

C. BIOLOGICAL RESOURCES

Environmental Science Associates (ESA) conducted biological reconnaissance surveys in March 2003 at the MDR and PDR lots to update past reconnaissance surveys conducted by the Chambers Group in March 2000. Both the ESA 2003 and Chambers Group 2000 surveys documented existing biological conditions and assessed potential habitat for special-status plant and wildlife species. Species-specific surveys conducted for the project include:

- Special-status invertebrate species survey at MDR and PDR (Arnold, 2003) (see Appendix B)
- Burrowing owl surveys, which were equivalent to Phase I, II, and III of protocol surveys developed by the Santa Cruz Predatory Bird Research Group (Chambers Group, 2000)

ENVIRONMENTAL SETTING

The MDR and PDR lots lie within the South Coast subregion of southwestern California (Hickman, 1993). This subregion primarily supports a mosaic of coastal sage scrub, chaparral, and annual grassland habitats. Most of this subregion which extends from Santa Barbara to the Mexico border has been urbanized, resulting in a great loss of habitat.

MDR and PDR are located on the Southern California coast at Santa Monica Bay. Current land uses within the project area include commercial, residential and open space. The lots are situated within an urban environment and lie outside the boundaries of the Coastal Zone (see Section 10, Land Use and Planning). The MDR lot (Cluster 12) lies north of the entrance of Marina del Rey Channel. The site is bordered by residential apartment buildings on the north and south, Venice Beach on the west, and a paved alleyway on the east. The PDR lots (Clusters 1–11) are approximately one-half mile south of Ballona Creek and its associated wetlands, one mile east of Dockweiler Beach State Park, and one mile north of the Los Angeles International Airport (LAX). The PDR lots are on the plateau of a coastal bluff from which a steep cliff descends approximately 100 feet to the Ballona wetlands. The bluff itself is relatively flat. The Ballona wetlands support both non-degraded and degraded wetlands, agricultural fields (which were formerly wetlands), and upland areas designated as environmentally sensitive by the California Department of Fish and Game (CDFG) (Los Angeles County, 1995). A residential and private open space buffer zone separates the PDR project lots from the Ballona Creek wetlands area.

VEGETATION

In March 2003, ESA conducted a reconnaissance survey at MDR. During this period, the Cluster 12 site supported a small, degraded coastal dune scrub plant community. The site had been seeded with an ornamental wildflower mix, but also supported some native species, including dune tansy (*Tanacetum camphoratum*) on a sand mound. The dominant non-native species included iceplant (also commonly referred as hottentot fig) (*Carpobrotus edulis*) and barley (*Hordeum* species). Sea rocket (*Cakile edentula*), a common non-native dune plant, was also

observed on the sand mound. Following ESA's site reconnaissance survey, the site was substantially disturbed. Much of the vegetation was removed, notably the ornamental wildflowers and iceplant. The sand mound, which supported dune tansy and sea rocket, was leveled. The site (Cluster 12) currently supports mostly annual grasses.

The PDR lots are of varying sizes.¹ Most sites are surrounded by residential uses, such as adjacent lots with one-family residences or small apartment buildings and residential streets. The sites at PDR support primarily non-native, ornamental vegetation on disturbed sandy soils. The dominant plant species observed include iceplant, English ivy (*Hedera helix*), and landscaping lawn grass. Eucalyptus (*Eucalyptus globulus*) is the dominant tree species observed at most of the sites. About half of the sites are routinely mowed, completely or partially, for aesthetics and fire reduction. Herbicides are used to maintain weeds at these sites. In areas that are not mowed, ruderal vegetation has established, including non-native annual grasses and herbs.

ANIMALS

Very few wildlife species were detected during the surveys (Chambers Group, 2000). Those animals detected and expected at the site are indicative of the urban landscape, which covers the project area. Wildlife species typical of urban areas were observed, including American crow, sparrow, house finch, European starling, domestic pigeon, and rock dove. Common insects, including ants, honey bees, and solitary bees, were also observed at most of the sites. Trees larger than 12 inches in diameter at breast height (dbh) were surveyed for the presence of raptor nests, but none were found. Although many native bird species inhabit the Ballona wetlands near the project, the MDR and PDR lots provide little or no biological value to those birds. No native mammal species were detected during the surveys, other than domestic dogs (*Canis familiaris*) and cats (*Felis domesticus*). Mammals that typically inhabit urban sites include black and Norway rat (*Rattus rattus* and *R. norvegicus*) and house mouse (*Mus musculus*). Although none were observed in site surveys, they can be expected to be present on the lots proposed for sale.

SPECIAL-STATUS SPECIES

Based on electronic database searches using the California Natural Diversity Database (CNDDDB) (CDFG, 2003) and the California Native Plant Society Electronic Inventory (CNPS, 2003), 46 species were considered in evaluating the potential occurrence of special-status species at the PDR and MDR lots (Table 4.C-1). These include eight special-status plants and 38 special-status animal species. Only those species that have a reasonable potential to be affected by future development through habitat loss or construction-related disturbance are discussed below. These species include globose dune beetle, monarch butterfly, and special-status avian species protected under the Migratory Bird Treaty Act and Sections 3503, 3503.5, 3511, and 3800 of the California Fish and Game Code.

¹ Refer to *Biological Technical Report for Sale of SoCal Gas Properties Playa del Rey and Marina del Rey* (Chambers Group, 2000) for a description of vegetation at each lot (see Appendix D).

**TABLE 4.C-1
POTENTIAL OCCURRENCE OF SPECIAL-STATUS SPECIES AND
SENSITIVE HABITATS AT THE PDR AND MDR LOTS**

Common Name Scientific Name	Status FWS/CDFG/ CNPS	General Habitat	Potential to Occur at PDR and MDR Lots
LISTED SPECIES			
PLANTS			
Ventura marsh milk-vetch <i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	FE/CE/1B	Coastal salt marsh.	Low Potential. Only known at one site in Ventura County. Historically occurred at Ballona marshes on north side of MDR in early 1900s. No suitable habitat at PDR and MDR lots.
San Fernando Valley spineflower <i>Chorizanthe parryi</i> var. <i>fernandina</i>	FSC/CE/1B	Coastal dune scrub.	Low Potential. Reported near Ballona Creek at MDR in early 1900s. Potential habitat but not observed during surveys.
Beach spectaclepod <i>Dithyrea maritima</i>	FSC/CT/1B	Coastal sand dunes and coastal scrub.	Low Potential. Observed at Ballona marshes at MDR in early 1900s. Potential habitat but not observed during surveys.
ANIMALS			
Mammals			
Pacific pocket mouse <i>Perognathus longimembris</i> <i>pacificus</i>	FE/CSC	Sandy to rocky soils in coastal sage scrub in southern coastal plains; possibly extinct.	Low Potential. Historically occurred at MDR in 1938. Suitable habitat for this species does not occur within the PDR and MDR Lots.
Birds			
Western snowy plover (nesting colony) <i>Charadrius alexandrinus</i> <i>nivosus</i>	FT/CSC	Sandy beaches on marine and estuarine shores; requires sandy, gravely, or friable soils for nesting.	Low Potential. Historically nested at PDR and Dockweiler State Beach, 1894–1914. No suitable nesting habitat at PDR and MDR lots.
California black rail <i>Laterallus jamaicensis</i> <i>coturniculus</i>	FSC/CT	Coastal salt marsh.	Low Potential. Reportedly occurred at PDR in 1928. No suitable nesting habitat at PDR and MDR lots.
Belding's savannah sparrow <i>Passerculus andwhichensis</i> <i>beldingi</i>	FSC/CE	Nests in Southern California coastal marshes; frequents pickleweed in a few scattered saline emergent wetlands from Santa Barbara County south. Nests on the ground under vegetation.	Low Potential. Reported on south side of Ballona Creek west of Culver Boulevard and Jefferson Blvd. intersection in 2001. No suitable nesting habitat within PDR and MDR lots.

TABLE 4.C-1 (Continued)
POTENTIAL OCCURRENCE OF SPECIAL-STATUS SPECIES AND
SENSITIVE HABITATS AT THE PDR AND MDR LOTS

Common Name <i>Scientific Name</i>	Status FWS/CDFG/ CNPS	General Habitat	Potential to Occur at PDR and MDR Lots
LISTED SPECIES (cont.)			
Birds (cont.)			
Coastal California gnatcatcher (nesting) <i>Polioptila californica californica</i>	FT/CSC	Low coastal sage scrub in arid washes, on mesas and slopes.	Low Potential. Reported at Baldwin Hills in Culver City vicinity. No suitable nesting habitat within PDR and MDR lots.
California least tern (nesting colony) <i>Sterna antillarum browni</i>	FE/CE	Nests along the coast from San Francisco Bay south to northern Baja California; colonial breeder on bare or sparsely vegetated flat substrates, including sand beaches, alkali flats, land fills, or paved areas.	Low Potential. Observed nesting at MDR and PDR in 1996 and 1987. No nesting habitat at PDR and MDR lots.
Invertebrates			
El Segundo blue butterfly <i>Euphilotes battoides allyni</i>	FE/--	Coastal dunes with adult and larva host plant <i>Eriogonum parvifolium</i> .	Absent. Populations known from three fragments of habitat, with El Segundo Dunes west of LAX Airport being the largest site. No suitable habitat observed at PDR and MDR lots. Not observed during special-status invertebrate species surveys (Appendix B).
SPECIES OF SPECIAL CONCERN			
Mammals			
Pallid bat <i>Antrozous pallidus</i>	--/CSC	Roost in caves, crevices, open buildings, mines, and tunnels, feeding mostly on ground insects; locally common species of low elevations in California.	Low Potential. No reported occurrences. Suitable habitat for this species does not occur at the PDR or MDR lots.
Western mastiff bat <i>Eumops perotis</i>	FSC/CSC	Roosts in crevices on cliff faces, high buildings, trees, and tunnels, foraging on high flying insects; uncommon resident in southeastern San Joaquin Valley and Coastal Ranges from Monterey County southward through Southern California, from the coast eastward to the Colorado Desert.	Low Potential. No reported occurrences. Suitable habitat for this species does not occur at the PDR or MDR lots.
Long-eared myotis <i>Myotis evotis</i>	FSC/--	Roosts in buildings and crevices, under bark and snags, feeding on arthropods; occurs along the entire coast.	Low Potential. No reported occurrences. Suitable habitat for this species does not occur at the PDR or MDR lots.

TABLE 4.C-1 (Continued)
POTENTIAL OCCURRENCE OF SPECIAL-STATUS SPECIES AND
SENSITIVE HABITATS AT THE PDR AND MDR LOTS

Common Name <i>Scientific Name</i>	Status FWS/CDFG/ CNPS	General Habitat	Potential to Occur at PDR and MDR Lots
SPECIES OF SPECIAL CONCERN (cont.)			
Mammals (continued)			
Townsend's big eared bat <i>Plecotus townsendii townsendii</i>	FSC/CSC	Roosts in caves, mines, tunnels, and buildings, feeding on moths; found in all but subalpine and alpine habitats, and may be found during any season throughout its range; abundant in mesic sites.	Low Potential. No reported occurrences. Suitable habitat for this species does not occur at the PDR or MDR lots.
Yuma myotis <i>Myotis yumanensis</i>	FSC/CSC	Roosts with other species in buildings, mines, caves, and crevices, feeding on flying insects; found in a wide variety of habitats ranging from sea level to 11,000 feet, but it is uncommon to rare above 8000 feet; optimal habitats are open forests and woodlands with sources of water over which to feed.	Low Potential. No reported occurrences. Suitable habitat for this species does not occur at the PDR or MDR lots.
Birds			
Burrowing owl <i>Athene cunicularia</i>	FSC/CSC	Open, flat, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation with ground squirrel burrows.	Low Potential. Reported in vicinity of PDR at junction of Culver Boulevard and Jefferson Boulevard. Potential habitat on less disturbed sites near open space (e.g., Cluster 8, 10 and 11). Not observed during Chambers Group 2000 surveys.
Reptiles			
Southwestern pond turtle <i>Clemmys marmorata pallida</i>	FSC/CSC	Lakes, ponds, reservoirs, and slow-moving streams and rivers, primarily in foothills and lowlands.	Low Potential. Reported at MDR in 1987. No suitable habitat at PDR and MDR lots.
Invertebrates			
Sandy beach tiger beetle <i>Cicindela hirticollis gravida</i>	FSC/--	Clean, dry, light-colored sandy areas adjacent to non-brackish water.	Absent. Reported on Dockweiler Beach at PDR in 1979, about one-third mile west of project site. Not observed during special-status invertebrate species surveys (Appendix B).
Globose dune beetle <i>Coelus globulus</i>	FSC/--	Foredunes and sand hummocks; burrows beneath sand surface typically under dune vegetation.	Present. Historically occurred on foredunes bordering Dockweiler Beach. Marginally suitable habitat occurs at Cluster 12 (MDR).

TABLE 4.C-1 (Continued)
POTENTIAL OCCURRENCE OF SPECIAL-STATUS SPECIES AND
SENSITIVE HABITATS AT THE PDR AND MDR LOTS

Common Name <i>Scientific Name</i>	Status FWS/CDFG/ CNPS	General Habitat	Potential to Occur at PDR and MDR Lots
<u>SPECIES ON OTHER LISTS</u>			
PLANTS			
Southern tarplant <i>Centromadia parryi</i> subspecies <i>australis</i>	--/--/1B	Margins of marshes and swamps, in grassland, and in vernal pools often on disturbed sites.	Low Potential. Occurred at Ballona marshes at MDR in early 1900s; not observed in 1997. No suitable habitat at PDR and MDR lots.
Orcutt's pincushion <i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i>	--/--/1B	Coastal bluff scrub and coastal dunes.	Low Potential. Reported at Dockweiler Beach at PDR in 1980. No suitable habitat at PDR and MDR lots.
Coulter's goldfieds <i>Lasthenia glabrata</i> subspecies <i>coulteri</i>	--/--/1B	Coastal salt marshes and swamps, grassland, and vernal pools, often on alkaline soils.	Low Potential. Occurred at Ballona marshes at MDR in early 1900s; not observed in 1981. No suitable habitat at PDR and MDR lots.
Brand's phacelia <i>Phacelia stellaris</i>	--/--/1B	Open areas of coastal scrub and coastal sand dunes.	Low Potential. Historically occurred at PDR in the 1940s. No suitable habitat at PDR and MDR lots.
Ballona cinquefoil <i>Potentilla multijuga</i>	--/--/1A	Brackish meadows and seeps in Los Angeles County.	Low Potential. Occurred at Ballona marshes at MDR in late 1800s; possibly extirpated. No suitable habitat at PDR and MDR lots.
ANIMALS			
Invertebrates			
Belkin's dune tabanid fly <i>Brennania belkini</i>	--/*	Coastal sand dunes.	Absent. Known to occur at El Segundo Dunes in 1987 and PDR east of Vista Del Mar in 1980. Not observed during special-status invertebrate species surveys (Appendix B).
Busck's gall moth <i>Carolella busckana</i>	--/*	Coastal sand dunes.	Absent. Not observed during special-status invertebrate species surveys (Appendix B).
Tiger beetle <i>Cicindela gabbi</i>	--/*	Salt marshes.	Absent. Not observed during special-status invertebrate species surveys (Appendix B).

TABLE 4.C-1 (Continued)
POTENTIAL OCCURRENCE OF SPECIAL-STATUS SPECIES AND
SENSITIVE HABITATS AT THE PDR AND MDR LOTS

Common Name <i>Scientific Name</i>	Status FWS/CDFG/ CNPS	General Habitat	Potential to Occur at PDR and MDR Lots
<u>SPECIES ON OTHER LISTS (cont.)</u>			
Invertebrates (cont.)			
Tiger beetle <i>Cicindela latesignata</i> <i>latesignata</i>	--/*	Salt marshes.	Absent. Not observed during special-status invertebrate species surveys (Appendix B).
Tiger beetle <i>Cicindela senilis frosti</i>	--/*	Salt marshes.	Absent. Not observed during special-status invertebrate species surveys (Appendix B).
Channel Islands dune beetle <i>Coelus pacificus</i>	--/--	Coastal sand dunes.	Absent. Not observed during special-status invertebrate species surveys (Appendix B).
Monarch butterfly <i>Danaus plexipus</i> (overwintering sites)	--/*	Dense, wind-protected tree groves (eucalyptus, Monterey pine, Monterey cypress) near the coast from northern Mendocino to Baja California.	Moderate Potential. Numerous observed in 1988, 1990, and December 1997 in dense eucalyptus grove on the south edge of Ballona wetlands. Potential temporary roosting site at PDR, Cluster 9. No roosting observed during ESA 2003 survey.
Henne's eucosman moth <i>Eucosma hennei</i>	--/*	Known to occur at El Segundo Dunes and Oso Flaco.	Absent. Reported to occur at El Segundo Dunes west of LAX airport in 1984. Not observed during special-status invertebrate species surveys (Appendix B).
Lange's El Segundo dune weevil <i>Onychobaris langei</i>	--/*	Coastal sand dunes, endemic at El Segundo dunes.	Absent. Historically occurred at El Segundo Dunes west of LAX airport in 1938. Not observed during special-status invertebrate species surveys (Appendix B).
Salt marsh skipper <i>Panoguina errans</i>	--/*	Coastal salt marsh - host plants include <i>spartina</i> species or <i>distichlis spicata</i> - flight season is June–September.	Absent. Reported at Ballona salt marsh. No suitable habitat at PDR and MDR lots. Not observed during special-status invertebrate species surveys (Appendix B).
Ford's sand dune moth <i>Psammobotys fordi</i>	--/--	Coastal sand dunes.	Absent. Not observed during special-status invertebrate species surveys (Appendix B).

TABLE 4.C-1 (Continued)
POTENTIAL OCCURRENCE OF SPECIAL-STATUS SPECIES AND
SENSITIVE HABITATS AT THE PDR AND MDR LOTS

Common Name <i>Scientific Name</i>	Status FWS/CDFG/ CNPS	General Habitat	Potential to Occur at PDR and MDR Lots
<u>SPECIES ON OTHER LISTS (cont.)</u>			
Invertebrates (cont.)			
El Segundo flower-loving fly <i>Rhaphiomidas terminatu terminatus</i>	--/--	Coastal sand dunes.	Absent. Not observed during special-status invertebrate species surveys (Appendix B).
Dorothy's El Segundo dune weevil <i>Trigonoscuta dorothea</i>	--/*	Coastal sand dunes in Los Angeles County.	Absent. Reported at El Segundo Dunes west of LAX airport and south of Ballona Creek in 1980. Not observed during special-status invertebrate species surveys (Appendix B).
Mimic tryonia (=California brackish water snail) <i>Tryonia imitator</i>	--/*	Coastal lagoons and salt marshes from Sonoma County south to San Diego County.	Low Potential. Reported to occur along Ballona Creek in 1974. No suitable habitat at PDR and MDR lots.
Birds			
Great blue heron <i>Ardea herodias</i>	--/*	Usually nests in colonies in tops of secluded large snags or live trees, usually among the tallest available.	Low to Moderate Potential. Potential nesting habitat on most PDR lots. However, surrounding human disturbances may deter nesting.
Raptors (e.g., red-tailed hawk (<i>Buteo jamaicensis</i>))	--/3503.5	Large diameter trees in open groves or isolated trees	Moderate Potential. Potential habitat within trees on PDR lots, including, Clusters 2, 3, 4, 6, 8, 9, and 11.
<u>SENSITIVE HABITATS</u>			
Southern coastal salt marsh	--/S2.1/--	Typically, <i>Frankenia</i> species, <i>Suaeda</i> , and/or <i>Salicornia subterminalis</i> occur along the upper landward edges of the marshes; <i>Salicornia bigelovii</i> , <i>S. virginica</i> , and <i>Batis maritima</i> at middle elevations; and <i>Spartina</i> closest to open water.	Absent. Occurs at mouth of Ballona Creek, between MDR on the north and Del Rey Bluffs on the south; creek diked and marsh does not get regular tidal flow.
Southern dune scrub	--/S1.1/--	Dominant species at El Segundo Dunes include <i>Ericameria ericoides</i> , <i>Lupinus chamissonis</i> , <i>Isomeris arobrea</i> , <i>Rhus integrifolia</i> , <i>Eriogonum parvifolium</i> .	Absent. El Segundo Dunes, west of LAX airport.

TABLE 4.C-1 (Continued)
POTENTIAL OCCURRENCE OF SPECIAL-STATUS SPECIES AND
SENSITIVE HABITATS AT THE PDR AND MDR LOTS

Status Codes:Federal Categories (U.S. Fish and Wildlife Service)

FE = Listed as Endangered by the Federal Government
 FT = Listed as Threatened by the Federal Government
 FSC = Federal Species of Concern
 FP = Federally proposed for listing

California Native Plant Society (CNPS)

List 1A = Plants presumed extinct in California
 List 1B = Plants rare, threatened, or endangered in California and elsewhere
 List 2 = Plants rare, threatened, or endangered in California but more common
 List 3 = Plants about which more information is needed
 List 4 = Plants of limited distribution

State Categories (California Department of Fish & Game)

CE = Listed as Endangered by the State of California
 CT = Listed as Threatened by the State of California
 CR = Listed as Rare by the State of California
 S1.1 = Less than 6 Element Occurrences or less than 1,000 individuals or less than 2,000 acres; very threatened (State Ranking)
 S2.1 = 6-20 Element Occurrences or 1,000-3,000 individuals or 2,000-10,000 acres; very threatened (State Ranking)
 * = California Department of Fish and Game, Natural Diversity Database. January 2003. Special Animals List. Biannual publication, Mimeo.
 Section 3503.5 = unlawful to take, possess, or destroy any raptors or owls or to take, possess, or destroy the nest or eggs of raptors or owls

-- = No listing status.

High Potential = Species expected to occur and meets all habitats as defined in list.

Moderate Potential = Habitat only marginally suitable, or considered suitable but not in species geographic range.

Low Potential = Habitat does not meet species requirements as currently understood in the scientific community.

Absent = Potential habitat present but presence / absence surveys determined that the species was not observed.

SOURCES: Arnold, 2003; CDFG, 2003; CDFG California Wildlife Habitat Relationship (WHR), 2003; CNPS, 2003; Chambers Group, 2000, ESA 2003.

Special-Status Plants

No suitable habitat is present for any special status plant species due to the disturbed nature of the sites, including urban landscaping and grading for well installation and abandonment, and presence of invasive plant species at the PDR and MDR lots. There are no wetlands present to support Ventura marsh milk-vetch, southern tarplant, Coulter's goldfields or Ballona cinquefoil. Although special status plant species that occupy coastal dune habitats have historically occurred within the project vicinity, these species (including San Fernando Valley spineflower, beach spectaclepod, Orcutt's pincushion, and Brand's phacelia) have low occurrence potential.

Special-Status Animals***Invertebrates***

Several special-status invertebrate species are known to occur southwest of the PDR site near LAX (CDFG, 2003). Based on invertebrate surveys conducted at MDR and PDR, the MDR lot (Cluster 12) supports globose dune beetle on a small (approximately 400 square feet) degraded

central dune scrub habitat (Arnold, 2003), which occupies a small portion of the site. Globose dune beetle is a federal species of concern and it meets the definition of a rare species under CEQA (Section 15380, CEQA Guidelines). Although the site was substantially disturbed, globose dune beetle is presumed present at MDR. No other special-status invertebrate species were observed at MDR or PDR. No host plants (i.e., *Eriogonum parvifolium*) that support El Segundo butterfly, a federally endangered species, were observed at any of the sites (Arnold, 2003).

The nearest occurrence of monarch butterfly, a CDFG special concern species was reported on the south edge of the Ballona wetlands. In this area, numerous monarch butterflies were observed in 1988, 1990, and December 1997 in a dense eucalyptus grove (CDFG, 2003). Although the Samarkand site (Cluster 9) supports an abundance of eucalyptus trees, no monarch butterfly roosts were observed during surveys (ESA, 2003) (see Appendix C). The potential for monarch butterfly to use Cluster 9 as overwintering habitat is considered low. However, Cluster 9 may serve as a temporary aggregation site, primarily in the fall months (September–December), when monarch butterflies gather before moving on to a full-term roosting area.

Birds

Burrowing owl, a federal and state species of concern found throughout much of southern and central California has been observed within five miles of the area. This species often inhabits open areas with low-growing shrubs and has been observed in areas at the edge of cities. In March 2000 the Chambers Group conducted burrowing owl surveys equivalent to Phases I, II, and III of the protocol surveys developed by the Santa Cruz Predatory Bird Research Group (Chambers Group, 2000). The results of Chambers Group surveys in adjacent undisturbed areas indicated that small numbers of burrowing owls may inhabit “fringe” areas of sites along Calabar Avenue (near Clusters 10 and 11) and 79th Street (near Cluster 8). However, no burrowing owls or burrows were observed during the March 2000 site visit (Chambers Group, 2000).

Raptors (birds of prey), such as red-tailed hawk, are protected under the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5. Raptors have breeding potential in large diameter trees at most of the PDR lots, including but may not be limited to Clusters 2, 3, 4, 6, 8, 9, and 11. There is no potential nesting habitat for raptors at MDR. Additionally, other avian species, such as great blue heron, also protected under Section 3503 of the Fish and Game Code and the Migratory Bird Treaty Act, potentially nest in trees at most PDR lots.

Tree Inventory

In March 2000, the Chambers Group conducted an inventory of trees with a diameter at breast height (dbh) greater than 6 inches. The results are provided in Table 4.C-2. Results of the inventory indicated that Cluster 5 is the only cluster supporting an oak tree, which is protected by the City of Los Angeles. However, none of the lots proposed for sale are larger than one acre, therefore a permit is not required for removal of oak trees.

**TABLE 4.C-2
TREE INVENTORY AT THE PDR AND MDR LOTS**

Location (by Cluster Number)	Common Name	Scientific Name	Number of Trees Present (dbh >6 inches)
<i>Playa Del Rey Lots</i>			
Cluster 1	Fig	<i>Ficus species*</i>	1
	Blue elderberry	<i>Sambucus mexicana</i>	1
Cluster 2	Eucalyptus	<i>Eucalyptus globulus*</i>	9
Cluster 3	Victorian box	<i>Pittosporum undulatum*</i>	3
	Smooth Arizona cypress	<i>Cupressus glabra*</i>	3
	Eucalyptus	<i>Eucalyptus globulus*</i>	6
Cluster 4	Bishop pine	<i>Pinus muricata*</i>	3
	California redwood	<i>Sequoia sempervirens*</i>	4
	Leyland cypress	<i>Cupressocyparis leylandii*</i>	4
Cluster 5	Fig	<i>Ficus species*</i>	2
	Canyon live oak	<i>Quercus chrysolepis</i>	1
	Maackia	<i>Maackia chinensis*</i>	1
	Kangaroo thorn	<i>Acacia paradoxa*</i>	5
	Palm	<i>Arecaceae</i>	3
Cluster 6	Bosnian pine	<i>Pinus leucodermis*</i>	4
	Eucalyptus	<i>Eucalyptus globulus*</i>	11
	Eastern red cedar	<i>Juniperus virginiana*</i>	1
	Cypress	<i>Chamaecyparis species*</i>	7
	Elm	<i>Ulmus species*</i>	2
Cluster 7	Fig	<i>Ficus species*</i>	1
Cluster 8	Carrotwood	<i>Cupaniopsis anacardioides*</i>	2
	Brazilian peppertree	<i>Schinus terebinthifolius*</i>	1
	Eucalyptus	<i>Eucalyptus globulus*</i>	12
Cluster 9	Eucalyptus	<i>Eucalyptus globulus*</i>	23
Cluster 10	Benjamin fig	<i>Ficus Benjamina*</i>	1
	Trochodendron	<i>Trochodendron aralioides*</i>	1
Cluster 11	Eucalyptus	<i>Eucalyptus globulus*</i>	3
<i>Marina Del Rey Lot</i>			
Cluster 12	--	--	0

* Indicates non-native to California or local area

SOURCE: Chambers Group, 2000

APPLICABLE REGULATIONS, PLANS, AND POLICIES

FEDERAL

Federal Endangered Species Act

The Federal Endangered Species Act of 1973 (FESA) and Title 16 (implementing regulations) of the United States Code of Regulations (CFR) 17.1 et seq., designate and provide for protection of threatened and endangered plants and animals and their critical habitat. Pursuant to the requirements of FESA, a federal agency reviewing a proposed project within its jurisdiction must determine whether any federally listed, threatened, or endangered species, or species proposed for federal listing may be present in the project area and determine whether the proposed project will have a potentially significant impact on such species. In addition, the federal agency is required to determine whether the project is likely to jeopardize the continued existence of any species proposed to be listed under FESA or result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC 1536[3], [4]). Adverse project impacts on these species or their habitats would be considered potentially significant.

Procedures for addressing federal-listed species follow two principal pathways, both of which require consultation with the USFWS, which administers the Act for all terrestrial species. The first pathway (FESA, Section 10(a) Incidental Take Permit) is set up for situations where a non-federal government entity (or where no federal nexus exists) must resolve potential adverse impacts to species protected under the Act. The second pathway (FESA, Section 7 Consultation) and involves projects with a federal connection or requirement; typically these are projects where a federal lead agency is sponsoring or permitting the Proposed Project. For example, a permit from the U.S. Army Corp of Engineers (USACE) may be required if a project will result in wetland impacts. In these instances, the federal lead agency (e.g., the USACE) initiates and coordinates the following steps:

- Informal consultation with USFWS to establish a list of target species
- Preparation of biological assessment assessing potential for the project to adversely affect listed species
- Coordination between State and federal biological resource agencies to assess impacts/proposed mitigation
- Development of appropriate mitigation for all significant impacts on federally listed species.

The USFWS ultimately issues a final Biological Opinion on whether the project will affect the federally listed species. A Section 10(a) Endangered Species Incidental Take Permit may be necessary when the “taking” or harming of a species is incidental to the lawful operation of a project.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act implements international treaties between the United States and other nations devised to protect migratory birds, any of their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the Fish and Game Code. Enforcement of the Act is carried out by USFWS law enforcement officials, while California Fish and Game Codes are enforced by CDFG game wardens.

California Endangered Species Act

Sections 2050 through 2098 of the California Fish and Game Code outline the protection provided to California's rare, endangered, and threatened species. Section 2080 of the California Fish and Game Code prohibits the taking of plants and animals listed under the authority of the California Endangered Species Act of 1984 (CESA). Individual animal species declared to be threatened or endangered by the California Fish and Game Commission are listed in Title 14 of the California Code of Regulations (CCR) under Section 670.5. In addition, the Native Plant Protection Act of 1977 (Fish and Game Code Section 1900 et seq.) gives the CDFG authority to designate State Endangered, Threatened, and Rare plants and provides specific protection measures for identified populations. Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. The CEQA Guidelines, Section 15065 ("Mandatory Findings of Significance") requires that a reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 ("Rare or endangered species") provides for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the California Native Plant Society's Lists 1A, 1B, and 2 would typically be considered under CEQA.

California Fish and Game Code

Sections 4700, 5050, and 5515 of the California Fish and Game Code outline protection for fully protected species of mammals, birds, reptiles and amphibians, and fish. Species that are fully protected by these Sections may not be taken or possessed at any time. The Department cannot issue permits or licenses that authorize the "take" of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species.

Specific Sections of the California Fish and Game Code pertinent to the current project include:

- Sections 1900 – 1913 (Native Plant Protection Act, which prohibits importing, taking, possessing or selling rare and endangered plants subject to several broad exceptions)
- Section 3503 (which prohibits the taking, possession, or needless destruction of the nest or eggs of any bird)

- Section 3503.5 (under which it is unlawful to take, possess, or destroy any raptors or owls or to take, possess, or destroy the nest or eggs of raptors or owls)
- Section 3513 (which prohibits the taking or possession of any migratory non-game bird as designated in the Migratory Act).

The CDFG has produced lists of special concern species that serve as watch lists. Species on these lists are either of limited distribution or the extent of their habitats has been reduced substantially such that threat to their populations may be imminent. These species may receive special attention during environmental review and may require mitigation under CEQA if impacts are substantial.

Birds of prey are protected by California Fish and Game Code Section 3503.5. Disturbance that causes nest abandonment or loss of reproductive effort is considered a taking by the CDFG. Construction disturbance during the breeding season can result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Any loss of fertile eggs or nesting raptors or any activities resulting in nest abandonment are considered a significant impact.

California Native Plant Society

The California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* provides a list of rare and vascular plants that may not be listed under CESA or FESA. Lists produced by CNPS are subject to extensive scientific review and are recognized as authoritative by botanists with the state and federal governments. Under CEQA, plants on List 1B can be treated as if they are state or federally listed. These species are categorized as follows:

- List 1A. Plants presumed extirpated in California
- List 1B. Plants that are rare, threatened, or endangered in California and elsewhere
- List 2. Plants that are rare, threatened, or endangered in California, but more numerous elsewhere
- List 3. Plants about which we need more information—a review list
- List 4. Plants of limited distribution—a watch list

LOCAL

Los Angeles County

Pursuant to the Protected Tree Ordinance (Title 22, Part 16, Section 22.56.2060), Los Angeles County requires an oak tree permit for any activity that involves cutting, destroying, removing, relocating, inflicting damage² or encroaching into a protected zone³ of any tree of the oak genus

² "Damage" includes any act causing or tending to cause injury to the root system or other parts of a tree, including, but not limited to, burning, application of toxic substances, operation of equipment or machinery, or by paving, changing the natural grade, trenching or excavating within the protected zone of an oak tree.

that is: (a) 25 inches or more in circumference (eight inches in diameter) as measured four and one-half feet above mean natural grade; in the case of an oak with more than one trunk, whose combined circumference of any two trunks is at least 38 inches (12 inches in diameter) as measured 4.5 feet above mean natural grade, on any lot or parcel of land within the unincorporated area of Los Angeles County, or (b) any tree that has been provided as a replacement tree, pursuant to Section 22.56.2180, on any lot or parcel of land within the unincorporated area of Los Angeles County, unless an oak tree permit is first obtained.

Los Angeles County drafted an amended Protected Tree Ordinance (Title 22, Planning and Zoning of the Los Angeles County Code) on January 10, 2002. In addition to protecting oak trees, the proposed amendment would establish regulations to preserve California walnut and western sycamore, as well as modify encroachment exemptions. This proposed draft amendment has not been adopted (Starks, 2003).

City of Los Angeles

The following regulation is set forth in the Los Angeles Municipal Code, Chapter IV, Article 6, Section 46.02:

No person shall relocate or remove any oak tree, as that term is defined in Section 46.01, where the said oak tree is located on a lot larger than one acre and is not regulated pursuant to Article 7 of Chapter I of this Code, without first having applied for and obtained a permit.

SIGNIFICANCE CRITERIA

To determine the level of significance of an identified impact, the criteria outlined in the CEQA *Guidelines* were used. The following is a discussion of the approaches to, and definitions of, significance of impacts to biological resources, drawn from several distinct CEQA *Guidelines* sections.

- CEQA *Guidelines* Section 15065 directs lead agencies to find that a project may have a significant effect on the environment if it has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.
- CEQA *Guidelines* Section 15380 provides that a plant or animal species, even if not on one of the official lists, may be treated as “rare or endangered” if, for example, it is likely to become endangered in the foreseeable future.
- CEQA *Guidelines* Section 15382 (Significant Effect on the Environment) provides additional criteria to assess significant impacts on biological resources due to the proposed

³ “Protected zone” shall mean that area within the dripline of an oak tree and extending there to a point at least 5 feet outside the dripline, or 15 feet from the trunks of a tree, whichever distance is greater (Protected Tree Ordinance 88-0157 Section 2, 1988, and 82-0168 Section 2, 1982).

project: "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

According to the CEQA *Guidelines*, the project would result in significant impacts to biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

ENVIRONMENTAL IMPACTS AND MITIGATION

Impact C.1: Future development at most PDR lots could result in harassment or mortality of species-status avian species. (Less than significant with recommended mitigation)

Special-status raptors and other avian species may nest in trees at or adjacent to future developments at PDR lots, such as Clusters 2, 3, 6, 8, 9, and 11. While the sale of the lots would not affect special-status avian species, subsequent development could result in direct harassment or mortality of raptor (such as red-tailed hawk) and other nesting avian species protected under the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and/or 3503.5. Construction noise and tree removal activities could result in nest abandonment and/or mortality of young. Implementation of Mitigation Measure C.1 would reduce future impacts on special-status avian species to a less-than-significant level.

Recommended Mitigation Measure C.1: If construction activities, including tree removal, occur during the avian nesting season (March 1–August 15), surveys for raptors and other native nesting birds protected under the Migratory Bird Treaty Act and Sections 3503, 3503.5, 3511, and 3800 of the California Fish and Game Code shall be conducted by a

qualified biologist immediately prior to construction within 500 feet of the construction site (or a distance determined by the surveying biologist). If no adults or nests are observed within the construction area or within 500 feet of the project lots, then no further mitigation is required. If nests or paired adults are observed, one of the following two options shall be completed to reduce impacts on these species: (1) avoid the nesting area and related habitat by remaining at least 500 feet from raptor nests (other nesting birds require 250-foot buffer zone), or as determined by the surveying biologist (this distance may be modified in consultation with CDFG, depending upon site circumstances); or (2) avoid tree removal activities or construction until after the nesting season (August 15) or until after the young have fledged. (Recommended for Future Development)

Significance after Recommended Mitigation: Less than significant.

Impact C.2: Future development at PDR Cluster 9 could result in harassment or mortality of monarch butterfly, a CDFG special-concern species and a rare species under CEQA. (Less than significant with recommended mitigation)

The sale of the lot would not affect monarch butterfly. However, future development of PDR Cluster 9, which supports potential temporary aggregation habitat could result in direct harassment or mortality of monarch butterfly (primarily during the fall months) due to construction, including tree removal activities. Although no monarch butterflies were observed roosting or aggregating at Cluster 9, the species could potentially use the site in the future to gather before moving on to a full-term roosting area. Because the project site is outside the Coastal Zone and is not documented as a CDFG overwintering site, monarch butterfly does not meet the CDFG guidelines for protection. However, the species is considered rare under CEQA Guidelines Section 15380.

Because the type and location of future development is unknown, the following measure should be required prior to implementation of construction activities involving tree removal to reduce potential future impacts on monarch butterfly at Cluster 9 along with subsequent environmental review to analyze specific impacts on monarch butterfly and develop specific mitigation measures.

Recommended Mitigation Measure C.2: If construction activities, including tree removal occur during the monarch butterfly temporary aggregation season (September–December), presence/absence for overwintering monarch butterfly roosts shall be conducted by a qualified biologist immediately prior to construction. If no roosts are observed within the construction area of the project lots, then no further mitigation is required. If roosts are observed, then avoid tree removal activities (or construction activities if trees remain on site) shall be avoided until after the temporary aggregation season (September–December) or until monarch butterfly have moved from the site. (Recommended for Future Development)

Significance after Recommended Mitigation: Less than significant.

Impact C.3: Future development at MDR Cluster 12 could result in harassment or mortality of globose dune beetle, a federal species of concern and a rare species under CEQA. (Less than significant with recommended mitigation)

The sale of the lot would not affect globose dune beetle. However, future development of MDR Cluster 12 could have a substantial adverse effect on globose dune beetle, a federal special concern species and a rare species under CEQA. Future construction, including grading and coastal dune scrub removal activities, could result in direct harassment or mortality of globose dune beetle, primarily during the spring months.

Recommended Mitigation Measure C.3: Focused surveys for globose dune beetle shall be conducted by a qualified biologist during the appropriate identification season prior to construction at MDR Cluster 12. If no globose dune beetles are observed at MDR Cluster 12, then no further action would be required. If globose dune beetles are observed, the owner shall compensate for impacts to the beetle, assuming that the sale of the property would result in residential development and loss of habitat. Compensation shall be at a ratio of 1.5:1 (i.e., area compensated to area impacted) and could include: (1) contributing in-lieu funds to ongoing or new coastal dune scrub projects that promote establishment of globose dune beetle on lands preserved in perpetuity within Los Angeles County; or (2) enhancing or restoring coastal dune scrub habitat in perpetuity to promote establishment of globose dune beetle within suitable areas in Los Angeles County, which would include five-year annual restoration monitoring to determine the success of the restoration site. Performance standards for habitat restoration could include: (a) plantings, as a whole, exhibit at least 70 percent cumulative survival and have attained 75 percent cover at the restoration site at the end of the five-year monitoring period; or (b) no invasive non-native plant species within the restoration site. (Recommended for Future Development)

Significance after Recommended Mitigation: Less than significant.

CUMULATIVE IMPACTS

Impact C.4: Future development on the 36 lots proposed for sale, when combined with other foreseeable development in the area, could result in cumulative impacts with respect to biological resources. (Less than significant)

Cumulative projects within the larger Los Angeles County coastal region include those described in Section 3.6, located north of PDR and MDR. The sale of the Clusters would not contribute considerably to cumulative impacts on plants and animals in the larger Los Angeles County coastal region.

Assuming that the sale of the lots would result in future development and loss of habitat, implementation of mitigation measures described above would reduce substantial adverse effects

on these species. The potential loss of nesting, breeding, and foraging habitat for globose dune beetle, and potentially for monarch butterfly and avian species (e.g., red-tailed hawk, great blue heron) protected under the Migratory Bird Treaty Act and/or Sections 3503 and 3503.5 of the Fish and Game Code, would not contribute considerably to cumulative impacts on animals in the larger Los Angeles County coastal region. Although habitat for these species within the larger Los Angeles County coastal region has diminished over time, the project habitats provided at the lots proposed for sale are small, isolated, and already degraded. The Clusters are disturbed and/or landscaped with ornamental vegetation, lack native diversity of plant and wildlife, and provide limited habitat for special status animal species (mainly federal species of concern and those raptor and other avian species protected under Fish and Game Code Sections 3503 and 3503.5 and the Migratory Bird Treaty Act). None of the Clusters provide habitat for or support plants or animals protected by FESA or CESA.

Mitigation: None required.

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