

Appendix C
Biological Resources
Technical Report



**CITY OF SEAL BEACH HOUSING
ELEMENT AND ZONING CODE UPDATES**

Biological Resources Technical Report

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Prepared for:
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Project Number:
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CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES



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Acronyms / Abbreviations

BGEPA	Bald and Golden Eagle Protection Act
BRTR	Biological Resources Technical Report
CCC	California Coastal Commission
CCMP	California Coastal Management Program
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
City	City of Seal Beach
County	Orange County
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
CWA	Clean Water Act
CZMA	Coastal Zone Management Area
DCH	Designated Critical Habitat
°F	Fahrenheit
FESA	Federal Endangered Species Act
FGC	Fish and Game Code
FR	Federal Register
GIS	Geographic Information Systems
HCP	Habitat Conservation Plan
IPaC	Information for Planning and Consulting
LCP	Local Coastal Program
LSAA	Lake or Streambed Alteration Agreement
MBTA	Migratory Bird Treaty Act
NCCP	Natural Community Conservation Plan
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
NWPR	Navigable Waters Protection Rule
NWR	National Wildlife Refuge
Project	City of Seal Beach Housing Element and Zoning Code Updates Project
OCTA	Orange County Transportation Authority



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RWQCB	Regional Water Quality Control Board
SSC	Species of Special Concern
Stantec	Stantec Consulting Services Inc.
TNW	Traditional navigable waters
USC	United States Code
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Survey
WOTUS	Waters of the United States



1 Introduction

This Biological Resources Technical Report (BRTR) is intended to document the biological resources that are associated with the City of Seal Beach Housing Element and Zoning Code Updates Project (Project) located in the City of Seal Beach (City), California (refer to Appendix A, Figure 1). The analyses presented within this BRTR are intended to support planning and regulatory agency permitting and associated documentation.

There were no site visits/surveys conducted for this BRTR. All information was gathered via desktop review of the eight Housing Opportunity Sites and Main Street Program (Project area).

1.1 Project Background and Purpose

According to the City of Seal Beach's General Plan and zoning designations, there is currently a need for additional housing to comply with the Regional Housing Needs Assessment. The Housing Element Update identifies housing conditions and needs within the City of Seal Beach and establishes policies and programs that comprise the City's strategy to accommodate project housing needs, including needs of lower-income housing and special-needs populations. State law requires that where the number of sites do not meet the City's assigned housing need, the Housing Element must identify actions to accommodate this need. Therefore, the City of Seal Beach is proposing to redevelop/convert underutilized residentially zoned sites and rezone additional locations to remedy this shortfall. The City of Seal Beach adopted the City's Housing Element Update in early 2022. It was further updated in August 2023 to bring the element into compliance with state legislation and the current Southern California Association of Governments. An Initial Study was prepared in November 2023 for the City to evaluate the potential environmental impacts associated with implementation of the Housing Element Update. The Housing Element Update was then updated again in March 2024 in response to comments received from the California Department of Housing and Community Development. The most up to date version of the Housing Element Update is from August 2024. The purpose of this report is to provide technical analyses for the potential environmental impacts associate with Project implementation at the selected development sites.

1.2 Project Description

The City of Seal Beach is proposing implementation of the City's Housing Element Updates and its resulting zoning code update and rezoning program. The updated Housing Element has identified sites throughout the City with potential to provide additional housing (Housing Opportunity Sites).

The City of Seal Beach has almost no vacant residentially zoned developable land remaining, and large areas of vacant land are not available for development due to environmental restrictions or federal ownership. The eight Housing Opportunity Sites that have been selected can be categorized in two ways: Underutilized Sites that do not require zoning code changes, and Candidate Sites for Rezoning. Additionally, the Project area includes the Main Street Program area. The eight Housing Opportunity Sites



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selected and the Main Street Program total approximately 104.45 acres with a developable acreage of 56.05 acres and are the subject of environmental analysis for this report.

1.3 Project Location

The City of Seal Beach is located at the northwestern edge of Orange County (County), California. It borders the City of Long Beach and Los Angeles County to the northwest, the Orange County Cities of Los Alamitos to the north, Westminster to the east, Huntington Beach to the southeast, and the Pacific Ocean to the southwest. The Project area is comprised of eight Housing Opportunity Sites and the Main Street Program area, totaling approximately 104.45 acres. However, the majority of the Housing Opportunity Sites and Main Street Program would only allow for development within portions of the overall sites due to existing development; therefore, the total developable area for the Housing Opportunity Sites and Main Street Program would total 56.05 acres. The Main Street Program falls within the boundaries of the existing Main Street Specific Plan area located within the City and the development potential for the Main Street Program is not based on potential developable acreage but rather the number of units that could be developed at select locations within the Main Street Specific Plan area. The Project area is located in the City of Seal Beach and falls within the Seal Beach and Los Alamitos United States Geological Survey (USGS) 7.5-minute quadrangles. The locations and descriptions of each are listed in the table below:

Table 1. Housing Opportunity Sites and Main Street Program

Site #	Site Name	Acreage	Developable Acres	U.S. Geological Survey (USGS) Quadrangles	Approximate Centroid Coordinates
1	1780 Pacific Coast	0.23	0.25	Seal Beach	33.74078, -118.09599
2	Leisure World	5.56	5.5	Los Alamitos	33.76584, -118.09206
3	Accurate Storage (1011 Seal Beach Blvd.)	4.49	1.8	Los Alamitos	33.75382, -118.08733
4	Shops at Rossmoor	26.80	12	Los Alamitos	33.78278, -118.07364
5	Old Ranch Town Center	26.06	8.3	Los Alamitos	33.78211, -118.07009
6	Seal Beach Plaza	8.14	1.5	Los Alamitos	33.76097, -118.07853
7	Seal Beach Center	7.92	2.7	Seal Beach	33.74417, -118.10077
8	99 Marina Drive	4.31	3	Seal Beach	33.74661, -118.10985
-	Main Street Program	21	21	Seal Beach	33.74146, -118.10449
Total		104.45	56.05		



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The Housing Opportunity Sites are separated into two categories according to zoning needs: Underutilized Sites and Candidates for Rezoning.

Underutilized Sites

- *1780 Pacific Coast.* This 0.23-acre site is developed and contains an older commercial building that is currently occupied by a liquor/convenience store. The site is currently zoned Limited Commercial/Residential Medium Density which allows residential use at up to 20 units/acre and normally considered suitable for lower-income housing. It is assumed that the entire site will be redeveloped as residential or mixed-use.
- *Leisure World.* This site is approximately 5.56-acres in size and almost entirely comprised of truck and trailer parking, with a few permanent structures. The north and east boundaries are lined with trees. The site is currently zoned as Residential High Density-Planned Community. It is anticipated that this site will be redeveloped for residential uses.

Candidate Sites for Rezoning

- *Accurate Storage (1011 Seal Beach Blvd.).* This site is approximately 4.49-acres in size and located immediately south of the Boeing Integrated Defense Systems property. The location is currently being used for vehicle and boat storage and is bordered by office, commercial, and light industrial uses to the north and west, by the City Police Station across Adolfo Lopez Drive to the south, and by the Seal Beach Naval Weapons Station across Seal Beach Boulevard to the east. This site is currently zoned as Residential High Density and is suitable for lower-income multi-family development.
- *The Shops at Rossmoor.* This site is approximately 26.80-acres in size and is currently developed as a shopping center. The site is currently zoned as General Commercial. The surface parking area occupies approximately 70 percent of the site or 19 acres. By converting 10 acres of the surface parking to residential housing, the existing development could remain in place.
- *Old Ranch Town Center.* This site is approximately 26.06-acres in size with approximately half of that devoted to surface parking. The remaining 13-acres is developed as shops and restaurants. The site is currently zoned as Commercial General. By converting 5 acres of the surface parking are to residential uses, all retail uses can remain in place and not pose an impediment to residential development.
- *Seal Beach Plaza.* This site is approximately 8.14-acres in size and currently developed with retail and office uses. The site is currently zoned as Commercial Service-Service Commercial. The site is proposed for partial or entire redevelopment.
- *Seal Beach Center.* This site is approximately 7.92-acres and consists of retail uses. The site is currently zoned as Service Commercial. Partial site redevelopment is anticipated and would include a mixed-use building with ground floor retail and residential units above.



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- *99 Marina Drive.* This site is approximately 4.31-acres in size and is currently vacant except for an abandoned outdoor handball court. The site is currently zoned as Oil Extraction. It is anticipated that this site will be redeveloped for residential uses.
- *Main Street Program.* This site is approximately 21-acres and is located in downtown Seal Beach and is designated as the commercial core of the city. This site is developed with a mix of offices and retail uses, with a few residential units, and currently zoned under the Main Street Specific Plan. It is anticipated that several underutilized parcels will accommodate residential housing development on this site.



2 Methods

Stantec conducted a literature and database review to evaluate sensitive species that have been documented within the vicinity of the Project and their potential to occur in the Project area based on the presence of habitat.

2.1 Literature Review

A query of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) was conducted for the Project area and a surrounding ten-mile buffer area to determine special-status plants, wildlife, and sensitive vegetation communities that have been documented within this area (CDFW 2024a). The database included portions of the following quadrangles surrounding the Project area: Seal Beach, Los Alamitos, Long Beach, San Pedro, Newport Beach, Anaheim, Torrance, Orange, La Habra, and Whittier.

The list of special-status plants, animals, and sensitive natural communities documented to occur within the search area is included in Section 5.

Additional data regarding the potential occurrence of special-status species and policies relating to these special-status natural resources were gathered from the following sources:

- Inventory of Rare and Endangered Vascular Plants of California (California Native Plant Society [CNPS] 2024);
- CDFW Special Animals List (CDFW 2024b);
- United States Fish and Wildlife Service's (USFWS) Information for Planning and Consulting (IPaC) Species List (USFWS 2024a)
- National Wetlands Inventory (NWI) Geographic Information Systems (GIS) data (USFWS 2024b);
- National Hydrography Dataset (NHD) GIS data (USGS 2024);
- The Jepson Manual (Baldwin, et al. 2012); and
- Aerial imagery of the Project area and surrounding areas.

2.2 Biological Habitat Assessment

Biological field surveys were not conducted for this assessment; however, a desktop review using high-resolution aerial imagery and previously prepared reports in the vicinity were utilized to determine the habitat types located in the project and surrounding areas.

The primary goals of the habitat assessment are to identify and assess the suitability of habitat for special-status plant and wildlife species within the Project area. *A Manual of California Vegetation*



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(Sawyer et al. 2009) was consulted to determine the natural communities present in the Project area; however, none of the habitat types identified on aerial imagery met the description for natural community. Therefore, all areas were characterized as land cover types. The land cover types determined to be present within the Project area were evaluated for their potential to support special-status species based on species habitat requirements in the literature and the professional knowledge and experience of Stantec's biologists.



3 Regulatory Environment

3.1 Federal Regulations

3.1.1 NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act (NEPA) of 1969 requires all federal agencies to examine the environmental impacts of their actions, incorporate environmental information, and use public participation in the planning and implementation of all actions. Federal agencies must integrate NEPA into other planning requirements and prepare appropriate NEPA documents to facilitate better environmental decision-making. NEPA requires Federal agencies to review and comment on Federal agency environmental plans and documents when the agency has jurisdiction by law or special expertise with respect to any environmental impacts involved (42 United States Code [USC] 4321- 4327; 40 Code of Federal Regulations [CFR 1500-1508]). These guidelines establish an overall federal process for the environmental evaluation of projects.

3.1.2 FEDERAL ENDANGERED SPECIES ACT

Federal Endangered Species Act (FESA) provisions protect federally listed threatened and endangered species and their habitats from unlawful “take” and ensure that federal actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of Designated Critical Habitat (DCH). Under FESA, take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct.” The USFWS regulations define harm to mean “an act which actually kills or injures wildlife.” Such an act “may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR Section 17.3).

DCH is defined in FESA Section 3(5)(A) as “(i) the specific areas within the geographical area occupied by the species on which are found those physical or biological features: (I) essential to the conservation of the species; (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species upon a determination by the Secretary of Commerce or the Secretary of the Interior that such areas are essential for the conservation of the species.” The effects analyses for DCH must consider the role of the critical habitat in both the continued survival and the eventual recovery (i.e., the conservation) of the species in question, consistent with the recent Ninth Circuit judicial opinion, *Gifford Pinchot Task Force v. USFWS*.

Activities that may result in “take” of federally listed species are regulated by USFWS. USFWS produced an updated list of candidate species December 6, 2007 (72 Federal Register [FR] 69034). Candidate species are not afforded any legal protection under FESA; however, candidate species typically receive special attention from federal and state agencies during the environmental review process.



3.1.3 MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711) makes it unlawful to possess, buy, sell, purchase, barter or take any migratory bird listed in Title 50 of CFR Part 10. “Take” is defined as possession or destruction of migratory birds, their nests, and eggs. Disturbances that cause nest abandonment or loss of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the MBTA. The MBTA prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA encompasses whole birds, parts of birds, bird nests, and eggs.

3.1.4 BALD AND GOLDEN EAGLE PROTECTION ACT OF 1940 (16 USC 668)

The Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 USC 668, enacted by 54 Stat. 250) protects bald and golden eagles by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this Act. Take of bald and golden eagles is defined as follows: “disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” (72 FR 31132; 50 CFR 22.3).

USFWS is the primary federal authority charged with the management of golden eagles in the United States. A permit for take of golden eagles, including take from disturbance such as loss of foraging habitat, may be required if this Project affects such resources. On November 10, 2009, the USFWS implemented new rules (74 FR 46835) governing the take of golden and bald eagles. The new rules were released under the existing BGEPA, which has been the primary regulatory protection for unlisted eagle populations since 1940.

All activities that may disturb or incidentally take an eagle or its nest as a result of an otherwise legal activity must be permitted by the USFWS under this act. The definition of disturb (72 FR 31132) includes interfering with normal breeding, feeding, or sheltering behavior to the degree that it causes or is likely to cause decreased productivity or nest abandonment. If a permit is required, due to the current uncertainty on the status of golden eagle populations in the western United States, it is expected that permits would only be issued for safety emergencies or if conservation measures implemented in accordance with a permit would result in a reduction of ongoing take or a net take of zero.

3.1.5 FISH AND WILDLIFE COORDINATION ACT

The Fish and Wildlife Coordination Act, as amended in 1964, requires that all federal agencies consult with National Marine Fisheries Service (NMFS), USFWS, and state wildlife agencies (i.e., CDFW) when proposed actions might result in modification of a natural stream or body of water. Federal agencies must consider effects that these projects would have on fish and wildlife development and provide for improvement of these resources. The Fish and Wildlife Coordination Act allows NMFS, USFWS, and CDFW to provide comments to United States Army Corps of Engineers (USACE) during review of



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projects under Section 404 of the Clean Water Act (concerning the discharge of dredged materials into navigable waters of the United States [WOTUS]) and Section 10 of the Rivers and Harbors Act regarding obstructions in navigable waterways. NMFS comments provided under the Fish and Wildlife Coordination Act are intended to reduce environmental impacts to migratory, estuarine, and marine fisheries and their habitats.

3.1.6 COASTAL ZONE MANAGEMENT ACT

The Coastal Zone Management Act (CZMA) of 1972 establishes national policy to preserve, protect, develop, and, where possible, restore or enhance the resources of the nation's coastal zones. In accordance with Section 307(c) of the CZMA, after approval by the Secretary of Commerce of a state's management program, any applicant for a required federal license or permit to conduct an activity in or outside of the coastal zone affecting any land or water use or natural resource of the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. The federal government certified the California Coastal Management Program (CCMP) in 1977. The enforceable policies of that document are Chapter 3 of the California Coastal Act of 1976.

For all of the California coast except San Francisco Bay, the state agency responsible for implementing the CZMA is the California Coastal Commission (CCC). The CCC is responsible for reviewing proposed federal and federally licensed or permitted activities to assess their consistency with the approved CCMP. Due to its proximity to the Pacific Ocean, Seal Beach is subject to a state mandated Local Coastal Program (LCP) and CCC jurisdiction. A portion of the project is within the Seal Beach LCP.

3.1.7 CLEAN WATER ACT SECTION 404 AND FEDERAL JURISDICTIONAL WATERS

The Clean Water Act (CWA), introduced in 1977 via amendatory legislation of the Federal Water Pollution Control Act, is the primary federal law in the United States regulating water pollution. Section 404 of the CWA regulates the discharge of dredged material, placement of fill material, or certain types of excavation within WOTUS and authorizes the Secretary of the Army, through the Chief of Engineers, to issue permits for such actions. Permits can be issued for individual projects (individual permits) or for general categories of projects (general permits). Terrestrial WOTUS as defined by the CWA have typically included rivers, creeks, streams, and lakes extending to their headwaters and any associated wetlands. Wetlands are defined by the CWA as "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions." The USACE has adopted several revisions to their regulations to more clearly define WOTUS. The protection of federal jurisdictional WOTUS has been particularly contentious and subject to numerous legal decisions since 2001.

1986 Regulations

In 1986, the federal agencies (USACE and United States Environmental Protection Agency [USEPA]) implemented historic regulations (the 1986 Regulations) that defined WOTUS to mean traditional



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navigable waters (TNWs), the territorial seas, interstate waters, and intrastate waters whose use or degradation could affect interstate or foreign commerce, as well as tributaries of and wetlands adjacent to any of those waters.

2001 Solid Waste Agency of Northern Cook County Ruling

Until the beginning of 2001, WOTUS included, among other things, isolated wetlands and lakes, intermittent streams, prairie potholes, and other waters that are not part of a tributary system to interstate waters or to navigable WOTUS. The jurisdictional extent of USACE regulation changed with the 2001 Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers ruling. The United States Supreme Court held that the USACE could not apply Section 404 of the CWA to extend their jurisdiction over an isolated quarry pit. The Court ruled that the CWA does not extend federal regulatory jurisdiction over non-navigable, isolated, intra-state waters. However, the Court made it clear that non-navigable wetlands adjacent to navigable waters are still subject to USACE jurisdiction.

2006 Rapanos Ruling

In 2006, the United States Supreme Court issued its seminal decision in *Rapanos v. United States* (*Rapanos*). Justice Scalia narrowly interpreted the statutory term “waters of the United States” in a four-Justice plurality opinion, holding that CWA jurisdiction extended over only “relatively permanent, standing or continuously flowing bodies of water” that are connected to TNWs, plus wetlands with a “continuous surface connection” to such relatively permanent water bodies. Justice Kennedy wrote separately, concurring with the Court’s judgment with respect to the facts of the case, but interpreted “waters of the United States” to include wetlands that possess a “significant nexus” to waters that are or were navigable in fact or that could reasonably be so made.

The Court’s split decision and lack of a commanding majority opinion in *Rapanos* created confusion among the federal agencies and public. In 2008, the federal agencies released a regulatory guidance document, the 2008 Rapanos Guidance (USACE and USEPA 2008) addressing common questions about federal jurisdiction over WOTUS and clarifying the two jurisdictional standards from *Rapanos*. In the 2008 Rapanos Guidance, the federal agencies concluded that federal jurisdiction existed over certain waterbodies that meet either the “relatively permanent” standard from Justice Scalia’s plurality opinion or Justice Kennedy’s “significant nexus” standard.

2015 Clean Water Act

The 1986 Regulations as interpreted by the 2008 Rapanos Guidance were later replaced by the 2015 Clean Water Rule. The federal agencies attempted to provide clarification on jurisdiction following the *Rapanos* ruling by replacing the numerous categories of waterbodies found in the 1986 Regulations with three broader categories: waters that are categorically “jurisdictional by rule” without the need for further analysis; waters that are subject to case-specific jurisdictional analysis; and waters that are categorically excluded from jurisdiction. The 2015 Clean Water Rule emphasized the “significant nexus” standard over the “relatively permanent” standard to include additional types of waters in the new “jurisdictional by rule” category. Traditional navigable waters, the territorial seas, interstate waters, tributaries of these waters,



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and wetlands adjacent to these waters were all deemed “jurisdictional by rule.” The result of the 2015 Clean Water Rule was an expansion in federal jurisdiction over waterbodies that might have otherwise been excluded from the definition of WOTUS on a case-by-case basis under the 1986 Regulations and the Rapanos ruling.

Federal jurisdictional WOTUS protected under the CWA were defined in a final 2015 Clean Water Rule; however, the Sixth Circuit United States Court of Appeals issued an order staying the 2015 Rule nationwide, pending a determination by the court on jurisdiction to review the rule. The 2015 Clean Water Rule was stayed, and the prior 1986 Regulations published in 1986, along with some changes in 2008 as a result of the Rapanos ruling, remained in effect.

2020 Navigable Waters Protection Rule

In 2017, the Trump Administration issued Executive Order 13778, *“Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.”* The executive order directed the federal agencies to review the 2015 Clean Water Rule for consistency with the policy outlined in Section 1 of the order and to issue a proposed rule rescinding or revising the 2015 Clean Water Rule as appropriate and consistent with law. The federal agencies repealed the 2015 Rule and restored the previous regulatory regime as it existed prior to finalization of the 2015 Clean Water Rule with, *“Definition of ‘Waters of the United States’—Recodification of Pre-Existing Rules.”*

On January 23, 2020, the federal agencies issued the Navigable Waters Protection Rule (NWPR) to redefine WOTUS. The agencies streamlined the definition to include four simple categories of jurisdictional waters:

1. Traditional navigable waters and the territorial seas;
2. Tributaries of traditional navigable waters and the territorial seas;
3. Certain lakes, ponds, and impoundments of WOTUS; and
4. Wetlands adjacent to other WOTUS.

The NWPR provided clear exclusions for many water features that traditionally have not been regulated, and defined terms in the regulatory text that had never been defined before. Congress, in the CWA, explicitly directed the federal agencies to protect “navigable waters.” The intent of the NWPR was to regulate waters and the core tributary systems that provide perennial or intermittent flow and excluded ephemeral waters. The final NWPR fulfilling Executive Order 13788 became effective on June 22, 2020; however, on August 30, 2021, the United States District Court for the District of Arizona vacated the NWPR finding “fundamental, substantive flaws that cannot be cured without revising or replacing the NWPR’s definition.”

2023 Revised Definition of “Waters of the United States”

On June 9, 2021, the USACE and USEPA under the Biden Administration announced intent to protect more waterways through environmental regulations, beginning a new rulemaking process that restores



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protections put in place before 2015. Following the federal district court decision vacating the NWPR, USEPA and USACE halted implementation of the NWPR and began interpreting WOTUS consistent with the pre-2015 regulatory regime, deciding that prompt replacement of the NWPR through the administrative rulemaking process was vital.

On January 18, 2023, the federal agencies published the final "Revised Definition of 'Waters of the United States'" rule in the Federal Register and the rule became effective on March 20, 2023 (USACE and USEPA 2023). The 2023 Rule establishes a clear and reasonable definition of WOTUS and exercises their discretion under the statute to return generally to the familiar pre-2015 definition that has bounded the CWA's protections for decades. The implications of the final 2023 WOTUS rule are such that many ephemeral waters not considered protected under the former 2020 NWPR will now be protected.

With the 2023 WOTUS rule, USEPA and USACE interpreted the term WOTUS to include:

1. Traditional navigable waters, the territorial seas, and interstate waters;
2. Impoundments of other jurisdictional WOTUS;
3. Tributaries to either of the above waters, or when the tributaries meet the "relatively permanent" standard or the "significant nexus" standard, (collectively, "jurisdictional tributaries");
4. Wetlands adjacent to traditional waters, wetlands adjacent and with a continuous surface connection to relatively permanent tributaries and impoundments, and wetlands adjacent to other jurisdictional tributaries when those wetlands meet the "significant nexus" standard; and
5. Intrastate lakes and ponds, streams, or wetlands as defined in 1–4 above that meet either the "relatively permanent" standard or the "significant nexus" standard.

For purposes of characterizing a "jurisdictional adjacent wetland" under the 2023 WOTUS Rule, a wetland may be considered "adjacent" to WOTUS if any of the following three criteria are satisfied:

1. The wetland has an unbroken surface or shallow subsurface connection to WOTUS;
2. The wetland is physically separated from WOTUS by man-made dikes or barriers, natural river berms, and the like; or
3. The wetland is reasonably proximate to WOTUS such that the wetland has significant effects on water quality and the aquatic ecosystem of WOTUS.

2023 Sackett Ruling

On May 25, 2023, the U.S. Supreme Court issued its ruling in *Sackett v. Environmental Protection Agency (Sackett)*, which established a more stringent test to determine whether the CWA applies to certain categories of wetland. The Sackett family had backfilled a lot near Priest Lake in Idaho, and in agreeing that the Sacketts' lot is a wetland, the U.S. Court of Appeals for the 9th Circuit applied the test outlined by Justice Kennedy in *Rapanos*: whether there is a "significant nexus" between the wetlands and waters that are covered by the CWA, and whether the wetlands "significantly affect" the quality of those



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waters. With *Sackett*, the U.S. Supreme Court unanimously reversed the 9th Circuit's ruling, where in a majority opinion, lower courts were directed to apply a more stringent test in *Rapanos*, in which the CWA applies to a particular wetland only if it blends or flows into a neighboring water that is a channel for interstate commerce. While the Court decided that it is clear that some "adjacent" wetlands will also qualify under the CWA as "waters of the United States," wetlands that are entirely separate from traditional bodies of water will not qualify. The CWA will apply to wetlands that are "as a practical matter indistinguishable from waters of the United States" because they have a "continuous surface connection" with a larger body of water, "making it difficult to determine where the 'water' ends and the 'wetland' begins."

The result of the *Sackett* ruling is that certain adjacent wetlands formerly protected under the CWA will no longer be federally protected. The USACE and USEPA have acknowledged the *Sackett* ruling and indicated they will interpret the phrase "waters of the United States" consistent with the U.S. Supreme Court's decision in *Sackett*.

Amendment to the 2023 WOTUS Rule

On August 29, 2023, the USEPA and USACE announced a final rule amending the 2023 definition of WOTUS to conform with the recent U.S. Supreme Court decision in *Sackett*. While EPA's and USACE's 2023 WOTUS rule defining WOTUS was not directly before the Supreme Court, the decision in *Sackett* made clear that certain aspects of the WOTUS 2023 rule are invalid. The amendments issued are limited and change only parts of the 2023 rule that are invalid under the *Sackett* decision. For example, the final rule removes the significant nexus test from consideration when identifying tributaries and other waters as federally protected.

Exemptions Under Clean Water Act Section 404

Activities that are exempt under CWA Section 404(f) include

1. Nominal farming, silviculture and ranching activities,
2. (Emergency) maintenance activities,
3. Construction and maintenance of farm ponds, stock ponds, or irrigation ditches or the maintenance of drainage ditches,
4. Construction of temporary sedimentation basins,
5. Any activity with respect to which a State has an approved program under CWA Section 208(b)(4) which meets the requirements of sections 208(b)(4) (B) and (C) (this pertains to certain applicable statewide waste treatment management programs), and
6. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment.

Exceptions to these exemptions include:



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1. Discharge of toxic pollutants, and
2. If it is part of an activity whose purpose is to convert an area of a WOTUS into a use to which it was not previously subject, where the flow and/or circulation of waters may be impaired or the reach of the waters reduced.

Extent of Jurisdiction

The extent of CWA Section 404 jurisdiction for non-tidal waters includes non-isolated aquatic features (including wetlands qualifying under the original federal 1986 standards and non-wetland WOTUS) bound by an “ordinary high water mark” as defined by 33 CFR 328.3(e):

“The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

Features considered isolated from TNWs and the exemptions listed above are not considered WOTUS under the jurisdiction of CWA Section 404.

3.2 State Regulations

3.2.1 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) establishes state policy to prevent significant and avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures. CEQA applies to actions directly undertaken, financed, or permitted by state lead agencies. Regulations for implementation are found in the CEQA Guidelines published by the California Natural Resources Agency. These guidelines establish an overall state of California process for the environmental evaluation of projects.

3.2.2 CALIFORNIA ENDANGERED SPECIES ACT

Provisions of the California Endangered Species Act (CESA) protect state-listed threatened and endangered species. The CDFW regulates activities that may result in take of individuals (i.e., take is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of take under the California Fish and Game Code (FGC). Additionally, the FGC contains lists of vertebrate species designated as “fully protected” (FGC Sections 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], and 5515 [fish]). Such species may not be taken or possessed.

In addition to federal and State-listed species, the CDFW also has produced a list of Species of Special Concern (SSC) to serve as a “watch list.” Species on this list are of limited distribution or the extent of



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their habitats has been reduced substantially, such that threat to their populations may be imminent. SSC may receive special attention during environmental review, but they do not have statutory protection.

Birds of prey are protected in California under the FGC. FGC Section 3503.5 states that it is “unlawful to ‘take’, possess, or destroy any birds of prey (in the order Falconiformes or Strigiformes) 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.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered take by the CDFW. Under Sections 3503 and 3503.5 of the FGC, activities that would result in the taking, possessing, or destroying of any birds-of-prey, taking, or possessing of any migratory nongame bird as designated in the MBTA, or the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds protected by the MBTA, or the taking of any non-game bird pursuant to FGC Section 3800 are prohibited.

3.2.3 SECTION 1602 OF THE CALIFORNIA FISH AND GAME CODE

Section 1602 of the FGC requires any person, state or local governmental agency, or public utility which proposes a project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or use materials from a streambed, or result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake, to first notify the CDFW of the proposed project. Notification is generally required for any project that would take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. Based on the notification materials submitted, the CDFW would determine whether the proposed project may impact fish or wildlife resources.

If the CDFW determines that a proposed project may substantially adversely affect existing fish or wildlife resources, a Lake or Streambed Alteration Agreement (LSAA) would be required. A completed CEQA document must be submitted to CDFW before an LSAA would be issued.

3.2.4 PORTER-COLOGNE WATER QUALITY CONTROL ACT

California Regional Water Quality Control Boards (RWQCBs) regulate the “discharge of waste” to “waters of the State”. All projects proposing to discharge waste that could affect waters of the State must file a Waste Discharge Report with the appropriate RWQCB. The board responds to the report by issuing Waste Discharge Requirements or by waiving them for that project discharge. Both terms “discharge of waste” and waters of the State are broadly defined such that discharges of waste include fill, any material resulting from human activity, or any other “discharge.” Isolated wetlands within California, which are no longer considered waters of the State, as defined by Section 404 of the CWA, are addressed under the Porter Cologne Water Quality Control Act.



3.2.5 STATE-REGULATED HABITATS

The State Water Resources Control Board is the state agency (together with the RWQCBs) charged with implementing water quality certification in California.

The CDFW extends the definition of stream to include “intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams (USGS-defined), and watercourses with subsurface flows. Canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife” (CDFW 1994).

Activities that result in the diversion or obstruction of the natural flow of a stream; that substantially change its bed, channel, or bank; or that use any materials (including vegetation) from the streambed may require that the project applicant enter into an LSAA with the CDFW.

3.2.6 NATIVE PLANT PROTECTION ACT

Under FGC Sections 1900 to 1913, the Native Plant Protection Act (NPPA) requires all state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of NPPA prohibit the taking of listed plants from the wild and require notification of the CDFW at least 10 days in advance of any change in land use. This allows CDFW to salvage listed plant species that would otherwise be destroyed. A Project applicant is required to conduct botanical inventories and consult with CDFW during project planning to comply with the provisions of the NPPA and sections of CEQA that apply to rare or endangered plants.

3.2.7 CALIFORNIA NATIVE PLANT SOCIETY RARE PLANT PROGRAM

The mission of the CNPS Rare Plant Program is to develop current, accurate information on the distribution, ecology, and conservation status of California’s rare and endangered plants and to use this information to promote science-based plant conservation in California. Once a species has been identified as being of potential conservation concern, it is put through an extensive review process. Once a species has gone through the review process, information on all aspects of the species (e.g., listing status, habitat, distribution, threats, etc.) is entered into the online CNPS Rare Plant Inventory and given a California Rare Plant Rank (CRPR). The Rare Plant Program currently recognizes more than 1,600 plant taxa (species, subspecies and varieties) as rare or endangered in California.

Vascular plants listed as rare or endangered by the CNPS, but which might not have a designated status under state endangered species legislation, are defined by the following CRPRs:

- CRPR 1A: Plants considered by the CNPS to be extinct in California
- CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere
- CRPR 2: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- CRPR 3: Plants about which we need more information – a review list



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- CRPR 4: Plants of limited distribution – a watch list

In addition to the CRPR designations above, the CNPS adds a Threat Rank as an extension added onto the CRPR and designates the level of endangerment by a 0.1 to 0.3 ranking, with 0.1 being the most endangered and 0.3 being the least endangered and are described as follows:

- 0.1: Seriously threatened in California (high degree/immediacy of threat)
- 0.2: Fairly threatened in California (moderate degree/immediacy of threat)
- 0.3: Not very threatened in California (low degree or immediacy of threats or no current threats known)

3.2.8 CALIFORNIA COASTAL COMMISSION AND COASTAL ACT OF 1976

The CCC has planning, regulatory, and permitting responsibilities in partnership with local governments over all development taking place within the coastal zone, a 1.5 million-acre area stretching 1,100 miles along the state's coastline from Oregon to Mexico (and around nine offshore islands). The coastal zone extends seaward 3 miles, while its landward boundary varies from several miles inland in places such as the Eel River and the Elkhorn Slough, to as close as a few hundred feet from the shore in other areas.

The CCC's enabling legislation, the Coastal Act of 1976, created a comprehensive coastal protection program grounded in partnerships between CCC and local government jurisdictions (15 counties and 60 cities) within the coastal zone. Among the coastal resources specifically protected within the Coastal Act are public access to the coastline, wetlands and other environmentally sensitive habitat areas, agriculture, low-cost visitor-serving recreational uses, visual resources, commercial and recreational fishing, and community character. Coastal streams and wetlands are also protected under the Coastal Act.

The Coastal Act Section 30231 defines a wetland as:

...lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The CCC's regulations (CCR Title 14) establishes a "one parameter definition," which requires evidence of a single parameter to establish wetland conditions:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577).



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The “one parameter” definition adopted by the Coastal Commission is based on the general definition used by USFWS and CDFW from the USFWS wetlands classification system first published in 1979 (Cowardin et al. 1979):

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

The Coastal Act definition of a wetland does not distinguish between wetlands based on their quality. Therefore, under the Coastal Act, poorly functioning or degraded areas that meet the definition of wetlands are subject to wetland protection policies. Due to its proximity to the Pacific Ocean, Seal Beach is subject to a state mandated LCP and CCC jurisdiction. The Project is within the Seal Beach LCP.

3.3 Local Regulations

3.3.1 ORANGE COUNTY GENERAL PLAN – CHAPTER VI. RESOURCE ELEMENT

Natural Resource Component

The Natural Resources Component of the Resources Element of the Orange County General Plan contains policies and programs which are designed to protect and conserve natural resources in the County, including scenic areas such as ridgelines and hillsides, climate, farmlands, native vegetation and wildlife, and mineral resources. It provides a basis for programs which served to implement natural resource conservation goals and policies and establish a framework for additional inventory and resource planning efforts (County of Orange 2005). The Goals, Objectives, and Policies relative to natural resources that apply to the Project are as follows:

Goal 1 Protect wildlife and vegetation resources and promote development that preserves these resources.

- **Objective 1.1** To prevent the elimination of significant wildlife and vegetation through resource inventory and management strategies.
- **Policy 1.** To identify and preserve the significant wildlife and vegetation habitats of the County.

Goal 3 Manage and utilize wisely the County's landform resources.

- **Objective 3.1.** To minimize to the extent feasible the disruption of significant natural landforms in Orange County.
- **Policy 5.** To protect the unique variety of significant landforms in Orange County through environmental review procedures and community and corridor planning activities.



Open Space Component

The Open Space Component of the Resources Element of the Orange County General Plan is the open space plan for the unincorporated areas of Orange County. This component is the successor to the Open Space Element originally adopted by the Board of Supervisors on June 27, 1973. The preparation of this component is in compliance with State Government Code Sections 65560-65568, which require each city and county to prepare and adopt an open space plan for the comprehensive and long-range preservation of open space land within its jurisdiction (County of Orange 2005).

The Open Space Component contains the necessary goals, objectives, policies, and programs to promote the preservation and protection of resource areas and the protection of the public from potential hazards. The component also functions in a manner to shape the overall urban form of Orange County. To that end, open space facilities such as greenbelts that buffer conflicting land uses or link recreation facilities along regional trails and water courses are desired, as well as areas set aside to preserve cultural-historic resources, significant wildlife habitats, and biotic resources such as oak groves, sycamore/riparian woodlands, and marshlands (County of Orange 2005).

An integral part of the Open Space Component is the Open Space/Conservation Program Map which depicts an open space framework of countywide significance. This framework includes areas of resource concentration such as existing and proposed regional recreation facilities and a system of linkages such as trails and major open space corridors. The implementation programs provide the mechanism by which an integrated open space network can be realized (County of Orange 2005).

The Goals, Objectives, and Policies relative to open space that apply to the Project are as follows:

Goal 1. Retain the character and natural beauty of the environment through the preservation, conservation, and maintenance of open space.

- **Objective 1.1.** To designate open space areas that preserve, conserve, maintain, and enhance the significant natural resources and physical features of unincorporated Orange County.
- **Policy 1.1.** To guide and regulate development of the unincorporated areas of the County to ensure that the character and natural beauty of Orange County is retained.
- **Policy 1.2.** To implement the Open Space Component through a program organization capable of conducting multiple projects at priority locations throughout the County and with sufficient resources, authority, and responsibility to effectively manage the program.
- **Policy 1.3.** To seek out, evaluate, and take advantage of special opportunities to obtain open space as these opportunities become available and when the available open space meets or helps to meet established open space goals and objectives.

Goal 4. Conserve open space lands needed for recreation, education, and scientific activities, as well as cultural-historic preservation.



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- **Objective 4.1.** To encourage the conservation of open space lands which provide recreational scenic, scientific, and educational opportunities.
- **Policy 4.1.** To plan for the acquisition, development, maintenance, operation, and financing of open space lands which provide recreational, scenic, aesthetic, scientific, and educational opportunities.

3.3.2 CITY OF SEAL BEACH GENERAL PLAN – OPEN SPACE / RECREATION / CONSERVATION ELEMENT

The City was incorporated in 1915 primarily as a farming community but has grown into a small city within an urbanized region encompassing 11.5 square miles along the Pacific Coast. The City's General Plan provides a comprehensive long-term plan for its character and physical development through appropriate goals, policies, and programs. Planning was formerly focused on expansion, but as much of Seal Beach is now developed, the focus for the future has evolved towards managing and enhancing development. The relevant component of the General Plan is the Niguel Open Space/Recreation/Conservation Element, which addresses the importance of the provision of recreation areas, preservation of natural resources, avoidance of development in hazardous areas; and the establishment of buffers between incompatible land uses (City of Seal Beach 2003). The purpose of the City's Open Space / Recreation / Conservation Element is:

- To define open space and classify various types of open space uses.
- Describe those parcels or areas that are currently being used for open space/recreation and conservation purposes and discuss in concept future open space needs of the community.
- Determine methods to ensure that the present and future needs of the community are met.

Open space is defined as land set aside for outdoor recreation; the preservation of natural resources; managed production of resources; or the safety and general welfare of the community. Recreation land is categorized as land developed for the use and enjoyment of the community, either as active land or passive land. Conservation land is land for the conservation, enhancement, and utilization of natural resources including water and its hydraulic force; water quality; flood control; beach erosion; harbors; wildlife refuge; rivers; soils; forests; minerals; and other natural resources (City of Seal Beach 2003).

3.3.3 SEAL BEACH NATIONAL WILDLIFE REFUGE

The Seal Beach National Wildlife Refuge is approximately 920-acres of salt marsh and upland habitat located within the boundaries of the Naval Weapons Station Seal Beach. This wildlife refuge is one of the last remaining natural, undeveloped areas of coastal Southern California. In 1969, the wetlands were designated by the Navy Preserve and on August 30, 1972, President Richard Nixon signed Public Law 92-408, formally establishing the Seal Beach National Wildlife Refuge. This National Wildlife Refuge is managed by the Department of the Navy and the Fish and Wildlife Service.



3.3.4 ORANGE COUNTY TRANSPORTATION AUTHORITY NATURAL COMMUNITY CONSERVATION PLAN/HABITAT CONSERVATION PLAN

The Orange County Transportation Authority (OCTA) along with the California Department of Transportation, California Department of Fish and Game, and United States Fish and Wildlife Service worked together to create the Orange County Transportation Authority/California Department of Transportation Natural Community Conservation Plan (NCCP) / Habitat Conservation Plan (HCP) in October 2009 with an amendment in 2016 (OCTA 2009). The planning area includes all of Orange County and this plan is meant to work with the existing Orange County planning efforts of the Central Coastal NCCP/HCP and the Southern Orange County HCP.

The plan goals include:

- Provide for the management and conservation of specific covered species within the planning area;
- Preserve, restore, and enhance natural communities and ecosystems that support the specific covered species within the planning area;
- Implement the covered activities in such a way that complies with state and federal fish and wildlife protection laws, including CESA and the FESA;
- Provide a basis for permits necessary to lawfully take specific covered species;
- Provide a way to coordinate and standardize mitigation and compensation requirements of FESA, NCCP, CEQA, and NEPA regarding the impacts of covered activities on the covered species within the planning area;
- Provide an accounting process that will document the net environmental benefits from the NCCP/HCP in exchange for streamlined and timely approval of permits for the Renewed Measure M freeway program;
- Provide a less costly, more efficient project review process that results in greater conservation values than project-by-project, species-by-species review; and
- Provide clear expectations and regulatory predictability for the entities carrying out covered activities within the planning area.



4 Existing Conditions

4.1 Setting

The Project is located within the City of Seal Beach in Orange County, California, and is comprised of eight Housing Opportunity Sites and the Main Street Program which have a total land area of approximately 104.45-acres. Appendix A, Figure 1 shows the Project Location Overview. Average summer high temperatures are approximately 74 degrees Fahrenheit (°F), average winter low temperatures are approximately 55°F, and annual precipitation averages 12.26 inches (U.S. Climate Data 2024).

Portions of the Project area are also located within the Coastal Zone and regulated by the California Coastal Commission. Due to its location along the shore of the Pacific Ocean, development, and certain land use policies within the Coastal Zone (all areas south of Westminster Boulevard) are also subject to review by the CCC for consistency with the California Coastal Act of 1976. The City of Seal Beach is in the process of developing a LCP which will implement the Coastal Act at the local level.

The western edge of the City of Seal Beach and directly adjacent to portions of the Project area include shoreline, beaches, and marinas which support areas of biological diversity. The Seal Beach National Wildlife Refuge (NWR), established in 1972, is a protected wetland and marsh located at the Seal Beach Naval Weapons Station. The Seal Beach NWR includes habitats that are essential to migratory birds of the Pacific Flyway, which includes federal- and state-listed species. The Seal Beach NWR is under a Management Plan to 1) preserve habitat necessary for perpetuation of two endangered species, the light-footed Ridgeway's rail, and the California least tern, and 2) preservation of habitat used by migratory waterfowl, shorebirds, and other waterbirds (USFWS 2024c). Other species of concern found in the Seal Beach NWR include the Eastern Pacific green sea turtle, Belding's savannah sparrow, and other year-round species including ospreys, peregrine falcons, red-tailed hawks, great blue herons, great egrets, snowy egrets, brown pelicans, crabs, and snails. There are several winter migration species as well, including Canada, snow, and Ross' geese, various duck species, black-necked stilt, American avocet, black-bellies plover, and least and western sandpipers. Additionally, many California native wildflowers and shrubs occur in this area. Within the aquatic reaches of the wetlands, may also be small rays and sharks within the protected waters of the Seal Beach NWR (USFWS 2024c).

4.2 Vegetation Communities and Land Cover Types

Vegetation communities and other land cover types within the Project area were determined based on review of aerial imagery and are presented below. No vegetation communities classified in the Manual of California Vegetation (Sawyer et al. 2009) are present within the Project area. All areas are categorized as land cover types.



4.2.1 LAND COVER TYPES

Ruderal Herbaceous

Ruderal herbaceous vegetation is generally comprised of non-native or naturalized species that populate previously disturbed areas. Common ruderal species include bull thistle (*Cirsium vulgare*), telegraph weed (*Heterotheca grandiflora*), giant reed (*Arundo donax*), tree tobacco (*Nicotiana glauca*), castor bean (*Ricinus communis*), wild radish (*Raphanus sativus*), Maltese star-thistle (*Centaurea melitensis*), black mustard (*Brassica nigra*), and shortpod mustard (*Hirschfeldia incana*).

Disturbed/Developed

This land cover type includes City parks, recreational vehicle storage, a golf course, commercial buildings, paved or graded roadways, concrete pads, landscaped areas. The vegetated areas within this land cover type primarily contain ornamental planters, such as within residential yards and landscaped areas. These areas are generally periodically maintained for weed control, precluding any significant growth of non-ornamental species, but may be sparsely interspersed with ruderal pioneer plant species that readily colonize open disturbed soil. These include bristly oxtongue (*Helminthotheca echinoides*), castor bean (*Ricinus communis*), black mustard (*Brassica nigra*), shortpod mustard (*Hirschfeldia incana*), wild radish (*Raphanus raphanistrum*), bull thistle (*Cirsium vulgare*), and non-native grasses. This land cover type is present on all the Housing Opportunity Sites and Main Street Program.

4.3 Topography and Hydrology

Topography in the Project area is relatively flat associated with the coastal plain, with elevation ranging from approximately 0 to 40 feet above mean sea level. The Project area occurs east of the San Gabriel River and north of the Pacific Ocean. According to the National Hydrography Dataset (USGS 2022), the Project area is within three subwatersheds: Coyote Creek-San Gabriel River subwatershed (HU12 180701060606; Housing Opportunity Sites 2 - 6), Huntington Beach – Pacific Ocean (HU12 18070201002; Housing Opportunity Site 8 and Main Street Program), and Anaheim Bay (HU12 180702010001; Sites 1 and 7). The higher-level hydrologic units the subwatershed is nested in are listed in Tables 2 and 3.

Table 2. Hydrologic Units Above the Coyote Creek – San Gabriel River Subwatershed

Unit Level	Hydrologic Unit Code	Name
Region (HU 2)	18	California
Subregion (HU 4)	1807	Southern California Coastal
Basin (HU 6)	180701	Ventura-San Gabriel Coastal Basin
Subbasin (HU 8)	18070106	San Gabriel
Watershed (HU 10)	1807010606	Lower San Gabriel River



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Table 3. Hydrologic Units Above the Huntington Beach - Pacific Ocean and Anaheim Bay Subwatersheds

Unit Level	Hydrologic Unit Code	Name
Region (HU 2)	18	California
Subregion (HU 4)	1807	Southern California Coastal
Basin (HU 6)	180702	Santa Ana
Subbasin (HU 8)	18070201	Seal Beach
Watershed (HU 10)	1807020100	Bolsa Chica Channel – Frontal Huntington Harbor

4.4 Soils

Historic soils data from the Natural Resources Conservation Service (NRCS) was used to determine potential soil types that may occur within the Project area (Appendix A, Figures 2). Table 4 identifies the soils historically known to occur within the Project area and provides a summary of characteristics of these soils (NRCS 2024). There are no hydric soils mapped within the Project area.

Table 4. Historic Soil Units Occurring within the Project area

Map Unit Symbol	Map Unit Name	Description	Project Area	Area within Project Area(acres)
123	Bolsa silt loam, drained	A somewhat poorly drained non-hydric soil associated with alluvial fans at elevations between 0 to 680 feet; silt loam (0 to 29 inches), silty clay loam (29 to 69 inches); parent material is made up of mixed alluvium derived from igneous, metamorphic, and sedimentary rock. Minor components include Hueneme, Chino, Metz, Bolsa, Omni, and San Emigdio.	Housing Opportunity Site 4 Shops at Rossmoor	23.50
			Housing Opportunity Site 5 Old Ranch Town Center	26.06
			Housing Opportunity Site 2 Leisure World	5.56
			Total	55.12
125	Bolsa silty clay loam, drained	A somewhat poorly drained non-hydric soil associated with alluvial fans at elevations between -10 to 610 feet; silty clay loam (0 to 12 inches), silt loam (12 to 29 inches), silty clay loam (29 to 69 inches); parent material consists of mixed alluvium derived from igneous, metamorphic, and sedimentary rock. Minor components include Chino, Hueneme, and Omni.	Housing Opportunity Site 4 Shops at Rossmoor	3.30
			Housing Opportunity Site 6	8.14



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Map Unit Symbol	Map Unit Name	Description	Project Area	Area within Project Area(acres)
			Seal Beach Plaza	
			Total	11.44
100	Alo clay, 9 to 15 percent slopes	A well-drained non-hydric soil associated with hillslopes at elevations between 0 to 1,460 feet; clay (0 to 25 inches), bedrock (25 to 59 inches); parent material consists of calcareous residuum weathered from sandstone and shale. Minor components include Balcom, Anaheim, and Bosanko.	Housing Opportunity Site 3 Accurate Storage (1011 Seal Beach Blvd.)	4.49
			Total	4.49
173	Myford sandy loam, 2 to 9 percent slopes	A moderately well-drained non-hydric soil associated with terraces at elevations between 0 to 1,560 feet; sandy loam (0 to 12 inches), sandy clay (12 to 18 inches); sandy clay loam (18 to 71 inches), sandy loam (71 to 79 inches); parent material consists of alluvium derived from sandstone. Minor components include Myford, Capistrano, Yorba, Chesterton, and Water.	Housing Opportunity Site 7 Seal Beach Center	1.65
			Total	1.65
162	Marina loamy sand, 2 to 9 percent slopes	A somewhat excessively drained non-hydric soil associated with dunes at elevations between 0 to 1,330 feet; loamy sand (0 to 33 inches), sand (33 to 80 inches); parent material consists of old eolian sands. Minor components include Marina, Myford, and an unnamed soil.	Housing Opportunity Site 8 99 Marina Drive	4.31
			Main Street Program	21
			Housing Opportunity Site 7 Seal Beach Center	6.27
			Housing Opportunity Site 1 1780 Pacific Coast	0.23
			Total	20.01
Overall Total				104.45



4.5 Aquatic Resources

4.5.1 COASTAL ZONE

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California, including the coastal zone: the USACE Regulatory Program regulates activities pursuant to Section 404 of the federal CWA and Section 10 of the Rivers and Harbors Act; the CDFW regulates activities under the FGC Sections 1600-1607; and the RWQCB regulates activities under Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

Housing Opportunity Sites 1, 3, 7, 8, and Main Street Program, fall within the Coastal Zone (Appendix A, Figure 5-1). Development within these areas will require coordination with CCC and a Coastal Development Permit for the Project, which would require that the Project adhere to the policies of the California Coastal Act.

4.5.2 NATIONAL WETLANDS INVENTORY

The National Wetlands Inventory (NWI) has mapped a variety of wetland and water resources within and adjacent to the Project area (see Appendix A, Figure 3). These features include Estuarine and Marine Deepwater, Estuarine and Marine Wetland, Freshwater Emergent Wetland, Freshwater Forested/Shrub Wetland, Freshwater Pond, and Riverine (USFWS 2024b).

The San Gabriel River flows west of the Project area and the Pacific Ocean is south of the Project area. The Los Alamitos Channel, a concrete lined riverine feature, flows directly to the west of Housing Opportunity Site 2 (Leisure World). The remaining wetlands and waters features are more than 100 feet from the Housing Opportunity Sites and Main Street Program.

A formal jurisdictional delineation was not conducted as part of this assessment. The Los Alamitos Channel is a known WOTUS because it is a tributary to the San Gabriel River. The San Gabriel River is also a known WOTUS. Additionally, these areas would qualify as Waters of the State and CDFW jurisdictional waters.

4.6 Common Wildlife

This section describes the common wildlife species expected to occur within the Project area based on habitat characteristics and species known to occur in the region.

4.6.1 TERRESTRIAL INVERTEBRATES

As in all ecological systems, invertebrates inhabiting the Project area play a crucial role in several biological processes. They serve as the primary or secondary food sources for a variety of bird, reptile, and mammal predators; they provide important pollination vectors for numerous plant species; they act as components in controlling pest populations; and they support the naturally occurring maintenance of an area by consuming detritus and contributing to necessary soil nutrients. Though heavily urbanized, habitat conditions within the Project area provide a suite of microhabitat conditions for a wide variety of



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terrestrial insects and other invertebrates that are known to adapt to such disturbance. A focused insect survey was not performed within the Project area for this Project; however, a variety of common insects are expected to be present within the Project area.

4.6.2 FISH

There is no flowing water identified within the Project area; therefore, there is no potential for fish in the Project area. However, there may be fish in the surrounding areas.

4.6.3 AMPHIBIANS

Amphibians often require a source of standing or flowing water to complete their life cycle. However, some terrestrial amphibian species can survive in drier areas by remaining in moist environments found beneath leaf litter, animal burrows, and fallen logs, or by burrowing into the soil. These species are highly cryptic and often difficult to detect. Downed logs, bark, and other woody material in various stages of decay (often referred to as coarse woody debris), which is generally not present within the Project area, could provide shelter and feeding sites for a variety of wildlife, including amphibians and reptiles (Aubry et al. 1988; Maser and Trappe 1984).

Species known to occur in the area include the western toad (*Anaxyrus boreas*), California toad (*Anaxyrus boreas halophilus*), Baja California treefrog (*Pseudacris hypocondriaca*), and garden slender salamander (*Batrachoseps major major*).

4.6.4 REPTILES

The number and type of reptile species that may occur at a given site is related to several biotic and abiotic features. These include the diversity of plant communities, substrates, soil types, and presence of refugia such as rock piles, boulders, and native debris. Many reptile species, even if present, are difficult to detect because they are cryptic and their life history characteristics (e.g., foraging, thermoregulatory behavior, fossorial nature, camouflage) limit their ability to be observed during most surveys. Further, many species are only active within relatively narrow thermal limits, avoiding both cold and hot conditions, and most species take refuge in microhabitats that are not directly visible to the casual observer, such as rodent burrows, in crevices, under rocks and boards, and in dense vegetation, where they are protected from unsuitable environmental conditions and predators (USACE and CDFG 2010). In some cases, they are only observed when flushed from their refugia. Weather conditions during the survey were favorable for reptile activity.

Common reptiles known to occur in the area include the red diamond rattlesnake (*Crotalus ruber*), San Diego gopher snake (*Pituophis catenifer annectens*), and California king snake (*Lampropeltis californiae*). Although the Project area does not contain suitable habitat for these species, there is potential for them to be present in areas adjacent to the Project. A small population of green sea turtles (*Chelonia mydas*) are known to be present near the mouth of San Gabriel River and in the lower reaches; however, this species requires shallow coastal waters and open ocean, which is not present within the Project area (National Oceanic and Atmospheric Administration [NOAA] 2024).



4.6.5 BIRDS

It is possible that many birds use the Project area at different periods, either as wintering habitat, seasonal breeding, or as occasional migrants. Suitable habitat conditions for several common birds known to occur in the region. Species that may be expected to occur include Cooper's hawk (*Accipiter cooperii*), whimbrel (*Numenius phaeopus*), Say's phoebe (*Sayornis saya*), common yellowthroat (*Geothlypis trichas*), belted kingfisher (*Megaceryle alcyon*), barn owl (*Tyto alba*), Canada goose (*Branta canadensis*), California gull (*Larus californicus*), western gull (*Larus occidentalis*), great blue heron (*Ardea herodias*), and black-crowned heron (*Nycticorax nycticorax*).

4.6.6 MAMMALS

Generally, the distribution of mammals on a given site is associated with the presence of factors such as access to perennial water, topographical and structural components (e.g., rock piles, vegetation) that provide cover and support prey base, and the presence of suitable soils for fossorial mammals (e.g., sandy areas). Common mammals habituated to urban environments may move through the Project area, including striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginiana*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), domestic species such as cats (*Felis catus*), and various rodent species.

Bats likely forage and roost in the region, particularly along riparian corridors. Many bats tend to concentrate foraging activities in riparian habitats similar to those occurring adjacent to the Project area where insect abundance is high.



5 Special-Status Biological Resources

The background information presented above was used to evaluate special-status natural communities and special-status plant and animal taxa that either occur or may have the potential to occur within the Project area and adjacent habitats. For the purposes of this BRTR, special-status taxa are defined as plants or animals that:

- Have been designated as either rare, threatened, or endangered by CDFW or the USFWS, and are protected under either the CESA or FESA;
- Are candidate species being considered or proposed for listing under these same acts;
- Are recognized as SSC by the CDFW;
- Are ranked by CNPS as CRPR 1, 2, 3, or 4 plant species;
- Are fully protected by the FGC, Sections 3511, 4700, 5050, or 5515; and/or
- Are of expressed concern to resource/regulatory agencies, or local jurisdictions.

5.1 Special-Status Natural Communities

Sensitive natural communities are defined by CDFW (2018) as, "...communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects." All vegetation is ranked with an "S" State rarity rank; however, only those that are of special concern (S1-S3 rank) are evaluated under CEQA.

The CNDDDB records search indicated that there are four sensitive vegetation communities within a 10-mile radius of the Project area: Southern Coastal Salt Marsh, Southern Dune Scrub, Southern Foredunes, and Southern Cottonwood Willow Riparian Forest. The Southern Dune Scrub has a state rank of S1/Critically imperiled, at very high risk of extirpation in the jurisdiction due to very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors. The Southern Coastal Salt Marsh and Southern Foredunes has a state rank of S2/Imperiled, at high risk of extirpation in the jurisdiction due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors. The Southern Cottonwood Riparian Forest has a state rank of S3/Vulnerable, at moderate risk of extirpation in the jurisdiction due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.

The Project area does not contain any of these sensitive natural communities. The Project occurs within the Orange County Transportation Authority NCCP/HCP, but this is not relevant for this project.

5.2 Designated Critical Habitat

Designated critical habitat is defined by the USFWS (2020) as, "...a term defined and used in the Endangered Species Act. It includes specific geographic areas that contain features (known as Primary



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Constituent Elements) essential to the conservation of an endangered or threatened species and that may require special management and protection. DCH may also include areas that are not currently occupied by the listed species but are thought to be needed for its recovery.”

There is no DCH within the Project area. The nearest DCH is for the western snowy plover (*Charadrius nivosus nivosus*), located approximately 3.3 miles southeast; and coastal California gnatcatcher (*Poliophtila californica californica*), located approximately 9.5 miles northeast of the Project area (USFWS 2024a, USFW 2024c).

5.3 Special-Status Plants

Special-status plant species include those listed as threatened or endangered under the FESA or CESA, taxa proposed for such listing, SSC, CRPR, and other taxa that have been identified by USFWS, CDFW, or local jurisdictions as unique or rare and that have the potential to occur within the Project area.

Tables 5 and 6 summarize the special-status plant taxa known to occur regionally and their potential for occurrence in the Project area. Appendix A, Figure 4 provides a depiction of previously reported species locations from the CNDDDB records searches. Sources comprise the CNDDDB, CNPS, USFWS, and OCTA NCCP/HCP. Each of the taxa identified in the database records searches were assessed for its potential to occur within the Project area based on the following criteria:

- **High (H):** Both a documented recent record (within 10 years) exists of the taxa within the Project area or immediate vicinity (approximately 10 miles) and the environmental conditions (including soil type) associated with taxa presence occur within the Project area.
- **Moderate (M):** Both a documented recent record (within 10 years) exists of the taxa within the Project area, or the immediate vicinity (approximately 10 miles) and the environmental conditions associated with taxa presence are marginal and/or limited within the Project area; the Project area is located within the known current distribution of the taxa and the environmental conditions (including soil type) associated with taxa presence occur within the Project area.
- **Low (L):** A historical record (over 10 years) exists of the taxa within the Project area or general vicinity (approximately 10 miles) and the environmental conditions (including soil type) associated with taxa presence are marginal and/or limited within the Project area.
- **Not Likely to Occur (N):** The environmental conditions associated with taxa presence do not occur within the Project area.



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Table 5. Special-Status Plant Species and Their Habitat Evaluated for Potential Occurrence

Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
red sand-verbena	<i>Abronia maritima</i>	-- / -- / 4.2 / --	Perennial herb that occurs in coastal dune habitats. Elevation range: below 328 feet. Typical blooming period is February – October.
chaparral sand-verbena	<i>Abronia villosa</i> var. <i>aurita</i>	-- / -- / 1B.1 / --	Annual herb that occurs in chaparral, coastal and desert dune habitats. Elevation range: 246 – 5,249 feet. Typical blooming period is January – September.
aphanisma	<i>Aphanisma blitoides</i>	-- / -- / 1B.2 / --	Annual herb adapted to saline soils, found in sand or scrub along the immediate coast. Elevation range: below 328 feet. Typical blooming period is in March – June.
Horn's milk-vetch	<i>Astragalus hornii</i> var. <i>hornii</i>	-- / -- / 1B.1 / --	Annual herb that occurs in lake margins, salty flats, meadows, seeps, and playas. Adapted to alkaline soils. Elevation range: 197 – 984 feet. Typical blooming period is May – September.
Ventura marsh milk-vetch	<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	FE / SE / 1B.1 / --	Perennial herb that occurs in coastal dunes, coastal scrub, marshes, and swamps (edges, coastal salt, or brackish); within reach of high tide or protected by barrier beaches; rarely occurs near seeps on sandy bluffs. Elevation range: 3 – 115 feet. Typical blooming period is August - October.
Coulter's saltbush	<i>Atriplex coulteri</i>	-- / -- / 1B.2 / --	Perennial herb that occurs in coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland, ocean bluffs, ridgetops, as well as alkaline low places. Occurs in alkaline, dry, or clay soils. Elevation range: 7– 1,509 feet. Typical blooming period is March to October.
south coast saltscale	<i>Atriplex pacifica</i>	-- / -- / 1B.2 / --	Annual herb that occurs in coastal bluff scrub, coastal dune, coastal scrub, and playa habitats. Elevation range: below 984 feet. Typical blooming period is March to October.
Parish's brittlescale	<i>Atriplex parishii</i>	-- / -- / 1B.1 / --	Annual herb that occurs in dry lake beds, playas, ephemeral vernal pools, and chenopod scrub habitats. Present in saline and alkaline soils. Elevation range: 0 – 1,542 feet. Typical blooming period is June – October.
Davidson's saltscale	<i>Atriplex serenana</i> var. <i>davidsonii</i>	-- / -- / 1B.2 / --	Annual herb that occurs in coastal scrub, bluffs, chenopod scrub, playas, and vernal pools from southern California to Baja California. Occurs in alkaline soils. Elevation range: 0 – 656 feet. Typical blooming period is April – October.
Catalina mariposa lily	<i>Calochortus catalinae</i>	-- / -- / 4.2 / --	Perennial herb that occurs in coastal sage scrub, foothill woodland, chaparral, and valley grassland habitats. Elevation range: below 2,297 feet. Typical blooming period is March – June.



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Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
Plummer's mariposa lily	<i>Calochortus plummerae</i>	-- / -- / 4.2 / --	Perennial herb that occurs in chaparral, cismontane woodland, coastal scrub, lower montane forest, and valley and foothill grasslands. Occurs in granitic and rocky substrates. Elevation range: 328– 5,577 feet. Typical blooming period is May – July.
intermediate mariposa lily	<i>Calochortus weedii</i> var. <i>intermedius</i>	-- / -- / 1B.2 / Listed	Perennial herb that occurs in chaparral, coastal scrub, and valley and foothill grasslands; typically in rocky, calcareous substrates. Elevation range: 345 – 2,805 feet. Typical blooming period is May – June.
lucky morning-glory	<i>Calystegia felix</i>	-- / -- / 1B.1 / --	Annual herb historically associated with wetland and marshy places, but possibly in drier situations as well. May occur in silty loam and alkaline soils in meadows and seeps, and riparian scrub habitats. Elevation range: 98 – 705 feet. Typical blooming period is March – September.
Lewis' evening-primrose	<i>Camissoniopsis lewisii</i>	-- / -- / 3 / --	Annual herb that occurs in coastal and dune habitats. Associated with coastal strand, coastal sage scrub, foothill woodland, and valley grassland communities. Elevation range: below 984 feet. Typical blooming period is March – June.
southern tarplant	<i>Centromadia parryi</i> ssp. <i>australis</i>	-- / -- / 1B.1 / Listed	Annual herb the occurs on the margins of marshes and swamps, vernal mesic portions of valley and foothill grasslands, depressions, waterway banks and beds, open poorly drained flats, and disturbed area. Occurs in alkaline substrates. Elevation range: 0 – 1,575 feet. Typical blooming period is May – November.
smooth tarplant	<i>Centromadia pungens</i> ssp. <i>laevis</i>	-- / -- / 1B.1 / --	Annual herb that occurs in chenopod scrub; meadows and seeps; playas; riparian woodlands; valley and foothill grasslands; depressions; waterway banks and beds; open, poorly drained flats; and disturbed areas. Occurs in alkaline soils. Elevation range: 295 – 1,640 feet. Typical blooming period is April – September.
salt marsh bird's-beak	<i>Chloropyron maritimum</i> ssp. <i>maritimum</i>	FE / -- / 1B.2 / --	Annual herb that occurs in coastal dune, marsh, and swamp habitats. Elevation range: 0-98 feet. Typical blooming period is May – October.
seaside cistanthe	<i>Cistanthe maritima</i>	-- / -- / 4.2 / --	Annual herb that occurs in coastal sage scrub and valley grassland communities. Elevation range: 0 – 984 feet. Typical blooming period is March – June.
small-flowered morning-glory	<i>Convolvulus simulans</i>	-- / -- / 4.2 / --	Annual herb that occurs in seeps. This species has a strong affinity for ultramafic substrates. Elevation range: 98 – 2,870 feet. Typical blooming period is March – July.
many-stemmed dudleya	<i>Dudleya multicaulis</i>	-- / -- / 1B.2 / Listed	Perennial herb that occurs in chaparral, coastal scrub, and valley and foothill grasslands. Often occurs in clay soils. Elevation range: 49 – 2,592 feet. Typical blooming period is April-July.



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Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
small spikerush	<i>Eleocharis parvula</i>	-- / -- / 4.3 / --	Perennial grass-like herb that occurs in salt marsh and coastal habitats. Elevation range: below 164 feet. Typical blooming period is July – August.
San Diego button-celery	<i>Eryngium aristulatum</i> var. <i>parishii</i>	FE / SE / 1B.1 / --	Annual or perennial herb that occurs in vernal pools. Elevation range: below 2,313 feet. Typical blooming period is April – June.
Los Angeles sunflower	<i>Helianthus nuttallii</i> ssp. <i>parishii</i>	-- / -- / 1A / --	Perennial herb (rhizomatous) that historically occurred in Los Angeles, Orange, Riverside, and San Bernardino counties; however, it is presumed to be extinct. It occurred in salt or freshwater marshes and swamps. Elevation range: 33 – 5,003 feet. Typical blooming period is August – October.
vernal barley	<i>Hordeum intercedens</i>	-- / -- / 3.2 / --	Annual grass-like herb that occurs in coastal dune, coastal scrub, saline flats and depressions in valley and foothill grassland, and vernal pool habitats. Elevation range: 16 – 3,280 feet. Typical blooming period is March – June.
decumbent goldenbush	<i>Isocoma menziesii</i> var. <i>decumbens</i>	-- / -- / 1B.2 / --	Shrub that occurs in coastal scrub and chaparral habitats, and disturbed areas. Occurs in sandy soils. Elevation range: 3 – 3,002 feet. Typical blooming period is April – November.
Southern California black walnut	<i>Juglans californica</i>	-- / -- / 4.2 / --	Tree that occurs in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Elevation range: 164 – 2,953 feet. Typical blooming period is March – August.
southwestern spiny rush	<i>Juncus acutus</i> ssp. <i>leopoldii</i>	-- / -- / 4.2 / --	Perennial grass-like herb (rhizomatous) that occurs in seeps, meadows, salt marshes, and dune coastal habitats. Elevation range: below 984 feet. Typical blooming period is May – June.
Coulter's goldenfields	<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	-- / -- / 1B.1 / --	Annual herb that occurs in coastal salt marshes and swamps, playas, coastal dunes, coastal sage scrub, valley and foothill grasslands, and vernal pools. Usually found in clay and alkaline soils. Elevation range: 3 – 4,511 feet. Typical blooming period is February – June.
California box-thorn	<i>Lycium californicum</i>	-- / -- / 4.2 / --	Shrub found in coastal sage scrub communities. Elevation range: below 492 feet. Typical blooming period is March – August.
mud nama	<i>Nama stenocarpa</i>	-- / -- / 2B.2 / --	Annual herb that occurs in marshes and swamps, lake shores, riverbanks, and other intermittently wet areas. Elevation range: 16 – 1. Typical blooming period is January – July.
Gambel's water cress	<i>Nasturtium gambelii</i>	FE / ST / 1B.1 / --	Perennial herb (rhizomatous) that occurs in freshwater or brackish marshes and swamps. Elevation range: 16 – 1,083 feet. Typical blooming period is April – October.



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Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
prostrate vernal pool navarretia	<i>Navarretia prostrata</i>	-- / -- / 1B.2 / --	Annual herb that occurs in coastal scrub, valley and foothill grassland, vernal pool, and meadow and seep habitats. Occurs in alkaline soils. Elevation range: 10 – 4,052 feet. Typical blooming period is April – June.
coast woolly- heads	<i>Nemacaulis denudate</i> var. <i>denudate</i>	-- / -- / 1B.2 / --	Annual herb that occurs on coastal dunes and beaches. Elevation range: below 328 feet. Typical blooming period is March – August.
California Orcutt grass	<i>Orcuttia californica</i>	FE / SE / 1B.1 / --	Annual grass-like herb that occurs in large and deep vernal pools, typically with clay soils and an impervious subsurface layer. Elevation range: 49 – 2,165 feet. Typical blooming period is April -August.
Lyon's pentachaeta	<i>Pentachaeta lyonia</i>	-- / -- / 1B.1 / --	Annual herb that occurs in chaparral openings, and valley and valley and foothill grasslands. Elevation range: 98 – 2,264 feet. Typical blooming period is March – June.
south coast branching phacelia	<i>Phacelia ramosissima</i> var. <i>austrolitoralis</i>	-- / -- / 3.2 / --	Perennial herb that occurs in wetland below 12,467 feet in elevation. Typical blooming period is March – August.
Brand's star phacelia	<i>Phacelia stellaris</i>	-- / -- / 1B.1 / --	Annual herb that occurs on bluffs and slopes in coastal dunes, coastal scrub, and coastal bluff scrub habitats. Occurs in sandy or clay soils. Elevation range: 3 - 1,312 feet. Typical blooming period is March – June.
Engelmann oak	<i>Quercus engelmannii</i>	-- / -- / 4.2 / --	Tree that occurs in riparian habitats in foothill woodland, chaparral, and valley grassland communities. Elevation range: below 4,265 feet. Typical blooming period is March – June.
Sanford's arrowhead	<i>Sagittaria sanfordii</i>	-- / -- / 1B.2 / --	Perennial herb (rhizomatous) that occurs in freshwater marsh habitats. Elevation range: below 984 feet. Typical blooming period is May – October.
salt spring checkerbloom	<i>Sidalcea neomexicana</i>	-- / -- / 2B.2 / --	Perennial herb that occurs in playa, chaparral, coastal scrub, lower montane coniferous forest, and Mojavean desert scrub habitats. Also occurs in alkali springs and marshes. Elevation range: 49 – 5,020 feet. Typical blooming period is March – June.
estuary seablite	<i>Suaeda esteroa</i>	-- / -- / 1B.2 / --	Perennial herb that occurs in marshes and swamps, including coastal salt marshes. Occurs in clay, silt, and sand substrates. Elevation range: 0 – 262 feet. Typical blooming period is July – October.
woolly seablite	<i>Suaeda taxifolia</i>	-- / -- / 4.2 / --	Shrub that occurs in salt marsh habitats on the edges of coastal sage scrub and wetland riparian communities. Elevation range: below 49 feet. Typical blooming period is January – December.



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Common Name	Scientific Name	Status Federal/ State/CRPR/OCTA NCCP, HCP	General Habitat Description
San Bernardino aster	<i>Symphyotrichum defoliatum</i>	-- / -- / 1B.2 / --	Perennial herb (rhizomatous) that occurs in meadow and seep, cismontane woodland, coastal scrub, lower montane coniferous forest, marsh and swamp, and valley foothill grassland habitats. Generally found in vernal mesic grassland habitats near ditches, streams, and springs. May also occur in disturbed areas. Elevation range: 10 – 6,709 feet. Typical blooming period is July – November.

General References:

USFWS IPaC 10-mile centered on Project area (accessed January 2024)
 CNDDDB RareFind 10-mile centered on Project area (accessed January 2024).
 CNPS Inventory of Rare and Endangered Plants 8-quad search (accessed January 2024)
 Orange County Transportation Authority NCCP/HCP (accessed 2024)

Status Codes:

No Status (--)

Federal

Federal Endangered (FE)
 Federal Threatened (FT)
 Federal Proposed Endangered (FPE)
 Federal Proposed Threatened (FPT)
 Federal Candidate (FC)

California Rare Plant Rank (CRPR) from the California Native Plant Society (CNPS)

Rare, threatened, or endangered in California and elsewhere (Rank 1B);

Orange County Transportation Authority (OCTA) NCCP/HCP

Listed

State

State Endangered (SE)
 State Threatened (ST)
 State Candidate (SC)
 State Rare (SR)

Rare, threatened, or endangered in California, but more common elsewhere (Rank 2);

Plants that about which more information is needed (Rank 3);

A watch list plant of limited distribution (Rank 4)

Threat Code:

Seriously endangered in California (≥80% of occurrences threatened / high degree and immediacy of threat) (.1);

Fairly endangered in California (20-80% occurrences threatened) (.2);

Not very endangered I California (≤20% of occurrences threatened, or no current threats known) (.3).



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Table 6. Special-Status Plant Species and Potential for Occurrence on Each Housing Opportunity Site and Main Street Program

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmore	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 8. 99 Marina	Main Street Program
red-sand verbena	N	N	N	N	N	N	N	N	N
chaparral sand-verbena	N	N	N	N	N	N	N	N	N
aphanisma	N	N	N	N	N	N	N	N	N
Horn's milk-vetch	N	N	N	N	N	N	N	N	N
Ventura marsh milk-vetch	N	N	N	N	N	N	N	N	N
Coulter's saltbush	N	N	N	N	N	N	N	L	N
south coast saltscale	N	N	N	N	N	N	N	N	N
Parish's brittlescale	N	N	N	N	N	N	N	N	N
Davidson's saltscale	N	N	N	N	N	N	N	N	N
Catalina mariposa lily	N	N	N	N	N	N	N	N	N
Plummer's mariposa lily	N	N	N	N	N	N	N	N	N
intermediate mariposa lily	N	N	N	N	N	N	N	N	N
lucky morning-glory	N	N	N	N	N	N	N	N	N
Lewis' evening-primrose	N	N	N	N	N	N	N	N	N
southern tarplant	N	N	N	N	N	N	N	L	N
smooth tarplant	N	N	N	N	N	N	N	N	N
salt-march birds's beak	N	N	N	N	N	N	N	N	N
seaside cistanthe	N	N	N	N	N	N	N	N	N
small-flowered morning-glory	N	N	N	N	N	N	N	N	N
many-stemmed dudleya	N	N	N	N	N	N	N	N	N
small spikerush	N	N	N	N	N	N	N	N	N
San Diego button-celery	N	N	N	N	N	N	N	N	N
Los Angeles sunflower	N	N	N	N	N	N	N	N	N
vernal barley	N	N	N	N	N	N	N	N	N



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Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 8. 99 Marina	Main Street Program
decumbent goldenbush	N	N	N	N	N	N	N	N	N
Southern California black walnut	N	N	N	N	N	N	N	N	N
southwestern spiny rush	N	N	N	N	N	N	N	N	N
Coulter's goldenfields	N	N	N	N	N	N	N	L	N
California box-thorn	N	N	N	N	N	N	N	N	N
mud nama	N	N	N	N	N	N	N	N	N
Gambel's water cress	N	N	N	N	N	N	N	N	N
prostrate vernal pool navarretia	N	N	N	N	N	N	N	N	N
coasty woolly-heads	N	N	N	N	N	N	N	N	N
California Orcutt grass	N	N	N	N	N	N	N	N	N
Lyon's pentachaeta	N	N	N	N	N	N	N	N	N
south coast branching phacelia	N	N	N	N	N	N	N	N	N
Brand's star phacelia	N	N	N	N	N	N	N	N	N
Engelmann oak	N	N	N	N	N	N	N	N	N
Sanford's arrowhead	N	N	N	N	N	N	N	N	N
salt spring checkerbloom	N	N	N	N	N	N	N	N	N
estuary seablite	N	N	N	N	N	N	N	N	N
woolly seablite	N	N	N	N	N	N	N	N	N
San Bernardino aster	N	N	N	N	N	N	N	N	N



5.4 Special-Status Wildlife

Special-status wildlife include those listed as threatened or endangered under the FESA or CESA, taxa proposed for such listing, SSC, and other taxa that have been identified by USFWS, CDFW, or local jurisdictions as unique or rare and that have the potential to occur within the Project area.

Tables 7 and 8 summarize the special-status wildlife taxa known to occur regionally and their potential for occurrence in the Project area. Appendix A, Figure 4 provides a depiction of previously reported species locations from the CNDDDB records searches. Sources comprise the CNDDDB, USFWS, and OCTA NCCP/HCP. Each of the taxa identified in the database records searches were assessed for its potential to occur within the Project area based on the following criteria:

- **High (H):** Habitat (including soils) for the taxa occurs onsite, and a known occurrence occurs within the Project area or adjacent areas (within 5 miles of the Project area) within the past 20 years; however, these taxa were not detected during the most recent surveys.
- **Moderate (M):** Habitat (including soils) for the taxa occurs onsite, and a known regional record occurs within the database search, but not within 5 miles of the Project area or within the past 20 years; or a known occurrence occurs within 5 miles of the Project area and within the past 20 years and marginal or limited amounts of habitat occurs onsite; or the taxa's range includes the geographic area and suitable habitat exists.
- **Low (L):** Limited habitat for the taxa occurs within the Project area and no known occurrences were found within the database search and the taxa's range includes the geographic area.
- **Not Likely to Occur (N):** The environmental conditions associated with taxa presence do not occur within the Project area.



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Table 7. Special-Status Animal Species and Their Habitat Evaluated for Potential Occurrence

Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
Invertebrates			
Crotch bumble bee	<i>Bombus crotchii</i>	-- / SC / S2 / --	Coastal California east to the Sierra-Cascade crest and south into Mexico. Food plant genera include <i>Antirrhinum</i> , <i>Phacelia</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Eschscholzia</i> , and <i>Eriogonum</i> .
San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	FE / S1 / -- / --	Restricted to vernal pools in coastal southern California and northwestern Baja California, Mexico.
monarch – California overwintering population	<i>Danaus plexippus plexippus</i> pop. 1	FC / S2 / -- / --	Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile creek in Mendocino County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation. Roosts located in wind-protected tree groves (eucalyptus, pine, cypress), with nectar and water sources nearby. Larvae require the host plant, (<i>Asclepias</i> spp.) for development.
quino checkerspot butterfly	<i>Euphydryas Editha quino</i>	FE / S1S2 / -- / --	Native to southern California and northwestern Mexico. Occurs in localized colonies closely associated with the high densities of larval food plant, <i>Plantago erecta</i> , <i>P. insularis</i> , and <i>Orthocarpus purpureus</i> . Adults use several chaparral annual flowers for food. Six known populations in southwestern Riverside and San Diego counties and at least one population near Tecate, Mexico. Associated with sunny openings within chaparral and coastal sage shrublands hills and mesas near the coast.
Palos Verdes blue butterfly	<i>Glaucopsyche lygdamus palosverdesensis</i>	FE / S1 / -- / --	Dependent on two known larval host plants, Santa Barbara milkvetch (<i>Astragalus trichopodus</i> var. <i>lonchus</i>)—also known as locoweed—and common deerweed (<i>Acmispon glaber</i>) within coastal scrub habitat. Known only from Palos Verdes peninsula.



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Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	FE / S2 / -- / --	Restricted to vernal pools and other non-vegetated ephemeral pools in inland areas of Riverside County, Orange County, and the vicinity of Ramona, San Diego County; and coastal areas of San Diego County and northwestern Baja California, Mexico.
Reptiles			
southern California legless lizard	<i>Anniella stebbinsi</i>	-- / S3 / SSC / --	Generally, south of the transverse range, extending to northwestern Baja California, Mexico. Occurs in sandy or loose loamy soils under sparse vegetation. Disjunct populations in the Tehachapi and Piute mountains in Kern County. Variety of habitats; generally, in moist, loose soil. They prefer soils with a high moisture content.
orange-throated whiptail	<i>Aspidoscelis hyperythra</i>	-- / S2S3 / WL / Listed	Found in sage scrub and chaparral habitats.
green turtle	<i>Chelonia mydas</i>	FT / S1 / -- / --	Usually occur in relatively shallow waters (except when migrating) inside reefs, bays, and inlets. Occur in lagoons and shoals with an abundance of marine grass and algae.
western pond turtle	<i>Emys marmorata</i>	FPT / SNR / SSC / Listed	A thoroughly aquatic turtle of small ponds and lakes, marshes, permanent and ephemeral shallow wetlands, stock ponds, reservoirs, treatment lagoons, irrigation ditches, and slow-moving permanent or intermittent rivers, streams, usually with aquatic vegetation, below 6000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying. Abundant cover necessary including logs, rocks, and submerged vegetation.
coast horned lizard	<i>Phrynosoma blainvillii</i>	-- / S4 / SSC / Listed	Primarily in sandy soil in open areas, especially sandy washes and floodplains, in many plant communities. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and an abundant supply of ants or other insects. Main prey item is harvester ants. Occurs west of the deserts from northern Baja California, Mexico, north to Shasta County below 2,400 meters elevation.



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Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
Amphibians			
western spadefoot	<i>Spea hammondi</i>	FPT / S3S4 / SSC / --	Occurs in the Central Valley and adjacent foothills and the non-desert areas of southern California and Baja California, Mexico. Grassland habitats, valley-foothill hardwood woodlands, and coastal sage scrub. Vernal pools and other temporary rain pools, cattle tanks, and occasionally pools of intermittent streams are essential for breeding and egg-laying. Burrows in loose soils during dry season.
Fish			
Arroyo chub	<i>Gila orcuttii</i>	-- / S2 / SSC / Listed	Found in habitats characterized by slow-moving water, mud or sand substrate, and depths greater than 40 cm. Most abundant in low gradient pools that support at least some aquatic vegetation.
steelhead – southern California Distinct Population Segment (DPS)	<i>Oncorhynchus mykiss irideus</i> pop. 10	FT / S2 / SSC / --	Inhabits seasonally accessible rivers and streams with gravel for spawning. Requires sufficient flows in their natal streams to be able to return from oceans and lakes to spawn. Federal listing refers to populations from Santa Maria River south to southern extent of range (San Mateo Creek in San Diego County). Southern steelhead likely have greater physiological tolerance to warmer water and more variable conditions.
short-tailed albatross	<i>Phoebastria albatrus</i>	FE / S1 / SSC / --	Located on remote islands of the western Pacific.
Mammals			
western mastiff bat	<i>Eumops perotis californicus</i>	-- / S3S4 / SSC / --	Open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, chaparral. Roosts in crevices in cliff faces, high buildings, bridges, trees, and tunnels. In California, most records are from rocky areas at low elevations.
bobcat	<i>Lynx rufus</i>	-- / -- / -- / Listed	Common throughout the United States, southern Canada, and northern Mexico. Preferred habitats include dense chaparral, low and mid elevation conifer, oak, pinyon-juniper woodlands, riparian, and desert environments.
south coast marsh vole	<i>Microtus californicus</i>	-- / S2 / SSC / --	Occurs in areas of tidal marshes in Los Angeles, Orange, and southern Ventura counties.



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Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
big free-tailed bat	<i>Nyctinomops macrotis</i>	-- / S3 / SSC / --	Occurs in low-lying arid areas in southern California. Prefers rugged, rocky terrain. Often forages over water sources. Roosts in buildings, caves, and occasionally in holes in trees. Also roosts in crevices in high cliffs or rock outcrops.
western yellow bat	<i>Lasiurus xanthinus</i>	-- / S3 / SSC / --	Primarily roost in trees hanging from the underside of leaves. Commonly found in riparian woodland habitat with dead fronds of non-native palms (for roosting).
Pacific pocket mouse	<i>Perognathus longimembris pacificus</i>	FE / S2 / SSC / --	An obligate resident of fine-grained sandy soils of coastal strand, coastal dunes, river and marine alluvium, and coastal sage scrub near the ocean and has never been collected more than 2 miles from the coast. Occurrences are closely associated with loose or friable soils that permit burrowing.
southern California saltmarsh shrew	<i>Sorex ornatus salicornicus</i>	-- / S1 / SSC / --	Coastal marshes in Los Angeles, Orange, and Ventura counties. Requires dense vegetation and woody debris for cover.
Birds			
tricolored blackbird	<i>Agelaius tricolor</i>	-- / ST / SSC / --	Highly colonial species, most numerous in the Central Valley and vicinity, and largely endemic to California. Breeds near freshwater, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, and tall herbs. Forages in grassland and cropland habitats with insect prey within a few kilometers of the colony. They are itinerant breeders, nesting more than once at different locations during the breeding season.
burrowing owl	<i>Athene cunicularia</i>	-- / S2 / SSC / --	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably the California ground squirrel.
ferruginous hawk	<i>Buteo regalis</i>	-- / S3S4 / WL / --	Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon and juniper habitats. Eats mostly lagomorphs, ground squirrels, and mice. Population trends may follow lagomorph population cycles.



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Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
Swainson's hawk	<i>Buteo swainsoni</i>	-- / ST / S4 / --	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.
coastal cactus wren	<i>Campylorhynchus brunneicapillus sandiegensis</i>	-- / S2 / SSC / Listed	Southern California coastal sage scrub. Wrens require tall cactus for nesting and roosting.
western snowy plover	<i>Charadrius nivosus nivosus</i>	FT / S3 / SSC / --	Sandy beaches, salt pond levees, and shores of large alkali lakes. Needs sandy, gravelly, or friable soils for nesting.
western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	FT / SE / S1 / --	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian forests of willow, often mixed with cottonwoods, with well-developed understories of blackberry, nettles, or wild grape.
southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	FE / SE / S3 / Listed	Breeds in dense riparian areas associated with nearby rivers, swamps, and wetlands.
California black rail	<i>Laterallus jamaicensis ssp. coturniculus</i>	-- / ST / S2 / FP / --	Nests in wet meadows, shallow freshwater marshes, and the shallower or drier portions of salt marshes. Winters in shallow coastal and interior marshes the do not freeze. Occasionally found in rice fields. Does not migrate.
Belding's savannah sparrow	<i>Passerculus sandwichensis beldingi</i>	-- / SE / S3 / --	Locally common non-migratory resident of coastal saltmarsh. An obligate breeder in middle elevation saltmarsh, nearly always characterized by pickleweed (<i>Salicornia</i> spp.), either in tidal situations or non-tidal alkaline flats nearby. Foraging primarily stems from saltmarsh and mudflat, individuals, particularly post-breeding birds, can be found foraging in a wide variety of habitats including upper marsh, adjacent ruderal and ornamental vegetation, open beach and mudflat, and even dirt and gravel parking lots.



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Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
coastal California gnatcatcher	<i>Polioptila californica californica</i>	FT / S2 / SSC / Listed	Obligate, permanent resident of coastal sage scrub below 2500 feet in southern California. Low, coastal sage scrub in arid washes and on mesas and slopes with California sagebrush (<i>Artemisia californica</i>) as a dominant or co-dominant species. Not all areas classified as coastal sage scrub are occupied.
Hawaiian Petrel	<i>Pterodroma sandwichensis</i>	FE / -- / -- / --	Endemic to Hawaii.
light-footed Ridgway's rail	<i>Rallus obsoletus levipes</i>	FE / SE / S1 / FP / --	Found in salt marshes where cordgrass and pickleweed are the dominant vegetation. Requires dense growth of either pickleweed or cordgrass for nesting or escape cover, feeds on mollusks and crustaceans.
bank swallow	<i>Riparia riparia</i>	-- / ST / S3 / --	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole. Forage in open areas and avoid places with tree cover.
black skimmer	<i>Rynchops niger</i>	-- / S2 / SSC / --	Open sandy beaches, on gravel or shell bars with sparse vegetation, or on mats of sea wrack (tide-stranded debris) in saltmarsh. Occasionally seen at inland lakes such as the Salton Sea of California. Much of this species' original beach habitat has been developed as houses and attractions for beachgoers. Particularly in the southeastern U.S., artificial islands made from dredge spoils are an important nesting habitat for this and other species.
yellow warbler	<i>Setophaga petechia</i>	-- / S3 / SSC / --	Thickets and other disturbed or regrowing habitats, particularly along streams and wetlands. Often found in willow thickets, dwarf birch stands, aspen trees, and along the edges of fields. May occur up to 9,000 feet in elevation. Overwinter in dry scrub, marshes, and forests of lowlands.



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Common Name	Scientific Name	Status Federal / State / CDFW / OCTA NCCP, HCP	General Habitat Description
California least tern	<i>Sternula antillarum browni</i>	FE / SE / S2 / FP /--	Nests on sandy upper ocean beaches, open barren sites, and occasionally uses mudflats. Forages on adjacent surf line, estuaries, or the open ocean where fish is abundant. Colonies are located near the ocean shoreline (within 0.5 mile [about 800 meters]), typically on nearly flat, loose sandy substrates with lightly scattered short vegetation and debris, although some colonies have been located on hard-packed surfaces, even unused asphalt. Colony sites must provide access to the shoreline for juveniles and must be relatively free of predators or the colony may abandon breeding efforts before completion.
least Bell's vireo	<i>Vireo bellii pusillus</i>	FE / SE / S3 / Listed	Summer resident of southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 feet. Often inhabits structurally diverse woodlands along watercourses including cottonwood-willow and oak woodlands and mulefat scrub. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, mulefat, or mesquite.

General References:

USFWS IPaC 10-mile centered on Project area (accessed January 2024)

CNDDDB RareFind 10-mile search centered on Project area (accessed January 2024).

Orange County Transportation Authority NCCP/HCP (Accessed 2024)

Status Codes:

No status (--)

Federal

Federal Endangered (FE)
Federal Threatened (FT)
Federal Proposed Endangered (FPE)
Federal Proposed Threatened (FPT)
Federal Candidate (FC)

State

State Endangered (SE)
State Threatened (ST)
State Candidate (SC)
State Fully Protected Species (FP)
CDFW California Special Concern Species (SSC)
Included in CDFW "Watch List" (WL)
Critically Imperiled (S1)
Imperiled (S2)
Vulnerable (S3)
Apparently Secure (S4)
Unranked (SNR)

Orange County Transportation Authority (OCTA) NCCP/HCP

Listed



CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES
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Table 8. Special-Status Animal Species and Potential for Occurrence on Each Housing Opportunity Site and Main Street Program

Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 8. 99 Marina Drive	Main Street Program
tricolored blackbird	N	N	N	N	N	N	N	N	N
southern California legless lizard	N	N	N	N	N	N	N	H	N
orange-throated whiptail	N	N	N	N	N	N	N	N	N
burrowing owl	N	N	N	N	N	N	N	N	N
Crotch bumble bee	N	N	N	N	N	N	N	H (foraging) H (nesting)	N
San Diego fairy shrimp	N	N	N	N	N	N	N	N	N
ferruginous hawk	N	N	N	N	N	N	N	M (foraging) M (nesting)	N
Swainson's hawk	N	N	N	N	N	N	N	M (foraging) M (nesting)	N



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Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 8. 99 Marina Drive	Main Street Program
coastal cactus wren	N	N	N	N	N	N	N	N	N
western snowy plover	N	N	N	N	N	N	N	N	N
green turtle	N	N	N	N	N	N	N	N	N
western yellow-billed cuckoo	N	N	N	N	N	N	N	N	N
monarch – California overwintering population	N	N	N	N	N	N	N	M (adults) L (larva)	N
southwestern willow flycatcher	N	N	N	N	N	N	N	N	N
western pond turtle	N	N	N	N	N	N	N	N	N
western mastiff bat	N	N	N	N	N	N	N	N	N
quino checkerspot butterfly	N	N	N	N	N	N	N	N	N
Arroyo chub	N	N	N	N	N	N	N	N	N
Palos Verdes blue butterfly	N	N	N	N	N	N	N	N	N
western yellow bat	N	N	N	N	N	N	N	N	N
California black rail	N	N	N	N	N	N	N	N	N
bobcat	N	N	N	N	N	N	N	N	N



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Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 8. 99 Marina Drive	Main Street Program
south coast marsh vole	N	N	N	N	N	N	N	N	N
big free-tailed bat	N	N	N	N	N	N	N	N	N
steelhead – southern California DPS	N	N	N	N	N	N	N	N	N
Belding's savannah sparrow	N	N	N	N	N	N	N	H (foraging) H (nesting)	N
Pacific pocket mouse	N	N	N	N	N	N	N	N	N
short-tailed albatross	N	N	N	N	N	N	N	N	N
coast horned lizard	N	N	N	N	N	N	N	N	N
coastal California gnatcatcher	N	N	N	N	N	N	N	N	N
Hawaiian petrel	N	N	N	N	N	N	N	N	N
light-footed Ridgeway's rail	N	N	N	N	N	N	N	N	N
bank swallow	N	N	N	N	N	N	N	N	N
black skimmer	N	N	N	N	N	N	N	N	N
yellow warbler	N	N	N	N	N	N	N	N	N



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Species	Housing Opportunity Site 1. 1780 Pacific Coast	Housing Opportunity Site 2. Leisure World	Housing Opportunity Site 3. Accurate Storage (1011 Seal Beach Blvd.)	Housing Opportunity Site 4. Shops at Rossmoor	Housing Opportunity Site 5. Old Ranch Town Center	Housing Opportunity Site 7. Seal Beach Center	Housing Opportunity Site 6. Seal Beach Plaza	Housing Opportunity Site 8. 99 Marina Drive	Main Street Program
southern California saltmarsh shrew	N	N	N	N	N	N	N	N	N
western spadefoot	N	N	N	N	N	N	N	N	N
California least tern	N	N	N	N	N	N	N	N	N
Riverside fairy shrimp	N	N	N	N	N	N	N	N	N
least Bell's vireo	N	N	N	N	N	N	N	N	N



5.5 Wildlife Corridors and Special Linkages

Linkages and corridors facilitate regional animal movement and are generally centered in or around waterways, riparian corridors, flood control channels, contiguous habitat, and upland habitat. Drainages generally serve as movement corridors because wildlife can move easily through these areas, and fresh water is available. Corridors also offer wildlife unobstructed terrain for foraging and for dispersal of young individuals.

As the movements of wildlife species are more intensively studied using radio-tracking devices, there is mounting evidence that some wildlife species do not necessarily restrict their movements to some obvious landscape element, such as a riparian corridor. For example, recent radio-tracking and tagging studies of Coast Range newts, California red-legged frogs, southwestern pond turtles, and two-striped garter snakes found that long-distance dispersal involved radial or perpendicular movements away from a water source with little regard to the orientation of the assumed riparian “movement corridor” (Bulger et al. 2002; Hunt 1993; Ramirez 2002, 2003a, 2003b; Rathbun et al. 1992; Trenham 2002). Likewise, carnivores do not necessarily use riparian corridors as movement corridors, frequently moving overland in a straight line between two points when traversing large distances (Beier 1993, 1995; Newmark 1995; Noss et al. 1996, n.d.). In general, the following corridor functions can be utilized when evaluating impacts to wildlife movement corridors:

- Movement corridors are physical connections that allow wildlife to move between patches of suitable habitat. Simberloff et al. (1992) and Beier and Loe (1992) correctly state that for most species, we do not know what corridor traits (length, width, adjacent land use, etc.) are required for a corridor to be useful. But, as Beier and Loe (1992) also note, the critical features of a movement corridor may not be its physical traits but rather how well a particular piece of land fulfills several functions, including allowing dispersal, plant propagation, genetic interchange, and recolonization following local extirpation.
- Dispersal corridors are relatively narrow, linear landscape features embedded in a dissimilar matrix that link two or more areas of suitable habitat that would otherwise be fragmented and isolated from one another by rugged terrain, changes in vegetation, or human-altered environments. Corridors of habitat are essential to the local and regional population dynamics of a species because they provide physical links for genetic exchange and allow animals to access alternative territories as dictated by fluctuating population densities.
- Habitat linkages are broader connections between two or more habitat areas. This term is commonly used as a synonym for a wildlife corridor (Meffe and Carroll 1997). Habitat linkages may themselves serve as source areas for food, water, and cover, particularly for small- and medium-size animals.
- Travel routes are usually landscape features, such as ridgelines, drainages, canyons, or riparian corridors, within larger natural habitat areas that are frequently used by animals to facilitate movement and provide access to water, food, cover, den sites, and other necessary resources. A travel route is generally preferred by a species because it provides the least amount of



CITY OF SEAL BEACH HOUSING ELEMENT AND ZONING CODE UPDATES

5 Special-Status Biological Resources

topographic resistance in moving from one area to another yet still provides adequate food, water, or cover (Meffe and Carroll 1997).

- Wildlife crossings are small, narrow areas of limited extent that allow wildlife to bypass an obstacle or barrier. Crossings typically are human-made and include culverts, underpasses, drainage pipes, bridges, tunnels to provide access past roads, highways, pipelines, or other physical obstacles. Wildlife crossings often represent “choke points” along a movement corridor because unseable habitat is physically constricted at the crossing by human-induced changes to the surrounding areas (Meffe and Carroll 1997).

5.5.1 WILDLIFE MOVEMENT IN THE PROJECT AREA

The Project area includes disturbed/developed and ruderal herbaceous landcover types. These are comprised of shopping centers and paved parking lots, fenced parks, disturbed open space, and a golf course. The surrounding area is characterized by development, roadways, undeveloped/disturbed open space, agriculture, and the Seal Beach National Wildlife Refuge to the southeast of the Project area. Most of the landcover types pose significant barriers to terrestrial wildlife movement including buildings, fences, and multi-lane roadways. These areas may harbor common species habituated to life in urban environments such as Virginia opossum, raccoon, desert cottontail, California ground squirrel, coyote, various birds, and small rodents. In addition, the Project area is within the Pacific Flyway, a major north-south flyway for migratory birds in America, extending from Alaska to Patagonia. Each year, at least one billion birds migrate along the Pacific Flyway (Audubon 2024).

Within the Project area, the level of urban development and the presence of physical barriers surrounding the Project area would significantly constrain the passage of most large terrestrial wildlife known to occur in the region. Based on the location of the Housing Opportunity Sites and Main Street Program, the area do not function as a wildlife movement corridor. The Project area does not occur within any known wildlife movement corridor or habitat linkage as identified by the Wildlands Network (2024).



6 Conclusions

Without mitigation, implementation of the proposed Project may result in temporary and permanent impacts to sensitive plant or wildlife species, and wetland habitats. The Applicant proposed the following avoidance and minimization measures (AMMs) to avoid or minimize Project impacts to biological resources during and after construction. These measures represent conservative guidelines in terms of minimizing impacts to vegetation, jurisdictional waters, and wildlife due to construction activities.

6.1 Potential Onsite Impacts

Potential impacts for each of the eight Housing Opportunity Sites and Main Street Program defer based on the habitat present within and adjacent to each location. Below is summary of potential impacts associated with each eight Housing Opportunity Sites and Main Street Program.

Housing Opportunity Site 1 – 1780 Pacific Coast Site. The entirety of this site is developed with commercial stores and paved parking with interspersed trees and does not provide suitable habitat for any special-status plant or animal species, nor does it contain any wetlands or other waters. However, there is potential for bird species protected under the MBTA to be nesting in the trees that are dispersed on this site.

Housing Opportunity Site 2 – Leisure World. The entirety of this site is developed with commercial stores and paved parking with interspersed trees and does not provide suitable habitat for any special-status plant or animal species, nor does it contain any wetlands or other waters within its boundary. However, there is potential for bird species protected under the MBTA to be nesting in the trees that are dispersed on this site.

Housing Opportunity Site 3 – Accurate Storage (1011 Seal Beach Blvd.). The entirety of this site is developed with commercial stores and paved parking with interspersed trees and does not provide suitable habitat for any special-status plant or animal species, nor does it contain any wetland or other waters. However, there is potential for bird species protected under the MBTA to be nesting in the trees that are dispersed on this site.

Housing Opportunity Site 4 – Shops at Rossmoor. The entirety of this site is developed with commercial stores and paved parking with interspersed trees and does not provide suitable habitat for any special-status plant or animal species, nor does it contain any wetland or other water features. However, there is potential for bird species protected under the MBTA to be nesting in the trees that are dispersed on this site.

Housing Opportunity Site 5 – Old Ranch Town Center. The entirety of this site is developed with commercial stores and paved parking with interspersed trees and does not provide suitable habitat for any special-status plant or animal species, nor does it contain any wetland or other water features within its boundary. However, there is potential for bird species protected under the MBTA to be nesting in the trees that are dispersed on this site.



Housing Opportunity Site 6 – Seal Beach Plaza. The entirety of this site is developed with commercial stores and paved parking with interspersed trees and does not provide suitable habitat for any special-status plant or animal species, nor does it contain any wetland or other waters within its boundary. However, there is potential for bird species protected under the MBTA to be nesting in the trees that are dispersed on this site.

Housing Opportunity Site 7 – Seal Beach Center. The entirety of this site is developed with commercial stores and paved parking with interspersed trees and does not provide suitable habitat for any special-status plant or animal species, nor does it contain wetlands or other waters. However, there is potential for bird species protected under the MBTA to be nesting in the trees that are dispersed on this site.

Housing Opportunity Site 8 – 99 Marina. The primary land cover at the 99 Marina site is ruderal herbaceous with interspersed trees and disturbed/developed including a paved parking area and handball court. This site does not contain wetlands or other waters. This site has a low likelihood for the following species to be present: Coulter's goldenfields; Coulter's saltbush; southern tarplant; and monarch butterfly larva; depending on presence of host plant (milkweed). There is a moderate likelihood for the following species to be present: ferruginous hawk (foraging and nesting), Swainson's hawk (foraging and nesting), and monarch butterfly (foraging adults). Finally, there is a high likelihood for the southern California legless lizard and Belding's savannah sparrow to be present on Housing Opportunity Site 8. Project implementation has the potential to impact the above listed species should they be present.

Main Street Program. The entirety of this site is developed with commercial stores and paved parking with interspersed trees and does not provide suitable habitat for any special-status plant or animal species, nor does it contain wetlands or other waters within its boundary. However, there is potential for bird species protected under the MBTA to be nesting in the trees that are dispersed on this site.

Based on the habitat types within and surrounding this Project area, there is a low likelihood for the following species to be present: Coulter's goldenfields; Coulter's saltbush; southern tarplant; and monarch butterfly larva, depending on presence of host plant (milkweed). There is a moderate likelihood for the following species to be present: ferruginous hawk (foraging and nesting), Swainson's hawk (foraging and nesting), and monarch butterfly (foraging adults). Finally, there is a high likelihood for the southern California legless lizards, and Belding's savannah sparrow to be present at this site.

6.2 Potential Impacts to Adjacent Areas

As described in Section 4.1, areas adjacent to the Project area provide suitable habitat for sensitive species. Housing Opportunity Sites 2 and 4, are adjacent to undeveloped, agricultural, or other open space that may also provide habitat for special-status species.



7 References

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APPENDICES



Appendix A Figures

Figure 1-1. Project Location Overview

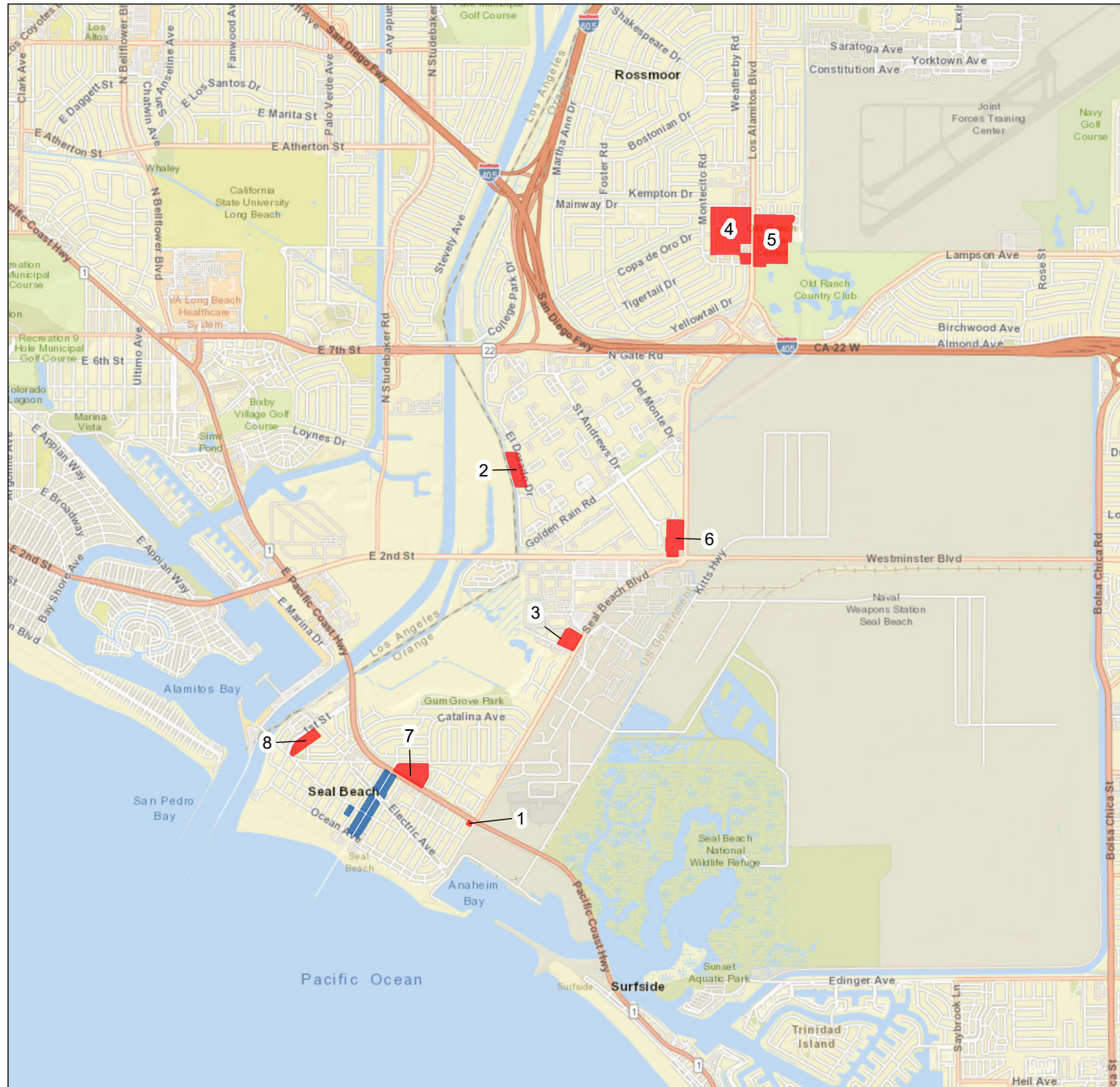
Figure 2-1. Soils

Figure 3-1. National Wetland Inventory

Figure 4-1 – 4-6. 10 Mile CNDDDB Results

Figure 5-1. Regulated and Protected Areas

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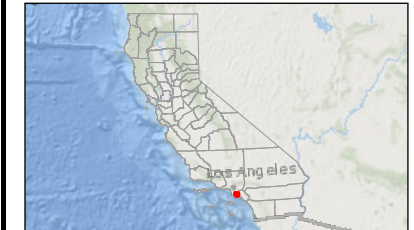


- Sites
- Main Street Program



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- Notes**
1. Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet
 2. Data Sources: City of Seal Beach 2024.
 3. Background: World Street Map; City of Long Beach, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

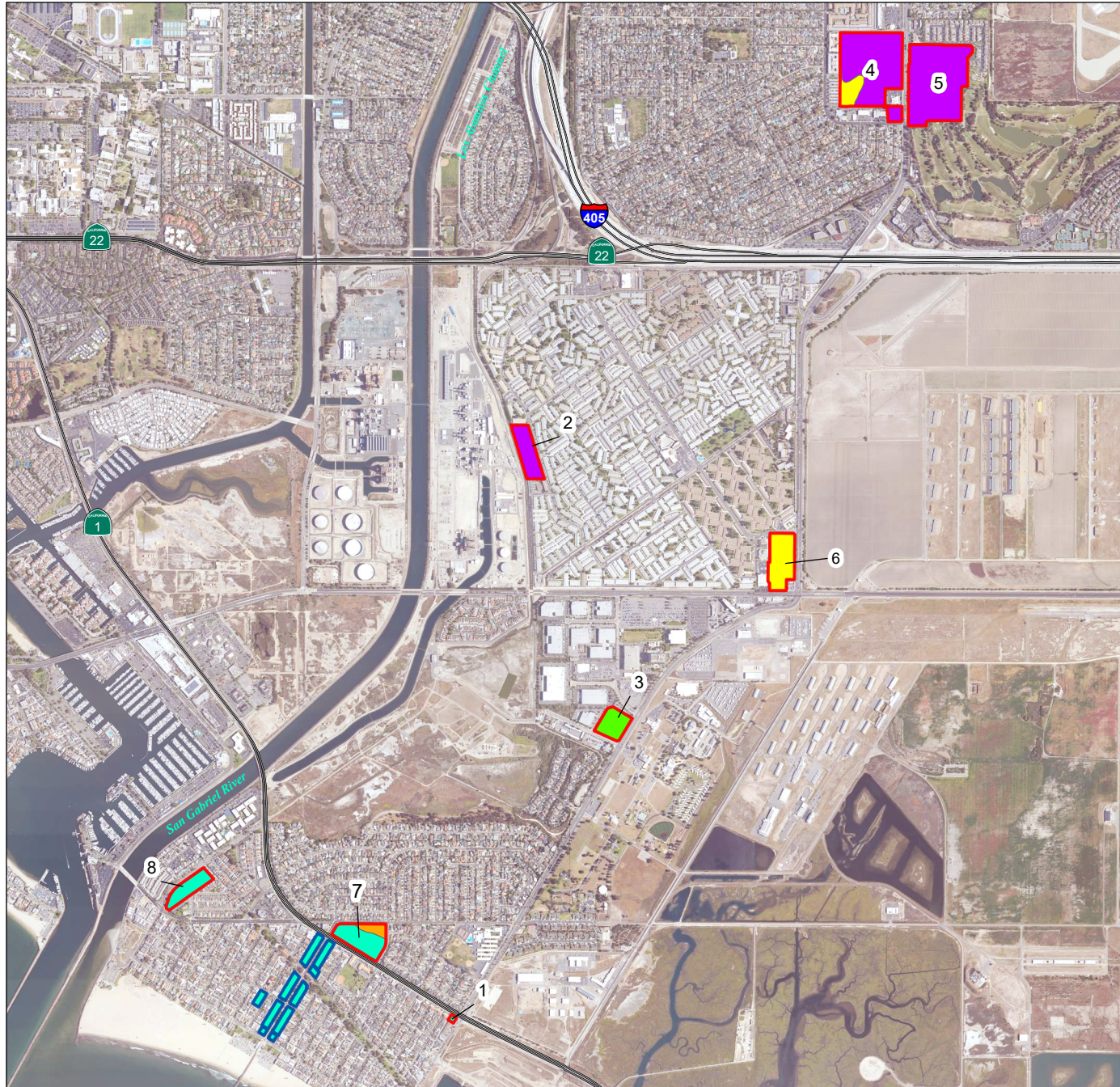


Project Location City of Seal Beach, California	Prepared by KDLP on 2024-10-21 TR by SET on 2024-10-21 IR by JV on 2024-10-21
Client/Project	204266500

City of Seal Beach Housing Element and Zoning Code Updates Project
Figure No. 1 - 1
Title Project Location

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□ Sites

□ Main Street Program

Soil Map Unit Symbol

- 100; Alo clay, 9 to 15 percent slopes
- 123; Bolsa silt loam, drained
- 125; Bolsa silty clay loam, drained
- 162; Marina loamy sand, 2 to 9 percent slopes
- 173; Myford sandy loam, 2 to 9 percent slopes



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Notes

1. Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet
2. Data Sources: City of Seal Beach 2024. Soils from NRCS 2024.
3. Background: NAIP 2022 60cm California: California 60cm NAIP Imagery 2022.

Project Location	Prepared by KDLP on 2024-10-21
City of Seal Beach, California	TR by SET on 2024-10-21
Client/Project	IR by JV on 2024-10-21
	204266500

City of Seal Beach
Housing Element and Zoning Code Updates Project

Figure No.

2 - 1

Title

Soils

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- Sites
□ Main Street Program
- National Wetlands Inventory**
- Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Riverine



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Feet
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Notes

1. Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet
2. Data Sources: City of Seal Beach 2024. NWI from USFWS 2023.
3. Background: NAIP 2022 60cm California: California 60cm NAIP Imagery 2022.

Project Location	Prepared by KDLP on 2024-10-21
City of Seal Beach, California	TR by SET on 2024-10-21
Client/Project	IR by JV on 2024-10-21
	204266500

City of Seal Beach
Housing Element and Zoning Code Updates Project

Figure No.

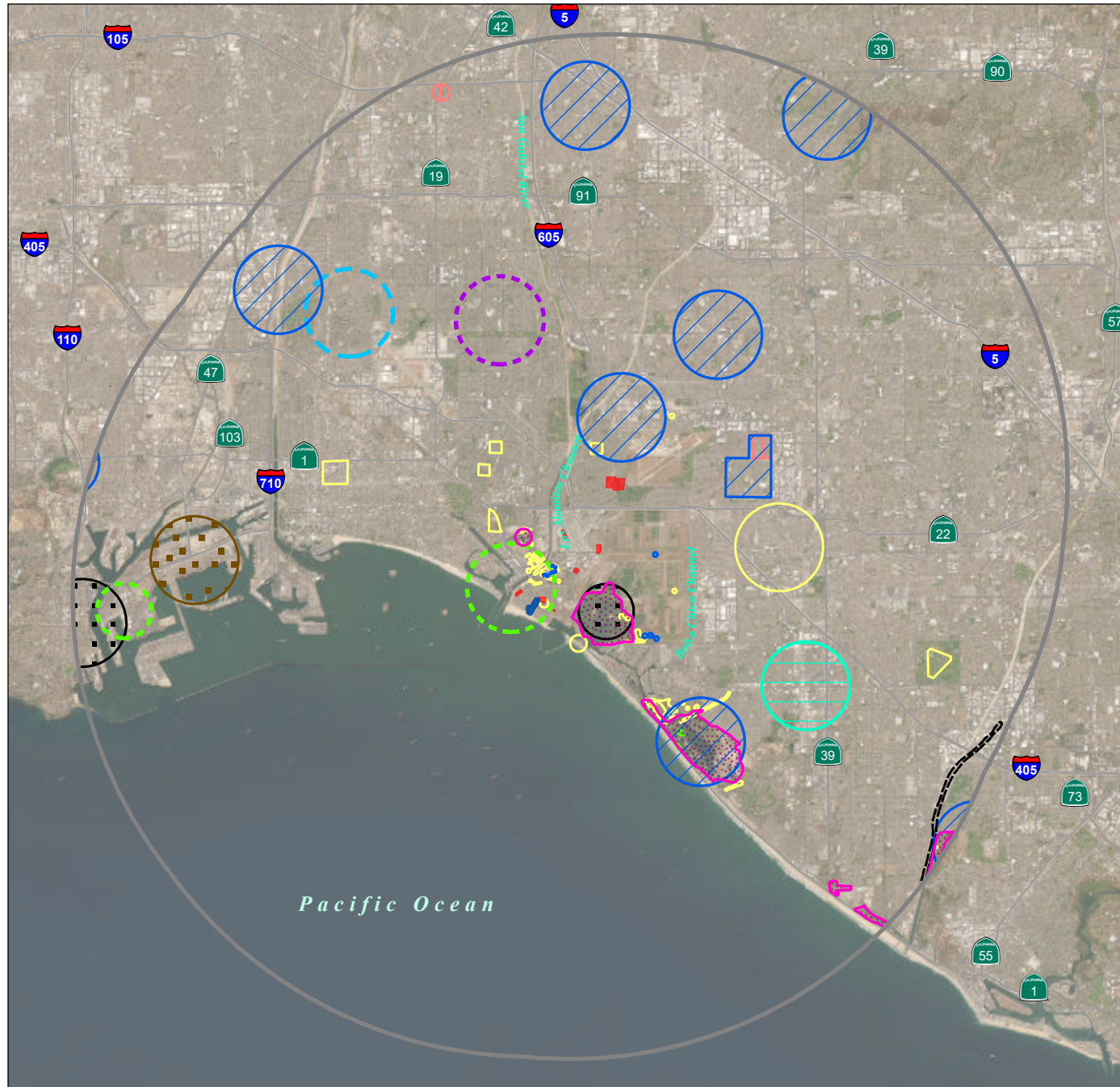
3 - 1

Title

National Wetlands Inventory

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- Sites
- Main Street Program
- 10 Mile Search Radius
- 10 Mile CNDDB Results

Plants

- Davidson's saltscale
- Brand's star phacelia
- California Orcutt grass
- southern tarplant
- Coulter's saltbush
- Los Angeles sunflower
- coast woolly-heads
- Coulter's goldfields
- decumbent goldenbush

Terrestrial Communities

- Southern Cottonwood Willow Riparian Forest
- Southern Coastal Salt Marsh



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Miles
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Notes

- Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet
- Data Sources: City of Seal Beach 2024. CNDDB from CDFW 2024.
- Background: World Imagery: Earthstar Geographics California 60cm NAIP Imagery 2022.

Project Location
City of Seal Beach,
California
Prepared by KDLP on 2024-10-21
TR by SET on 2024-10-21
IR by JV on 2024-10-21
Client/Project
204266500

City of Seal Beach
Housing Element and Zoning Code Updates Project

Figure No.

4 - 1

Title

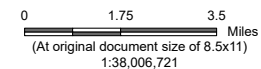
10 Mile CNDDB Results - Plants &
Terrestrial Communities



Plants

 Horn's milk-vetch

☐ Southern Dune Scrub



Notes

3. Background: World Imagery: Earthstar Geographics

Project Location

Prepared by KDLP on 2024-10-21
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Client/Project

204266500

City of Seal Beach

City of Seal Beach
Housing Element and Zoning Code Updates Project

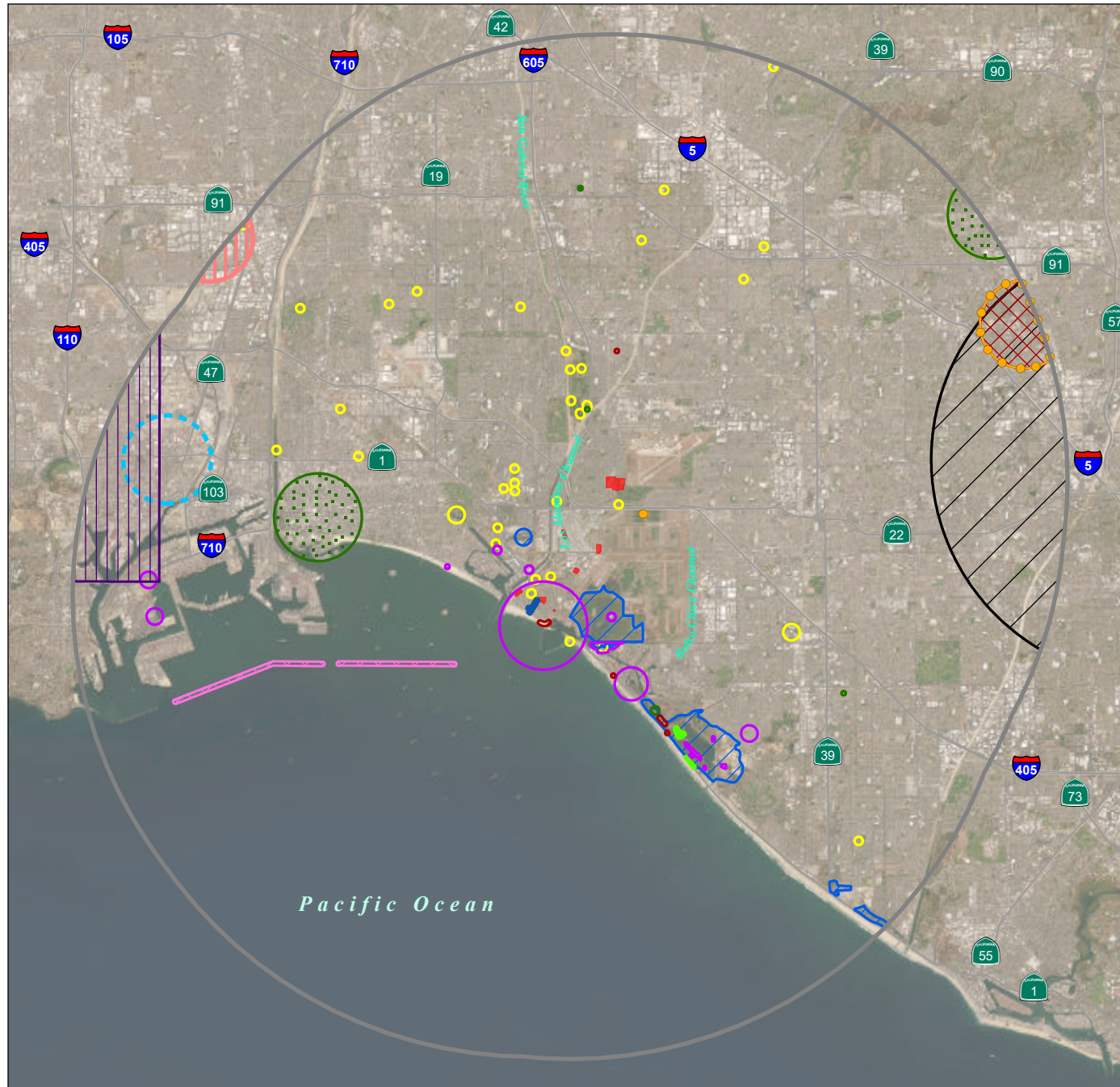
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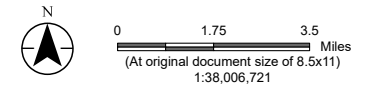
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10 Mile CNDDB Results - Plants & Terrestrial Communities

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- Sites**
- Main Street Program
 - 10 Mile Search Radius
- 10 Mile CNDDB Results**
- Wildlife**
- American bumble bee
 - Belding's savannah sparrow
 - California black rail
 - California brown pelican
 - California least tern
 - Crotch bumble bee
 - Dorothy's El Segundo Dune weevil
 - Pacific pocket mouse
 - Palos Verdes blue butterfly
 - San Gabriel chestnut
 - Southern California legless lizard
 - Swainson's hawk

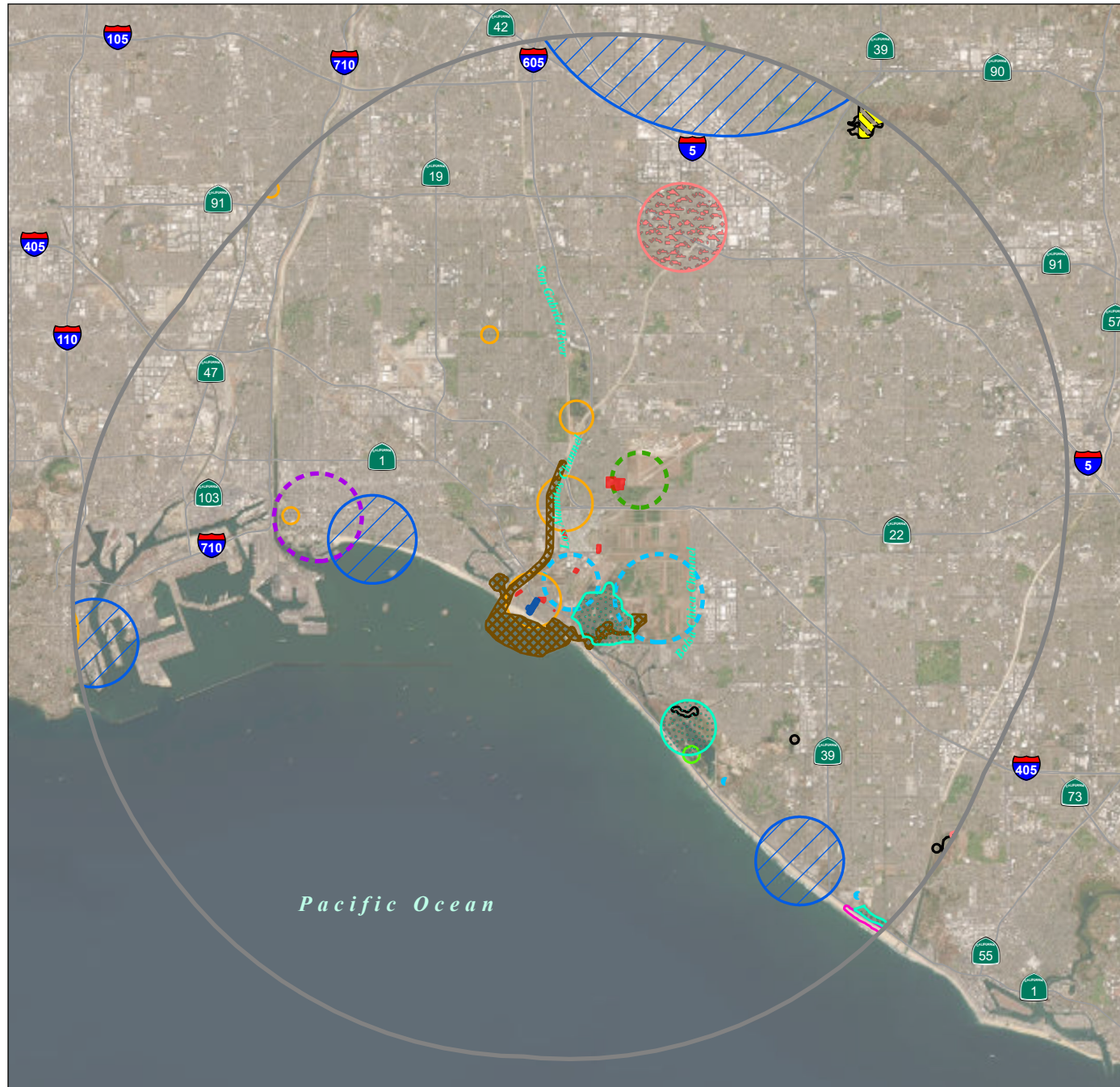


- Notes**
- Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet
 - Data Sources: City of Seal Beach 2024. CNDDB from CDFW 2024.
 - Background: World Imagery: Earthstar Geographics

Project Location	
City of Seal Beach, California	Prepared by KDLP on 2024-10-21 TR by SET on 2024-10-21 IR by JV on 2024-10-21
Client/Project	
City of Seal Beach Housing Element and Zoning Code Updates Project	204266500
Figure No.	
4 - 3	
Title	
10 Mile CNDDB Results - Wildlife	

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- Sites
- Main Street Program
- 10 Mile Search Radius
- 10 Mile CNDDDB Results
- Wildlife
 - bank swallow
 - big free-tailed bat
 - black skimmer
 - burrowing owl
 - coast horned lizard
 - coastal California gnatcatcher
 - coastal cactus wren
 - ferruginous hawk
 - globose dune beetle
 - green turtle
 - least Bell's vireo
 - light-footed Ridgway's rail



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Miles
(At original document size of 8.5x11)
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Notes

1. Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet
2. Data Sources: City of Seal Beach 2024. CNDDDB from CDFW 2024.
3. Background: World Imagery: Earthstar Geographics

Project Location	Prepared by KDLP on 2024-10-21
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Client/Project	204266500

City of Seal Beach
Housing Element and Zoning Code Updates Project

Figure No.

4 - 4

Title

10 Mile CNDDDB Results - Wildlife

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- Sites
- Main Street Program
- 10 Mile Search Radius
- 10 Mile CNDDB Results**
- Wildlife**
- mimic tryonia (=California brackishwater snail)
- monarch - California overwintering population
- quino checkerspot butterfly
- sandy beach tiger beetle
- senile tiger beetle
- silver-haired bat
- south coast marsh vole
- southern California saltmarsh shrew
- steelhead - southern California DPS
- tricolored blackbird
- wandering (=saltmarsh) skipper



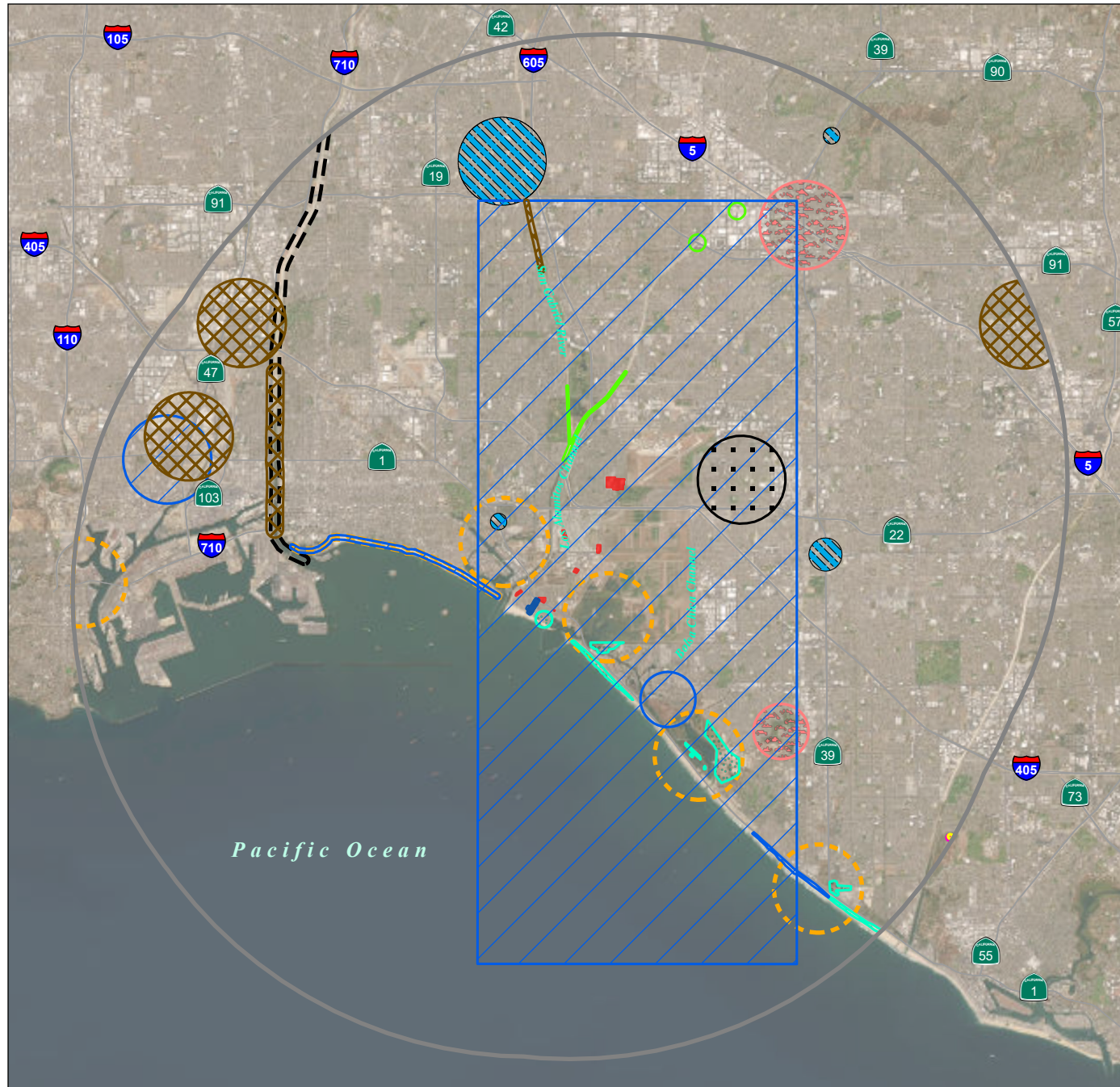
0 1.75 3.5
Miles
(At original document size of 8.5x11)
1:38,006,721

- Notes**
- Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet
 - Data Sources: City of Seal Beach 2024. CNDDB from CDFW 2024.
 - Background: World Imagery: Earthstar Geographics

Project Location	
City of Seal Beach, California	Prepared by KDLP on 2024-10-21 TR by SET on 2024-10-21 IR by JV on 2024-10-21
Client/Project	
City of Seal Beach Housing Element and Zoning Code Updates Project	204266500
Figure No.	
4 - 5	
Title	
10 Mile CNDDB Results - Wildlife	

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

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- Sites
- Main Street Program
- 10 Mile Search Radius
- 10 Mile CNDDDB Results
- Wildlife
 - western beach tiger beetle
 - western mastiff bat
 - western pond turtle
 - western ridged mussel
 - western snowy plover
 - western spadefoot
 - western tidal-flat tiger beetle
 - western yellow bat
 - western yellow-billed cuckoo
 - yellow warbler
 - yellow-breasted chat



0 1.75 3.5 Miles
(At original document size of 8.5x11)
1:38,006,721

Notes

- Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet
- Data Sources: City of Seal Beach 2024. CNDDDB from CDFW 2024.
- Background: World Imagery: Earthstar Geographics

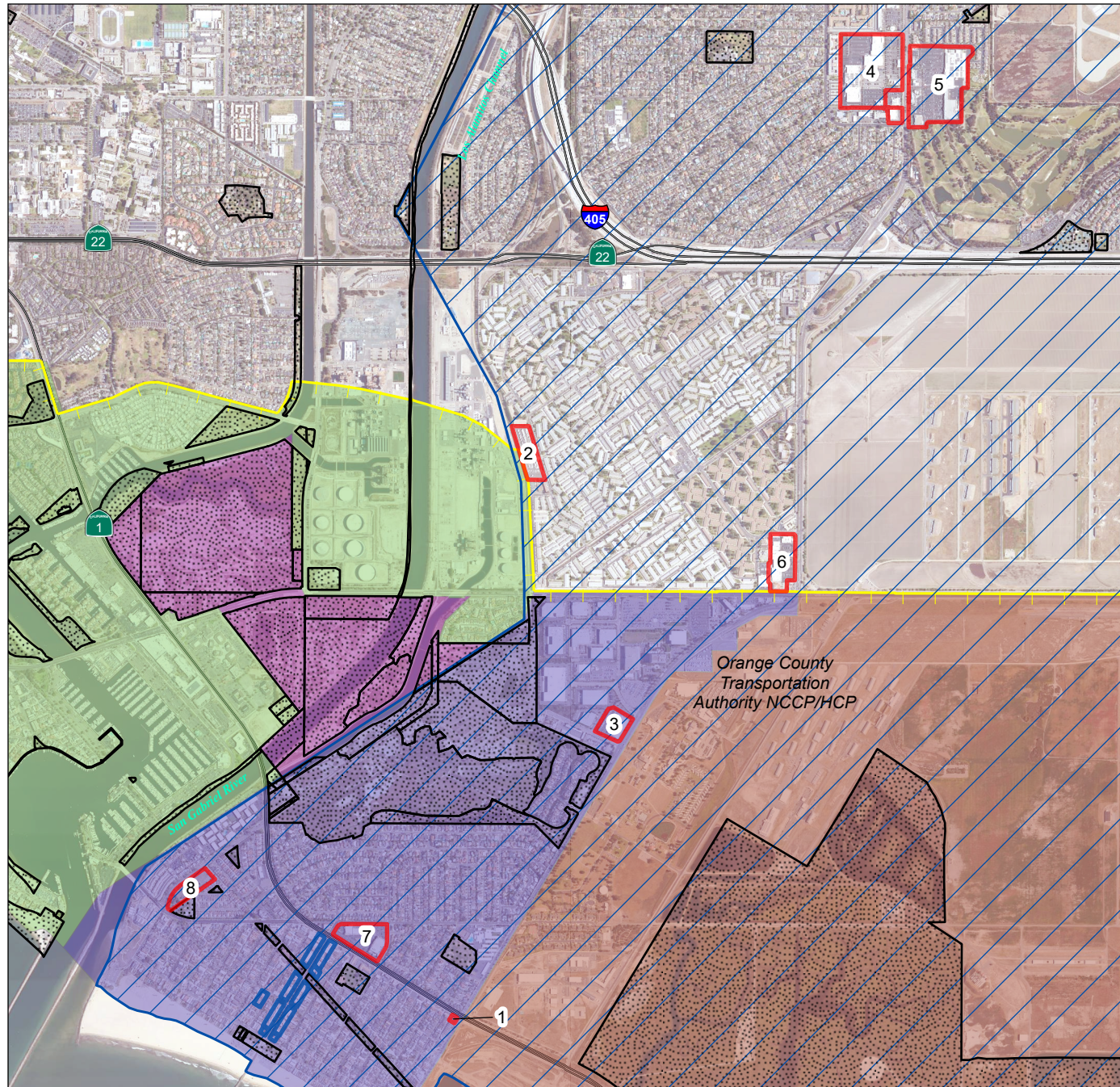
Project Location
City of Seal Beach, California
Prepared by KDLP on 2024-10-21
TR by SET on 2024-10-21
IR by JV on 2024-10-21

Client/Project
City of Seal Beach
Housing Element and Zoning Code Updates Project
204266500

Figure No.
4 - 6

Title
10 Mile CNDDDB Results - Wildlife

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- Sites
- Main Street Program
- Conservation Plan Boundaries, HCP and NCCP
- California Protected Areas
- Coastal Zone Management Act Boundary

Local Coastal Program Segments

- City of Long Beach
- City of Seal Beach
- SEADIP (Cerritos Wetlands) ADC
- Seal Beach - NWR - US Naval Weapons Station



0 1,000 2,000 Feet
(At original document size of 8.5x11)
1:38,006,721

Notes

1. Coordinate System: NAD 1983 StatePlane California II FIPS 0402 Feet
2. Data Sources: City of Seal Beach 2024.
3. Background: NAIP 2022 60cm California: California 60cm NAIP Imagery 2022.

Project Location	Prepared by KDLP on 2024-10-21
City of Seal Beach, California	TR by SET on 2024-10-21
Client/Project	IR by JV on 2024-10-21
	204266500

City of Seal Beach
Housing Element and Zoning Code Updates Project

Figure No.
5 - 1

Title

Regulated and Protected Areas

Appendix B USFWS IPaC Species List



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Carlsbad Fish And Wildlife Office

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

Phone: (760) 431-9440 Fax: (760) 431-5901



In Reply Refer To:

January 16, 2024

Project Code: 2024-0036735

Project Name: City of Seal Beach Housing Element and Zoning Code Updates

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through IPaC by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see [Migratory Bird Permit | What We Do | U.S. Fish & Wildlife Service \(fws.gov\)](#).

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Carlsbad Fish And Wildlife Office

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

(760) 431-9440

PROJECT SUMMARY

Project Code: 2024-0036735

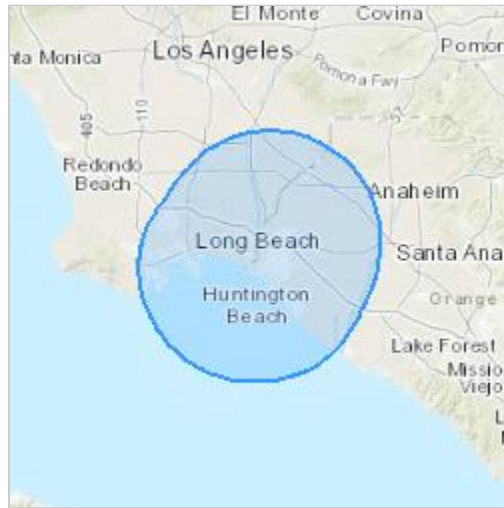
Project Name: City of Seal Beach Housing Element and Zoning Code Updates

Project Type: Residential Construction

Project Description: BRTR

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.76080425,-118.09023313760493,14z>



Counties: Los Angeles and Orange counties, California

ENDANGERED SPECIES ACT SPECIES

There is a total of 16 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Pacific Pocket Mouse <i>Perognathus longimembris pacificus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8080	Endangered

BIRDS

NAME	STATUS
California Least Tern <i>Sternula antillarum browni</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered
Coastal California Gnatcatcher <i>Polioptila californica californica</i> There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8178	Threatened
Hawaiian Petrel <i>Pterodroma sandwichensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6746	Endangered
Least Bell's Vireo <i>Vireo bellii pusillus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5945	Endangered
Light-footed Ridgeway's Rail <i>Rallus obsoletus levipes</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6035	Endangered
Short-tailed Albatross <i>Phoebastria (=Diomedea) albatrus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/433	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered
Western Snowy Plover <i>Charadrius nivosus nivosus</i> Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8035	Threatened

REPTILES

NAME	STATUS
Southwestern Pond Turtle <i>Actinemys pallida</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4768	Proposed Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRUSTACEANS

NAME	STATUS
Riverside Fairy Shrimp <i>Streptocephalus woottoni</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8148	Endangered
San Diego Fairy Shrimp <i>Branchinecta sandiegonensis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6945	Endangered

FLOWERING PLANTS

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

CRITICAL HABITATS

There are 2 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Coastal California Gnatcatcher <i>Poliioptila californica californica</i> https://ecos.fws.gov/ecp/species/8178#crithab	Final
Western Snowy Plover <i>Charadrius nivosus nivosus</i> https://ecos.fws.gov/ecp/species/8035#crithab	Final

IPAC USER CONTACT INFORMATION

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Address Line 2: Suite 310
City: San Diego
State: CA
Zip: 92123
Email: ally.marcella@gmail.com
Phone: 5303559748