiflorum var. *confertiflorum* – long-stem golden-yarrow

Heterotheca grandiflora – telegraph weed

Pseudognaphalium biolettii – bicolor cudweed

Pseudognaphalium californicum – California everlasting

Pseudognaphalium canescens – everlasting cudweed

Pseudognaphalium stramineum – cotton-batting plant

Stylocline gnaphaloides – everlasting nest-straw

* *Carduus pycnocephalus* ssp. *pycnocephalus* – Italian thistle

* *Centaurea melitensis* – tocalote

* *Dimorphotheca ecklonis* – upright African daisy

* *Erigeron bonariensis* – flax-leaf fleabane

* *Glebionis coronaria* – garland/crown daisy
* *Hypochaeris glabra* – smooth cat's ear
* *Lactuca serriola* – prickly lettuce
* *Logfia gallica* – narrow-leaf cottonrose
* *Sonchus asper* ssp. *asper* – prickly sow-thistle
* *Sonchus oleraceus* – common sow-thistle
* *Hedypnois cretica* – crete hedypnois

Stephanomeria virgata – virgate wreath-plant

BORAGINACEAE – BORAGE FAMILY

Phacelia grandiflora – giant-flower phacelia

Eucrypta chrysanthemifolia – common eucrypta

BRASSICACEAE – MUSTARD FAMILY

* *Hirschfeldia incana* – short-pod mustard
* *Raphanus sativus* – wild radish
* *Sisymbrium irio* – London rocket
* *Sisymbrium orientale* – hare's-ear cabbage

CAPRIFOLIACEAE – HONEYSUCKLE FAMILY

Lonicera subspicata var. *denudata* – Johnston's honeysuckle

CARYOPHYLLACEAE – PINK FAMILY

* *Silene gallica* – common catchfly
* *Polycarpon tetraphyllum* ssp. *tetraphyllum* – four-leaf allseed

CRASSULACEAE – STONECROP FAMILY

Dudleya edulis – ladies' fingers

Dudleya lanceolata – lance-leaf dudleya

Dudleya pulverulenta – chalk dudleya

CUCURBITACEAE – GOURD FAMILY

Marah macrocarpa – manroot, wild-cucumber

ERICACEAE – HEATH FAMILY

Xylococcus bicolor – mission manzanita

EUPHORBIACEAE – SPURGE FAMILY

* *Euphorbia peplus* – petty spurge
* *Ricinus communis* – castor bean

FABACEAE – LEGUME FAMILY

Lupinus bicolor – miniature lupine
* *Acacia longifolia* – sydney golden wattle
* *Melilotus indicus* – Indian sweetclover
* *Trifolium hirtum* – rose clover
Acmispon glaber – deerweed

FAGACEAE – OAK FAMILY

Quercus berberidifolia – scrub oak
Quercus agrifolia – coast live oak, encina

GERANIACEAE – GERANIUM FAMILY

* *Erodium cicutarium* – red-stem filaree/storksbill

LAMIACEAE – MINT FAMILY

Salvia mellifera – black sage

MALVACEAE – MALLOW FAMILY

* *Malva parviflora* – cheeseweed

MONTIACEAE – MONTIA FAMILY

Claytonia perfoliata – miner's-lettuce

MYRSINACEAE – MYRSINE FAMILY

* *Anagallis arvensis* – scarlet pimpernel, poor man's weatherglass

ONAGRACEAE – EVENING-PRIMROSE FAMILY

Camissoniopsis intermedia – intermediate sun cup

OXALIDACEAE – OXALIS FAMILY

* *Oxalis pes-caprae* – bermuda-buttercup

PLANTAGINACEAE – PLANTAIN FAMILY

Antirrhinum nuttallianum ssp. *subsessile* – big-gland Nuttall's snapdragon

PLUMBAGINACEAE – LEADWORT FAMILY

* *Limonium sinuatum* – notch-leaf marsh-rosemary

POLYGONACEAE – BUCKWHEAT FAMILY

Eriogonum fasciculatum – California buckwheat

RHAMNACEAE – BUCKTHORN FAMILY

Ceanothus verrucosus – wart-stem-lilac

ROSACEAE – ROSE FAMILY

Adenostoma fasciculatum – chamise

RUTACEAE – RUE OR CITRUS FAMILY

Cneoridium dumosum – coast spice bush, bush-rue

SALICACEAE – WILLOW FAMILY

Salix lasiolepis – arroyo willow

SOLANACEAE – NIGHTSHADE FAMILY

Solanum xanti – chaparral nightshade

* *Nicotiana glauca* – tree tobacco

URTICACEAE – STINGING NETTLE FAMILY

* *Urtica urens* – dwarf nettle

Angiosperms: Monocots

ARECACEAE – PALM FAMILY

* *Phoenix canariensis* – Canary Island date palm

ASPHODELACEAE – ASPHODEL FAMILY

* *Asphodelus fistulosus* – hollow-stem asphodel

POACEAE – GRASS FAMILY

Melica imperfecta – coast range melic

Stipa cernua – nodding needle grass

* *Avena barbata* – slender wild oat

* *Brachypodium distachyon* – purple false brome

* *Bromus diandrus* – ripgut grass

* *Cortaderia selloana* – selloa pampas grass

* *Ehrharta erecta* – panic veldt grass

* *Festuca myuros* – rat-tail fescue

* *Festuca perennis* – perennial rye grass

* *Lamarckia aurea* – golden-top

* *Polypogon monspeliensis* – annual beard grass

* *Bromus rubens* – foxtail chess, red brome

* *Hordeum murinum* – barley

* signifies introduced (non-native) species

Appendix B
Wildlife Compendium

Birds

Blackbirds, Orioles and Allies

ICTERIDAE – BLACKBIRDS

Icterus cucullatus – hooded oriole

Sturnella neglecta – western meadowlark

Bushtits

AEGITHALIDAE – LONG-TAILED TITS AND BUSHTITS

Psaltriparus minimus – bushtit

Falcons

FALCONIDAE – CARACARAS AND FALCONS

Falco sparverius – American kestrel

Finches

FRINGILLIDAE – FRINGILLINE AND CARDUELINE FINCHES AND ALLIES

Haemorhous mexicanus – house finch

Spinus psaltria – lesser goldfinch

Flycatchers

TYRANNIDAE – TYRANT FLYCATCHERS

Sayornis nigricans – black phoebe

Tyrannus verticalis – western kingbird

Tyrannus vociferans – Cassin's kingbird

Hawks

ACCIPITRIDAE – HAWKS, KITES, EAGLES, AND ALLIES

Accipiter cooperii – Cooper's hawk

Hummingbirds

TROCHILIDAE – HUMMINGBIRDS

Calypte anna – Anna's hummingbird

Selasphorus sasin – Allen's hummingbird

Jays, Magpies and Crows

CORVIDAE – CROWS AND JAYS

Aphelocoma californica – California scrub-jay

Corvus brachyrhynchos – American crow

Mockingbirds and Thrashers

MIMIDAE – MOCKINGBIRDS AND THRASHERS

Mimus polyglottos – northern mockingbird

Old World Sparrows

PASSERIDAE – OLD WORLD SPARROWS

* *Passer domesticus* – house sparrow

Old World Warblers and Gnatcatchers

POLIOPTILIDAE – GNATCATCHERS

Polioptila californica californica – coastal California gnatcatcher

Pigeons and Doves

COLUMBIDAE – PIGEONS AND DOVES

Zenaida macroura – mourning dove

Starlings and Allies

STURNIDAE – STARLINGS

* *Sturnus vulgaris* – European starling

Swallows

HIRUNDINIDAE – SWALLOWS

Stelgidopteryx serripennis – northern rough-winged swallow

Swifts

APODIDAE – SWIFTS

Aeronautes saxatalis – white-throated swift

Thrushes

TURDIDAE – THRUSHES

Sialia mexicana – western bluebird

Wood Warblers and Allies

PARULIDAE – WOOD-WARBLERS

Setophaga coronata – yellow-rumped warbler

Setophaga nigrescens – black-throated gray warbler

Wrens

TROGLODYTIDAE – WRENS

Troglodytes aedon – house wren

Thryomanes bewickii – Bewick's wren

New World Sparrows

PASSERELLIDAE – NEW WORLD SPARROWS

Melospiza melodia – song sparrow

Melozone crissalis – California towhee

Pipilo maculatus – spotted towhee

Zonotrichia leucophrys – white-crowned sparrow

Typical Warblers, Parrotbills, Wrentit

SYLVIIDAE – SYLVIID WARBLERS

Chamaea fasciata – wrentit

Invertebrates

Butterflies

NYMPHALIDAE – BRUSH-FOOTED BUTTERFLIES

Vanessa annabella – west coast lady

HESPERIIDAE – SKIPPERS

Erynnis funeralis – funereal duskywing

Reptiles

Lizards

PHRYNOSOMATIDAE – IGUANID LIZARDS

Sceloporus occidentalis – western fence lizard

Uta stansburiana – common side-blotched lizard

ANGUIDAE – ALLIGATOR LIZARDS

Elgaria multicarinata – southern alligator lizard

* signifies introduced (non-native) species

Appendix C

Special-Status Plant Species Potentially Occurring within the Biological Study Area

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
Acanthomintha ilicifolia	San Diego thorn-mint	FT/SE/1B.1	Covered, Narrow Endemic	Chaparral, Coastal scrub, Valley and foothill grassland, Vernal pools; Clay, Openings/annual herb/Apr–June/ 35–3,145	**Moderate potential to occur**. Appropriate chaparral, scrub, and grassland habitat on-site.
Acmispon prostratus	Nuttall's acmispon	None/None/1B.1	Covered, Narrow Endemic	Coastal dunes, Coastal scrub/annual herb/Mar–June(July)/0–35	**Not expected to occur**. The site is outside of the species' known elevation range.
Adolphia californica	California adolphia	None/None/2B.1	None	Chaparral, Coastal scrub, Valley and foothill grassland; Clay/perennial deciduous shrub/Dec–May/35–2,425	**Moderate potential to occur**. Appropriate chaparral, scrub, and grassland habitat on-site.
Agave shawii var. *shawii*	Shaw's agave	None/None/2B.1	None	Coastal bluff scrub, Coastal scrub/ perennial leaf/Sep–May/10–395	**Moderate potential to occur**. Appropriate chaparral, scrub, and grassland habitat on-site.
Ambrosia pumila	San Diego ambrosia	FE/None/1B.1	Covered, Narrow Endemic	Chaparral, Coastal scrub, Valley and foothill grassland, Vernal pools; Alkaline (sometimes), Clay (sometimes), Disturbed areas (often), Loam (sometimes), Sandy (sometimes)/ perennial rhizomatous herb/Apr–Oct/ 65–1,360	**Moderate potential to occur**. Appropriate chaparral, scrub, and grassland habitat on-site.
Aphanisma blitoides	aphanisma	None/None/1B.2	Covered	Coastal bluff scrub, Coastal dunes, Coastal scrub; Gravelly (sometimes), Sandy (sometimes)/annual herb/ Feb–June/5–1,000	**Low potential to occur**. Scrub habitats on-site are appropriate but lack open, intact sandy soils.
Arctostaphylos glandulosa ssp. *crassifolia*	Del Mar manzanita	FE/None/1B.1	Covered, Narrow Endemic	Chaparral/perennial evergreen shrub/ June–Apr/0–1,195	**Moderate potential to occur**. Appropriate scrub habitats occur within project site.
Astragalus tener var. *titi*	coastal dunes milk-vetch	FE/SE/1B.1	None	Coastal bluff scrub, Coastal dunes, Coastal prairie; Mesic (often), Vernally Mesic (often)/annual herb/Mar–May/ 5–165	**Not expected to occur**. The site is outside of the species' known range.

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
Atriplex coulteri	Coulter's saltbush	None/None/1B.2	None	Coastal bluff scrub, Coastal dunes, Coastal scrub, Valley and foothill grassland; Alkaline (sometimes), Clay (sometimes)/perennial herb/Mar–Oct/ 10–1,505	**Low potential to occur**. Review area lacks saline or alkaline soils which plant is known to prefer.
Atriplex pacifica	south coast saltscale	None/None/1B.2	None	Coastal bluff scrub, Coastal dunes, Coastal scrub, Playas/annual herb/ Mar–Oct/0–460	**Moderate potential to occur**. Some appropriate scrub habitat within review area
Baccharis vanessae	Encinitas baccharis	FT/SE/1B.1	Covered, Narrow Endemic	Chaparral, Cismontane woodland; Sandstone/perennial deciduous shrub/ Aug–Nov/195–2,360	**Low potential to occur**. Chapparal habitat in review area is low-quality and disturbed by nearby human development.
Bergerocactus emoryi	golden-spined cereus	None/None/2B.2	None	Chaparral, Closed-cone coniferous forest, Coastal scrub; Sandy/perennial stem/May–June/10–1,295	**Low potential to occur**. Chapparal habitat in review area is low-quality and disturbed by nearby human development.
Bloomeria clevelandii	San Diego goldenstar	None/None/1B.1	Covered, Narrow Endemic	Chaparral, Coastal scrub, Valley and foothill grassland, Vernal pools; Clay/ perennial bulbiferous herb/Apr–May/ 165–1,525	**Low potential to occur**. The review area contains grassland vegetation which may be suitable, but chapparal habitat in review area is low-quality and disturbed by nearby human development. Additionally, soils within the review area are described as sandy loam and are unlikely vernal pool habitat (USDA 2023).
Brodiaea filifolia	thread-leaved brodiaea	FT/SE/1B.1	Covered, Narrow Endemic	Chaparral, Cismontane woodland, Coastal scrub, Playas, Valley and foothill grassland, Vernal pools; Clay (often)/ perennial bulbiferous herb/Mar–June/ 80–3,670	**Moderate potential to occur**. Appropriate habitat occurs within review area; plant known to occur in local vicinity,

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
Brodiaea orcuttii	Orcutt's brodiaea	None/None/1B.1	Covered	Chaparral, Cismontane woodland, Closed-cone coniferous forest, Meadows and seeps, Valley and foothill grassland, Vernal pools; Clay, Mesic/perennial bulbiferous herb/May–July/100–5,550	**Moderate potential to occur.** Appropriate habitat occurs within review area.
Ceanothus cyaneus	Lakeside ceanothus	None/None/1B.2	None	Chaparral, Closed-cone coniferous forest/perennial evergreen shrub/ Apr–June/770–2,475	**Not expected to occur**. The site is outside of the species' known elevation range.
Ceanothus verrucosus	wart-stemmed ceanothus	None/None/2B.2	Covered	Chaparral/perennial evergreen shrub/ Dec–May/5–1,245	**Present**. Multiple plants described in previous consultants survey report. (Scheidt, 2016). Observed during 2023 rare plant surveys on sloped lands on north side of project.
Centromadia parryi ssp. *australis*	southern tarplant	None/None/1B.1	None	Marshes and swamps, Valley and foothill grassland, Vernal pools/annual herb/ May–Nov/0–1,570	**Low potential to occur.** The study area contains grassland vegetation which may be suitable to support this species. However, soils within the review area are described as sandy loam and are unlikely vernal pool habitat (USDA 2023). However, this is a disturbance tolerant plant that has been observed on sandy loam soils (CDFW 2023).
Centromadia pungens ssp. *laevis*	smooth tarplant	None/None/1B.1	None	Chenopod scrub, Meadows and seeps, Playas, Riparian woodland, Valley and foothill grassland; Alkaline/annual herb/ Apr–Sep/0–2,095	**Not expected to occur**. While there is grassland vegetation present which may be suitable to support this species, the review area is outside of the species known geographic

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
					range, with the majority of records occurring north of the Santa Ana Mountains (CCH 2023).
Chaenactis glabriuscula var. *orcuttiana*	Orcutt's pincushion	None/None/1B.1	None	Coastal bluff scrub, Coastal dunes/ annual herb/Jan–Aug/0–330	**Not expected to occur**. No suitable vegetation present.
Chorizanthe orcuttiana	Orcutt's spineflower	FE/SE/1B.1	Covered, Narrow Endemic	Chaparral, Closed-cone coniferous forest, Coastal scrub; Openings, Sandy/ annual herb/Mar–May/10–410	**Low potential to occur**, review area lacks sandy scrub habitats this plant is known to prefer.
Chorizanthe polygonoides var. *longispina*	long-spined spineflower	None/None/1B.2	None	Chaparral, Coastal scrub, Meadows and seeps, Valley and foothill grassland, Vernal pools; Clay (often)/annual herb/ Apr–July/100–5,015	**Low potential to occur**. The review area contains grassland vegetation which may be suitable, but chapparal habitat in review area is low-quality and disturbed by nearby human development. However, the review area lacks clay soils. Soils within the review area are described as sandy loam and are unlikely vernal pool habitat (USDA 2023).
Comarostaphylis diversifolia ssp. *diversifolia*	summer holly	None/None/1B.2	Covered	Chaparral, Cismontane woodland/ perennial evergreen shrub/Apr–June/ 100–2,590	**Low potential to occur**. Chapparal habitat in review area is low-quality and disturbed by nearby human development.
Corethrogyne filaginifolia var. *incana*	San Diego sand aster	None/None/1B.1	None	Chaparral, Coastal bluff scrub, Coastal scrub/perennial herb/June–Sep/ 10–375	**High potential to occur**. Multiple plants described in previous consultant's survey report. (Scheidt, 2016). Not observed during multiple site surveys in 2023, likely extirpated as site is disturbed; illegal dumping

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
					observed across site and in area where population was previously observed.
Corethrogyne filaginifolia var. *linifolia*	Del Mar Mesa sand aster	None/None/1B.1	Covered, Narrow Endemic	Chaparral, Coastal bluff scrub, Coastal scrub; Sandy/perennial herb/May–Sep/ 15–490	**Moderate potential to occur**. Appropriate habitat occurs within review area.
Cryptantha wigginsii	Wiggins' cryptantha	None/None/1B.2	None	Coastal scrub; Clay (often)/annual herb/ Feb–June/65–900	**Low potential to occur**, review area lacks clay soils this plant is known to prefer.
Cylindropuntia californica var. *californica*	snake cholla	None/None/1B.1	None	Chaparral, Coastal scrub/perennial stem/Apr–May/100–490	**Low potential to occur**. Review area at northern limits of known range for species .
Dudleya blochmaniae ssp. *blochmaniae*	Blochman's dudleya	None/None/1B.1	Covered	Chaparral, Coastal bluff scrub, Coastal scrub, Valley and foothill grassland; Clay (often), Rocky, Serpentinite/perennial herb/Apr–June/15–1,475	**Low potential to occur**, review area lacks rocky soils this plant is known to prefer.
Dudleya brevifolia	short-leaved dudleya	None/SE/1B.1	Covered, Narrow Endemic	Chaparral, Coastal scrub; Sandstone/ perennial herb/Apr–May/100–820	**Low potential to occur**, review area lacks exposed sandy soils this plant is known to prefer.
Dudleya variegata	variegated dudleya	None/None/1B.2	Covered, Narrow Endemic	Chaparral, Cismontane woodland, Coastal scrub, Valley and foothill grassland, Vernal pools; Clay/perennial herb/Apr–June/10–1,900	**Not expected to occur**. While there is grassland vegetation present, the review area lacks clay soils. Soils within the review area are described as sandy loam (USDA 2023) and are unlikely to support vernal pools.
Dudleya viscida	sticky dudleya	None/None/1B.2	Covered	Chaparral, Cismontane woodland, Coastal bluff scrub, Coastal scrub; Rocky/perennial herb/May–June/ 35–1,800	**Low potential to occur**. While the review area contains chaparral vegetation, it is low-quality and disturbed by human development. Additionally, the majority of records of this

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
					species are north of Carlsbad (CCH 2023).
Ericameria palmeri var. *palmeri*	Palmer's goldenbush	None/None/1B.1	None	Chaparral, Coastal scrub; Mesic/ perennial evergreen shrub/ (July)Sep–Nov/100–1,965	**Moderate potential to occur**. Appropriate habitat occurs within review area.
Eryngium aristulatum var. *parishii*	San Diego button-celery	FE/SE/1B.1	Covered, Narrow Endemic	Coastal scrub, Valley and foothill grassland, Vernal pools; Mesic/ annual/ perennial herb/Apr–June/65–2,030	**Not expected to occur**. While there is suitable grassland vegetation present, the review area lacks clay soils. Soils within the review area are described as sandy loam (USDA 2023) and are unlikely to support vernal pools.
Eryngium pendletonense	Pendleton button-celery	None/None/1B.1	None	Coastal bluff scrub, Valley and foothill grassland, Vernal pools; Clay, Vernally Mesic/perennial herb/Apr–June(July)/ 50–360	**Not expected to occur**. While there is grassland vegetation present, the review area lacks clay soils. Soils within the review area are described as sandy loam (USDA 2023) and are unlikely to support vernal pools.
Erysimum ammophilum	sand-loving wallflower	None/None/1B.2	None	Chaparral, Coastal dunes, Coastal scrub; Openings, Sandy/perennial herb/ Feb–June(July–Aug)/0–195	**Low potential to occur**, review area lacks open sandy soils this plant is known to prefer.
Euphorbia misera	cliff spurge	None/None/2B.2	Covered	Coastal bluff scrub, Coastal scrub, Mojavean desert scrub; Rocky/perennial shrub/(Oct)Dec–Aug/35–1,640	**Not expected to occur**. No suitable vegetation present.
Ferocactus viridescens	San Diego barrel cactus	None/None/2B.1	Covered	Chaparral, Coastal scrub, Valley and foothill grassland, Vernal pools/ perennial stem/May–June/10–1,475	**Low potential to occur**. Chapparal habitat in review area is low-quality and disturbed by nearby human development While the review area contains grassland vegetation which may support this species, it lacks clay

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
					soils. Soils within the review area are described as sandy loam (USDA 2023) and are unlikely to support vernal pools.
Geothallus tuberosus	Campbell's liverwort	None/None/1B.1	None	Coastal scrub, Vernal pools/ephemeral liverwort//35–1,965	**Low potential to occur**, review area lacks clay this plant is known to prefer.
Hazardia orcuttii	Orcutt's hazardia	None/ST/1B.1	Covered, Narrow Endemic	Chaparral, Coastal scrub; Clay (often)/ perennial evergreen shrub/Aug–Oct/ 260–280	**Moderate potential to occur**. Appropriate chapparal habitat within review area but site lacks clay soils.
Heterotheca sessiliflora ssp. *sessiliflora*	beach goldenaster	None/None/1B.1	None	Chaparral, Coastal dunes, Coastal scrub/perennial herb/Mar–Dec/ 0–4,015	**Moderate potential to occur**. Appropriate chapparal habitat within review area.
Horkelia truncata	Ramona horkelia	None/None/1B.3	None	Chaparral, Cismontane woodland; Clay, Gabbroic/perennial herb/May–June/ 1,310–4,265	**Not expected to occur**. The site is outside of the species' known elevation range.
Hulsea californica	San Diego sunflower	None/None/1B.3	None	Chaparral, Lower montane coniferous forest, Upper montane coniferous forest; Burned areas, Openings/perennial herb/Apr–June/3,000–9,560	**Not expected to occur**. The site is outside of the species' known elevation range.
Isocoma menziesii var. *decumbens*	decumbent goldenbush	None/None/1B.2	None	Chaparral, Coastal scrub/perennial shrub/Apr–Nov/35–445	**Moderate potential to occur**. Appropriate chapparal habitat within review area.
Iva hayesiana	San Diego marsh-elder	None/None/2B.2	Covered	Marshes and swamps, Playas/perennial herb/Apr–Oct/35–1,640	**Not expected to occur**. No suitable vegetation present.
Lasthenia glabrata ssp. *coulteri*	Coulter's goldfields	None/None/1B.1	None	Marshes and swamps, Playas, Vernal pools/annual herb/Feb–June/5–4,000	**Not expected to occur**. No suitable vegetation present.
Leptosyne maritima	sea dahlia	None/None/2B.2	None	Coastal bluff scrub, Coastal scrub/ perennial herb/Mar–May/15–490	**Low potential to occur**. Some appropriate scrub habitat within review area.

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
Monardella hypoleuca ssp. *lanata*	felt-leaved monardella	None/None/1B.2	None	Chaparral, Cismontane woodland/ perennial rhizomatous herb/June–Aug/ 985–5,165	**Not expected to occur**. The site is outside of the species' known elevation range.
Monardella viminea	willowy monardella	FE/SE/1B.1	None	Chaparral, Coastal scrub, Riparian forest, Riparian scrub, Riparian woodland; Alluvial Terraces, Washes/ perennial herb/June–Aug/165–740	**Not expected to occur**. The site is at low end of the species' known elevation range.
Nama stenocarpa	mud nama	None/None/2B.2	None	Marshes and swamps/annual/perennial herb/Jan–July/15–1,640	**Not expected to occur**. No suitable vegetation present.
Navarretia fossalis	spreading navarretia	FT/None/1B.1	Covered, Narrow Endemic	Chenopod scrub, Marshes and swamps, Playas, Vernal pools/annual herb/ Apr–June/100–2,145	**Not expected to occur**. No suitable vegetation present.
Nemacaulis denudata var. *denudata*	coast woolly-heads	None/None/1B.2	None	Coastal dunes/annual herb/Apr–Sep/ 0–330	**Not expected to occur**. No suitable vegetation present.
Nemacaulis denudata var. *gracilis*	slender cottonheads	None/None/2B.2	None	Coastal dunes, Desert dunes, Sonoran desert scrub/annual herb/ (Mar)Apr–May/-,165–1,310	**Not expected to occur**. No suitable vegetation present.
Orcuttia californica	California Orcutt grass	FE/SE/1B.1	Covered, Narrow Endemic	Vernal pools/annual herb/Apr–Aug/ 50–2,165	**Not expected to occur**. No suitable vegetation present.
Phacelia stellaris	Brand's star phacelia	None/None/1B.1	None	Coastal dunes, Coastal scrub/annual herb/Mar–June/5–1,310	**Not expected to occur**. The site is outside of the species' known range
Pinus torreyana ssp. *torreyana*	Torrey pine	None/None/1B.2	Covered	Chaparral, Closed-cone coniferous forest; Sandstone/perennial evergreen tree//100–525	**Not expected to occur**. The site is outside of the species' known range.
Pogogyne abramsii	San Diego mesa mint	FE/SE/1B.1	None	Vernal pools/annual herb/Mar–July/ 295–655	**Not expected to occur**. No suitable vegetation present.
Quercus dumosa	Nuttall's scrub oak	None/None/1B.1	Covered	Chaparral, Closed-cone coniferous forest, Coastal scrub; Clay, Loam,	**Not expected to occur**. The site is outside of the species' known range. Would have been

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
				Sandy/perennial evergreen shrub/ Feb–Apr(May–Aug)/50–1,310	observed during previous surveys.
Salvia munzii	Munz's sage	None/None/2B.2	None	Chaparral, Coastal scrub/perennial evergreen shrub/Feb–Apr/375–3,490	**Moderate potential to occur.** Appropriate chapparal and scrub habitat within review area.
Selaginella cinerascens	Ashy spike moss	None/None/4.1	None	Chaparral, Coastal scrub/perennial rhizomatous herb/65–2,095	**Present.** Observed within project site boundary along manmade drainage-like structures which bisect the northeastern portion of Review Area.
Senecio aphanactis	chaparral ragwort	None/None/2B.2	None	Chaparral, Cismontane woodland, Coastal scrub; Alkaline (sometimes)/ annual herb/Jan–Apr(May)/50–2,620	**Low potential to occur.** Review area lacks appropriate alkaline soils.
Sidalcea neomexicana	salt spring checkerbloom	None/None/2B.2	None	Chaparral, Coastal scrub, Lower montane coniferous forest, Mojavean desert scrub, Playas; Alkaline, Mesic/ perennial herb/Mar–June/50–5,015	**Low potential to occur.** Review area lacks appropriate alkaline soils.
Sphaerocarpos drewiae	bottle liverwort	None/None/1B.1	None	Chaparral, Coastal scrub; Openings/ ephemeral liverwort//295–1,965	**Low potential to occur.**
Sphenopholis interrupta ssp. *californica*	prairie false oat	None/None/1B.1	None	Chaparral; Clay/annual herb/Apr/50–50	**Not expected to occur.** The site is outside of the species' known elevation range.
Stemodia durantifolia	purple stemodia	None/None/2B.1	None	Sonoran desert scrub/perennial herb/ (Jan)Apr–Dec/590–985	**Not expected to occur.** The site is outside of the species' known elevation range and there is no suitable vegetation present.
Suaeda esteroa	estuary seablite	None/None/1B.2	None	Marshes and swamps/perennial herb/ (Jan–May)July–Oct/0–15	**Not expected to occur.** The site is outside of the species' known elevation range and there is no suitable vegetation present.

Scientific Name	Common Name	Status (Federal/State/ CRPR)	Draft Encinitas Subarea Plan	Primary Habitat Associations/ Life Form/ Blooming Period/ Elevation Range (feet)	Potential to Occur
Tetracoccus dioicus	Parry's tetracoccus	None/None/1B.2	None	Chaparral, Coastal scrub/perennial deciduous shrub/Apr–May/540–3,280	**Not expected to occur.** The site is outside of the species' known elevation range.

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Appendix D

Special-Status Wildlife Species Potentially Occurring within the Biological Study Area

Scientific Name	Common Name	Status (Federal/ State)	Habitat	Draft Encinitas Subarea Plan	Potential to Occur
Amphibians					
Spea hammondii	western spadefoot	None/SSC	Primarily grassland and vernal pools, but also in ephemeral wetlands that persist at least 3 weeks in chaparral, coastal scrub, valley–foothill woodlands, pastures, and other agriculture	Covered	**Not expected to occur.** No suitable vegetation present.
Birds					
Accipiter cooperii (nesting)	Cooper's hawk	BCC/WL	Nests and forages in dense stands of live oak, riparian woodlands, or other woodland habitats often near water	Covered	**High potential to occur**. Observed on-site. Limited nesting opportunity within proposed impact footprint; species may occur in study area as transient forager.
Agelaius tricolor (nesting colony)	tricolored blackbird	BCC/SSC, ST	Nests near freshwater, emergent wetland with cattails or tules, but also in Himalayan blackberrry; forages in grasslands, woodland, and agriculture	None	**Not expected to occur.** No suitable vegetation present.
Aimophila ruficeps canescens	Southern California rufous-crowned sparrow	BCC/WL	Nests and forages in open coastal scrub and chaparral with low cover of scattered scrub interspersed with rocky and grassy patches	Covered	**Moderate potential to occur**. Appropriate grassland habitat in study area. No
Aquila chrysaetos (nesting and wintering)	golden eagle	None/FP, WL	Nests and winters in hilly, open/semi-open areas, including shrublands, grasslands, pastures, riparian areas, mountainous canyon land, open desert rimrock terrain; nests in large trees and on cliffs in open areas and forages in open habitats	Covered	**Not expected to occur.** No suitable vegetation present.
Artemisiospiza belli belli	Bell's sage sparrow	None/WL	Nests and forages in coastal scrub and dry chaparral; typically in large, unfragmented patches dominated by chamise; nests in more	Covered	**Moderate potential to occur**. Appropriate grassland habitat in study area.

Scientific Name	Common Name	Status (Federal/ State)	Habitat	Draft Encinitas Subarea Plan	Potential to Occur
			dense patches but uses more open habitat in winter		
Athene cunicularia (burrow sites and some wintering sites)	burrowing owl	BCC/SSC	Nests and forages in grassland, open scrub, and agriculture, particularly with ground squirrel burrows	None	**Low potential to occur.** No burrows in study area.
Buteo swainsoni (nesting)	Swainson's hawk	None/ST	Nests in open woodland and savanna, riparian, and in isolated large trees; forages in nearby grasslands and agricultural areas such as wheat and alfalfa fields and pasture	None	**Not expected to occur**. No suitable vegetation present.
Campylorhynchus brunneicapillus sandiegensis (San Diego and Orange Counties only)	coastal cactus wren	None/SSC	Southern cactus scrub patches	Covered, Narrow Endemic	**Not expected to occur**. No suitable vegetation present.
Charadrius nivosus nivosus (nesting)	western snowy plover	FT, BCC/SSC	On coasts nests on sandy marine and estuarine shores; in the interior nests on sandy, barren or sparsely vegetated flats near saline or alkaline lakes, reservoirs, and ponds	Covered	**Not expected to occur**. No suitable vegetation present.
Circus hudsonius (nesting)	northern harrier	BCC/SSC	Nests in open wetlands (marshy meadows, wet lightly-grazed pastures, old fields, freshwater and brackish marshes); also in drier habitats (grassland and grain fields); forages in grassland, scrubs, rangelands, emergent wetlands, and other open habitats	None	**Low potential to occur**. May occur in study area as transient forager.
Elanus leucurus (nesting)	white-tailed kite	None/FP	Nests in woodland, riparian, and individual trees near open lands; forages opportunistically in grassland, meadows, scrubs, agriculture, emergent wetland, savanna, and disturbed lands	None	**Not expected to occur**. No suitable vegetation present.

Scientific Name	Common Name	Status (Federal/ State)	Habitat	Draft Encinitas Subarea Plan	Potential to Occur
Empidonax traillii extimus (nesting)	southwestern willow flycatcher	FE/SE	Nests in dense riparian habitats along streams, reservoirs, or wetlands; uses variety of riparian and shrubland habitats during migration	Covered	**Not expected to occur**. No suitable vegetation present.
Icteria virens (nesting)	yellow-breasted chat	None/SSC	Nests and forages in dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush	Covered	**Not expected to occur**. No suitable vegetation present.
Laterallus jamaicensis coturniculus	California black rail	None/FP, ST	Tidal marshes, shallow freshwater margins, wet meadows, and flooded grassy vegetation; suitable habitats are often supplied by canal leakage in Sierra Nevada foothill populations	None	**Not expected to occur**. No suitable vegetation present.
Passerculus sandwichensis beldingi	Belding's savannah sparrow	BCC/SE	Nests and forages in coastal saltmarsh dominated by pickleweed (*Salicornia* spp.)	Covered	**Not expected to occur**. No suitable vegetation present.
Plegadis chihi (nesting colony)	white-faced ibis	None/WL	Nests in shallow marshes with areas of emergent vegetation; winter foraging in shallow lacustrine waters, flooded agricultural fields, muddy ground of wet meadows, marshes, ponds, lakes, rivers, flooded fields, and estuaries	Covered	**Not expected to occur**. No suitable vegetation present.
Polioptila californica californica	coastal California gnatcatcher	FT/SSC	Nests and forages in various sage scrub communities, often dominated by California sagebrush and buckwheat; generally avoids nesting in areas with a slope of greater than 40%; majority of nesting at less than 1,000 feet above mean sea level	Covered	**High potential to occur**. Observed on-site. Species observed during focused surveys in 2023. Suitable coastal sage scrub and chapparal vegetation present on sloped lands in northern and western portions of study area.
Rallus obsoletus levipes	Ridgway's rail	FE/FP, SE	Coastal wetlands, brackish areas, coastal saline emergent wetlands	Covered	**Not expected to occur**. No suitable vegetation present.
Riparia riparia (nesting)	bank swallow	None/ST	Nests in riparian, lacustrine, and coastal areas with vertical banks, bluffs, and cliffs	None	**Not expected to occur**. No suitable vegetation present.

Scientific Name	Common Name	Status (Federal/ State)	Habitat	Draft Encinitas Subarea Plan	Potential to Occur
			with sandy soils; open country and water during migration		
Setophaga petechia (nesting)	yellow warbler	None/SSC	Nests and forages in riparian and oak woodlands, montane chaparral, open ponderosa pine, and mixed-conifer habitats	None	**Not expected to occur**. No suitable vegetation present.
Sternula antillarum browni (nesting colony)	California least tern	FE/FP, SE	Forages in shallow estuaries and lagoons; nests on sandy beaches or exposed tidal flats	Covered	**Not expected to occur**. No suitable vegetation present.
Vireo bellii pusillus (nesting)	least Bell's vireo	FE/SE	Nests and forages in low, dense riparian thickets along water or along dry parts of intermittent streams; forages in riparian and adjacent shrubland late in nesting season	Covered	**Not expected to occur**. No suitable vegetation present.
Fishes					
Eucyclogobius newberryi	tidewater goby	FE/None	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County, to the mouth of the Smith River	None	**Not expected to occur**. No suitable vegetation present.
Invertebrates					
Bombus crotchii	Crotch bumble bee	None/SCE	Open grassland and scrub communities supporting suitable floral resources.	None	**Low potential to occur.** Disturbed lands that characterize project site sometimes support floral resources between mowing.
Branchinecta sandiegonensis	San Diego fairy shrimp	FE/None	Vernal pools, non-vegetated ephemeral pools	Covered, Narrow Endemic	**Not expected to occur**. No suitable vegetation present.
Streptocephalus woottoni	Riverside fairy shrimp	FE/None	Vernal pools, non-vegetated ephemeral pools	Covered, Narrow Endemic	**Not expected to occur**. No suitable vegetation present.
Cicindela latesignata	western beach tiger beetle	None/None	Mudflats and beaches in coastal Southern California	Narrow Endemic	**Not expected to occur**. No suitable vegetation present.

Scientific Name	Common Name	Status (Federal/ State)	Habitat	Draft Encinitas Subarea Plan	Potential to Occur
Danaus plexippus plexippus pop. 1	monarch - California overwintering population	FC/None	Wind-protected tree groves with nectar sources and nearby water sources	None	**Not expected to occur**. No suitable vegetation present.
Mammals					
Antrozous pallidus	pallid bat	None/SSC	Grasslands, shrublands, woodlands, forests; most common in open, dry habitats with rocky outcrops for roosting, but also roosts in man-made structures and trees	None	**Not expected to occur**. No suitable vegetation present.
Chaetodipus californicus femoralis	Dulzura pocket mouse	None/SSC	Open habitat, coastal scrub, chaparral, oak woodland, chamise chaparral, mixed-conifer habitats; disturbance specialist; 0 to 3,000 feet above mean sea level	None	**Not expected to occur**. No suitable vegetation present.
Chaetodipus fallax fallax	northwestern San Diego pocket mouse	None/SSC	Coastal scrub, mixed chaparral, sagebrush, desert wash, desert scrub, desert succulent shrub, pinyon–juniper, and annual grassland	Covered	**Low potential to occur**. Some suitable vegetation present. Known to prefer more arid and/or desert habitats above alluvial features with sandy or gravelly soils for burrowing..
Choeronycteris mexicana	Mexican long-tongued bat	None/SSC	Desert and montane riparian, desert succulent scrub, desert scrub, and pinyon–juniper woodland; roosts in caves, mines, and buildings	None	**Not expected to occur**. No suitable vegetation present.
Corynorhinus townsendii	Townsend's big-eared bat	None/SSC	Mesic habitats characterized by coniferous and deciduous forests and riparian habitat, but also xeric areas; roosts in limestone caves and lava tubes, man-made structures, and tunnels	None	**Not expected to occur**. No suitable vegetation present.
Dasypterus xanthinus	western yellow bat	None/SSC	Valley–foothill riparian, desert riparian, desert wash, and palm oasis habitats; below 2,000 feet above mean sea level; roosts in riparian and palms	None	**Not expected to occur**. No suitable vegetation present.

Scientific Name	Common Name	Status (Federal/ State)	Habitat	Draft Encinitas Subarea Plan	Potential to Occur
Dipodomys stephensi	Stephens' kangaroo rat	FT/ST	Annual and perennial grassland habitats, coastal scrub or sagebrush with sparse canopy cover, or in disturbed areas	None	**Not expected to occur.** No suitable vegetation present.
Euderma maculatum	spotted bat	None/SSC	Foothills, mountains, desert regions of southern California, including arid deserts, grasslands, and mixed-conifer forests; roosts in rock crevices and cliffs; feeds over water and along washes	None	**Not expected to occur**. No suitable vegetation present.
Eumops perotis californicus	western mastiff bat	None/SSC	Chaparral, coastal and desert scrub, coniferous and deciduous forest and woodland; roosts in crevices in rocky canyons and cliffs where the canyon or cliff is vertical or nearly vertical, trees, and tunnels	None	**Not expected to occur**. No suitable vegetation present.
Leptonycteris yerbabuenae	lesser long-nosed bat	FPD/SSC	Sonoran desert scrub, semi-desert grasslands, lower oak woodlands	None	**Not expected to occur**. No suitable vegetation present.
Lepus californicus bennettii	San Diego black-tailed jackrabbit	None/None	Arid habitats with open ground; grasslands, coastal scrub, agriculture, disturbed areas, and rangelands	Covered	**Not expected to occur**. No suitable vegetation present.
Neotoma lepida intermedia	San Diego desert woodrat	None/SSC	Coastal scrub, desert scrub, chaparral, cacti, rocky areas	None	**Not expected to occur.** No suitable vegetation present.
Nyctinomops femorosaccus	pocketed free-tailed bat	None/SSC	Pinyon–juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oases; roosts in high cliffs or rock outcrops with drop-offs, caverns, and buildings	None	**Not expected to occur**. No suitable vegetation present.
Nyctinomops macrotis	big free-tailed bat	None/SSC	Rocky areas; roosts in caves, holes in trees, buildings, and crevices on cliffs and rocky outcrops; forages over water	None	**Not expected to occur**. No suitable vegetation present.

Scientific Name	Common Name	Status (Federal/ State)	Habitat	Draft Encinitas Subarea Plan	Potential to Occur
Perognathus longimembris pacificus	Pacific pocket mouse	FE/SSC	fine-grained sandy substrates in open coastal strand, coastal dunes, and river alluvium	Narrow Endemic	**Not expected to occur.** No suitable vegetation present.
Taxidea taxus	American badger	None/SSC	Dry, open, treeless areas; grasslands, coastal scrub, agriculture, and pastures, especially with friable soils	None	**Not expected to occur.** No suitable vegetation present.
Lasiurus frantzii	western red bat	None/SSC	Forest, woodland, riparian, mesquite bosque, and orchards, including fig, apricot, peach, pear, almond, walnut, and orange; roosts in tree canopy	None	**Not expected to occur**. No suitable vegetation present.
Reptiles					
Anniella stebbinsi	southern California legless lizard	None/SSC	Coastal dunes, stabilized dunes, beaches, dry washes, valley–foothill, chaparral, and scrubs; pine, oak, and riparian woodlands; associated with sparse vegetation and moist sandy or loose, loamy soils	None	**Not expected to occur**. Limited suitable vegetation present and no available water sources.
Arizona elegans occidentalis	California glossy snake	None/SSC	Arid scrub, rocky washes, grasslands, chaparral, open areas with loose soil	None	**Not expected to occur**. No suitable vegetation present.
Aspidoscelis hyperythra	orange-throated whiptail	None/WL	Low-elevation coastal scrub, chaparral, and valley–foothill hardwood	Covered	**Moderate potential to occur**. Some suitable vegetation present within study area.
Aspidoscelis tigris stejnegeri	San Diegan tiger whiptail	None/SSC	Hot and dry areas with sparse foliage, including chaparral, woodland, and riparian areas.	None	**Low potential to occur**. Some suitable vegetation present but area lacks
Crotalus ruber	red diamondback rattlesnake	None/SSC	Coastal scrub, chaparral, oak and pine woodlands, rocky grasslands, cultivated areas, and desert flats	None	**Moderate potential to occur.** Appropriate habitat is present in study area.
Diadophis punctatus similis	San Diego ringneck snake	None/None	Moist habitats including wet meadows, rocky hillsides, gardens, farmland grassland, chaparral, mixed-conifer forest, and woodland habitats	None	**Not expected to occur**. No suitable vegetation present.

Scientific Name	Common Name	Status (Federal/ State)	Habitat	Draft Encinitas Subarea Plan	Potential to Occur
Emys marmorata	western pond turtle	None/SSC	Slow-moving permanent or intermittent streams, ponds, small lakes, and reservoirs with emergent basking sites; adjacent uplands used for nesting and during winter	Covered	**Not expected to occur**. No suitable vegetation present.
Phrynosoma blainvillii	Blainville's horned lizard	None/SSC	Open areas of sandy soil in valleys, foothills, and semi-arid mountains including coastal scrub, chaparral, valley–foothill hardwood, conifer, riparian, pine–cypress, juniper, and annual grassland habitats	None	**Not expected to occur**. Habitats in study area are sloped and on lands that lack open areas.
Plestiodon skiltonianus interparietalis	Coronado skink	None/WL, SCE	Woodlands, grasslands, pine forests, and chaparral; rocky areas near water	None	**Not expected to occur**. No suitable vegetation present.
Salvadora hexalepis virgultea	coast patch-nosed snake	None/SSC	Brushy or shrubby vegetation; requires small mammal burrows for refuge and overwintering sites	None	**Not expected to occur**. No suitable vegetation present; no small mammal burrows observed.
Thamnophis hammondii	two-striped gartersnake	None/SSC, SCE	Streams, creeks, pools, streams with rocky beds, ponds, lakes, vernal pools	None	**Not expected to occur**. No suitable vegetation present.
Thamnophis sirtalis ssp.	south coast garter snake	None/SSC	Marsh and upland habitats near permanent water and riparian vegetation	None	**Not expected to occur**. No suitable vegetation present.

Appendix E

Coastal California Gnatcatcher Survey Report

DUDEK
MAIN OFFICE
605 THIRD STREET
ENCINITAS, CALIFORNIA 92024
T 800.450.1818 F 760.632.0164

June 21, 2023 15198

U.S. Fish and Wildlife Service
Attention: Recovery Permit Coordinator
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

Subject: 2023 Focused California Gnatcatcher Survey Report for the Ocean Bluff Project, City of Encinitas, San Diego County, California

Dear Recovery Permit Coordinator:

This report documents the results of six protocol-level presence/absence surveys for coastal California gnatcatcher (*Polioptila californica californica*) conducted on the Ocean Bluff project (project) by Dudek biologists between March 31 and May 12, 2023. The parcel is located in the City of Encinitas (City), San Diego County, California, south of Encinitas Boulevard and north of Ocean Bluff way. The 7.2-acre property contains 2.23 acres mapped as suitable California gnatcatcher habitat. California gnatcatcher was previously recorded adjacent to the project site during a reconnaissance-level survey conducted in July 2016; the 2023 focused survey was conducted throughout the entire project site.

The California gnatcatcher is a federally listed threatened species and a California Department of Fish and Wildlife (CDFW) Species of Special Concern. It is closely associated with coastal sage scrub habitat and is therefore threatened primarily by loss, degradation, and fragmentation of this habitat. The California gnatcatcher typically occurs below 820 feet above mean sea level (amsl) within 22 miles of the coast and 1,640 feet amsl for inland regions (Atwood and Bolsinger 1992). Studies have suggested that gnatcatchers avoid nesting on very steep slopes (greater than 40%) (Bontrager 1991). California gnatcatcher is also impacted by brown-headed cowbird (*Molothrus ater*) nest parasitism (Braden et al. 1997).

This report is intended to satisfy reporting requirements for surveys conducted by Kamarul Muri and Erin McKinney as listed authorized individuals under permit number #TE-813545.

Project Location and Existing Conditions

The Ocean Bluff project site (Assessor's Parcel Numbers: 2581412600, 2581412400, 2581412300, and 2581412500) is located at 554-598 Ocean Bluff Way on the north side of Ocean Bluff Way in the City of Encinitas (City), California (Figure 1, Project Location). The site is mapped in Section 15, Township 13 South, Range 4 West on the Encinitas U.S. Geological Survey (USGS) 7.5-minute quadrangle (Figure 1); longitude -117.274528° W and latitude 33.047406° N.

Topography on the site ranges from about 199 feet above mean sea level (AMSL) on the northern edge of the project, to 304 feet AMSL in the southern portion of the site. A commercial plant nursery used to be located on project site; it was demolished in 2007 but the driveway and several small paved areas remain. Most of the project

site now sits undeveloped and unused; disturbed habitat is the dominant land cover type. Existing native vegetation on site consists of Diegan coastal sage scrub, sage-chapparal transition, and southern maritime chaparral. Adjacent land uses include existing residential directly south, with mostly commercial uses to the north, east, and west; a small religious shrine directly abuts the western edge of the project; Encinitas Boulevard directly abuts the northern edge of the project site at the bottom of a steep slope.

Three soils series are mapped on the project site: Chesterton fine sandy loam, 2% to 5% slopes; Corralitos loamy sand, 5% to 9% slopes; and Loamy alluvial land-Huerhuero complex, 9 to 50 percent slopes. The Corralitos series consists of somewhat excessively drained, very deep loamy sands that formed from alluvium derived from marine sandstone. The Chesterton series are moderately well-drained fine sandy loams formed on uplifted marine sediments and old terraces. The Huerhuero series consists of very deep, moderately well drained soils (NRCS 2023).

Vegetation Communities

Based on species composition and general physiognomy and in accordance with Holland (1986) and Oberbauer et al. (2008), five vegetation communities and land covers are present on the property. Three communities composed of native vegetation are present: Diegan coastal sage scrub (including disturbed forms), southern maritime chaparral, and coastal sage-chaparral transition. Two non-native land covers are present within the project site: disturbed habitat and urban/developed. Acreages of vegetation communities and land covers are listed in Table 1, and their spatial distribution is depicted in Figure 2.

Table 1. Vegetation Communities and Land Covers within the Project Site and Survey Area

Vegetation Community/Land Cover	Habitat Code	Property Acres
Native Vegetation Community		
Coastal Sage-Chaparral Transition	37G00	0.25
Diegan Coastal Sage scrub	32500	1.38
Southern Maritime Chaparral	37C30	0.6
	Subtotal	*2.23*
Non-native Land Covers		
Disturbed Habitat	11300	4.58
Urban/Developed	12000	0.38
	Subtotal	*4.96*
	Total	**7.19**

Diegan Coastal Sage Scrub

Diegan coastal sage scrub is the most widespread coastal sage scrub in coastal Southern California, extending from Los Angeles into Baja California (Oberbauer et al. 2008). The community mostly consists of drought-deciduous species such as California sagebrush (i.e., coastal sagebrush), California buckwheat (*Eriogonum fasciculatum*), white sage (*Salvia apiana*), laurel sumac (*Malosma laurina*), and black sage (*Salvia mellifera*). Diegan coastal sage

scrub is typical on low-moisture-available sites, such as steep, xeric slopes or clay-rich soils that release stored water slowly. This community integrates with types of chaparral at higher elevations.

Diegan coastal sage scrub occurs towards the northeastern corner of the project. Areas on site mapped as Diegan coastal sage scrub are generally dominated by California sagebrush and California buckwheat with scattered lemonade berry (*Rhus integrifolia*) and laurel sumac. Within the project, this community occurs almost entirely on sloped lands which lead down towards Encinitas Boulevard.

Southern Maritime Chaparral

Southern maritime chaparral is a low and fairly open community dominated by wart-stemmed ceanothus (*Ceanothus verrucosus*) and Del Mar manzanita (*Arctostaphylo glandulosa* spp. *crassifolia*). It develops primarily on weathered stands in the coastal fog belt. Fire may be necessary for long-term persistence of characteristic species. Characteristic species associated with stands of this chaparral community include chamise (*Adenostoma fasciculatum*), Del Mar manzanita, Encinitas baccharis (*Baccharis vanessae*), wart-stemmed ceanothus, coast spice bush (*Cneoridium dumosum*), summer-holly (*Comarostaphylis diversifolia*), San Diego sea-dahlia (*Leptosyne maritima*), Del Mar Mesa sand aster (*Corethrogyne filaginifolia* var. *linifolia*), western dichondra (*Dichondra occidentalis*), toyon (*Heteromeles arbutifolia*), Torrey pine (*Pinus torreyana*), Nuttall's scrub oak (*Quercus dumosa*), laurel sumac (*Malosma laurina*), sugar bush (*Rhus ovata*), fragrant sage (*Salvia clevelandii*), mission manzanita (*Xylococcus bicolor*), and Mohave yucca (*Yucca schidigera*) (Oberbauer et al. 2008).

On site, southern maritime chaparral is dominated by a combination of chamise and California buckwheat with an understory composed of a variety of native and non-native annuals; erosion is occurring at the margins of this community where off-road vehicle use has removed native vegetation. Wart-stemmed ceanothus and Ashy spike-moss (*Selaginella cinerascens*) were identified within this community in the northwestern portion of the project site.

Urban/Developed Land

Urban/Developed land consists of buildings, structures, homes, parking lots, paved roads, and maintained areas with paved or other impermeable surfaces. Developed areas do not support native vegetation. Within the project site, urban/developed lands include a small area of existing concrete driveway, as well as paved access-ways built into the sloped lands at the project site's northeastern corner.

Disturbed Habitat

Disturbed habitat refers to areas that are not developed yet lack vegetation, and generally are the result of severe or repeated mechanical perturbation and can often have compacted soils. The majority of disturbed habitat on-site consists of relatively flat lands occurring in the location of the former nursery. The majority of the site is disturbed habitat currently scattered with species such as hottentot-fig, crown daisy (*Glebionis coronaria*), and mustard (*Hirschfeldia incana*).

Methods

The entire property was surveyed six times by Dudek biologists Kamarul Muri and Erin McKinney (Authorized Individuals, Permit # TE-813545) according to the schedule provided in Table 2. The surveys were conducted in conformance with the currently accepted protocol of the U.S. Fish and Wildlife Service (USFWS 1997) for projects that are not within an NCCP jurisdiction.

Table 2. Schedule of Surveys

Date	Time	Surveyor	Survey Conditions
3/31/23	0845 – 1130	K. Muri	50–59°F; 0–30% cloud cover; 0–5 mph wind
4/14/23	0858 – 1130	K. Muri	50–59°F; 0–30% cloud cover; 1–4 mph wind
4/21/23	1002 – 1157	K. Muri	67–72°F; 0% cloud cover; 0–8 mph wind
4/28/23	0820 - 1020	E. Mckinney	56 - 59°F; 100% cloud cover; 0-2 mph wind
5/05/23	0931 - 1132	K. Muri	58–62°F; 100% cloud cover; 1–5 mph wind
5/12/23	1002 - 1233	K. Muri	60–63°F; 80–100% cloud cover; 1–3 mph wind

A digital recording of California gnatcatcher vocalizations was played approximately every 50 to 100 feet was used to induce responses from potentially present gnatcatchers. If a gnatcatcher was detected, playback of gnatcatcher vocalizations was immediately terminated to minimize potential for harassment. A 100-scale (1 inch = 100 feet) aerial photograph of the project site overlaid with the vegetation and site boundaries was used to map any gnatcatchers detected. Binoculars (10 x 42) were used to aid in detecting and identifying bird species. Weather conditions, time of day, and season were appropriate for the detection of gnatcatchers. Survey routes are shown in Figure 2.

Results

California gnatcatcher was observed during the focused survey (Figure 2). Despite the relatively small size of the available habitat within the project site boundary and lands immediately adjacent, a pair of adults was first observed during the initial survey on March 31, 2023, near the upper portions of the slope on the project site's eastern border; the two birds were responsive to vocalization playback. Direct observations of the pair and/or the male or female individuals were made during each of the following surveys conducted in April and May, though the pair and/or any other gnatcatchers were not observed during the final survey on May 12, 2023. Observations of the birds were focused on the northern and eastern sides of the sloped lands in the project with both the male and female generally observed flying eastwards upon initial detection with and without responding to playback.

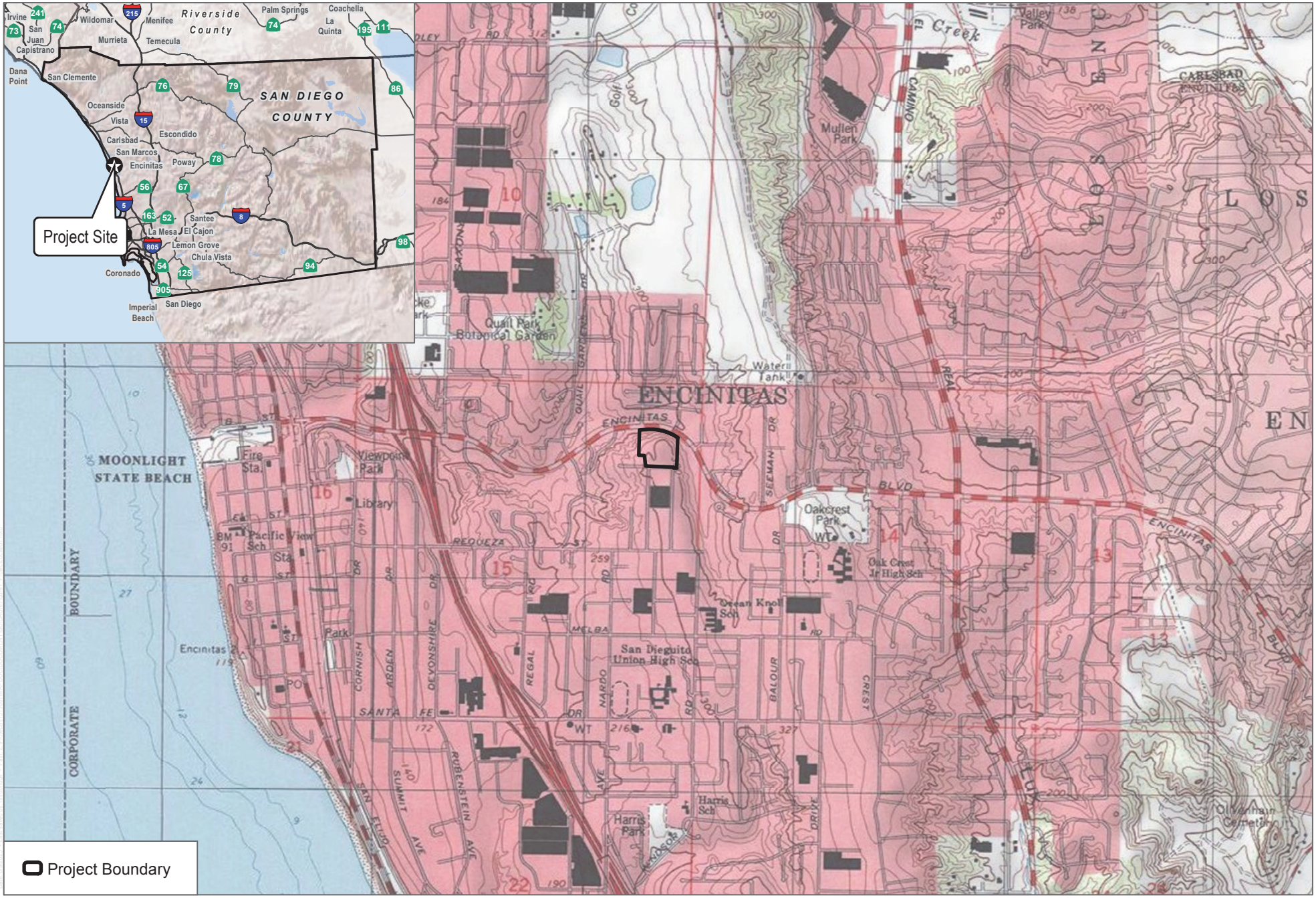
Although an active nest or other direct evidence of nesting (i.e., carrying nesting material, etc.) was not observed, based on the use areas and the territorial behaviors observed during the surveys, a breeding territory for the observed gnatcatcher pair likely occurs in the northeastern portion of the site and adjacent areas to the east. A full list of wildlife species observed during the surveys is provided in Appendix A. I certify that the information in this survey report and attached exhibits fully and accurately represents my work. Feel free to contact me at kmuri@dudek.com with questions or if you require additional information.

Sincerely,

Kamarul Muri
Senior Biologist; Permit # TE-813545

Erin McKinney
Senior Habitat Restoration Specialist,
Permit # TE-813545

Att.: *Figures 1-2*
A, Wildlife Species Observed
cc.: *Erin McKinney, Dudek*



SOURCE: USGS 7.5-minute Series Encinitas Quadrangle

DUDEK

0 1,000 2,000 Feet

FIGURE 1

Project Location

Ocean Bluff Project

SOURCE: SANGIS 2019

DUDEK

0 75 150 Feet

FIGURE 2

California Gnatcatcher Survey Route and Results

Ocean Bluff Project

Attachment A

Wildlife Species Observed

Birds

Blackbirds, Orioles and Allies

ICTERIDAE – BLACKBIRDS

Icterus cucullatus – hooded oriole

Sturnella neglecta – western meadowlark

Falcons

FALCONIDAE – CARACARAS AND FALCONS

Falco sparverius – American kestrel

Finches

FRINGILLIDAE – FRINGILLINE AND CARDUELINE FINCHES AND ALLIES

Haemorhous mexicanus – house finch

Spinus psaltria – lesser goldfinch

Flycatchers

TYRANNIDAE – TYRANT FLYCATCHERS

Sayornis nigricans – black phoebe

Tyrannus verticalis – western kingbird

Tyrannus vociferans – Cassin's kingbird

Hawks

ACCIPITRIDAE – HAWKS, KITES, EAGLES, AND ALLIES

Accipiter cooperii – Cooper's hawk

Hummingbirds

TROCHILIDAE – HUMMINGBIRDS

Calypte anna – Anna's hummingbird

Selasphorus sasin – Allen's hummingbird

Jays, Magpies and Crows

CORVIDAE – CROWS AND JAYS

Aphelocoma californica – California scrub-jay

Corvus brachyrhynchos – American crow

Mockingbirds and Thrashers

MIMIDAE – MOCKINGBIRDS AND THRASHERS

Mimus polyglottos – northern mockingbird

Old World Sparrows

PASSERIDAE – OLD WORLD SPARROWS

* *Passer domesticus* – house sparrow

Old World Warblers and Gnatcatchers

POLIOPTILIDAE – GNATCATCHERS

Polioptila californica californica – coastal California gnatcatcher

Pigeons and Doves

COLUMBIDAE – PIGEONS AND DOVES

Zenaida macroura – mourning dove

Starlings and Allies

STURNIDAE – STARLINGS

* *Sturnus vulgaris* – European starling

Swallows

HIRUNDINIDAE – SWALLOWS

Stelgidopteryx serripennis – northern rough-winged swallow

Swifts

APODIDAE – SWIFTS

Aeronautes saxatalis – white-throated swift

Thrushes

TURDIDAE – THRUSHES

Sialia mexicana – western bluebird

Wood Warblers and Allies

PARULIDAE – WOOD-WARBLERS

Setophaga coronata – yellow-rumped warbler

Setophaga nigrescens – black-throated gray warbler

Wrens

TROGLODYTIDAE – WRENS

Troglodytes aedon – house wren

Thryomanes bewickii – Bewick's wren

New World Sparrows

PASSERELLIDAE – NEW WORLD SPARROWS

Melospiza melodia – song sparrow

Melozone crissalis – California towhee

Pipilo maculatus – spotted towhee

Zonotrichia leucophrys – white-crowned sparrow

Typical Warblers, Parrotbills, Wrentit

SYLVIIDAE – SYLVIID WARBLERS

Chamaea fasciata – wrentit

Invertebrates

Butterflies

NYMPHALIDAE – BRUSH-FOOTED BUTTERFLIES

Vanessa annabella – west coast lady

HESPERIIDAE – SKIPPERS

Erynnis funeralis – funereal duskywing

Reptiles

Lizards

PHRYNOSOMATIDAE – IGUANID LIZARDS

Sceloporus occidentalis – western fence lizard

Uta stansburiana – common side-blotched lizard

ANGUIDAE – ALLIGATOR LIZARDS

Elgaria multicarinata – southern alligator lizard

* signifies introduced (non-native) species